

STATE OF RHODE ISLAND

MINUTES
THE ZONING BOARD OF REVIEW
OF BRISTOL, RHODE ISLAND

10 FEBRUARY 2025
7:00 PM
BRISTOL TOWN HALL
BRISTOL, RHODE ISLAND

BEFORE THE TOWN OF BRISTOL ZONING BOARD OF REVIEW:

MR. CHARLES BURKE, Vice Chairman
MR. DONALD S. KERN
MR. TONY BRUM
MR. GEORGE D. DUARTE, JR., Alternate
MS. KIM TEVES, Alternate

ALSO PRESENT:

ATTORNEY AMY GOINS, Town Solicitor's Office
MR. EDWARD TANNER, Zoning Officer

Susan E. Andrade
91 Sherry Ave.
Bristol, RI 02809
401-578-3918

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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 Vice Chairman Burke at Bristol Town Hall, 10 Court St., Bristol, RI

1. APPROVAL OF MINUTES:

Vice Chairman Burke called for approval of the January 6, 2025 minutes

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- MR. BRUM: Mr. Chairman, I'll make a motion to accept the minutes, as written.
- MR. KERN: Second.
- MR. BURKE: All in favor:
- MR. BURKE: Aye.
- MR. DUARTE: Aye.
- MS. TEVES: Aye.
- MR. KERN: Aye.
- MR. BRUM: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Minutes were approved)

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CONTINUED PETITIONS:

2. **2025-02**
 BRANDON M. & CASSIE M. ANDRADE

21 Naomi St.: R-15
Pl. 118, Lot 100

Dimensional Variance to construct a 30’ x 34’ two-story garage and living area addition to an existing single-family dwelling with less than the required right-side yard.

Vice Chairman Burke stated that the Applicant has requested a continuance, as the survey wasn’t available.

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- MR. BRUM: I’ll make a motion to continue, to Monday, March 3rd
- MR. DUARTE: Second.
- MR. BURKE: All in favor:
- MR. BURKE: Aye.
- MR. DUARTE: Aye.
- MS. TEVES: Aye.
- MR. KERN: Aye.
- MR. BRUM: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Continued)

**3. 2025-03
ELENA M. BAO**

**19 Byfield St.: R-6
Pl. 14, Lot 67**

Dimensional Variances to construct an approximate 26' x 34' 7" living area addition and attached 13' x 21' 7" pergola addition to the rear of an existing single family dwelling; and to construct an 18' x 23' 6" garage addition to an existing accessory carriage house structure, with less than the required rear yard; less than the required right side yard; larger than permitted size fan an accessory structure; and greater than permitted lot coverage by structures.

Ms. Elena Bao and Mr. Keith Robbins both presented the Petition to the Board. Ms. Bao explained that as mentioned at the last meeting, she purchased 19 Byfield Street in 2021, later met Keith and they are engaged to be married and living together. They love their home, Bristol and the community and want to spend the rest of their lives in this home; but the home is not currently suitable for first floor living and there isn't enough space in the house for their family gatherings. They are seeking a small variance of 4%, related to lot coverage, which would allow them to expand their home with an 839 square foot addition, attached to the back of the original home. To clarify, per the Board's recommendation at the last meeting, they removed the 1-car garage and pergola from the plan. They were now only proposing the addition to the back of the home and are only requesting one variance.

Mr. Robbins explained that regarding the addition on the back of the home, they also reduced that even further as well.

Mr. Burke acknowledged that they were before the Board in the previous month, the Board did ask them to make some changes, and the observation is that it looks like the applicants did what was asked in order to make the request more feasible.

Ms. Boa confirmed that they did go before HDC and HDC unanimously approve the plans. She continued and stated that to speak to some of the hardships related to the home, which are due to the unique characteristics of the structure. Because it's an antique home, built 200 years ago in 1833, during an era where homes were built to a much smaller scale than they are today; their goal is to achieve first-floor living to preserve their quality of life as they age and allow them to remain in the home permanently. Currently the interior spaces are very small and give just a generally crowded feel to the home. There isn't enough room for people, no storage, little furniture and the layout is choppy, which is common in these colonial homes. Multiple rooms and two very large chimney structures that bisect the home; giving the very tiny chopped up rooms. Also, a lot of the smaller rooms, like bathrooms and closets, are very narrow. This is a very small footprint home, around 884 square feet. The plan is to move the kitchen out of the original house, so that they can repurpose the existing floor of the original house for the master bedroom, bathroom, laundry room, basically for their first-floor living. Both are closing in on retirement age and already avoiding the stairs, by necessity. She's had two serious falls down these stairs in her short time of living there and badly injured her ankle. So, they just moved the bedroom to the first floor and had already started the process of living on the first floor. The other goal is just to have the ability to gather their family in the home. They plan to move the kitchen to the addition and the addition will serve as the larger space where they can gather with their family, which is very important to them.

