

## Town of Bristol, Rhode Island Zoning Board of Review

10 Court Street Bristol, RI 02809 401-253-7000 www.bristolri.gov

File #2023-10

#### **PUBLIC HEARING**

Notice is hereby given by the Zoning Board of Review that a public hearing will be held on the following application:

Monday, March 6, 2023

at 7:00 P.M.

Bristol Town Hall

10 Court Street

APPLICANT:

George and Lisa Voutes

PROPERTY OWNER:

George and Lisa Voutes

LOCATION:

17 Shore Road

**PLAT: 74** 

LOT: 18

ZONE: R-20

APPLICANT IS REQUESTING DIMENSIONAL VARIANCES: to remove an existing carport structure and construct a 22ft. x 27ft. single-story garage and mudroom addition and a 12.5ft. wide rear deck addition to an existing single-family dwelling with less than the required front yard and less than the required left side yard.

Edward M. Tanner,

Principal Planner / Zoning Enforcement Officer

Scanned copies of all applications and supporting materials will be available on the Town of Bristol web site at <a href="https://www.bristolri.gov/government/boards/zoning-board-of-review/">https://www.bristolri.gov/government/boards/zoning-board-of-review/</a>. If you have any comments regarding this petition, but are unable to attend, you may submit your comments in writing to the Zoning Board via regular mail addressed to: Zoning Board of Review, Bristol Town Hall, 10 Court Street, Bristol, RI 02809 or via email to <a href="mailto:etanner@bristolri.gov">etanner@bristolri.gov</a>. Written comments should be received no later than 12:00 p.m. on Thursday, March 2, 2023.



### Town of Bristol, Rhode Island WHO IN BRISTOL

# Department of Community Development Zoning Board of Review AM 11: 30

#### **APPLICATION**

File No: 2023-10

Accepted by ZEO: EMT 2/7/2023

APPLICANT	Name: GEC	RGE VOUTE	S and LISA VO	UTES			
	Address.	FAIRWAY DR	RIVE				
	City	RRINGTON		State:	RI	Zip:	02806
	Phone #:			Email:	x =	v	
PROPERTY	Name: (S	SAME)					
OWNER	Address:						
	City:					Zip:	
Harris Harris	Phone #:			Email:			
1. Location of	subject property:	17 SH	ORE ROAD				
Assesso	r's Plat(s)#:	74		Lot(s)	#:	18	
2. Zoning district in which property is located: R-20							
3. Zoning Approval(s) required (check all that apply):							
	Dimensional var	Tance(s)		Special Use Per	rmit		Use variance
				- <b>.</b>		-	
	cular provisions	of the Zoning	Ordinance is a	oplicable to this			
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11. Give extent of proposed alterations:	Renovation of home; removal c	of carport; addition of mudroom/garage.
12. Dimensions of proposed building/additional linear dimensions, Area = 1,703.6;		
13. If dimensional relief is being sought, ple between the proposed building/addition		sed dimensions and setback distances
Front lot line(s):  Left side lot line:  Required Settle Regular Settle Regular Settle Required Settle Rear lot line:  Required Settle Required Settle Rear lot line:  Required Settle Required Settle Required Settle Required:  Other dimensions (building size, lot cover Required:  Area = 20,000 SF and Co	back: 20' back: 35' 35' erage, lot area, parking, sign dim	Proposed Setback: 27.6' Proposed Setback: 7.7' + 9.4' Proposed Setback: 27.2' Proposed: 42' Proposed: less than 25' lensions, etc.): ed: Area = 14,741 SF and Covg. = 20.7%
13. Number of families before/after propose		Before1After
14. Have you submitted plans for the above If yes, has he refused a permit?	alterations to the Building Office If refused, on what gro	ial? No ounds?
15. Are there any easements on your proper	ty?: No (If yes, the	ir location must be shown on site plan)
16. Which public utilities service the proper	ty?: Water: Yes	Sewer: Yes
17. Is the property located in the Bristol His  18. Is the property located in a flood zone?		ally listed property?:Novhich one?:"X"
I, the undersigned, attest that all the informa	ation provided on this application	
Applicant's Signature:  Print Name: George Voutes and Lisa Voute	es by William P. Dennis as their	<i>Date:</i> 2 - ( - 2 - 2 - 3 - 2 - 3 - 2 - 3 - 2 - 3 - 2 - 3 - 3
Property Owner's Signature:		Date:
Print Name: (SAME)		
Name of attorney or agent (engineer, archited	ct, etc.), if any, who is authorized	I to represent the applicant:
		ne #:401-254-2992
Address: 576 Metacom Avenue, Unit 2, Bri	stol, RI 02809	

#### **APPLICATION 5.**

#### WRITTEN STATEMENT

The subject property is located in an R-20 zone which permits single family residential and is described in the 2016 Comprehensive Community Plan:

#### R-20 RESIDENTIAL ZONE

Intended for medium density residential areas previously lacking infrastructure and already developed to this density or currently undeveloped and lacking infrastructure, comprised of single household detached structures.

