



Town of Bristol, Rhode Island Zoning Board of Review

STAFF REPORT FOR:

FILE NO. 2023-21

APPLICANT: Lucia F. Goncalves
LOCATION: 20 Thompson Avenue
PLAT: 22 LOT: 183 ZONE: R-10

APPLICANT IS REQUESTING DIMENSIONAL VARIANCES TO:

Construct an approximate 14ft. x 24ft. accessory garage structure and attached deck addition to connect with an existing deck located to the rear of an existing residential dwelling; with less than the required rear yard and less than the required right side yard.

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.

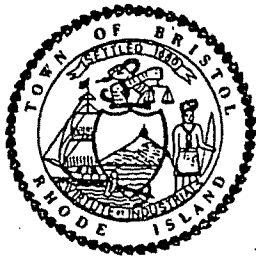
FINDINGS AND RECOMMENDATIONS BY STAFF:

The applicant is requesting a dimensional variances to construct a 14ft x 24ft. garage structure at this property located on the easterly side of Thompson Avenue. This property is a nonconforming 5,000 square foot lot that is improved with a single-family dwelling and attached rear deck. The applicant proposes to construct a detached garage at the end of the existing driveway. The garage would include single-stall vehicle parking on the first floor, and a second floor for storage and workshop space. The applicant also proposes to construct an exterior stairway to the second floor of the garage and to expand an existing deck at the rear of the dwelling to connect to the garage and stairway. The proposed garage would be located 3 to 4 feet from the existing dwelling, approximately 4 feet from the southerly right side property line, and approximately 20 feet from the rear property line.

By connecting the garage to the existing dwelling via the exterior deck, the garage would be considered part of the principal structure and would be subject to setbacks for a principal structure in the R-10 zone. Thus, the zoning ordinance requires a 10 foot side yard setback (reduced per Section 28-221(a)(2)b. of the zoning ordinance) and a 30 foot rear yard setback. If the garage was detached from the existing deck and dwelling, it would be considered an accessory structure and subject to six foot setbacks from side and rear property lines. However, the zoning ordinance also requires that accessory structures be located at least six feet from a principal structure. Thus, whether connected to the principal structure or not, the proposed garage requires at least two dimensional variances.

Please note that the garage structure in question has already been partially constructed. This structure was started in summer of 2022 and was the subject of a Stop Work Order issued by the Building Official as no building permits had been applied for or approved for its construction. Upon learning of the garage and its partial construction, I required that the property owner have the property surveyed to determine the building's location and setbacks from property lines. A copy of the survey was submitted with this application. After attempting to work with the property owner's representative for several months to have the structure removed or brought into compliance, I issued a Notice of Zoning Violation (copy attached) to the property owner in December 2022. In response, the applicant has submitted this application for dimensional relief in an effort to finish construction and to keep the structure in its current location.

 5/30/2023
Edward M. Tanner, Zoning Officer



TOWN OF BRISTOL
DEPARTMENT OF COMMUNITY DEVELOPMENT
10 Court Street • Bristol, Rhode Island 02809

Document Number 00003406
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NOTICE OF ZONING VIOLATION

DATED: December 8, 2022

VIA ELECTRONIC, CERTIFIED & REGULAR US MAIL

Lucia and Fernando Goncalves
20 Thompson Avenue
Bristol, RI 02809

***Re: Violation of Zoning Ordinance of the Town of Bristol at
20 Thompson Avenue, Assessor's Plat 22, Lot 183
Bristol, Rhode Island
Zoning District: Residential R-10***

Dear Mr. and Mrs. Goncalves,

Please be advised that your property located at 20 Thompson Avenue, Tax Assessor's plat 22, lot 183 in Bristol, Rhode Island is in violation of the following sections of the Bristol Zoning Ordinance:

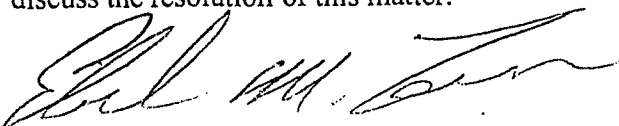
- Article V. Supplementary Regulations, Section 28-142 Yard Requirements and Exceptions, Sub-section (d)(1). This section of the ordinance states that accessory structures, such as sheds and garages, must be located a minimum of six feet from a lot line. In addition, the definition for an "accessory structure" found in Section 28-1 Definitions states that an accessory structure must be located at least six feet from the principal structure.
- Article XI. Administration, Enforcement and Relief, Sections 28-402 Building Permit/Certificate of Occupancy. This section of the ordinance requires that construction of or alterations to all applicable structures receive a building permit prior to construction, and that plans for the structure which accurately depict its size and location on the property be approved by the Zoning Enforcement Officer prior to issuance of a building permit.

It has come to my attention that a freestanding garage structure has been constructed on your property. An inspection of your property revealed that the structure was not constructed in conformance dimensional requirements of the Bristol Zoning Ordinance. The structure appeared to be located less than six feet from the principal residence on the property and less than six feet from the southerly right side property line. In addition, a review of permit files maintained by the building official indicates that no building permit was ever applied for or issued for the construction of this garage. After discussions with your representative, a survey site plan depicting the garage location was prepared and submitted to this office. The survey confirms that the garage structure does not conform to required minimum setbacks from the principal structure or from the right side property line.

