

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

MINUTES

THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

06 FEBRUARY 2017
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. CHARLIE BURKE
MR. DEREK N. TIPTON, Alternate
MR. DONALD S. KERN, Alternate

ALSO PRESENT: ATTORNEY ANDREW TEITZ, Town Solicitor's Office
MR. EDWARD TANNER, Zoning Enforcement Officer

Susan E. Andrade
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06 FEBRUARY 2017

The meeting of the Town of Bristol Zoning Board of Review was held at the Bristol Town Hall, 10 Court Street, Bristol, RI; and called to order at 7:10 p.m. by Chairman Joseph Asciola.

1. APPROVAL OF MINUTES:

18 JANUARY 2017

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MR. ASCIOLA: The first order of business will be the approval of the January 18th meeting. We do not have last month's minutes, is that correct

MR. BURKE: Correct

MR. ASCIOLA: So we will continue that until next month.

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2. 2017-02
MARY BETH BERETTA

29 Robin Drive: R-10
Pl. 159, Lot 855

Dimensional Variances to construct a 618 square foot garage addition and a 540 square foot family and mud room addition to an existing single-family dwelling with less than the required left side yard and with greater than permitted lot coverage by structures.

Ms. Mary Beth Beretta presented the Petition to the Board. She presently lives at 1 Greenview Court in Johnston. Ms. Beretta explained that she is purchasing this home from her sisters at 29 Robin Drive, which was her childhood home. She would like to add a garage and a family room onto the house. She's ready to downsize and come back to Bristol and they just need a little extra space in the house to accommodate her family. Upon questioning by the Board, Ms. Beretta stated that the house has been in her family since it was built in 1959. The existing dwelling presently has two bedrooms and one bathroom. The proposed garage would be 24' x 46', including the addition in the back.

The Board reviewed the plans in detail and noted that there is sort of an alcove towards the rear of the garage. Ms. Beretta explained that the area would be used for storage of yard equipment and such, as there is no basement in the home, it is on a slab. The Board expressed concern about the garage being so close, only 18", to the side property line and questioned how maintenance would be done on the property. Ms. Beretta explained the layout of the neighborhood and that her garage would be just as close as the others in the neighborhood, and pointed out information that was submitted with her Petition detailing how close others are to the property lines in the area, some of which are actually on the property line.

Detailed discussion was held with Ms. Beretta and her contractor, Mr. Mike Lee Gemma, about different configurations that could make this plan more feasible. Ms.

Beretta stated that she would be willing to bring the garage to 22', which would leave 3 1/2 feet on the side line and sliding the rear addition over.

Mr. Kogan discussed lot coverage and stated that it didn't look like there was a lot coverage problem, and it looks like it's 40% on a preexisting non-conforming lot. Mr. Teitz stated that he would concur as well; someone could build a new house up to 40% lot coverage; so he didn't think they needed to find relief for the lot coverage.

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MR. ASCIOLA: Does anyone wish to speak in favor? Does anyone wish to speak against? Can we have a motion, please?

MR. KOGAN: Mr. Chairman I'll make a motion that the applicant's request for dimensional variance be granted. The applicant has requested a side yard setback variance and because this is a non-conforming lot by area, the side yard would normally be required to be 14 feet, given that it's a 70' wide lot. The applicant has requested a variance to build... well to modify this request tonight to build within 3 1/2 feet of the left side property line; which would amount to a 10.5 foot variance. I'm going to move that we grant that variance for the following reasons. That there is a hardship arising due to unique characteristics of the subject land and/or structure; not the general character of the surrounding area. Because, this neighborhood was laid out at a time which preceded the passing of the Ordinance; most of the lots in this area, although it is zoned R-10, are like the applicant's lot, slightly substandard. And this lot has 8,050 square feet, when it would normally be expected in an R-10 zone to have 10,000 square feet. Another unique characteristic is that the structure that was