The current and proposed use is as a single family home. The lot of land is comprised of 14,741 square feet of area, a legal non-conforming area in this zone. The lot currently supports a single family home built in the early 1970's, according to the Bristol tax records.

The subject lot fronts on a 30 foot wide right-of-way known as "Shore Road" which runs north and south and abutting along the westerly line of the State of Rhode Island railroad right-of-way ("the bike path"). The southerly boundary of the subject lot borders on a 20 foot right-of-way enjoyed by the subject property and also neighboring properties. The Town of Bristol enjoys a sewer easement in this 20 foot right-of-way.

The Applicants propose a renovation of the existing single family home, which would include the removal of an existing carport, construction of an attached mudroom/garage, and a small addition to an existing deck. This application is for Dimensional Variance relief, specifically with regard to the front yard setback and the left side setbacks.

The Applicants' survey plan (Exhibit B) as well as the architect's plans (Exhibit D) depict the proposed attached mudroom/garage as well as the renovated deck on the southwesterly side of the dwelling house. The southeast corner of the mudroom/garage is 27.6 feet from the front property line. The southwest corner is 9.4 feet from the left side yard property line. The southwest corner of the renovated deck is 7.7 feet from the left side yard property line. The Applicants provide as follows:

	CODE REQUIRED	EXISTING	PROPOSED	VARIANCE
Area	20,000 sf	14,741 sf	14,741 sf	0
Width	120'	92.11'	92.11'	0
Frontage	120'	92.11'	92.11'	0
Coverage	25%	18.4%	20.7%	0
Front Setback	35'	22.1'	27'	7.4'
Right Side Setback	20'	27.2'	27.2'	0
Left Side Setback	20'	4.2' + 8.6'	9.4' + 7.7'	10.6' + 12.3'
Rear Setback	35'	42'	42'	0
Height	35'	<25'	<25'	0

#### **DIMENSIONAL VARIANCE RELIEF**

As depicted above, your Applicants are requesting variances in the renovation of their home to construct an attached mudroom/garage and to remove the existing, non-conforming carport. The location of the mudroom/garage would require front and side yard setback variance relief of 7.4 feet in the front and 10.6 feet on the left side. The small deck addition would bring the deck to 7.7 feet from the side yard line requiring a 12.3 foot variance. The existing deck is 8.6 feet from the side yard line.

The Zoning Board has the authority to grant the dimensional variances requested so long as the Applicant satisfies the requirements of the Zoning Ordinance Section 28-409(c) (RIGL Section 45-24-41). Literal compliance with the Code dimensions is not possible in this case.

Standards for Dimensional Variances are as follows:

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.

The homesite before the Board is land with unique characteristics. It is a legal non-conforming lot of record in a residential zone. It is non-conforming by area and has its frontage on "Shore Road" not a public street, but a private right-of-way. The lot is bounded on the south by a 20' right-of-way which also accommodates a Town of Bristol sewer easement. Although your Applicants do not technically own either right-of-way, the Town of Bristol assesses your Applicants for a portion of "Shore Road" as well as half (ten feet) of the right-of-way along the southern boundary. In other

words, your Applicants and all previous owners have paid the property taxes on those areas that they legally do not own, so they may not be considered for zoning setbacks in this proposed renovation.

b. That such 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.

Your Applicants purchased the property 7 months ago. It included the existing single family home, built around 1975. The left side yard setbacks and front yard setback are, historically, non-conforming and would retain non-conforming status under the proposed renovation plan. The front yard setback non-conformity would actually be REDUCED by 5.5 feet and one of the two side yard setback non-conformities would be REDUCED by 5.2 feet. The remaining side yard setback, now 8.6 feet would be slightly increased .9 feet. The net result of all requested variance relief would be a reduction of 9.8 feet of the non-conformity presently existing.

The proposed home renovation by the Applicants does not result from a desire to realize any financial gain, but rather to renovate and reside in their own home. Their intent is to enjoy their substantial improvement of and investment in this property.

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 general characteristic of the surrounding homes is that of well-maintained single family homes, most of which have existed for decades with significant improvements and maintenance over the years. The proposed renovation is designed to respect and complement the surrounding area. The intent of the Bristol Zoning Ordinance and the Comprehensive Plan would not be impaired. Both the Ordinance and the Plan recognize the area as one of residential in nature with medium density. This is an area of single family home use, with homes constructed decades ago, both before and after zoning control.

MAP 4 of the Comprehensive Plan (2016) identifies the subject area as "Highlands" with an objective to protect the residential character. MAP 5A and 5B support this use as existing and

expected in the future. Our Zoning Code recognizes the need for Dimensional Variance relief where applicable standards are met.

#### d. That the relief to be granted is the least relief necessary;

Your Applicant submits that the requested relief is the least necessary. The front yard setback is being increased from the existing of 22.1 feet to a proposed setback of 27.6 feet. Thus the non-conforming front yard setback would be <a href="improved">improved</a> a distance of 5.5 feet. The mudroom/garage side yard setback is being increased from the existing of 4.2 feet to a proposed setback of 9.4 feet. This side yard setback would be <a href="improved">improved</a> a distance of 5.2 feet. The remaining deck side yard setback would be reduced .9 feet, slightly increasing the non-conformity to add a minimal width to the existing deck area.

