

TOWN OF BRISTOL  
COMMUNITY DEV.

2024 JAN 29 PM 12: 55



January 29, 2024

Town of Bristol Zoning Board; Attention Ed Tanner

RE: 135 Kickemuit Avenue Variance Request

Dear Bristol Zoning Board Members,

We are writing to amend the dimensional variance request from a requested front yard setback of 19' to a requested front yard setback of 17.3' where 35' is required. The changed request is due to the discovery that the lot is not a perfect rectangle, but rather becomes slightly narrower as it approaches the Kickemuit River frontage. The location and size of the proposed house has not changed.

Sincerely yours,

A handwritten signature in black ink that reads "John Sheridan".

John Sheridan, AIA  
Sheridan Associates, Inc







## Variance and Special Use Request for

### 135 Kickemuit Avenue, Bristol, RI (Revised 1/29/24)

The subject property is an 18,625 sf lot located at the corner of Wilcox Street and Kickemuit Avenue. There is currently a 1930 one bedroom cottage with two small sheds on the lot. The property is accessed from both Kickemuit Avenue and Wilcox Street. Kickemuit Avenue at this location is a dead end right of way for access to the Kickemuit River.

The existing house is in disrepair, is too close to the coastal feature and is well below the base flood elevation. The owners intend to demolish it and build a new full time family residence. The new house strives to comply with CRMC, FEMA, and the Town of Bristol Zoning Ordinance while providing the owners with a modest size residence for them and their three children. Care has been taken with the design to give it architectural interest that will be an asset to the neighborhood with various articulations and a steep roof-line while keeping a reasonable footprint. The house's height above the flood protection measures is being kept to a visual minimum with a steep roof and entry stair articulation at the street side.

#### **Relief is being requested of the Zoning Board in the following areas:**

- 1) A **Special Use Permit** is requested due to the proposed structure being over 25' in a flood zone. The proposed house will be 42'-4" above the existing mean grade of 6.85' and 41'-0" above proposed final grade. There will be 3'-9" of Freeboard above the 13.0' Base Flood Elevation making the "Building Height" 32'-4". The design has minimized the height by limiting the interior ceiling heights and creating large overhangs that extend down to just above the second floor windows giving the appearance of a much lower roof. The design complies with all standards in Section 28-150 (eee) and, we believe, the spirit of the standard in Section 28-150 (eee)4.i for which we request a dimensional variance.
  - a. Standard 1: The construction will conform to all building code requirements in a flood zone. The lower level will be properly flood vented and engineered per requirements for residences in the AE Zone with limited wave action. Moreover, the design provides an additional 3'-9" of Freeboard per recommendations from CRMC and FEMA.
  - b. Standard 2: No roof pitches are less than 4/12 except under deck. The small attic dormers have a 4/12 roof pitch, the main roof has a pitch of 10/12 around the entire house with large overhangs. The only roof pitch less than 4/12 is the small deck over the entry stair bay.
  - c. Standard 3: Wilcox side front yard is well back of the average street-side setbacks. Kickemuit side front yard is subject to Variance Request below
  - d. Standard 4: Building size is as follows.
    - Lot Size 18,625sf - .3 GFA = 5,588 sf
    - 60% allowed on 1st Floor = 3,353 sf

- 40% allowed on 2st Floor = 2,235sf
  - Actual proposed footprint:
    - 1st Floor = 1,267sf (23% of GFA)
    - 2nd Floor 1,267sf (23% of GFA)
    - Attic Under Roof 700 sf
    - Water-side Deck 308 sf (5.5% of GFA where 15% is allowed)
- e. Standard 5. Articulation along the public right of way consists of an entry stair bay that is 7'- 9" deep by 15'-4" wide in the middle of the 41' length of the house covering the entire vertical surface.

2) **A Dimensional Variance** is requested from the newly adopted Special Use rule Section 28-150(eee)4.i which states that a second floor footprint should not exceed two thirds of the first floor footprint. As noted above, our design has used low overhangs and articulations to create interest and the feel of a lower roof. The first floor footprint is 1,267 sf (23% of GFA where 3,353 is allowed based on the lot size), the second floor is 1,267 and the attic under roof is 700sf. Our proposed design meets all of the Special Use criteria and, we believe is in concert with the spirit of those criteria. The request for relief from this specific criteria, complies with the standards in Sec. 28-409.