Ms. Bao continued and stated that the other hardship has to do with the historic carriage house that has been on the property for at least 150 years; and it is also a unique characteristic of the property. Right now, the carriage house accounts for around 7% of the current lot coverage, or 25% of the building area, which is a significant amount of building area on the property. The

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carriage house can't be taken down, because it's a historic structure and they want to preserve it, it's part of the historic character of the community. However, the sizable amount of lot coverage that the carriage house is taking up is one of the reasons they need to request the small 4% variance for lot coverage, and believe they are requesting the least relief possible. If the carriage house didn't exist, they wouldn't require a variance; the addition is under the 30% max lot coverage allowed. It's also important to note that they will be renovating the carriage house. Not just because of its historic value, but because the foundation is collapsing on to the west neighbor's property. Because the building has a rodent issue, it's a menace and the building has just a dilapidated appearance that detracts from their property and also the neighborhood. They both respect the importance of maintaining the historic character of their home and the surrounding neighborhood. They both feel that they have excellent design that preserves and maintains the appropriate aesthetic for their home and property, as well as that of the neighborhood and Town. They are grateful to the team at JHL who worked hard to create a tasteful and pleasing design that compliments the historic character of the home and surrounding area.

Ms. Bao continued and explained that they have spoken to many of their neighbors about the plan and are hearing positive feedback. The general feeling is that they are enhancing the property and the neighborhood. And, of course, HDC are also supportive of the plan, having unanimously approved of it. And for anyone who last time were not in favor of the addition, they believe they have significantly reduced the size of the addition and have minimized the impact as best they can. They feel the revised addition is appropriately sized and scaled to the lot. The addition conforms to all the required setbacks on the property and even with the addition, there is still ample open space preserved on the lot.

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Mr. Duarte stated that he greatly appreciated the applicant taking away everything from the last discussion and acting upon those recommendations. And he was very happy to see the new proposal.

Mr. Brum noted that some of the lot of coverage issues are out of the applicant's control and they are now asking for 4%, which is less than the 7% that was requested previously. Unfortunately, the property that they knowingly acquired can't be suited to exactly what they would like.

Mr. Burke read four letters into the record from abutting property owners, three in favor and one neutral of the Petition.

Ms. DebBlair, 39 Byfield street, spoke in favor of the Petition. She stated that she thinks she has seen the plans and think they will enhance the neighborhood.

Ms. Sara Butler, 49 Byfield Street, spoke in favor of the Petition. She stated that she truly wants to support the proposal. As a former member of HDC she appreciates the sensitivity to the site that they inherited when they purchased this property. It's a great property and the work they are proposing will benefit the whole neighborhood.

Mr. Mike Sylvia 38 Byfield Street, spoke in favor of the Petition. He stated that he had reviewed it and thinks it's a great design, respectful to the historic nature of the house. He and his wife have a lot of the same concerns and constraints and know how frustrating it can be.

Mr. Bill Chittick, 48 Church Street spoke against the Petition. He stated he had a question; he was looking at A0.01 on the plans and are the plans from several weeks ago and asked if they were the latest plans. Mr. Daniel Bisbano, Project Architect at JHL looked at Mr. Chittick's plans and confirmed they were the current plans. Mr. Chittick then stated that the footprint of the new addition is 839 square feet, it doesn't say what the existing house is, but the eye can tell that

the footprint is fully 3/4, if not 4/5 of the existing original 1833 Telly Williams house. And, personally, he feels that the 839 square feet is dramatically over and above what should be considered an appropriate addition for the present house. He realizes that, yes, there was a 19th Century addition through the better part of the 20th Century that was two stories, but doesn't think that enters into it, as it was a different style of architecture, a different actual site plan. So, referring to the 839 square foot addition, which is almost the same as the original house and feels that it is an architectural travesty, regardless of the design, regardless of what the purpose is. He realizes they want to relocate the kitchen, but it's a size that concerns him. He did confirm that he attended the HDC meeting where it was approved and did express their concerns at that meeting.