The Board should consider that, although both proposed side yard setbacks are 7.7 feet and 9.4 feet from the technical property line, they are actually 17.7 feet and 19.4 feet from the easement line, the easement area that is used by and taxed to your Applicants. Because of this area's status as a private right-of-way and a Town of Bristol sewer easement, it will always remain "open space", which is the goal of established side yard setbacks under the Zoning Ordinance.

\*Please see 300' radius map (Exhibit E) for a clear illustration of the actual area considered to be the Applicants' property and taxed as so by the Town of Bristol.

Should the Board be curious as to the legal owner of the easement area, it should be made clear that this area does not belong to the Town of Bristol or any abutting property owners. This area was inadvertently omitted from any deeds into current neighborhood property owners. The Town of Bristol "Plan of Survey for Sewer Easements" (1983) attached to this Application as Exhibit C provides an illustration of this strip of land titled to heirs of an ancient owner.

e. That the Board shall in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:

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. 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.

If Dimensional relief is not granted, your Applicants will suffer more than a mere inconvenience. The use of a single family home on the subject lot is the permitted use established by the Bristol Zoning Ordinance. Both the existing structure and the proposed renovation include non-conforming front and left side yard setbacks. The removal of the carport, construction of the attached mudroom/garage and small enlargement of the rear deck provide a net REDUCTION in setback non-conformities a total of 9.8 feet from the existing structure.

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Owner 3		0.00
Address 50	Address 50 COCHITUATE RD, NEWTON, MA 02461-0000	00

Deed Type Q

> NAL A

Sale Price 0 0

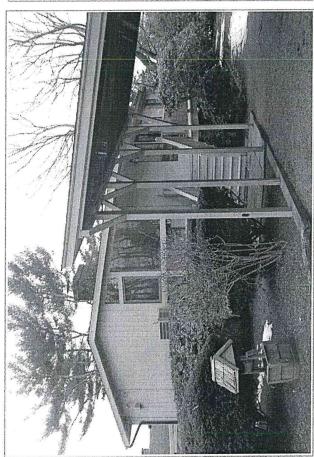
► Previous Owners & Sales Information

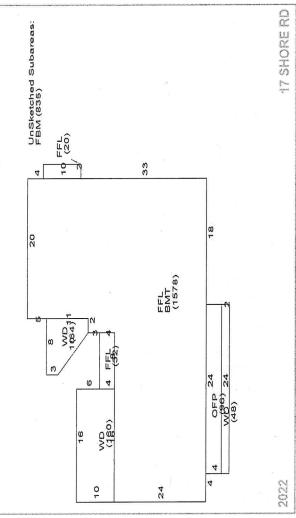
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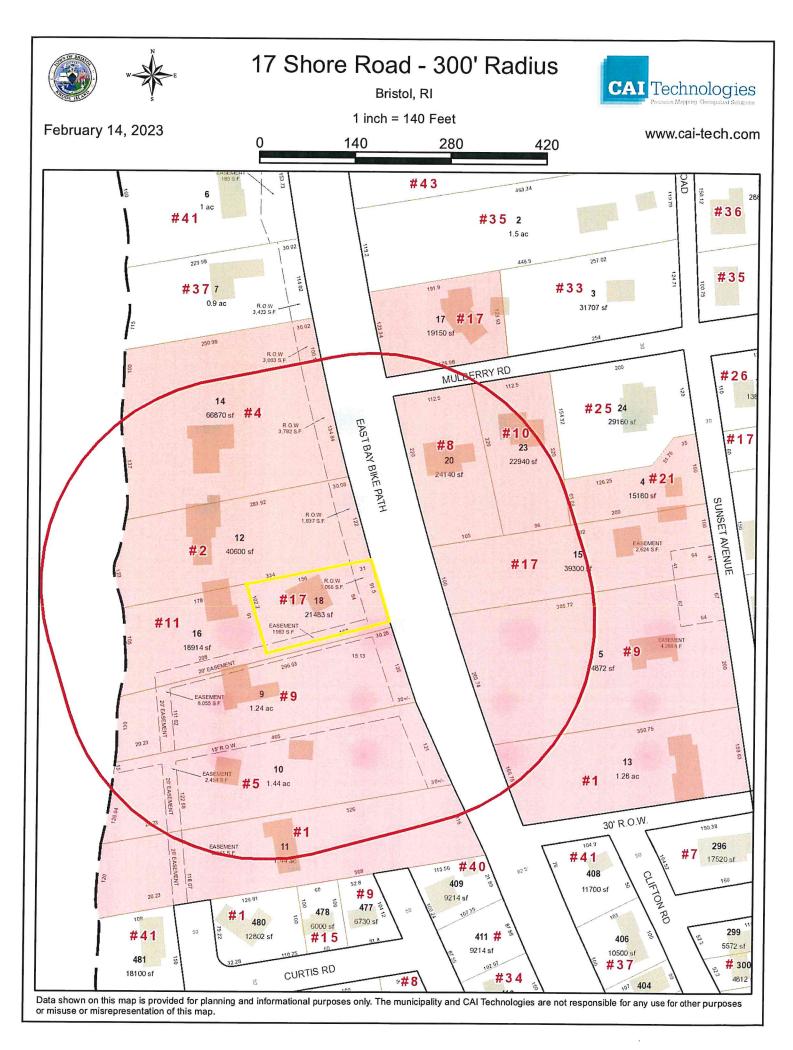
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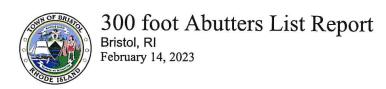
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Year ID: 2022