- a. *That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and not due to an economic disability of the applicant.* Because the existing grade of 6.85 is so far below BFE, the house needs to be raised significantly to comply with FEMA flood zone requirements and the recommended added freeboard per CRMC. Having the first floor footprint be larger than requested would result in a significantly longer house given the shape and constraints of the lot that would not be in concert with the neighborhood or desired by the owners.
- b. *That such hardship is not the result of any prior action of the applicant.* The existing property presents this hardship and the existing dwelling needs to be replaced as it is in disrepair and well below BFE.
- c. *That the granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this chapter or the comprehensive plan of the town.* The style and size of the house is consistent with surrounding area and the intent of the chapter appears to be to prevent elevated houses with little articulation and flat roofs. In contrast, this design has deep eaves and a street side articulation that maintains the spirit of the provision.
- d. *In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more*

*valuable after the relief is granted shall not be grounds for relief.* Owners have three children and are attempting to maintain a small footprint house with adequate bedrooms. Having a main 2nd floor sleeping floor with three bedrooms is a normal residential expectation and one that is a minimum need for the owners. In addition, because the owner's wish to age in place, area for an elevator is needed. As such the 2nd floor has been designed to provide basic useable spaces in as small as space as practical at a reasonable 1267sf. To comply with section Section 28-150(eee)4.i, owners would need to enlarge the first floor significantly to a minimum of 1900sf. This would result in a needlessly large residence with significantly longer frontage along the Kickemuit Avenue — potentially a minimum of an additional 22' x 28'. Owners would like to avoid having such a large first floor footprint and house that is so much larger than surrounding houses, and is much larger than they need or want. Also, while long narrow houses are sometimes desirable, because the house needs to be so elevated for flood purposes, the resulting footprint of the unused ground floor would be massive.

- 3) A **Dimensional Variance** is requested to have a 17.3' Front Yard on the Kickemuit Avenue side where 35' is required. The 17.3' is to the stair bay ("side articulation") which breaks up the massing of the house. The setback to the main structure is 25.05'. The proposed house location at the dead end off of Kickemuit Ave is generally beyond where the street becomes a granite marked "Public Right of Way" after the Harrison St intersection. The request complies with the standards in Sec. 28-409.
- a. *That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and not due to an economic disability of the applicant.* As a corner lot subject to both building restriction setbacks and CRMC buffer and construction setbacks, the buildable area is uniquely constrained. With a 75' wide lot and a 20' side yard and 35' front yard the buildable house width is 20' making it impossible to fit a modest house without relief.
  - b. *That such hardship is not the result of any prior action of the applicant.* The existing shape and location of property presents this hardship.
  - c. *That the granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this chapter or the comprehensive plan of the town.* The style and size of the house is consistent with surrounding area. Moreover, because Kickemuit Avenue at this point after Harrison Street is a dead end water access right of way, the reduction in front yard has even less impact. Additionally, while the existing cottage to be demolished has a current side yard of +/-7' where 20' is required, the proposal for the new dwelling is an improvement in holding the 20' side yard separation to the home at 3 Wilcox.
  - d. *In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount*

*to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.* Owners would be unable to fit the modest footprint house on the property given the dimensional constraints. Moreover, the Kickemuit Avenue Main Entry Articulation would be constrained undermining the intent to have a design that fits into the character of the neighborhood and the effort to comply with the articulation requirements of the Special Use regulations. This would effectively prohibit the owners from building their forever residence.





