

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

03 APRIL 2023
7:00 PM
BRISTOL TOWN HALL
BRISTOL, RHODE ISLAND

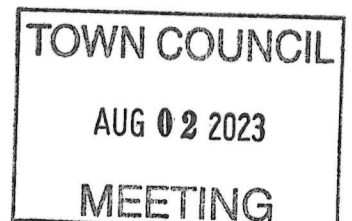
BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. DAVID SIMOES Co-Chairman
MR. TONY BRUM
MR. DONALD S. KERN
MR. DEREK TIPTON
MS. ALAYNE WHITE

ALSO PRESENT:

ATTORNEY ANDREW TIETZ, Town Solicitor's Office
MR. STEPHEN GREENLEAF, Building Official

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



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The meeting of the Town of Bristol Zoning Board of Review was held and called to order at 7:00 p.m. by Co-Chairman David Simoes at Bristol Town Hall, 10 Court St., Bristol, RI

1. APPROVAL OF MINUTES:

06 MARCH 2023

Chairman Simoes called for approval of the March 6, 2023, meeting.

MR. BRUM: I 'll make a motion that we approve the February 6, 2023 meeting, as presented.

MR. TIPTON: I'll second that motion.

MR. SIMOES: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. BRUM: Aye.

MS. WHITE: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Minutes approved)

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CONTINUED PETITION:

2. **2023-08**
 LOUIS & JOAN CABRAL

14 Union St.: R-6
Pl. 15, Lot 52

Dimensional Variances to construct a covered front porch addition to an existing single-family dwelling with less than the required front yard; and to demolish an existing 20' x 30' single-story accessory garage structure and construct a new 24' x 36' two-story accessory garage structure with less than the required rear yard and at a size and height greater than permitted for accessory structures in the R-6 zoning district.

Mr. Louis Cabral presented the Petition to the Board. He explained that at the last meeting he came to before asking for relief on two areas of renovation he would like to complete on 14 Union Street. The relief that he is seeking is for a porch on the front of the house, which from what he understood did not really entail a lot of discussion and seemed to be an appreciation for the work that is being considered in front of the house with the porch. The second item did entail a bit of discussion and that is that there is a three-car garage on the property at this point. There's probably less than a foot from the back line where the existing garage is at this time. The garage is a bit of a challenge to operate because when you get into the garage you can fit a small car but then you can't open doors. So, he is asking for relief to build a larger garage. In doing so, one of the things that he is prepared to do and did commit to the Board at the last meeting, was to move the garage six feet from the property line and move it a bit to the center line, six feet to the east.

Mr. Brum asked if by moving it east, it would move it further away from the closet property line. Mr. Cabral stated it would be moving further away.

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Mr. Cabral continued and stated that to put it into context, his lot at this time is just shy of 13,000 square feet, and as he pointed out at the last meeting, he is in an R-6 zone; so, he has quite a bit of space. He had his architect and engineer re-do the site plan, which was provided to the Board with this Petition. Also, regarding some of the roof line, he has since had his architect redesign the roof line, which will provide a different look to the garage on the roof line.

Mr. Cabral noted that historical records show that a porch did previously exist on that location previously.

The Board discussed the difference between the original garage plan and the new one before the Board.

Mr. Cabral also explained that he did go to the HDC, as suggested at the last meeting. However, the challenge is that the HDC Chairperson wants a full complete application, and at this time he is just not prepared at this stage, able to provide this information before knowing that the project can be done, as this is an expensive project. If the relief requested is approved, he would then go back to the architect and have the design completed for HDC.

Attorney Tietz stated that would be the appropriate route to take at this time. He would suggest that if relief is given from zoning that the applicant go back to HDC with the concept review prior to spending a lot of money on the architect and see if they are okay with the new roofline and positioning on the property.

Ms. White questioned whether the Cabrals presently reside at this address. Mr. Cabral stated that they do not at this moment but confirmed that it is his plan to reside there in the future. In regard to Ms. White asking if he could define the hardship, Mr. Cabral explained that the garage is a very small structure with small doors, limited height and once you have a

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vehicle inside you really can't open the doors. Even though it's a three-car garage it is somewhat challenging and somewhat obsolete to be able to use it in a typical modern way. The other issue that they have is that he is asking for a second floor, and the reason for that is that the house was constructed back in 1849; that's the foundation. So, it's damp, it's wet and it gets a lot of water, and they are trying to create a different space to create storage. An above the garage roof would be the most appropriate place to do that. The garage is going to be a costly structure and if he's going to be spending the amount of dollars that he will have, he would like to have the additional space for storage.

Ms. White stated that she still struggles with the surrounding area and is trying to understand how a three-car garage fits into the surrounding area, because there really aren't any in the surrounding area. She took a walk all around, all the back roads looking for another three-car garage and found that there wasn't any in the area.