erected on this property before the enactment of the zoning ordinance, as was testified to by the applicant, who indicated that her family has owned this property since the house was built, and the house was built in 1959. The house was placed on the lot, it's a small house for a small lot. Where it's presently placed and fortunately there is some room to the left of the existing structure that will enable the applicant to put on an addition to make the house more usable. So, the unique characteristics are small lot and the existing house placed where it's presently been placed. This hardship is not the result of any prior action on the part of the applicant. The applicant did not lay the lot out or build the house; she's keeping the house in the family and wants to make it her long-term eventual retirement home. The hardship is also not due to any economic disability of the applicant or any desire on the part of the applicant to realize greater financial gain. Rather it is due to the applicant seeking to add a reasonable amount of inside parking; since there is no garage on the property presently. And some additional living space and storage space; since there was testimony that the house does not have an attic available for storage and has no basement; so that the house is quite small and limited in its usability to the applicant and her husband. They don't want to disrupt the neighborhood by attempting to go up on the property, which makes sense, given that they're thinking about this as a retirement home. And as we think about it as a retirement home, one story homes become much more attractive. Granting the requested dimensional variance will not alter the general character of the area. There was testimony presented by the applicant and members of the Board in doing their visit and going passed the house noticed that this is not the only property in

the neighborhood, there are quite a few where garages have been built, or additions have been built very close to property lines; so this is not likely to upset the general character of the area. Granting the requested dimensional variance will impair the intent of the Town's Comprehensive Plan, which wants to encourage residents of the Town to stay here and return here and make this their home. The relief requested and that I'm moving we grant, is the least relief necessary. We're shrinking down the garage to slightly substandard for a normal garage, but nonetheless to a level that the applicant believes she can work with. And it would amount to more than a mere inconvenience if we were to deny the requested variance; since the applicant wouldn't have solutions for very practical living requirements that she described. In making this motion, I also am moving that we make a Finding that given that this a lot non-conforming by area, under the Ordinance for pre-existing nonconforming lots by area, the lot coverage requirement is increased from the normal 25% to 40%; and what the applicant is planning do now, with the modification that was testified to tonight, will put the lot coverage at only around 30%. So there would be no requirement for a variance to be granted with respect to lot coverage; since the applicant will not be exceeding the 40% limitations. That's my motion.

MR. SIMOES: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

06 FEBRUARY 2017

MR. KERN: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition granted, as modified)

3. 2017-03
SUZANNE LEE

49 Bradford St.: D
Pl. 9, Lot 19

Dimensional Variance to install one approximate 12 square foot commercial wall sign at a size larger than permitted.

Ms. Suzanne Lee presented the Petition to the Board. Ms. Lee explained that she is moving her Yoga Massage business into the second floor of 49 Bradford Street; the location of the sign will be located in the rear of the building on the second floor, behind a railing; you won't see it until you go up the stairs. The sign has already been constructed for the site. Ms. Lee approached the bench and confirmed the location on the plans.

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MR. ASCIOLA: Would anyone like to speak in favor? Would anyone like to speak against? Motion please.

MR. SIMOES: Mr. Chairman, I'll make a motion that we grant the applicant the relief she needs to put up a sign on the side of the building. The building is a real unique characteristic of structure; it's a very long and narrow building, and the reason they need a larger sign there is because the sign is about 20 or 25 feet from the road. So people will be going by will be able to see it. She has got the approval of the Historic Society and the Department of the Interior agrees with the design of the sign; and it will go very good in a historic district. This hardship is not the result of any prior actions of the applicant or not to realize any greater financial gain. They just need a larger sign, a little larger, about 4 square feet more than what's required down there. But she needs that sign in order to get people to know where

her business is. By granting the requested dimensional variance, it will not alter the general characteristics of the land, because a lot of other buildings in the area have also been renovated and signs that are appropriate for the area have been put up. This is the least amount of relief that's necessary. The hardship, if it's not given, the owner will have a hardship due to the fact that the sign will be about 25 feet from the road and that will be the only sign on the building. For that reason, I move that we grant the dimensional variance.

MR. BURKE: I'll second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. KERN: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition granted)

4. 2017-04
BRIAN J. SADLER 363 Poppasquash Rd.: R-40
Pl. 177, Lot 82

Dimensional Variance to construct an interior hallway connection between an existing single-family dwelling (currently under construction) and an existing 24' x 36' accessory garage structure with less than the required left side yard.

