



Town of Bristol, Rhode Island Zoning Board of Review



DECISION
Bk: 2216 Pg: 77
Instr: 2023-5291

06/29/2023
03:35:52 PM
2 Pages

DECISION FOR VARIANCE

FILE # 2023-18

RE: Application of: Fair Wind Properties, LLC
Property Owner: Ricardo J. and Robert Amaral

For property located at 1 Coggeshall Avenue, in Bristol, Rhode Island (Tax Assessor's Plat 147, Lot 50) in the following zoning district: Residential R-10.

This matter was heard before the Board at a public hearing on May 1, 2023 upon the Applicant's request for a **USE VARIANCE** and **DIMENSIONAL VARIANCES** from the Zoning Ordinance to:

Demolish an existing single-family dwelling and an existing two-family dwelling on one lot, and to replace them with new structures having the same number of residential dwelling units and similar footprints as existing, and with the addition of covered front porches; with less than the required front yard, less than the required rear yard, and with greater than permitted lot coverage by structures.

After due consideration of the Application, (including the exhibits, testimony of the witnesses, and the entire record presented to the Board), the Board makes the following findings of fact:

1. The aforementioned hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and structures and is not due to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant. The applicant is requesting a use variance and dimensional variances to demolish and rebuild two residential structures at the property located on the easterly side of Coggeshall Avenue and the southerly side of Narrows Road. This property is non-conforming by dimension, as it a rather narrow corner lot containing approximately 8,500 square feet of land. The property is also non-conforming by use, as it is improved by two principal residential structures containing a total of three residential dwelling units. The Board heard testimony that the applicant did not build the two structures on this property; and the two structures are a blight on the community. The disarray that the two structures are currently in was also not the result of any prior action of the applicant; and he is currently seeking this approval in order to purchase the properties to renovate them. The two structures would be removed and replaced with new structures of similar sizes with the northerly structure, identified as 1 Coggeshall Avenue being no closer than two feet from the corner property lines at Narrows Road and Coggeshall Avenue. The southerly structure, identified as 5-7 Coggeshall Avenue will be replaced at a minimum of one foot from the property line at Coggeshall Avenue. In addition, these two structures will no longer have the existing rear decks that are currently identified in plans that the applicant provided.
2. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. The applicant did not create the conditions on this property and is proposing to purchase the lot in order to improve conditions. The applicant is proposing to invest a significant amount of money and time in this property. And as there are several other properties available in Bristol currently that could serve as income for the applicant, in this particular case the applicant has taken on a property that has over time degraded and has now become a blight on the community.
3. The granting of relief will not alter the general characteristic of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Community Plan of the Town of Bristol. This is a residential use in a residential neighborhood, and the presence of additional dwelling units on this nonconforming lot is a condition that has been in existence for the past several decades. This area of Bristol was previously a coastal summer community with small cottages on small lots. In this particular case the applicant will retain both structures that were located on the property prior to adoption of the zoning ordinance and the Comprehensive Plan. By replacing and improving these structures, the applicant will only improve the state of this neighborhood.
4. The variance granted by the Board is the least relief from the provisions of the Zoning Ordinance necessary to remove the aforementioned hardship. The applicant is proposing to keep the existing use and number of dwelling units on the property, and will not be encroaching towards property lines any greater than what the properties are currently encroaching. In fact, the new structures will remove portions of the existing buildings that currently extend over the property line into the public street right of way.
5. The hardship that will be suffered by the owner if the dimensional variances and uses are not granted would amount to more than a mere inconvenience; and the subject land and structures cannot yield any beneficial use if required to fully conform to the zoning ordinance, as the buildings on this property will continue to stay in the condition that they currently are, one of which is not currently habitable; and with the number of residences needed in town to meet demand for housing, the community can use as many new residential properties as possible.

Continued on Next Page



Town of Bristol, Rhode Island Zoning Board of Review

DECISION FOR VARIANCE

FILE # 2023-18

(Page 2 of 2)

RE: Application of: Fair Wind Properties, LLC
Property Owner: Ricardo J. and Robert Amaral

For property located at 1 Coggeshall Avenue, in Bristol, Rhode Island (Tax Assessor's Plat 147, Lot 50) in the following zoning district: Residential R-10.

Therefore the Board voted 5 to 0 to approve the application as presented permitting the demolition and re-construction of the two residential structures with the structure at 1 Coggeshall Avenue being located within two feet from the front property lines at Narrows Road and Coggeshall Avenue and within 12 feet of the easterly rear property line; and with the structure at 5-7 Coggeshall Avenue being located within one foot from the front property line at Coggeshall Avenue and within 12 feet of the easterly rear property line. Approval is subject to the following special conditions: that landscaping and drainage plans be submitted to the Technical Review Committee (TRC) for approval prior to construction; that an as-built foundation survey be completed and submitted to the building official for approval upon installation of the two building foundations; that the applicant provide a minimum of six (6) off-street parking spaces for the three dwelling units; and that any new driveway or parking areas be constructed with permeable materials to limit stormwater runoff from the site.

Voting to Approve: Asciola; Simoes; Burke; Brum; and Kern;
Voting to Deny: None

Making a part of this Decision the application, along with required materials, plans, and exhibits filed with the Board at the meeting, and excerpts of the public hearing minutes.

Recorded as the Decision of the Town of Bristol Zoning Board of Review on

This 29TH day of JUNE, 2023.

Edward M. Tanner, Principal Planner / Zoning Enforcement Officer

Received for record at Bristol, RI
6/29/2023 03:35:52 PM