Mr. Burke asked if Mr. Chittick also realized that the applicant was only asking for lot coverage variance, they don't need any other variance; they are requesting 34% lot coverage, where 30% is allowed.

Mr. Chittick stated that what he didn't understand what the 4% referred to. Mr. Burke explained that it is the total lot coverage with structures; not whether or not it's big compared to the rest of the house.

Mr. Chittick asked if the 839 footprint is considered 4% above the allowed.

Mr. Burke stated that it is total coverage, including the carriage house, that apparently there is restrictions on removing it; which the Board has determined is a monument; so that is 7% of the coverage that they can't avoid.

Mr. Chittick stated he appreciated the explanation but still wanted to go on record saying that he thinks that 4% is excessive.

Mr. Maryanne Pellegrino and her mother Mary Pellegrino, 25 Byfield Street, both spoke against the Petition. They also believe that the proposed plans are excessive. Their

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properties about the structure and will be faced with it and will have to look at it, it should be smaller.

Mr. Burke stated that if the application is denied, the addition will be downsized even more and there will still be an addition. And the applicant has modified the plans significantly from the original plans based on the discussion the Board had with them.

In rebuttal to opposition statements, Mr. Robbins stated that the only thing he wanted to point out is that the 839 square feet is only one-story; it's one room that will house the living room, dining room and the kitchen.

Mr. Burke closed the public hearing

Ms. Teves stated that she thinks the applicants listened to the concerns of the Board and came back and are doing a good job and working with what they can work with. She feels that the 4% isn't excessive.

Mr. Brum stated that he thinks the applicant's response to the previous meeting was exactly what they suggested.

Mr. Burke stated that the only concern that he had in that area and on that street is there are houses that cover 90% and that's not a reason for the Board to continue to allow that; but thinks this application is a very reasonable response to what the Board asked for and would have a hard time denying based on them leaving after previous discussion and coming back with exactly what was asked of them.

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MR. BRUM: Based on the evidence presented to the Zoning Board of Review and the Board's knowledge, personal inspection of the area, testimony of abutters both for and against, I would find that we approve file number 2025-03, a

dimensional variance requesting a 4% variance of the 30% lot coverage requirement for this Zoning district, which equates to roughly 839 square feet. Based on the review of the plans this is the only Dimensional variance that is required. It should be noted that the applicant came before the Board previously seeking greater relief, but after review and a meeting with the Bristol Historic District Commission, the applicant has reduced their request of relief. It should also be noted that members of this Board, including myself, have noted that within the neighboring residences there are lots that have greater usage than the 34% that this Board is offering, 4 of which is in relief. The applicant's hardship is not the result of any prior action. They purchased the property willfully and knowing that it was in the historic district and that they would need to abide by the rules provided by the Historic District. In addition, it should be noted that the property has a structure that HDC has noted cannot be removed. Testimony of the applicants has led this Board to believe that 7% of the lot currently is comprised of a historic structure, which is beyond their control. That is no prior action of the applicant, the applicant has stated that they are looking to reside in Bristol as a life-time resident, in which their extended families can visit with them. Given the historical nature of the home and the size of the home, and the unique characteristics of the interior design of the home, single-level dwelling would require significant redesign. I believe that the application that is before this Board requires the least amount of redesign, where the historic aspect of the home remains and it does not increase any

burden on the community, nor does it change the Comprehensive Plan of that particular neighborhood. Granting the Dimensional variance won't alter the general characteristics of the surrounding area or impair the intent or purpose of the Zoning Ordinance or Comprehensive Plan of the Town of Bristol. For the reasons that I have previously stated. There are properties that utilize more than 30%. And given the historic nature of the property, the applicant is not at fault for the design and the need to redesign the property for suitable use. The hardship that will be suffered by the owner of the subject property, if the Dimensional variance is not granted will amount to more than a mere inconvenience. Meaning that the relief sought is minimal to a reasonable enjoyment of the permitted use of the property. To speak frankly, 836 square feet is a minimal amount of change or of relief, given the existing size of the property, and the nature of a suitable living environment. For those reasons I make this motion.

MR. KERN: I'll second the motion.

MR. BURKE: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

NEW PETITIONS:

**4. 2025-04
PAUL & KARA SOUSA**

**4 Columban Dr.: R-15
Pl. 172, Lot 5**

Dimensional Variances to construct a 22' x 24' accessory pool house structure with less than the required front yard from Ambrose Drive on a corner lot.