Attorney William Dennis and Mr. Brian Sadler presented the Petition to the Board. Mr. Dennis explained that the application was specifically for a 15.5 foot left side yard variance. The issue arises because as noted in the application packet, Mr. Sadler is constructing a new single-family home on the site. Pre-existing on the site is a garage building, which sits 9 ½ feet from the northerly property line. That 9 ½ feet is a legal and sufficient side yard setback for an accessory building, but Mr. Sadler would like to attach his new home to that accessory building, and as noted on the site plan, that the attachment would be way of a long thin enclosed corridor, which would be a heated space. Once they connect the single-family home to the garage building, which has existed for several decades, they now are obligated to a 25 foot side yard setback. The application notes that this site meets, or far exceeds just about every other dimensional requirement in the zone. Where the zoning area is a 40,000 square foot zone, this particular home site is in excess of 2 ½ acres. Where the front yard setback is permitted at 40 feet, this lot enjoys a 500 foot, more or less, front yard setback. The right side setback is actually 35 feet, where 25 feet is required. Where a 40 foot rear yard is allowed, this applicant enjoys a 50 foot rear yard setback. In regard to the height of the building, the proposed building, which is actually under construction, is about 10 feet below the 35 foot permitted height of the building.

Mr. Brian Sadler stated that the Board may question on moving the house over, and that when he did the subdivision of the property, it was a large piece, which he cut in

half. Half is going to his children. There was a couple requests from the Town. One of them, which really placed the house where it is, Ms. Williamson requested that he not cut any trees on this property, unless absolutely 100% needed. There are a lot of very old valuable trees on the property. So they nestled the house in between, which meant he did not have to take down any additional trees on the property. Second thing is that he has a well on the property, as Town water is not available to this lot. So the house had to be within a certain number of feet of that. And the next thing was the septic system and even though they do have a fairly large piece of property, they do have a little wetlands going through it. So they had to push the septic system and the house all into one section of the property and not take down any trees. The garages were built in 1994 and they would like to extend a breezeway from the garage to the house; it will be heated so they can walk from the garage directly into the house. He confirmed that both garages on the property will be retained and restored.

The Board reviewed the plans in detail with the applicant. Question was raised about a second story being added on to the garage. Mr. Sadler stated that a second story exists presently and that would be renovated. In regards to changing the roof line on the plans, Mr. Sadler stated that he would be adding a door on the back, but there will be no change to the front of the garage building, no height adjustment. The future plans would be to use that space as an office, it would not intended to be a living space. Mr. Sadler approached the Bench and explained that the two garages presently touch and the connection is about 12"; but they will not be structurally connected.

Mr. Teitz stated that the application was advertised as an existing garage that he wants to connect, however the plans show work being done to the garage, which was not advertised. Mr. Sadler stated he didn't realize the plans showed any work being done on the garage. Mr. Teitz stated that the plans need to show the garage and only

the existing garage. Mr. Dennis confirmed that the application was strictly to connect the new home to the existing garage. Mr. Teitz warned against a self-created hardship; where if they come back with plans showing all of the work, it would be reviewed as such.

Further detailed discussion was held on what possibly could or could not be done in the future once the garage and main home were connected. As the garage sits at present it does conform to zoning; once it is connected, they are creating a legal non-conforming situation.

Mr. Sadler asked the Board to continue his Petition.

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MR. DENNIS: With the Board's permission, we'd like to continue to next month, March 6th; so that we can be properly advertised and perhaps have our Architect on hand with some drawings.

MR. BURKE: I'll make a motion to continue to the March meeting.

MR. SIMOES: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. KERN: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition continued)

5. ADJOURNMENT:

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MR. ASCIOLA: Motion to adjourn?

MR. BURKE: Motion to adjourn, Mr. Chairman.

MR. SIMOES: Second.

MR. ASCIOLA: All in favor?

MR. BURKE: Aye.

MR. SIMOES: Aye.

MR. ASCIOLA: Aye.

MR. KOGAN: Aye.

MR. KENR: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 7:55 P.M.)

06 FEBRUARY 2017

RESPECTFULLY SUBMITTED,

Susan E. Andrade
Shorthand Reporter
Notary Public

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 06 FEBRUARY 2017

Date Accepted: _____

Chairman: _____