Mr. Brum reviewed the current height and structure of the existing garage with the applicant. Mr. Cabral tried to estimate the existing height to be probably less than seven feet high and the new doors would be around 8 feet. Mr. Cabral also asked the Board to review the photos that he provided to the Board at the previous meeting, which were reviewed with the applicant.

Ms. White stated that if the second floor wasn't approved, at least they would have a garage to fit their cars. She knows it's not the dream, but could he explain how that would affect his plans. And has he done any designs with a roof design that meets the height requirements, like a façade or cupola.

Mr. Cabral stated it's not just a dream, it then becomes a construction challenge, because now you have four walls going up and then asking to have almost like a flat roof and it

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would look very uneven and not usable. As far as just adding a façade; the architects went through different ways to bring it all together to control the height, minimize it as much as possible, but also make it look normal. Based on the discussion at the last meeting, they did try to shrink the design a bit, which it does.

The Board reviewed the two designs with the applicant.

There was no one present to speak for or against the Petition.

Mr. Brum noted that he feels that Ms. White still has reservations on the size; no one else, when asked, expressed concern on the size.

Mr. Brum also asked for discussion on the front porch and that based on the Staff report, he concluded that a nine-foot front yard setback would be required. In this case there is a 3' 3" setback, which would require 5' 9" of relief, which in this area is not unique. The Board confirmed they had no issues with the front porch request.

A detailed discussion was held on the rear yard garage structure.

Ms. White stated that she had a problem with the overall size of the proposal and that they had not seen what the true hardship is to allow for a three-car garage that is to the level of three cars today. There is a three-car garage there now, there aren't any three-car garages in the surrounding area. She would be okay with a two-car garage with some substance to it but thinks that the proposed garage is just too big for the surrounding area; even though the applicant has enough space, but its really more about the surrounding area that she is concerned about, along with demonstrating a hardship. She also noted that there are other ways to help with the storage problem, such as water-proofing the basement.

Mr. Brum noted that the allowable size is 22' x 24'. The existing structure is 20' x 30'. Mr. Brum noted that as far as the height, 20 feet is allowed and would be sufficient for a

second story-storage area; 22 feet and 9 ¾" would be determined by the width. So, if you scaled it down, arguably you could drop down to 20 feet. When it comes to this type of stuff though, he thinks that they are really bordering on too much architectural. He stated that he is okay with the height of 22 feet; offering 22' 9 ¾" of relief if it so required to build the structure. He felt they needed to be mindful that this is in an R-6, they could build a 22' x 24' at a height of 20 feet and not come before the Board. He has already agreed to move the structure, which would take the old structure from only 1-foot away from the rear property line. The old structure could have just been left there and put a new roof and maintaining the structure that close to the line.

Mr. Kern noted that it is a three-car garage today, so contrary to what Ms. White stated, there is history of a three-car garage in the area; it's a pre-existing structure.

A detailed discussion was held on the stated hardship and the fact that there is an existing three-car garage on the property and other than Ms. White, who stated she is just trying to stick to the Standards they must look at, the other Board members understood the need for storage capacity.

Mr. Cabral ended with the statement that he bought a property with a three-car garage, he's trying to get the building modernized and trying to make it usable and meet code. At the same time, he's trying to get some usage of the upper floor. He's had the architect review the structure multiple ways to try to meet some of the points that have been discussed. There is going to be significant cost to building the structure and he thinks it would be really not wise on his part to invest literally a lot of capital and leave a section that could be usable unused because I can't get relief of a little over 2 feet of relief. He confirmed the upstairs area will not be used for livable space.

Mr. Cabral could not give an approximate date of when the garage was originally built but does believe it to be considered part of the historic structure. Mr. Tietz stated that it would be regulated by HDC and it will be their call on the proposed concept. Mr. Teitz stated to clarify that the maximum size of an accessory structure is not just for this zone, it applies Town-wide. In response to Ms. White asking if anyone knew the size of a standard two-car garage, Mr. Tietz stated that it would be 22 x 24' in order to take care of two cars. Discussion was held on the size of normal cars and what needs to be constructed to store them along with storage areas.

Mr. Simoes noted that there is an existing older garage, and as explained, it's built for older cars; but with today's cars you need that space on the side to open the door and move things around. Giving more space to each car would give enough room to maneuver without hitting the next car. The applicant also states that the basement in the house is wet, so he can't store much down there, and it is surprising how much stuff you might have to store. He could utilize the second floor of the garage to keep things where it would be dry. He knows it's a little oversized, but when considering that there was a three-car garage there and it needs to meet current code.

Mr. Tipton stated that after listening and conceptually he agrees with Mr. Simoes and Mr. Brum, with having the ability to build a three-car garage. Hardship wise, yes and no, there may be other ways to address it, but the one thing you can't fix is that when the house was built there was no storage.