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Disclaimer - This Information is believed to be correct, but is subject to change and is not warranteed.





#### **Subject Property:**

Parcel Number: 74-18

CAMA Number: 74-18

Property Address: 17 SHORE RD

Mailing Address: VOUTES, GEORGE & LISA

24 FAIRWAY DR

BARRINGTON, RI 02806

Abutters:

Parcel Number: 74-10

CAMA Number: 74-10

Property Address: 5 SHORE RD

Parcel Number: 74-11 **CAMA Number:** 

74-11

Property Address: 1 SHORE RD

Parcel Number: 74-12

CAMA Number: 74-12

Property Address: 2 MULBERRY RD

Parcel Number: 74-13

CAMA Number: 74-13

Property Address: 1 SUNSET AVE

Parcel Number: 74-14

CAMA Number: 74-14

Property Address: 4 MULBERRY RD

Parcel Number: 74-15

74-15 CAMA Number:

Property Address: 17 SUNSET RD

Parcel Number:

74-16 CAMA Number: 74-16

Property Address: 11 SHORE RD

Parcel Number: CAMA Number: 74-17 74-17

Property Address: 17 MULBERRY RD

Parcel Number: 74-18 CAMA Number: 74-18

Property Address: 17 SHORE RD

Mailing Address: DEFOREST, ROBERT E ELIZA H TRSTS

& JANE H. HOLME 5506 9TH AVE DR WEST

BRADENTON, FL 34209

Mailing Address: CAMPBELL SANDRA L

1 SHORE RD

BRISTOL, RI 02809

Mailing Address: PIRRI, JEANNE M TRUSTEE JEANNE M

PIRRI LIV TRUST AGMT 2 MULBERRY RD

BRISTOL, RI 02809

Mailing Address: ONEIL, MICHAEL T LOUISE M. ETUX JT

1 SUNSET RD

BRISTOL, RI 02809

Mailing Address: GEREMIA, BRENDA A, VINCENT F JR &

TIMOTHY V-TRUSTE GEREMIA,

VINCENT F JR & TIMOTHY V -

TRUSTEES (50%) 4 MULBERRY RD BRISTOL, RI 02809

Mailing Address: VITALE, CHRISTOPHER P & AMY C TE

> 17 SUNSET RD BRISTOL, RI 02809

Mailing Address: SALTZMAN, ADAM J

11 SHORE RD BRISTOL, RI 02809

Mailing Address: ROMANO, EMILY E & & ALEX A TE

PO BOX 1205

BRISTOL, RI 02809

Mailing Address: **VOUTES, GEORGE & LISA** 

24 FAIRWAY DR

BARRINGTON, RI 02806





Parcel Number: **CAMA Number:**  74-20

74-20 Property Address: 8 MULBERRY RD Mailing Address: LOURIA, AGNES

8 MULBERRY RD BRISTOL, RI 02809

Parcel Number: CAMA Number:

74-23 74-23 Mailing Address:

WHEELER, JESSICA A., TRUSTEE THE

JESSICA A WHEELER TRUST 1

10 MULBERRY ROAD BRISTOL, RI 02809

Parcel Number: CAMA Number:

74-4 74-4

Property Address: 10 MULBERRY RD

Mailing Address:

FISHER, CRAIG M KATHRYN M ETUX TE

25 SUNSET ROAD BRISTOL, RI 02809

Property Address: 21 SUNSET RD Parcel Number:

74-5

Mailing Address:

SANTONI, MICHAEL & PAPPAS, ALEXIS

**CAMA Number:** 74-5 Property Address: 9 SUNSET RD

9 SUNSET ROAD BRISTOL, RI 02809

Parcel Number: CAMA Number:

2/14/2023

74-9 74-9

Property Address: 9 SHORE RD

Mailing Address:

