

TOWN OF BRISTOL  
ZONING BOARD OF REVIEW MINUTES

Monday, April 4, 2016

The following petitions were received and were heard by the Bristol Zoning Board of Review on Monday, April 4, 2016 at 7:00 p.m. at the Bristol Town Hall, 10 Court Street.

Members present: Mr. Bruce Kogan (serving as Chairman), Mr. Steve Hudak, Mr. Charlie Burke, Mr. Tony Brum, and Mr. David Simoes.

Also present were: Attorney Amy Goins, Town Solicitor, Mary Ann Escobar, Court Reporter, Ed Tanner, Zoning Enforcement Officer and Richard Pimenta, Building Official.

**APPROVAL OF MINUTES:** Mr. Simoes made a motion to approve the minutes from March 7, 2016. Mr. Hudak seconded the motion. The Vote was unanimous. Voting were Mr. Bruce Kogan, Mr. Steve Hudak, Mr. Charlie Burke, Mr. Tony Brum, and Mr. David Simoes.

**CONTINUED PETITIONS:**

**2016-07 Paul C and Alcida C. Pacheco**

**17 Orchard Street**

**DECISION:** This petition was withdrawn by the Pachecos. No action was taken by the Board on this petition.

**NEW PETITIONS:**

**2016-09 John Brando**

**4 Milford Street**

**DECISION:** Mr. Rego appeared before the Board stating that Mr. Brando has had some recent knee surgery and due to the snowstorm of today, he could not make it out of his house. Mr. Burke made a motion to continue this matter to the May 2nd meeting. Mr. Hudak seconded. The Vote was unanimous. Voting were Mr. Bruce Kogan, Mr. Steve Hudak, Mr. Charlie Burke, Mr. Tony Brum, and Mr. David Simoes.

**2016-10 Paul S. and Kathi M. Tavares**

**77 Ridge Road**

**DECISION:** Ms. Cory Kallfelz, Architect, appeared before the Board and stated that Mr. & Mrs. Tavares were unable to make this hearing tonight. She explained the following as to what the Tavares wanted to do with their current home. The petitioners wished to construct a 12 foot 5 inch by 24 foot addition to their existing home. The reason stated by Ms. Kallfelz is they have a large family and wish to have a family room area, and possible future bedroom located on the first floor for the possibility of Mrs. Tavares taking care of her mother.

Mr. Kogan asked what the total living space is in the home currently. Upon some calculations by Ms. Kallfelz and Mr. Kogan it was figured out to be approximately 3,200 square feet currently with four bedrooms and two and a half bathrooms. The Board expressed some concerns that there was no sufficient hardship as they could see without having the testimony of the homeowners. Ms. Kallfelz requested a continuance, so that the Tavares can be present and testify at the next meeting in May.

Mr. Brum made a motion to continue this matter to the May 2<sup>nd</sup> meeting. Mr. Burke seconded . The Vote was unanimous. Voting were Mr. Bruce Kogan, Mr. Steve Hudak, Mr. Charlie Burke, Mr. Tony Brum, and Mr. David Simoes.

**2016-11 Colin and Melanie McLellan**

**29 Defiance Avenue**

This matter was continued until the May 2<sup>nd</sup> meeting. Mr. Simoes made a motion to continue as requested. Mr. Burke seconded. The Vote was unanimous. Voting were Mr. Bruce Kogan, Mr. Steve Hudak, Mr. Charlie Burke, Mr. Tony Brum, and Mr. David Simoes.

**2016-12 Jeffrey and Walter Guertler d/b/a Redlefson's Restaurant**

**444 Thames Street**

Jeffrey Guertler appeared before the Board and stated as follows: Him and his father own Redlefson's Restaurant and wish to build a second-floor deck addition to their existing restaurant to accommodate an extra 28 seats. He plans on re-arranging the dumpsters to be side by side which will allow for a space for where the stairs will be. He also will be building a fence around the dumpsters to obstruct the dumpsters from the neighbors. The reasons for this request he stated is due to the constraints of his property to create any extra parking. So his restaurant will have to continue to use off street parking, which he explained that most of the other restaurants in the area are in the same position as him.

Mr. Kogan asked him how many seats the restaurant has currently. Mr. Guertler replied that his restaurant currently seats 126. So the addition would increase his patrons to 154, which will require an additional 4 off street parking spaces. Mr. Kogan asked what the parking is like now for this business. Mr. Guertler replied that the patrons use the street, Independence Park parking lot and they will also park a block or two away, which he thinks is very good for the businesses along the way in the downtown area.

Upon questioning, Mr. Guertler stated that they bought this building in its current condition and did not do any exterior work to it. It has remained the same since 1999.

Mr. Greg Spiess, Architect, appeared before the Board and explained that they had another design for the stairs and deck, but it didn't work very good with the existing land and space, so they came up with this current plan, which he states is the only way that they could make the most out of the spaces and landscaping of the lot. He also stated that they have already gone before the Historical Commission and received a recommendation from them on this current plan.

Mr. Kogan asked the audience if anyone wanted to speak in favor or speak against this petition. There was no response from the audience.

