STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

MINUTES

THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

01 FEBRUARY 2016
7:00 PM
BRISTOL TOWN HALL
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. JOSEPH ASCIOLA, Chairman
MR. BRUCE KOGAN, Vice Chairman
MR. DAVID SIMOES
MR. DAVID RAPOSA
MR. TONY BRUM
MR. STEVEN HUDAK, Alternate
MR. CHARLES BURKE, Alternate

ALSO PRESENT: ATTORNEY AMY GOINS, Town Solicitor's Office
MR. RICHARD PIMENTA, Building Official

Susan E. Andrade
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Bristol, RI 02809
401-253-5570

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1. MEETING CONVENED:

The November 10, 2014 Town of Bristol Zoning Board meeting was called to order by Chairman Joseph Asciola at 7:05 p.m.

2. MINUTES:

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MR. ASCIOLA: First order of business is the approval of the minutes of January 4, 2016.

MR. SIMOES: Mr. Chairman, I'll make a motion that the minutes of the January 4th meeting be approved.

MR. RAPOSA: Second.

MR. ASCIOLA: All in favor?

MR. RAPOSA: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Minutes Approved)

3. 2015-42
MARILYN MOTT TOLLESON 5 Old Ferry Rd.: R-40

Continued....

Chairman Asciola stated that the applicant has requested a continuance until the March 7, 2016 meeting.

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MR. KOGAN: Mr. Chairman, I'll make a motion that we continue the matter 2015-42 to the March 7, 2016 meeting.

MR. RAPOSA: Second.

MR. ASCIOLA: All in favor?

MR. RAPOSA: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

4. 2016-05
CHRISTOPHER S. & KATHLEEN W. WALDEN

44 Anchorage Ct.: R-15
Pl. 133, Lot 123

Continued...

Dimensional Variance to construct a 14' x 11' and 2' x 29' rear deck addition to an existing single-family dwelling with less than the required rear yard.

Chairman Asciola stated that the Board received a letter from the Walden's attorney requesting a delay in any action concerning this matter until the clients have had a chance to resolve the issues going on with the KAHO Board.

Mrs. Walden stated that they did have everything and didn't know what the Board wanted to do.

Mr. Walden stated that they have been asked by their community on another related matter for a continuance and he brought a letter down to the Town that day and was called by the Town and told he could not do that and that they needed to appear. So they brought all of their materials and there was a request for a site survey, which they did bring with them. The Board confirmed that they received the survey. Mr. Walden explained that the letter from his attorney is related to another matter.

Mr. Walden asked for a few minutes to talk with the other people from the community who were present before they decided to proceed or not.

After speaking with others present, it was decided that there are still a couple of questions not answered and Mr. Walden explained that the original request and the variance initially that was requested; the architect and builder designed a plan that was two additional feet on the deck, because there were LVLs that were constructed and set in place that would allow for a small amount of canter levering over the LVLs. So, Ron

Blanchard developed a plan that was an extension of two additional feet and then connection of the deck across the back of the home. That was the request they had made last time. So, the question that was raised by one of their neighbors, Gale Storms, last time was, well the original survey indicated proposed home. So, the question came up, is the home really sitting where that original survey said it was. And, in fact, it has been confirmed that the house is sitting on that exact area of the property. So they are requesting again from the bump out of the house that's 20 feet to the property line and from the majority of the home, on either side of the bump out, where the 18 foot is indicated and the 14 feet; it's 23 1/2 feet to the property line. but the actual deck surface requested is for 2 feet across that.

The Board acknowledged receipt of the requested as-built survey and reviewed in detail with the applicants.

Mr. Walden confirmed that the deck would be 12.5 from the rear property line and that in an Open Space Cluster Subdivision the normal rear yard setback is 20 feet, but decks are permitted to extend to 1/3 into that, which would mean the deck is supposed to end at 13.3 feet and the proposed is to have permission from the Board to end at 12.5, which would be a variance of .8 feet. The reason for that is that the deck as it was built, first of all didn't expand the entire rear width of the home. And, many of the other homes along that line, looking at them from the rear of the property have decks that span the rear of their home; not all but many, most. And, as testified to at the previous meeting, they are looking for a deck that would accommodate recreational family use of the entire deck when other family members come over. Mr. Walden acknowledged that he assumes that the original deck was built in an effort to conform to the setbacks of the odd shaped lot.

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MR. ASCIOLA: Does anyone want to speak in favor of the Petition? Does anyone wish to speak against? Can I have a motion from the Board, please?

MR. KOGAN: Mr. Chairman, I'm going to make a motion based on evidence presented this evening and also in January that the applicant's request for a dimensional variance from the rear yard setback requirement be granted, that would enable the applicant to build a rear deck within 12.5 feet from the property line, which would require a variance of .8 foot from the normally required rear yard setback. And the reasons that would support my motion are that there is a hardship arising due to unique characteristics of the subject land and structure and not from the general character of the surrounding area. Because, this home is located on a very odd shaped trapezoidal with a curved front property line. And, when this home was laid out by the builder, the builder positioned the home to maximize its size and yet completely conform to all of the applicable property setbacks required in an Open Space Cluster Subdivision. Having positioned it in that way, it meant that the rear deck at the time is was installed only had a depth of 9 feet and for the size of this home, that appears to be a bit minimal. for that reason, the applicants are seeking to gain a slight amount of additional usable space for recreational and entertaining family members. This hardship is not the result of any prior action on the part of the applicant. The applicants have testified that they were the first owners of the home. they bought it from a builder who had already designed the home and designed the positioning of the home and designed the rear deck of the home; so, they had no hand in what would up being the footprint of the home. This hardship is not due to any

economic disability of the applicant or any desire on the part of the applicants to realize greater financial gain, rather the applicants are just attempting to gain a little bit of additional usable deck space on which to entertain and for recreational deck space, on which to entertain and for recreation when family members come to visit. Granting he requested dimensional variance, which is very minimal, .8 foot, will not alter the general character of the area. There has been testimony, as well as observation by members of the Board, that most of the homes on Anchorage Court that face towards the Kickemuit river do have full width decks that appear to be similar to what the applicant is requesting permission to add on to his home. Granting the requested dimensional variance will not impair the intent of the Town's Comprehensive Plan, which is designed to promote a variety of residential communities; including an Open Space Cluster Subdivision, that attempts to allow the builder and the owners to enjoy reasonable space, but also to preserve open space. The relief requested is quite minimal, only .8 feet, and it would be the least relief necessary in order to accomplish this rather modest expansion of the rear deck. The applicants would suffer a hardship amounting to more than a mere inconvenience unless this dimensional variance were granted; in part, because they're attempting to achieve parody with their decks on their neighbor's homes. So, for those various reasons, I move that we grant the .8 foot dimensional variance from the rear yard setback.

MR. BRUM: I'll second that motion.

MR. ASCIOLA: All in favor?

MR. RAPOSA: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

5. ADJOURNMENT:

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MR. ASCIOLA: Motion to adjourn?

MR. KOGAN: So moved.

MR. SIMOES: Second.

MR. ASCIOLA: All in favor?

MR. HUDAK: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. BRUM: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 7:20 P.M.)

Respectfully Submitted

_____
Susan E. Andrade

Minutes of February 1, 2016

Accepted by:

_____, Chairman