WILLIAMS, HERBERT R & KATHARINE B-TRUSTEES HERBERT R WILLIAMS

TRUST (50%); KATHARINE B WILLIA

9 SHORE RD BRISTOL, RI 02809 CAMPBELL SANDRA L 1 SHORE RD BRISTOL, RI 02809

VITALE, CHRISTOPHER P & A 17 SUNSET RD BRISTOL, RI 02809

DEFOREST, ROBERT E ELIZA H TRSTS & JANE H. H 5506 9TH AVE DR WEST BRADENTON, FL 34209

VOUTES, GEORGE & LISA 24 FAIRWAY DR BARRINGTON, RI 02806

FISHER, CRAIG M KATHRYN M ETUX TE 25 SUNSET ROAD BRISTOL, RI 02809 WHEELER, JESSICA A., TRUS THE JESSICA A WHEELER TRU 10 MULBERRY ROAD BRISTOL, RI 02809

GEREMIA, BRENDA A, VINCEN GEREMIA, VINCENT F JR & T 4 MULBERRY RD BRISTOL, RI 02809 WILLIAMS, HERBERT R & KAT HERBERT R WILLIAMS TRUST 9 SHORE RD BRISTOL, RI 02809

LOURIA, AGNES 8 MULBERRY RD BRISTOL, RI 02809

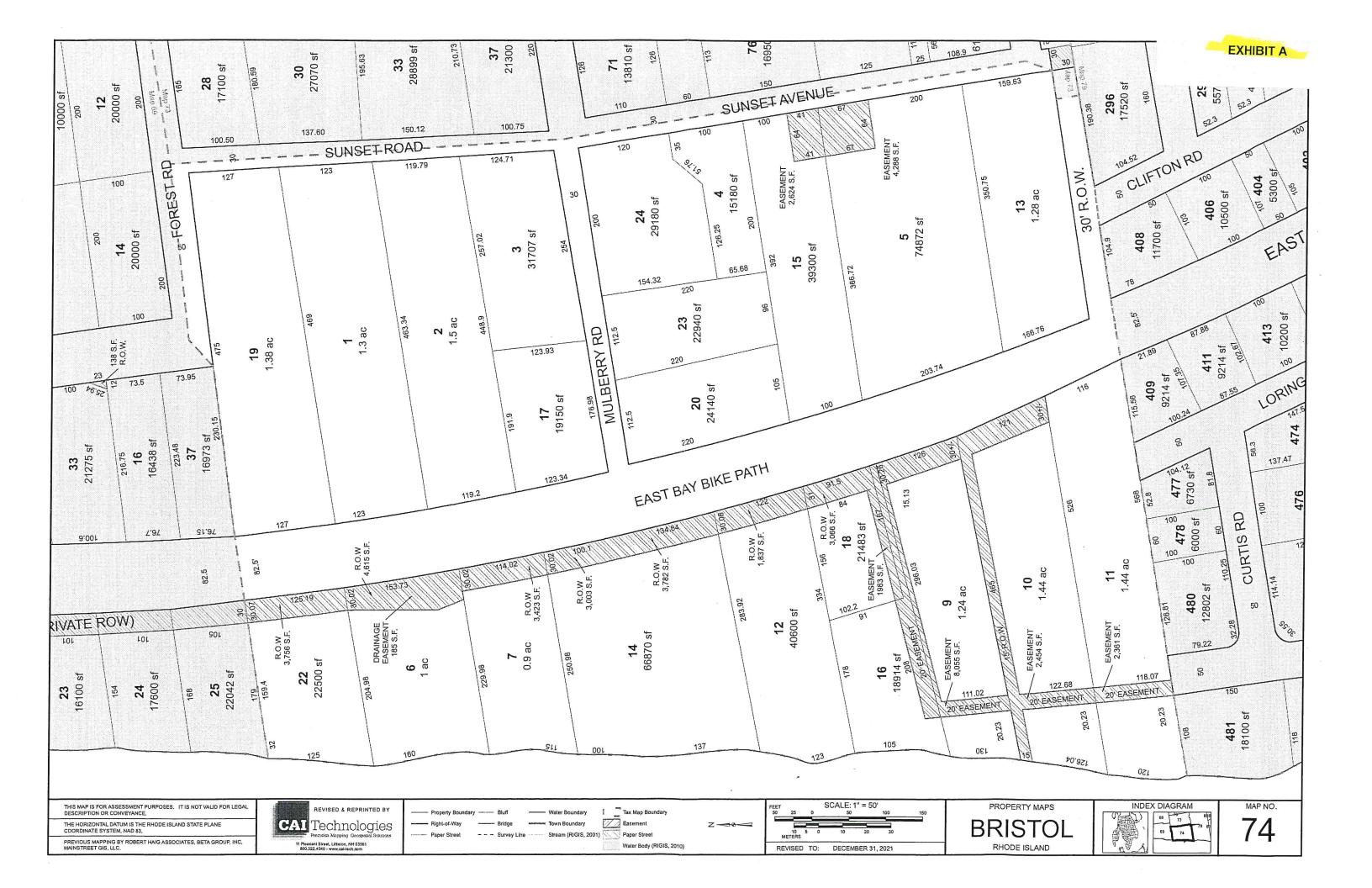
ONEIL, MICHAEL T LOUISE M. ETUX JT 1 SUNSET RD BRISTOL, RI 02809

