



Town of Bristol, Rhode Island

Zoning Board of Review

STAFF REPORT FOR:

FILE NO. **2024-04**

APPLICANT: Larry Goldstein / TSL, LLC
LOCATION: 267 Thames Street
PLAT: 9 LOT: 50 ZONE: Waterfront (W)

APPLICANT IS REQUESTING A DIMENSIONAL VARIANCE TO:

Modify exterior walls and roofline of a portion of the existing Bristol Harbor Inn hotel building and construct eight (8) new hotel rooming units on the third floor of the structure with less than the required lot area per rooming unit.

COMPREHENSIVE PLAN REVIEW:

As this application is for a dimensional variance, it does not require review by the Planning Board per Section 28-409(b) of the Zoning Ordinance.

FINDINGS AND RECOMMENDATIONS BY STAFF:


The applicant is requesting a dimensional variance to add eight (8) new hotel rooming units within a portion of the existing Bristol Harbor Inn building at the “Thames Street Landing” complex located on the westerly side of Thames Street. Proposed alterations would be conducted on the second and third floors of the “Bank of Bristol Addition” building located in the middle portion of the site. Proposed modifications to the building include raising the exterior walls and roof height and constructing new roof dormers on the third floor. Existing window locations on the second floor would remain as this area is elevated. The proposed addition would allow for construction of eight new rooming units on the third floor of the building. Proposed alterations would expand the existing Bristol Harbor Inn hotel from the 63 existing rooming units to a total of 71 rooming units.

The proposed hotel use is a permitted use in the Waterfront zoning district. However, the zoning ordinance requires 1,500 sq. ft. of lot area for each rooming unit (this requirement was reduced in 2020 from the previously required 2,000 square feet per rooming unit). The existing 63 rooms now require 94,500 sq. ft. of lot area and the proposed 71 rooms would require 106,500 sq. ft. of lot area. This property contains approximately 74,488 square feet of land area. The original 48 hotel rooms were approved as part of the original Thames Street Landing development. In addition, the applicant was before the board in 2017 and 2018 (File No. 2017-19 and File No. 2018-35) to construct an additional eight hotel rooms and an additional seven hotel rooms respectively within the Bristol Harbor Inn complex.

In October 1998, the Zoning Board approved the initial Thames Street Landing mixed-use development (File No. 1998-41) on this property. The approval included a variance for off-street parking. The property currently utilizes a total of 118 off-street parking spaces, 54 of which are located on the property, and 64 of which are located on a neighboring property across Thames Street. The initial development received a variance for 31 off street parking spaces. The proposed addition of eight hotel

rooming units would not require any additional off-street parking spaces as many of the previously added rooming units replaced prior commercial space with higher off-street parking requirements. In addition, Section 28-252(b) of the zoning ordinance now exempts service and retail business uses from off street parking requirements significantly reducing the number of spaces now required.

As this property is located within the Bristol Historic District, exterior alternations such as those proposed in this application require approval from the Bristol Historic District Commission (HDC). The HDC has reviewed the proposed alterations and voted to approve the work at their September 2023 meeting.

 1/22/2024

Edward M. Tanner, Zoning Officer



Town of Bristol, Rhode Island
Zoning Board of Review

STAFF REPORT FOR:

FILE NO. **2024-05**

APPLICANT: Marissa Cabral / Wicked Awesome Pet Care and Spa, Inc.

LOCATION: 1282 Hope Street

PLAT: 92 LOT: 16 ZONE: R-10

APPLICANT IS REQUESTING A SPECIAL USE PERMIT TO:

Convert an existing nonconforming retail business space within a residential zoning district into a pet grooming service business use.

COMPREHENSIVE PLAN REVIEW:

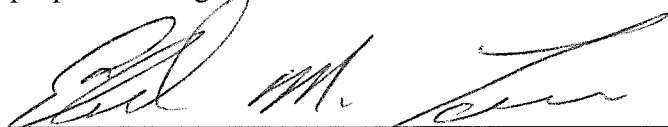
As this application is for a special use permit, it requires review by the Planning Board or the Technical Review Committee (TRC) per Section 28-409(b) of the Zoning Ordinance. The TRC has scheduled a meeting for January 30, 2024 to review this application. Any recommendations of the TRC will be forwarded to the Zoning Board prior to the February 5th meeting.