Mr. Brum stated that to be honest, if this was anywhere else, other than the historic district, this would be a walk in the park. He is truly torn with it because of the location, and they are charged, as Bristolians, to maintain the uniqueness of that area and the heritage of it.

Ms. White stated that what they are trying to do is to look at the Standards and asked if they are all in agreement that this request meets all five Standards.

X X X X X X

MR. BRUM: I'll make a motion to approve file number 2023-08, Louis and Joan Cabral. The applicant is requested a dimensional variance to construct a covered front porch addition to an existing single-family dwelling with less than the required front yard; and to demolish an existing 20' x 30' single-story accessory garage structure and construct a new 24' x 36' two-story accessory garage structure with less than the required rear yard and at a size and height greater than permitted for accessory structures in the R-6 zone. The applicant is seeking relief for a front yard setback for a front porch. The proposed front porch addition will measure approximately 6' 8" wide and approximately 29' long across the front and a portion of the left side of the existing dwelling. This porch would have a roof covering and would replace an existing stone and masonry step that leads from the sidewalk to the front door of the dwelling. And the proposed front porch would extend to within 3.3' of the property line, which would require a 5' 9" of relief for the front yard. The reasons for the hardship for the front porch are that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure, not to the general character of the surrounding area or to any economic disability on the part of the applicant. Because this property is in the Historic District, the Town's Comprehensive Plan and Zoning

Ordinance did not exist when this property was constructed in 1849. As the size of Bristol's streets also has changed, and the Town has changed; because of that, the residents who live in this particular part of Town are allowed to seek relief and the Town understands that. In this particular case, a front porch with this amount of relief would not be uncharacteristic of the surrounding area. Nor would it create an impact to the surrounding area different from the Town's Comprehensive Plan for that area. On to the second part of the application, demolish an existing 20' x 30' accessory structure and construct a new 24' x 36' three-car accessory garage structure in its place. I'd like it to be noted that the existing structure also had three-car garage spaces. The proposed garage would be located on the southern rear portion of the property line within the existing driveway. The structure would be larger in size and height than the Zoning Ordinance permits in an R-6 zone. The proposed height of the structure will be 22' 9 3/4" above grade. The Ordinance allows for 20 feet and the proposed amount of relief would be 2' 9 3/4". The hardship that the applicant is seeking relief from in this case it is not due to the unique characteristics of the subject land, but due to the unique characteristics of the subject property, the domicile in which Mr. Cabral will reside with his wife and his son. Given the construction period, the home storage was not a feature which was utilized; the house has substandard storage opportunities with a damp basement and limited above-ground storage. In that case, the applicant has asked for relief to create a storage floor above

on the second story of the proposed three-car accessory structure. The hardship is not the result of any prior action, as the house and subject property was built prior; it was not built by the applicant and the hardship isn't the result of any desire of the applicant to realize greater financial gain. In this particular case he essentially, he's replacing what is already existing, he's bringing it to standards, which would be expected for a structure to house three vehicles. This dimensional variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan. As has been stated in testimony, this has conceptually been brought before the Historic Committee and even after our decision will be returned to the Historic Commission for further review. It is the least amount of relief necessary, given that to construct a structure to house three vehicles, it is required that each vehicle be given a certain amount of space; and in this case the Town has deemed that 36 feet is required width to house three vehicles. The hardship that would be suffered by the owner of the subject property, if not granted, would be more than a mere inconvenience, as the existing structure is substandard and not adequate to house three vehicles, nor does it provide any storage currently. There is a condition that is subject to the approval of the HDC approval of the plans.

MR. TIPTON: I'll second the motion.

MR. SIMOES: All in favor?

MR. TIPTON Aye.

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MR. SIMOES: Aye.

MR. BRUM: Aye.

MS. WHITE: Opposed.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS APPROVED 4-1)

(Petition Granted)

NEW PETITIONS:

**3. 2023-14
JOSE M. MAIA**

**5 Sefton Dr.: R-10
Pl. 152, Lot 277**

Dimensional Variances: to construct a 14' x 16' accessory shed structure with less than the required rear yard and less than the required left side yard.

Mr. Jose Maia presented the Petition to the Board. He explained that he needs a dimensional variance; his lot is only 5,000 square feet and the surrounding lots in his area are 10,000 square feet. They purchased the house about two years ago, and this was one of their plans. The hardship really lies in the fact that the existing shed is only 6' x 7', very small and the only thing they store in there is a generator, because they find that the neighborhood floods pretty badly. That also eliminates some of his options in the basement. They do have a finished basement, however, since living there it's flooded about three or four times. They have to be cognizant of what they put down there. The other hardship is that the attic is a crawl space; so, he can get some things up there, but for storage purposes it's very difficult to bring anything up there. He would like to have a shed primarily for storage and since he can't put a garage on the property, because of the 5,000 square feet he doesn't really have any setbacks. He's really kind of forced to build a larger accessory structure like a shed. He is trying to go off the line of the existing shed on the rear yard setback and three feet on the side as well, which would give him some room in his yard. He explained that the shed would be 16' wide by 10' deep by 14' high, as he would like a little extra height in order to put some storage.