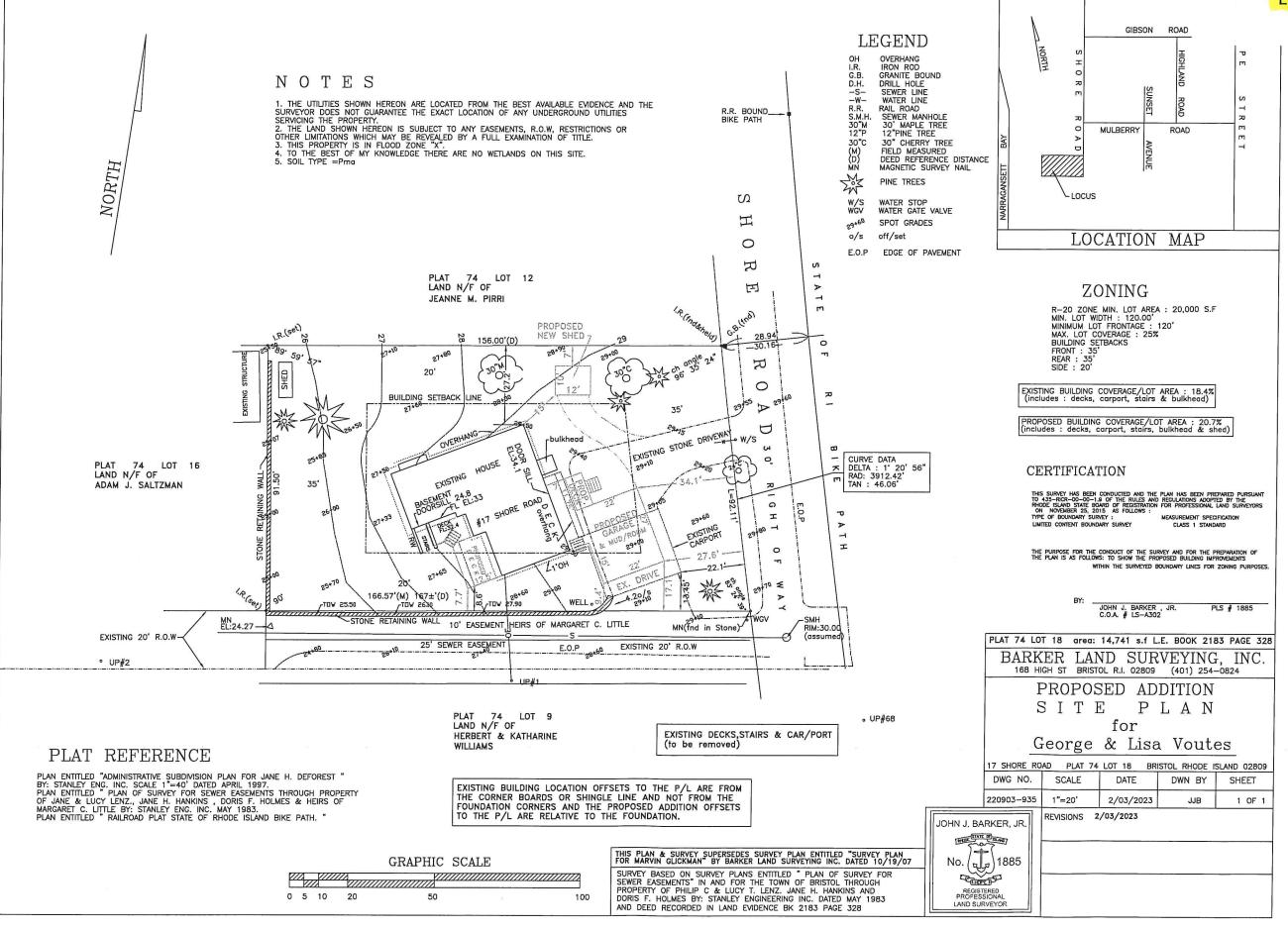
PIRRI, JEANNE M TRUSTEE JEANNE M PIRRI LIV TRUST 2 MULBERRY RD BRISTOL, RI 02809