FINDINGS AND RECOMMENDATIONS BY STAFF:

The applicant is requesting a special use permit to change an existing legal nonconforming commercial use to another nonconforming commercial use on this property located on the easterly side of Hope Street. This property is located within the Residential R-10 zoning district, and it is improved with a single-story building that has historically been occupied by commercial businesses, including an existing automotive repair and gasoline service station. The applicant proposes to convert the northern portion of this building into a pet grooming service business use. This portion of the existing building is a separate space that in recent years has been utilized for retail business uses separate from the automotive service station use. In 2002, the zoning board approved a use variance (File No. 2022-28) allowing the conversion of this 600 square foot space into a retail convenience store use. Since that time, the space has been utilized by a variety of businesses, all of which have been retail uses.

Section 28-218 of the zoning ordinance regulates buildings and structures that are nonconforming by use. Section 28-218(8)(a) specifically addresses the change of a nonconforming use in residential zones. This section states that an existing nonconforming use may be changed to another nonconforming use within the same use code of the Permitted Use Table, or it may be changed, by special use permit, to another nonconforming use "that is determined by the zoning board to be more in conformity to the permitted uses in the zoning district for which the property is located". I have determined that the proposed pet grooming business is a use found under the Service Business category of the Permitted Use Table. Thus, a special use permit is required to change from the existing previously approved nonconforming retail use to the proposed nonconforming service business use.

In addition to the determination that must be made by the zoning board per Section 28-218(8), the proposed change of use is also subject to the general standards for a special use permit found in Section 28-409(c)(2) of the Zoning Ordinance. There are no specific standards in Section 28-150 for this proposed change of use.

 1/22/2024
Edward M. Tanner, Zoning Officer



Town of Bristol, Rhode Island
Zoning Board of Review

STAFF REPORT FOR:

FILE NO. **2024-06**

APPLICANT: John M. Lannan / Fairpoint Realty, LLC
LOCATION: 111 King Phillip Avenue
PLAT: 147 LOTS: 61 & 62 ZONE: R-10

APPLICANT IS REQUESTING A DIMENSIONAL VARIANCE TO:

Construct a 10ft. x 22ft. breezeway and porch, and a 24ft. x 24ft. two-story garage addition to an existing single family dwelling with less than the required front yard on a corner lot.


COMPREHENSIVE PLAN REVIEW:

As this application is for a dimensional variance, it does not require review by the Planning Board per Section 28-409(b) of the Zoning Ordinance.

FINDINGS AND RECOMMENDATIONS BY STAFF:

The applicant is requesting a dimensional variance to construct an addition to the existing single-family dwelling on this property located on the westerly side of King Phillip Avenue and the southerly side of Narrows Road. The existing dwelling, constructed in the mid-1950's, is located within the front yard setback of both adjacent streets, but has its front door facing King Philip Avenue. The applicants propose construction of a 10 foot wide breezeway, with front and rear porches, and a 24 foot wide two-car garage. The proposed garage would include living space on the second floor to be utilized as an accessory family dwelling unit (AFDU). Access to the AFDU would be via a stairway from the interior of the proposed breezeway addition. Although it would be set back approximately four feet from the front of the existing dwelling, a portion of the proposed garage and breezeway addition would extend into the front yard setback from King Phillip Avenue. As proposed, the garage would be located 19.4 feet from the easterly King Phillip Avenue property line. The zoning ordinance requires a minimum 30 foot front yard setback in the R-10 zoning district.

Although the applicant is proposing an AFDU to be located above the proposed garage, the actual construction and use of the second floor living space is subject to approval and permitting for an accessory dwelling unit per Section 28-151 of the zoning ordinance.


Edward M. Tanner, Zoning Officer



Town of Bristol, Rhode Island
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STAFF REPORT FOR:

FILE NO. **2024-07**

APPLICANT: Jeanine P. and Daniel P. McConaghy

LOCATION: 135 Kickemuit Avenue

PLAT: 133

LOT: 37

ZONE: Residential R-15

APPLICANT IS REQUESTING A DIMENSIONAL VARIANCE TO:

Demolish an existing single-family dwelling and construct a new single-family dwelling with less than the required front yard on a corner lot, and with a second floor footprint that exceeds the maximum two thirds size of the first floor footprint.