Mr. Paul Sousa presented the Petition to the Board. He explained that he and his wife would like to construct a pool house on the property. The property is unique, it contains three front yards. The front of the house faces Bristol Ferry Road, the back of the house is Ambrose, where they are seeking relief and the south side of the property where the garage is is Columban Drive. Naturally when you approach the yard, without knowing that there are three front yards, it feels like it's the back yard, where they want to construct the pool house. When he purchased the property almost 13 years ago there was a shed there. The shed has since been removed and the back where the proposed pool house will end is actually in front of where the shed was installed. They are looking to combine the pool house and a shed for storage as one unit. The setback relief they are seeking is from the required 35 and at the tightest section it's 22 feet.

Mr. Burke asked that with the dimensions of the pool and the pool house, would the applicant say that there is no other way to incorporate this plan.

Mr. Sousa explained that where the pool is currently located it would naturally be the best location to be literally right behind it. They couldn't put it on the side yard, which is technically his back yard. They could put it out closer to Columban, but that would just distort the whole property, and the neighbors would be more upset about something like that. Mr. Sousa

confirmed that they did install the pool. He continued and explained that the neighbors have given positive support for the project.

The Board reviewed the plans in detail with Mr. Sousa.

No one spoke in favor or against the Petition. Mr. Burke closed the public hearing.

The Board, during detailed discussion, determined that it is a very unique lot, and plans would require a variance for any placement on the lots. Mr. Kern asked Mr. Tanner to note that the Board is receiving drawings that don't match actuality. Mr. Tanner explained that the survey showed the correct orientation of the property, but the draftsman who took the plan placed the arrow in the wrong direction.

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MR. BRUM: I'll make a motion to approve file number 2025-04, Paul and Kara Sousa, 4 Columban Drive. The applicant is seeking a Dimensional variance to construct a 22' x 24' accessory pool house structure with less than the required front yard from Ambrose Drive on a corner lot. It should be noted that this Board has addressed that Mr. Sousa's lot is unique in the sense that not only is it a corner lot, it is almost a peninsular and has three designated front yards. Based on the evidence presented to the Zoning Board and to the knowledge and the personal inspection of the members of this Board, 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 character of the surrounding area and not due to any economic disability of the applicant. As stated, the applicant is looking to build a 22' x 24'

accessory structure to provide additional usage of their pool and to also provide additional storage for the residence. It is not unique for a family to require additional auxiliary structures in their yard for use as storage. Mr. Sousa has testified that he has previously removed existing structures that were previously used for storage in order to maintain the characteristics of the surrounding area and an aesthetic formation to his yard. So, by doing so, the 22' x 24' accessory structure is the least amount of relief necessary, given that he is really eliminated any other use of auxiliary storage to his home or to himself or to his yard for lawn equipment and such that it's required to maintain a property. The hardship that would be suffered by the owner of the subject property, if the Dimensional variance is not granted, will amount to more than a mere inconvenience. If we were to deny the application, Mr. Sousa would potentially position auxiliary structures on his property as they were previous to this application, in order to meet the needs of the use of the property. Granting this Dimensional variance, especially as I have noted previously in a unique situation having three front lots, is the least amount of relief necessary. Based on these findings, I believe that the Board should approve the application, and I so move.

MR. KERN: I second that motion.

MR. BURKE: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

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MR. KERN: Aye.

MR. BRUM: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

5. 2025-05

KEVIN J. FERRO/KJ FERRO, LLC

**122 Fatima Dr.: R-10
Pl. 123, Lot 42**

Dimensional Variance to construct a 24' x 40' second story living area addition to an existing single-family dwelling with less than the required left side yard.

Mr. Kevin Ferro presented the Petition to the Board. He explained that he proposes adding a second-floor addition, making it a three- or four-bedroom space and cleaning it up; its outdated and rundown and update the neighborhood a bit. He confirmed that this is an investment property, as it is what he does for a living. He will be fixing it and putting it on the market for sale. He also confirmed that the footprint will not change, he will only be adding up above the existing first floor.

Mr. Burke noted that the Board has seen the survey and asked Mr. Tanner to clarify his comment on the locust map. Mr. Tanner explained that they received the survey, and the comment was just that the comment on the locust map in the upper right-hand corner was incorrect; but the survey itself appears to be accurate and signed by the surveyor and has all the proper lot numbers and references.

Mr. Burke asked that it be noted that the Locust map is not accurate and just so if future clarification is required, it has been identified. He continued and stated that it looks like instead of the six feet that was initially thought in the application, the survey shows that it's going to be 5.1 feet from the property line, and that's where the existing foundation is. Mr. Ferro stated that Mr. Burke was correct.