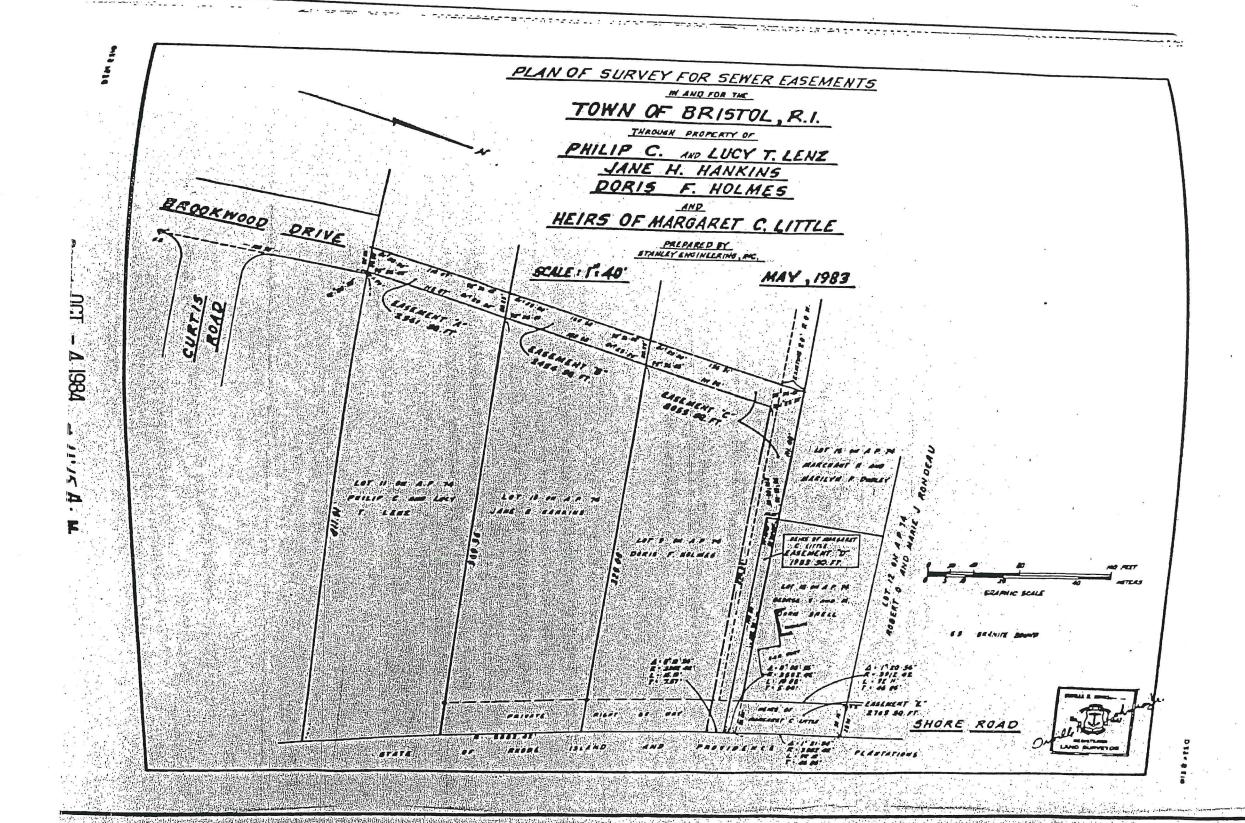
ROMANO, EMILY E & & ALEX A TE PO BOX 1205 BRISTOL, RI 02809

SALTZMAN, ADAM J 11 SHORE RD BRISTOL, RI 02809

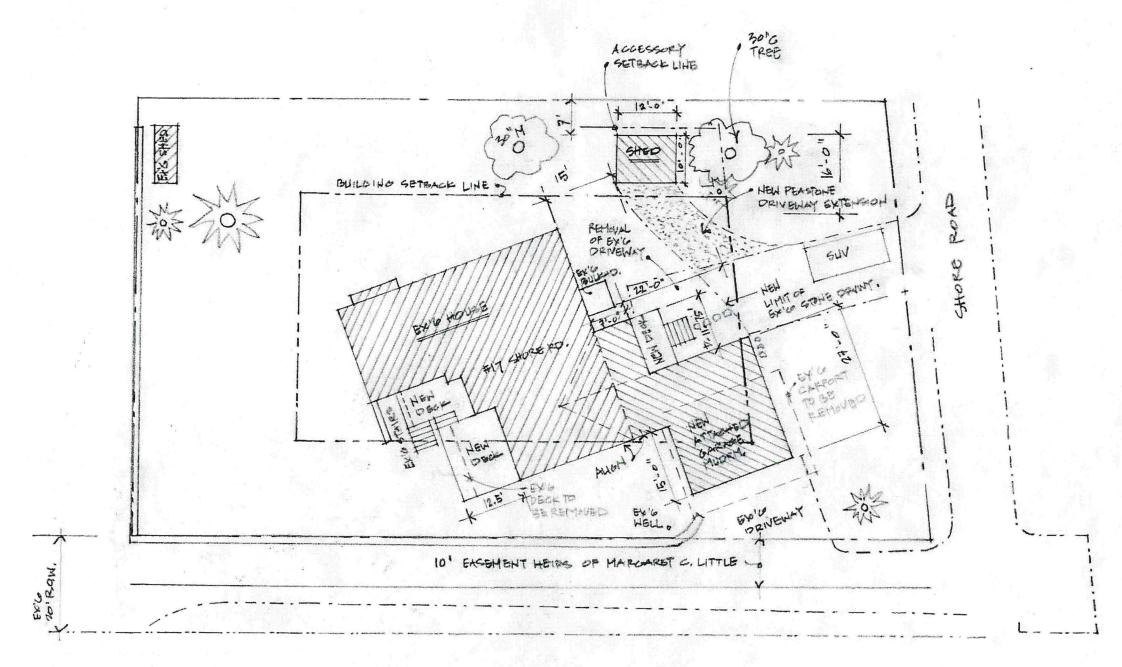
SANTONI, MICHAEL & PAPPAS, ALEXIS I. TE 9 SUNSET ROAD BRISTOL, RI 02809