**Town of Bristol, Rhode Island**  
**Department of Community Development**  
**Zoning Board of Review**

**APPLICATION**

File No:
Accepted by ZEO:

<b>APPLICANT</b>	Name: <u>Jeanine and Daniel McConaghy</u>
	Address: <u>135 Kickemuit Ave</u>
	City: <u>Bristol</u> State: <u>RI</u> Zip: <u>02809</u>
	Phone #: <u>(401) 234-3050</u> Email: <u>dpmcconaghy@gmail.com</u>
<b>PROPERTY OWNER</b>	Name: _____
	Address: _____
	City: _____ State: _____ Zip: _____
	Phone #: _____ Email: _____

1.	Location of subject property: <u>135 Kickemuit Avenue</u>
	Assessor's Plat(s)#: <u>133</u> Lot(s) #: <u>37</u>
2.	Zoning district in which property is located: <u>R-15</u>
3.	Zoning Approval(s) required (check all that apply): <input checked="" type="checkbox"/> Dimensional Variance(s) <input checked="" type="checkbox"/> Special Use Permit <input checked="" type="checkbox"/> Use Variance
4.	Which particular provisions of the Zoning Ordinance is applicable to this application?: Dimensional Variance Section(s): <u>28.111; Front yard setback</u> <u>28-150 (ccc) 4.i; Footprint</u> Special Use Permit Section(s): <u>28.111; Building height in a Flood Zone</u> Use Variance Section(s): _____
5.	In a separate written statement, please describe the grounds for the requested variance or special use permit and how the proposal will meet the standards found in Section 28-409 of the Zoning Ordinance.
6.	How long have you owned the property?: <u>Purchased 9/29/23</u>
7.	Present use of property: <u>Single family dwelling</u>
8.	Is there a building on the property at present?: <u>Yes</u>
9.	Dimensions of existing building (size in feet, area in square feet, height of exterior in feet): <u>29' x 28', 692 sf</u> There are also 2 small sheds, 194 sf and 92 sf
10.	Proposed use of property: <u>Single family dwelling</u>



11. Give extent of proposed alterations: Demolition of existing house and sheds located within the flood zone and construction of a new flood elevated single family house

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12. Dimensions of proposed building/addition (size in feet, area in square feet, height of exterior in feet): \_\_\_\_\_  
 Building size: 28' x 41' with a 7.75'x15.33' stair bay on public right-of-way side, total 1,267 sf.  
 Building Height: 42.33' above mean existing grade but 32.33' above: freeboard

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13. If dimensional relief is being sought, please state the required and proposed dimensions and setback distances between the proposed building/addition and each lot line:

Front lot line(s):	Required Setback: <u>35'</u>	Proposed Setback: <u>49' 17.3'</u>
Left side lot line:	Required Setback: _____	Proposed Setback: _____
Right side lot line:	Required Setback: _____	Proposed Setback: _____
Rear lot line:	Required Setback: _____	Proposed Setback: _____
Building height:	Required: <u>35'</u>	Proposed: <u>42'-4" (32'-4" above freeboard)</u>

Other dimensions (building size, lot coverage, lot area, parking, sign dimensions, etc.):  
 Required: \_\_\_\_\_ Proposed: \_\_\_\_\_

13. Number of families before/after proposed alterations: 1 Before 1 After

14. Have you submitted plans for the above alterations to the Building Official? No  
 If yes, has he refused a permit? \_\_\_\_\_ If refused, on what grounds? \_\_\_\_\_

15. Are there any easements on your property?: No (If yes, their location must be shown on site plan)

16. Which public utilities service the property?: Water: x Sewer: x

17. Is the property located in the Bristol Historic District or is it an individually listed property?: No

18. Is the property located in a flood zone? Yes If yes, which one?: AE 13

I, the undersigned, attest that all the information provided on this application is true and accurate to the best of my knowledge:

Applicant's Signature: *D.P. McConaghy* Date: 1/11/24  
 Print Name: Daniel P. McConaghy

Property Owner's Signature: *Jeanne P. McConaghy* Date: 1/11/24  
 Print Name: Jeanne P. McConaghy

Name of attorney or agent (engineer, architect, etc.), if any, who is authorized to represent the applicant:  
 Name: Bruce H. Cox Telephone #: 401-437-1100  
 Address: 1481 Wampanoag Trail East Providence RI 02915



#616

20' EASEMENT  
(180566 F1)