In response to questioning by Mr. Brum, Mr. Ferro stated that the current house is about 17' 9 and he will be going up to 24 ½, the peak of the roof will be approximately 27 feet

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high, still under the 35' requirement. Mr. Tanner stated the plans show 25.9 from existing grade to the top of the ridge. Mr. Burke stated that for the record, that is the height per the plan.

Ms. Ruth Souto and Ms. Pat Crawford, 150 Fatima Drive, spoke regarding the Petition. Ms. Souto stated that they share a property line with 122 Fatima Drive, even though the numbers are not sequential; 122 is uphill and to the west of 150. First and foremost, they do not oppose the addition of the second floor, in fact they welcome the refreshment of the property. They do, however, have a few concerns about what they saw in the plans. As stated in her email, dated February 5, they outlined four concerns; but this evening would like to address two areas of concern that are related to them. The first concern is the lack of a survey recording. On page 4 of the application, it was stated that the distance between the buildings at 122 and 150's property line is 6 feet; and it is not. The distance is 4' 10" from the foundation to her fence, which existed before she purchased her home in 1997. When she saw this, they looked for a surveyor's report in the documents and did not find one. They also looked on the property before the snowstorm and did not find any stakes, poles, stone, or any other surveyor's marks. They ask that Mr. Ferro provide a surveyor's report so they can document and resolve this issue.

Mr. Tanner confirmed that the survey was submitted to the Board on the day of the meeting. Mr. Burke stated that for full disclosure, they really couldn't grant relief without getting a survey because they have to know what the precise amount of relief is. Mr. Ferro did provide the required documentation.

Ms. Souto asked if there were any markings on the property to indicate that this was surveyed; they have no indication that it was surveyed. Mr. Burke stated that Mr. Murgo, who signed the survey, is a certified surveyor and the Board is accepting it, because he is a licensed surveyor.

Again Ms. Souto stated that she questioned it because typically you would see markings on a property that has been surveyed.

Ms. Crawford stated that Mr. Ferro is saying there is 5.1 feet; so, they are close on that. Mr. Burke stated that its academic because it is where it is; its just now they know and if they want to work on that with the neighbor they can.

Mr. Brum stated that Mr. Ferro is asking to go up, he's not changing the existing footprint, so he won't more greatly impede on whatever boundary is already set.

Mr. Burke explained the application is for a 10-foot variance; 15-foot side yard is required; the building is 5 feet away from the property line; it's a 10-foot variance.

Ms. Souto stated that their concern is that they don't want their fences to be taken down, thinking that they own those fences and that piece; they've been there since 1997. Mr. Burke stated that it looks like the fence is on the property line.

Mr. Tanner confirmed that a fence can go right down the property line and it's a Civil matter between the neighbors. Mr. Duarte stated that in all due respect, the issue of the fence isn't relative to this application.

Ms. Souto stated that their second concern is water mitigation. Because they're on a hill, their house is considerably lower than the house at 122. In addition to normal rain runoff there is an existing sump pump hose that runs out of the downhill basement window. When water is pumping most of it ends up in their driveway and in the winter, it becomes shear ice. So, they are asking that Mr. Ferro plan for water mitigation and for proper sump pump release.

Mr. Burke stated that the issue is not a Zoning Board issue. Ms. Goins stated that it is a valid concern, but it's a Civil issue, it's not for the Town Zoning or Planning and the amount won't trigger any kind of requirement for mitigation, it's under the threshold. Mr. Burke stated

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that as far as the sump pump pumping onto their property, he does believe that there is a requirement that no one is supposed to direct water to neighboring properties, it's supposed to be directed back, not directed on to Town property. But if you walk around Town after a rain everyone is pumping water out. So, to Mr. Tanner's point, it's something that can be addressed by calling the Town. Mr. Burke also stated that he's sure Mr. Ferro has a plan so that he's not pumping water out of his brand-new building on to other properties. And, again, the footprint is not changing, so the water coming off the roof should be similar or identical to what's coming off the current roof.

Ms. Tammy Mederos, 149 Fatima Drive stated that she's thrilled that the house is getting refresh. She just wanted to throw out that the house behind her grandmother's house on Franca Drive had put out a variance, they wanted to put on a second floor. A lot of the houses in the neighborhood, one-family houses, small cottages, nobody opposed it. All of a sudden, the house was knocked down and a giant house was built. When she called the Town Hall, she was told that structurally it wasn't sound for a second floor, so they had the right to do it. She doesn't know if they find that the house is not found structurally found for a second floor, what happens then. Will there be a new plan submitted?