Mr. Hudak made a motion stated verbatim as follows:

*"I'll make a motion to grant the applicant's request to construct a 28 seat second floor front deck addition to an existing restaurant with less than required off street parking, which would require us to grant a variance for the additional 4 off street parking spaces needed due to the proposed additional 28 seat addition.*

*And in support of that motion, I would state that the hardship from which the applicant seeks relief is due to the unique characteristics of the property and the structure blends in with the general characteristics of the surrounding area and not due to the economic disability of the applicant. The applicant has given us testimony this evening that businesses in this district, many businesses in town, his, and the surrounding businesses suffer from off street parking because of the way the buildings are configured. There is very little parking around the property itself, thereby requiring many patrons to either park on street or park off street several blocks away.*

*And this is a characteristic of the town in the downtown area and is readily acceptable among many businesses, that the hardship is not the result of any intentional prior action of the applicant, and does not result primarily from the desire of*

*the applicant to realize financial gain. The applicant has testified that they purchased the building, they did not build the building, nor have they made any exterior changes to the property.*

*The Board also realizes that as a business, it is a goal of the business to grow and prosper as a restaurant and, thus, we realize that there is a desire to realize financial gain within the limits of the fact that this is a restaurant in the downtown area. The granting of the requested variance will not alter the characteristics of the surrounding area or impair the intent or purpose of this chapter of the Comprehensive Plan of the Town. There are at least a few businesses in town with seating this way, an addition such as this, and certainly it's the Town's intent to promote business and growth for our restaurant and small businesses in town.*

*The relief to be granted is the least relief necessary. Testimony was given by a licensed architect that the stairway that is configured now is the only configuration that is economically possible and that would not infringe upon further parking spaces. So other locations and plans were drafted and considered, but this is the only one that did not infringe upon further parking spots.*

*In granting the dimensional variance, the hardship that will be suffered by the owner, if we do not grant this, shall amount to more than a mere inconvenience. If we did not allow*

*this, the economic disability to the business would suffer, and if we required any other configuration of this, that would come at quite a cost as testified.*

*So for these reasons I move that we approve this petition."*

Mr. Simoes seconded. The Vote was unanimous. Voting were Mr. Bruce Kogan, Mr. Steve Hudak, Mr. Charlie Burke, Mr. Tony Brum, and Mr. David Simoes.

**2016-13 Gary H. and Deborah H. Komoroski**

**5 Bay Street**

Mr. Komoroski appeared before the Board and explained that he and his wife were currently building a new home. After looking at his previous designs, his wife thought that they would not have enough kitchen space and asked him to add a little bump out to give the kitchen a little bit more room. This bump out would be a 4 foot by 12 foot addition to the rear of the dwelling. This addition would be 3 feet 8 inches past the required 20 foot setback.

Mr. Komoroski presented color designs of the outside of the house and also the inside kitchen area. Mr. Kogan marked these designs as follows:

Exhibit 1 – the original house design – exterior view

Exhibit 2 – the new design including the bump out – exterior view

Exhibit 3 – the original house design – interior kitchen view

Exhibit 4 – the new design including the bump out – interior kitchen view

Mr. Kogan brought it to the attention of Mr. Komorski that when he adds this bump out, it is going to take away from the current deck, leaving only three feet in one section of the deck. Mr. Komoroski stated he was aware of this and noted that he really can't go any further out with the deck anyway, due to some arborvitae trees that are in that area.

Mr. Kogan asked the audience if anyone wanted to speak in favor or speak against this petition. There was no response from the audience. Mr. Kogan read a letter into the record which he received from a neighbor, Mr. Matthew A. Calderiso, 12 Bay Street, who stated he was in favor of this petition.

Mr. Brum made a motion stated verbatim as follows:

*"I will make a motion that we approve the dimensional variance to construct a 4 foot by 12 feet addition to the rear*

*of the single family dwelling. The motion will be to make a variance for 3 feet 8 inches for rear yard setback.*

*And the hardship from which the application seeks relief is due to the unique characteristics of the land. As the applicant stated, the lot has a shallow front to back where it lies only 180 feet and that does make it difficult. Even though he constructed the home within the setbacks, this does create a challenge, given the proposed addition. The addition is for the required living space for a kitchen. The hardship isn't the result of any prior action by the applicant and it's not to realize any greater financial gain. Granting the requested variance will not alter the general characteristics of the surrounding area or impair the intent of the chapter for the Comprehensive Plan of the Town. It is an R6 zone, and he does have 8,000 square feet. The relief to be granted is the least amount of relief necessary, and I make a motion that we approve it."*

Mr. Hudak seconded. The Vote was unanimous. Voting were Mr. Bruce Kogan, Mr. Steve Hudak, Mr. Charlie Burke, Mr. Tony Brum, and Mr. David Simoes.

#### **CONCLUSION OF ZONING BOARD OF REVIEW MEETING:**

The Chairman entertained a motion to adjoutn. Mr. Brum made a motion to adjourn at 8:14 p.m. Mr. Burke seconded. The Vote was unanimous. Voting were Mr. Bruce Kogan, Mr. Steve Hudak, Mr. Charlie Burke, Mr. Tony Brum, and Mr. David Simoes.

Whereupon the Bristol Zoning Board of Review meeting was concluded at 8:14 p.m.

C E R T I F I C A T E

I, Mary Ann C. Escobar, Registered Professional Reporter, and Commissioner for the State of Rhode Island, do hereby certify that the foregoing pages 1 through 7 are complete, true and accurate to the best of my knowledge, skill & ability.

I further certify that I am not interested in the event of the action.

IN WITNESS WHEREOF, I have hereunto subscribed my hand this 6th day of April, 2016.

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Mary Ann C. Escobar, RPR

My Commission expires: September 30, 2016.

Minutes of April 4, 2016

Accepted by:

\_\_\_\_\_, Chairman

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