The Board reviewed the photos and application in detail with the applicant. Mr. Tietz stated that at looking at a photo submitted, he asked if the long round shed is his neighbor's

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shed; Mr. Maia stated he was correct. Mr. Tietz stated that then the property line is somewhere between the neighbor's shed and the applicant. He confirmed that he did not find a granite property bound, he just reviewed it with his neighbor. Mr. Tietz suggested that the Inspector would require a survey done prior to any building permit, as there is no indication of where the side lot line is; the back line is just a fence, and the property lines need to be established before the shed is built. Mr. Maia stated that he was notified by Mr. Tanner that he did not need a survey. Mr. Tietz stated he didn't need to the survey to go before the Zoning Board, but he will need a survey before obtaining a building permit, for both the applicant's sake and the neighbor's sake. Mr. Maia asked that if he went six feet from what he believes to be the lot line, then he wouldn't have to spend the money on the survey or get permission from zoning. Mr. Greenleaf explained that the normal policy is that they be six feet off the property line; they consider it a Civil matter and the applicant's responsibility to locate it six feet or more off the property line. It's only when you narrow it down to two or three feet that the Town would like to have a better idea of where that line is.

Mr. Maia stated that then his question is whether he wants to proceed with this application or go six feet. Mr. Tietz stated that he was only suggesting that the Board approve the Petition contingent upon the survey.

No one spoke in favor or against the Petition.

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MR. KERN: This is an application for file number 2023-14, 5 Sefton Drive in Bristol RI, lot 277 in an R-10 zone. The applicant is requesting a dimensional variance to construct a 14' x 16' accessory shed structure with less than the required rear yard and less than the required left side yard. This

doesn't require a comprehensive plan review; this is just before the zoning officials. The applicant is requesting to locate the shed three feet off the side lot and three feet off the back lot; so he is requesting a variance of 3 feet in each case. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land, where it is a substandard lot in that area, not the general characteristics of the surrounding area or economic disability of the applicant. Because, again, it is a substandard lot. And with a very narrow front yard of 50' width. The hardship is not the result of prior action on the part of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. He's just trying to get additional storage in a notable wet area. The granting of this dimensional variance will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol, because it is in keeping with the adjacent properties which have currently their shed almost directly within two feet of the lot line. The relief requested is the least relief necessary. The hardship that would be suffered by the owner of this property, if the dimensional variance is not granted, would amount to more than a mere inconvenience, because he needs the storage area and he finds that he cannot store, or he doesn't have enough area for storage that is available to him. So, I move to approve. I recommend that he does obtain a survey to establish his at least side lot line between the two properties. I so move.

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MR. TIETZ: Just to clarify, you said recommend, are you making it a condition or not.

MR. KERN: I'm making it a condition that he get a survey of the side lot line.

MR. TIETZ: So, he doesn't need a full survey, just a side lot line.

MR. KERN: Just the side.

MR. BRUM: I'll second.

MR. SIMOES: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. BRUM: Aye.

MS. WHITE: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Petition granted)

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4. CORRESPONDENCE:

2020-41 – John M. Lannan/Fairpoint Realty LLC, Roseland Avenue

Request for extension of variance approval.

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MR. TIPTON: Mr. Chairman, I'll make a motion that we approve the one-year extension for file number 2020-41, John M. Lannan, Fairpoint Realty LLC.

MR. BRUM: I'll second

MR. SIMOES: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. BRUM: Aye.

MS. WHITE: Aye.

MR. KERN: Aye.

X X X X X X

(THE MOTION WAS UNANIMOUSLY APPROVED)

(Extension approved)

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5. ADJOURNMENT:

X X X X X X

MR. SIMOES: Motion to adjourn?

MR. KERN: I'll make a motion to adjourn, Mr. Chairman.

MS. WHITE: Second.

MR. SIMOES: All in favor?

MR. TIPTON Aye.

MR. SIMOES: Aye.

MR. BRUM: Aye.

MR. KERN: Aye.

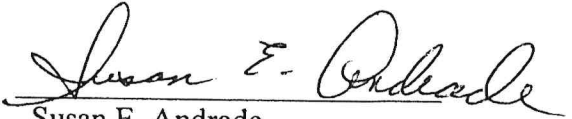
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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 8:18 P.M.)

03 APRIL 2023

RESPECTFULLY SUBMITTED,


Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 03 APRIL 2023

Date Accepted: 5-1-23
Chairman: 