Mr. Tanner explained that he would say in the last year or two they have had several of these cases, where someone has come into this Board and say I want to add an addition or whatnot and when they get into the house, they realize that for whatever reason and the building inspector goes out and says you can't build on that. In that case they would have to come back to the Board, unless it's viewed by the Building Inspector as an involuntarily demolition. If it's an involuntarily demolition they have to build to the exact same dimensions that were there. So, if that were to happen to Mr. Ferro's house and the Building Inspector agreed, they would have to

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rebuild to the exact same dimensions, or they would have to come back to the Zoning Board for any changes and the area would get notices.

Mr. Burke closed the public hearing.

The Board reviewed the plans in detail. During the discussion Mr. Burke noted that Mr. Kern pointed out that they got a reduced side yard setback due to the size of the lot; so, they are now talking about the difference between 11 feet and 5 feet; so, it's a 6-foot variance. Mr. Tanner stated he was correct and for the neighbors' benefit there was a change to State Law, because this lot is non-conforming, they're in an R-10 zone and need 10,000 square feet; obviously the property is older and it's grandfathered in at 7,497, so basically 75%; so all the required setbacks, by State Law, get reduced by 75%. This side yard setback is supposed to be 15 feet in an R-10; because this is a non-conforming lot, it's reduced to 11. Granted, he still wants to be 5.1, but his variance is not full 15, its from 11. Mr. Burke stated that it only changes how the relief is provided, it does not change anything material.

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MR. BRUM: I'll make a motion to approve file number 2025-05, the applicant, Kevin J. Ferro/KJ Ferro, LLC, to construct a 24' x 40' second story living area addition to an existing single-family dwelling with less than the required left side yard setback. Based on the evidence presented and the Zoning Board's knowledge and inspection of the area, the hardship in which the applicant is seeking relief is due to the unique characteristics of the subject land and not to the general characteristics of the surrounding area and not due to any economic disability of the applicant. As the applicant has stated, he purchased the existing home. The Dimensional variance on which he is

requesting that requires 6.9 feet of Dimensional relief is still within the existing footprint of the home and Mr. Ferro, as he has testified, did not build this particular property and purchased it in the location in which it currently sits. His proposed addition will not increase the impact on any property line or towards any abutter. The applicant plans on increasing the height of the addition. The applicant proposes an addition of 27 feet. The current height of the house is 17.9 feet, requesting an additional 10 feet. This in itself does not increase the impact of the Dimensional variance, nor does it create a situation where any natural change to the environment. The granting of the requested Dimensional variance, as stated, will not change the general characteristics of the environment or will it impede the purpose of the Zoning Ordinance or the Comprehensive Plan of the Town. The hardship that will be suffered by the owner of the subject property, if the Dimensional variance is not granted, will amount to more than a mere inconvenience. In this particular case the property, as testified by those speaking in favor and against, needs some level of rehabilitation. And the rehabilitation that Mr. Ferro is offering suits the use and is not uncharacteristic for the neighborhood. For these reasons, I so move.

MS. TEVES: Second.

MR. BURKE: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

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MR. KERN: Aye.

MR. BRUM: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

6. 2025-06

**FRANCIS J. HOLBROOK and
KATLYN LABELLA**

**76 Griswold Ave.: R-15
Pl. 163, Lot 65**

Dimensional Variance to construct a two-story single-family dwelling, attached accessory dwelling unit (ADU) and attached two-car garage with less than the required front yard from Metacom Avenue on a corner lot; and with less than the required lot area for an ADU within a new structure.

Attorney Francis S. Holbrook, applicant's father, presented the Petition to the Board. Mr. Holbrook explained that his son and Katlyn Labella, along with their 6-month-old baby, reside in Jamestown right now. One of the reasons that drew them to Bristol is just the community in general, it's a beautiful community. Katy is the women's soccer coach at Roger Williams, so where this lot is located makes it very convenient for her. The plan is that they have a purchase and sales agreement on the property, it's a vacant lot and the plan is to construct a single-family home with an accessory dwelling unit within the footprint of the home. The person that will be occupying the accessory dwelling unit is Katy's mother. The plan is for her to move into the home with them, occupy the front of the home as is depicted, and show exactly where the unit would be. The rest of the house was designed with respect to the unique characteristics of this particular lot. It's a triangular building envelope on the corner of Metacom and Griswold. You have basically two front yards, one on Griswold and one on Metacom, which restricts the building setback on the Metacom side, which sets it at 35 feet. They are looking for a variance to cover that situation. The design of the home was placed to indicate a 20-foot setback on Metacom, and it would give more room from the neighbor, which gives them more usable space on the westerly and southerly side of the property and was at the recommendation of Mr. McDougal, figuring it would indeed more enjoyable to use that area of the property rather than on the other side that