APPLICANT IS ALSO REQUESTING A SPECIAL USE PERMIT:

To construct a single-family dwelling at a height of over 25 feet above grade in the flood zone.

COMPREHENSIVE PLAN REVIEW:

As this application is for a special use permit it requires review by the Planning Board or its Technical Review Committee (TRC) per Section 28-409(b) of the Zoning Ordinance. The TRC has scheduled a meeting for January 30, 2024 to review this application. Any recommendations of the TRC will be forwarded to the Zoning Board prior to the February 5th meeting.

FINDINGS AND RECOMMENDATIONS BY STAFF:

The applicants are requesting a dimensional variance to demolish an existing single-family dwelling and to construct a new single-family dwelling on this waterfront corner lot located on the northerly side of Kickemuit Avenue and the easterly side of Wilcox Street. This property is a rather narrow but deep lot containing just over 18,000 square feet of land area. The applicants propose to remove the existing single-story cottage structure and to replace it with a new structure to be located further back on the lot away from the Kickemuit River. The proposed structure would be three full stories high with a fourth story attic containing additional living space. The structure would be located partially within the front yard setback of Kickemuit Avenue. As a corner lot, this property has two front yards and two rear yards for purposes of determining property line setback requirements. The zoning ordinance permits one of these rear yards to be reduced to a side yard setback. Thus, the northerly property line is considered the side yard and the easterly waterfront property line is considered a rear yard.

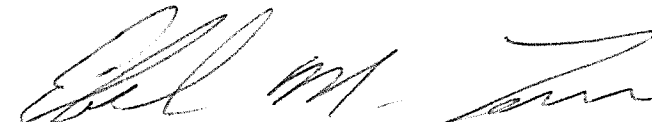
The proposed structure would be located approximately 19 feet from the Kickemuit Avenue property line at its closest point. This portion of Kickemuit Avenue is a "dead end" public right

of way to the shoreline of the Kickemuit River. The existing dwelling at 135 Kickemuit Avenue has a driveway that is accessed from the right of way. However, the new proposed dwelling would have a driveway located further westerly along Kickemuit Avenue. The zoning ordinance requires a minimum 35 foot front yard setback in the R-15 zone. The proposed dwelling appears to meet all other dimensional requirements for the R-10 zoning district.

This property is located within a mapped AE 13 flood zone as determined by FEMA. As such, the new proposed dwelling would be designed to meet current flood zone requirements. The proposed structure would be taller than the existing cottage dwelling, as the new dwelling will have parking and storage on the lower level with living space on the upper second, third, and fourth floor levels to conform to building requirements for coastal flood zones. The proposed dwelling would have an overall height of approximately 42 feet 4 inches above existing grade. As this property is located within the AE flood zone, building height is calculated from the elevation of the base flood elevation plus an allowance of up to 5 feet for freeboard (see definition of "building height" in Section 28-1 of the zoning ordinance). Thus, the proposed structure could be constructed several feet higher than proposed and it would still be in compliance with building height limits of the zoning ordinance.

Although no dimensional variance for building height is required for the proposed structure, the building height does require a special use permit per Section 28-111 dimensional regulations of the Zoning Ordinance. This ordinance requires a special use permit for any principal structure located within a flood zone with a height over 25 feet above grade. There are several newly adopted specific standards for structures greater than 25 feet above grade in a residential zone and in the flood zone found in Section 28-150(eee) of the Zoning Ordinance. These specific standards include compliance with building code flood zone requirements; roof pitch requirements; front setback requirements; specific design criteria for gross floor area; and requirements for articulation of exterior walls. It appears that the proposed structure would comply with these standards with the exception of standard 4.i. which requires that the footprint of the second floor of living space within the structure not exceed 2/3 of the footprint of the first floor of living space. Thus, the applicant has requested a variance from this special use permit standard. In addition to the standards found in Section 28-150(eee), the general standards for relief found in Section 28-409(c)(2) would also apply to this special use permit application. The special use permit standard c. regarding the general character of the area and compliance with the comprehensive plan is also a standard that needs to be met for the previously discussed dimensional variance.

As noted previously, the TRC has scheduled a meeting for January 30, 2024 to review this application. Any comments or recommendations from the TRC will be forwarded to the Zoning Board prior to the February 5th meeting.

 1/22/2024
Edward M. Tanner, Zoning Officer