The violations noted above must be corrected by removing the offending garage structure from your property or by applying for and receiving dimensional variances from the Zoning Board of Review (and subsequent building permits from the Building Official) to maintain the structure. Accordingly, you are hereby directed to bring your property into compliance by removing the structure from your property or by applying for dimensional variances from the zoning board on or before December 28, 2022 (hereafter the 'compliance date').

You may appeal this Notice of Violation to the Zoning Board by filing the appropriate application on or before December 28, 2022, as provided in Sec. 28-410 of the Zoning Ordinance. In the event that this violation is not corrected by the compliance date or a timely appeal has not been filed, I will have no choice but to assess a fine in accordance with R.I. Gen. Laws § 45-24-60(a) and Sec. 28-407 of the Zoning Ordinance. The Town may then choose to pursue this matter in the Municipal Court, at which time we will seek an order compelling you to comply with the Zoning Ordinance, in addition to fines for failure to comply.

Your cooperation in correcting the violation noticed herein is expected. Please feel free to contact me to discuss the resolution of this matter.



Edward M. Tanner
Zoning Enforcement Officer

cc: Code Compliance Coordinator
Building Official
Town Administrator
Town Solicitor

Recorded Dec 08, 2022 at 03:44PM
Melissa Cordeiro Town Clerk

NOTICE: A copy of this letter has been recorded in the Land Evidence Records of the Town of Bristol as of the date and time stamped above.



Town of Bristol, Rhode Island

Zoning Board of Review

STAFF REPORT FOR:

FILE NO. **2023-22**

APPLICANT: Thomas A. and Lee H. Dawson
LOCATION: 15 Burton Street
PLAT: 15 LOT: 79 ZONE: R-6

APPLICANT IS REQUESTING A DIMENSIONAL VARIANCE TO:

Construct an 18ft. 8in. x 22ft. two-story living area addition to the rear of an existing single-family dwelling with less than the required left side yard.


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 18ft. 8in. x 22ft. two-story addition to the rear of an existing single-family dwelling at this property located on the northerly side of Burton Street. This property is a nonconforming lot containing approximately 40 feet of lot width, and it is improved with a single-family dwelling and attached rear deck and patio. The applicant proposes to remove the rear deck and construct an addition to the rear of the dwelling to provide additional living space on the first and second floors. The existing dwelling is located approximately 4.5 feet from the left side property line. The proposed addition would be offset by six inches in from the left side of the existing structure so as to be located a minimum of 5 feet from the left side property line. The zoning ordinance requires a minimum 10 foot side yard setback in the R-6 zoning district.

As this property is also located within the Bristol Historic District Overlay Zone, any alteration to the exterior of the structure requires approval from the Bristol Historic District Commission (HDC). The HDC reviewed this application and approved the proposed building addition at its May 4, 2023 meeting.

 5/30/2023
Edward M. Tanner, Zoning Officer



Town of Bristol, Rhode Island
Zoning Board of Review

STAFF REPORT FOR:

FILE NO. **2023-23**

APPLICANT: Nathan A. and Sarah H. Dell
LOCATION: 12 Paine Avenue
PLAT: 148 LOT: 65 ZONE: R-10

APPLICANT IS REQUESTING DIMENSIONAL VARIANCES TO:

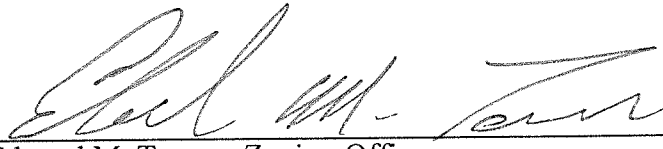
Demolish an existing dwelling and to construct a new single-family dwelling with less than the required front yard and less than the required left and right side yards.

COMPREHENSIVE PLAN REVIEW:

As this application is for 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 dimensional variances to demolish an existing dwelling and to construct a new single-family dwelling at this property located on the westerly side of Paine Avenue and the easterly side of Lindberg Avenue. This property is a nonconforming through lot containing approximately 3,148 square feet of land area and 35 feet of lot width. The lot is currently improved with a single-family cottage dwelling that was reportedly constructed in 1942. The applicants propose to raze the existing dwelling and to construct a new single-family dwelling on the lot. The proposed dwelling would have its front facing Paine Avenue, as the existing structure does, but it would be moved back from the easterly front property line by approximately 8 feet. The proposed structure would measure 22ft. x 35ft. and would be located approximately 12 feet from the Paine Avenue front property line. A front porch measuring 4.5ft. x 7ft. would extend out towards Paine Avenue to a distance of approximately 7.5 feet from the property line. The proposed dwelling would also be located approximately 5.5 feet from the northerly right side property line and approximately 7.5 feet from the southerly left side property line. The zoning ordinance requires a minimum 30 foot front yard setback and a minimum 10 foot side yard setbacks (reduced per Section 28-221(a)(2)b. of the zoning ordinance) in the R-10 zoning district. The applicants propose to access the property via a driveway to be constructed at the rear of the dwelling off Lindberg Avenue.

 5/30/2023
Edward M. Tanner, Zoning Officer