abuts Metacom. The Dimensional variance, given the nature of the particular lot the way it's shaped is appropriate because it is a corner lot. If it wasn't a corner lot, it would only be a 20-foot setback. As part of the application, it was included that there was a prior Dimensional variance application in 2013 on this particular lot and the applicant was going to build a home with an accessible dwelling unit for the applicant's mother; so, he included a copy of the decision and the transcript. In that particular case the Zoning Board didn't actually grant the variance, but they made a finding that for the purposes of this particular lot that the easterly Metacom Avenue side of the property is a side yard for purposes of compliance with the Zoning Ordinance setback requirements and that the Metacom Avenue side of the lot shall require 20-foot setback rather than 35-foot front yard setbacks. In discussion with Mr. Tanner on whether that would be binding on this Board and after his consultation with the Solicitor that it's not. But it was an indication that this was something that was proposed before and the Board found it appropriate to grant the 20-foot setback.

Ms. Goins explained that it's important for the Board to realize that even though the applicant is indicating that the mother-in-law will occupy the ADU, they are not granting that with her occupancy as a condition of the ADU.

Mr. Holbrook stated that the second request is Dimensional relief for lot area coverage. The ADU, the new Statute that the Legislature passed, says for a new construction you have to have at least 20,000 square foot of land area to satisfy the ADU Statute. This particular lot is 17,007 square feet of lot area. So, a variance of approximately 3,000 square feet is required to build an ADU within the proposed structure. He doesn't know why it was set at 20,000 square feet, because you could have a lot of 10,000 square feet and still put an ADU in the existing footprint without any Zoning relief. Given the way it's worded and after consulting with Mr.

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Tanner and the Solicitor, they felt it was appropriate to ask for a Dimensional variance for lot area coverage. This particular proposal, the home that's being proposed and the placement on the lot is compatible with the neighborhood. He thinks it's consistent with the other homes that are in the area. This is a unique lot in terms of its triangular configuration and the fact that it's a corner lot creates a hardship with respect to side yard setbacks, the fact that there are two front yard setbacks. They had nothing to do with the subdivision of this property, which was done 12 years ago. They're taking it as it is, but he thinks it is compatible with the neighborhood. He's not aware of anybody that has any opposition to the plans. He spoke to the next-door neighbor, who is present at this meeting.

Mr. Francis J. Holbrook, applicant explained his mother-in-law is getting older, lives in a two-story home in Newport built in the 1800's with very narrow staircases. She is the primary caregiver for their young child and would continue to be able to live in first-floor accommodation and continue to be a caregiver to their child.

Mr. Burke stated that he recalled reading a letter from the abutter in support and some of the verbiage was that they were happy that this would block Metacom Avenue but can't seem to locate the letter at this time. It was determined that it was a letter from the previous application on this property and did not need to be entered into this record.

Mr. Brum noted that in the previous findings on this lot it was found that Metacom Avenue isn't actually accessible to this lot.

Mr. Tanner stated that the Solicitor has instructed the Board on numerous occasions that the Solicitors prefer that you grant, or not, but that you grant a variance rather than make a Finding because you don't really have the authority to make a Finding that like that, you can't change by definition what is a side yard or a front yard. His understanding is that if the Board is

okay with it, grant the variance, don't make a Finds. And further, the old decision has expired, and they didn't build a house. After running it by the Solicitor it was determined that the Board shouldn't have made that kind of decision anyway probably, and it's been over two years and expired.

Mr. Kern stated that he was under the impression that 20,000 was when you were building an ADU that was a separate structure, and this one is attached. So, it's really the main house.

Mr. Tanner stated that it's any new structure.

Ms. Goins stated that the 20,000 square foot lot area requirement is for any ADU that's not within an existing footprint of either a primary or accessory structure. So, anytime you're either building new construction, new building, or footprint expansion, the lot area minimum is your pathway to the ADU.

Mr. Duarte stated that he appreciated was that the P&S is contingent upon coming to Zoning and obtaining the variances. Because in his limited time on the Board he has seen the total opposite with people buying properties knowing there are certain Zoning restrictions and coming in with grandiose plans after the fact and declaring hardship. For him the fact that the P&S is contingent upon Zoning Approval, he appreciates it.

Ms. Cynthia Carroll, 74 Griswold Avenue, spoke in favor of the Petition. She has looked over the plans and she is the direct abutter. She also lives in a home where her in-laws live with them, so they have a multi-generational home and appreciate them very much so. She appreciates the fact that the mother-in-law is willing to come and take care of the daughter so the two bread winners can make the money. The fact that they want to purchase this lot makes her very happy that someone wants to purchase it and actually build a beautiful home on it, because it

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is a very unique piece of property and there's very few pieces of land for sale in Bristol right now. So, from that standpoint she thinks they understand what they are getting into with this corner lot, and she appreciates the fact that they are making a nice area for the mother-in-law to live in and be happy and healthy. She also feels like having a multi-generational home, it can very easily not become that; but the way that the plans are laid out it's literally she's part of the family; so she likes the layout of the house and the plans and everything. And as far as making it be not rental unit in the future.

No one else spoke in favor or against the Petition.

Mr. Burke closed the public hearing.

The Board reviewed the plans and during discussion agreed that it's a good use of a unique lot and fits in well with the area and allowing the ADU on a 17,000 square foot lot.

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MR. BRUM: I'll make a motion to approve file number 2025-06, the applicants requesting to construct a two-story single-family dwelling, with an attached accessory dwelling unit and an attached two-car garage, with less than the required front yard from Metacom Avenue on a corner lot and less than the required lot area for an ADU within a new structure. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land. The subject land offers some very stringent guidelines in a small envelope to work with. I think primarily we should note that the lot is considered a corner lot, which by nature would give it two front yard setbacks. In this particular case the Board is willing to see that the Griswold Avenue entrance is most suitable for the front yard of this particular

development and will note Griswold at the true front yard, as Metacom is not accessible in a manner in which the applicant can use the property. The hardship is not the result of any prior action of the applicant. The applicant stands before us requesting approval as a contingency for their Purchase and Sales Agreement for the lot. The applicant has shown the willingness to abide with the Comprehensive Plan of the Town by coming before us prior to acquiring the property or seeking a building permit. The applicant did not subdivide the area. And given the limited amount of available land for development in Bristol, scenarios such as this are not unique; and this Board has previously voted on such scenarios. And in this particular case has previously voted to note that this particular lot required additional relief. The granting of this Dimensional variance will not alter the general characteristics of the surrounding area, nor will it impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of Bristol. The plan in which the applicant has to develop the subject property is line with the adjacent and neighboring homes and is not contrary to the Comprehensive Plan of the Town. The relief that the applicant is seeking is due to the unique nature of the property and how the house needs to be positioned upon the property. That, in addition, is affecting the applicant's ability to provide an additional dwelling to a family member; they're requiring 2,500 square feet of relief to the State's required 20,000 square feet, as listed in the application the lot is 17,500 square feet and State Law requires 20,000 square feet for new development with an ADU. In this

particular case the Zoning Board finds that an ADU is appropriate for this size of the lot, given the consideration of the home and how it is laid out upon the lot. Furthermore, the applicant has testified that there's more than a mere need for relief in this case, as both him and his wife are employed and the auxiliary unit will be occupied by his mother-in-law, who provides childcare for their 6-month-old child. The hardship suffered would be more than a mere inconvenience if not granted, as it is in the Town's best interest to develop this particular property. The Town has acknowledged that this is a unique piece of property and that some concessions would need to be made to provide a suitable use and suitable living space. For these reasons, I so move.

MS. TEVES: I'll second.

MR. BURKE: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(MOTION WAS UNANIMOUSLY APPROVED)

(Petition Granted)

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7. ADJOURNMENT:

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MR. BURKE: Motion to adjourn?

MR. KERN: So moved.

MR. BRUM: Second.

MR. BURKE: All in favor:

MR. BURKE: Aye.

MR. DUARTE: Aye.

MS. TEVES: Aye.

MR. KERN: Aye.

MR. BRUM: Aye.

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(THE MOTION WAS UNANIMOUSLY APPROVED)

(MEETING ADJOURNED AT 8:38 P.M.)

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RESPECTFULLY SUBMITTED,


Susan E. Andrade

TOWN OF BRISTOL ZONING BOARD
MEETING HELD ON: 10 FEBRUARY 2025

Date Accepted: 4/7/25

Chairman: 