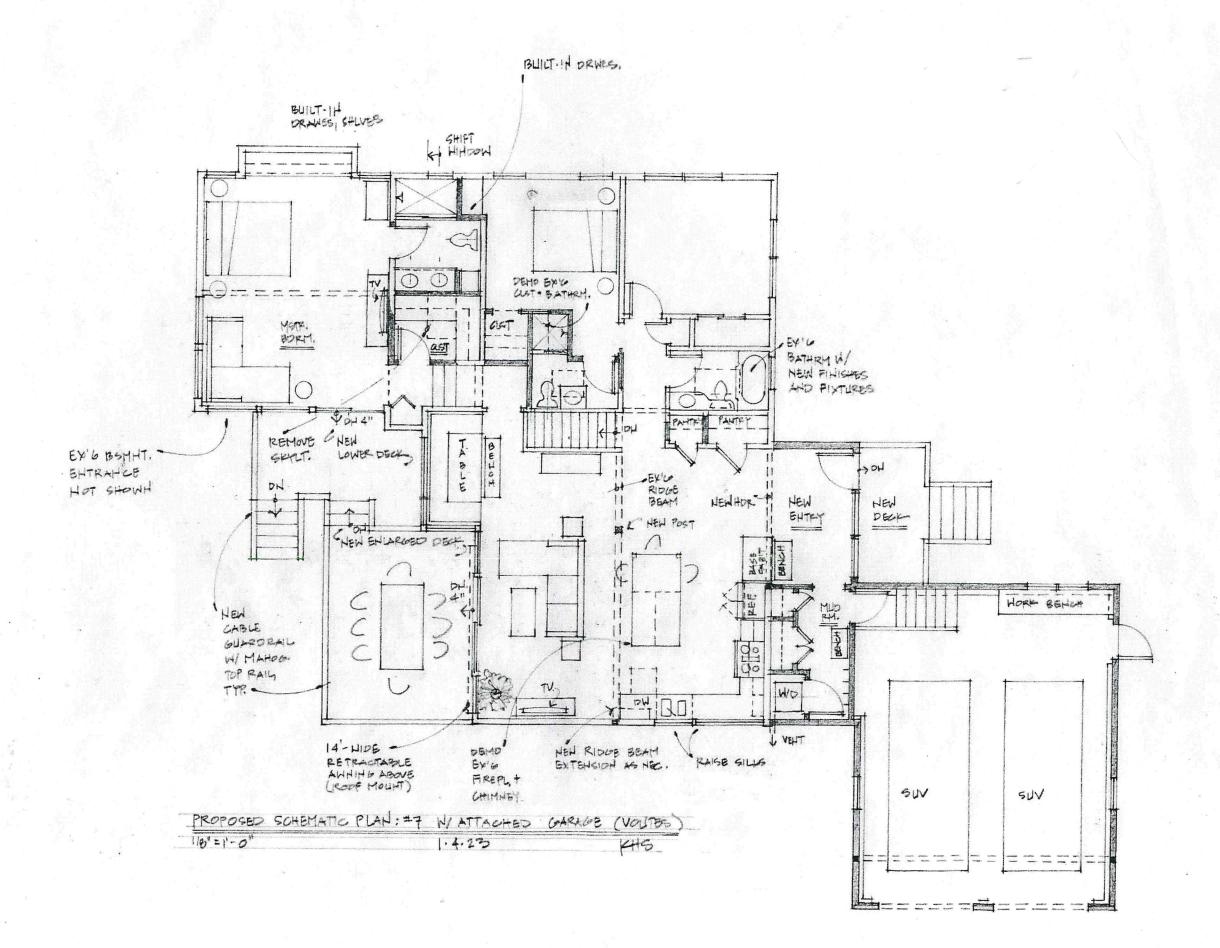


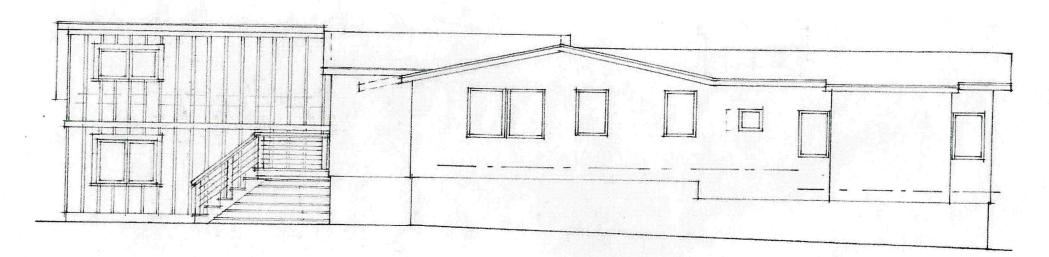


557



PROP. SCHEMATIC SITE PLAM: ATTACHED GARAGE "02" (VOUTES)



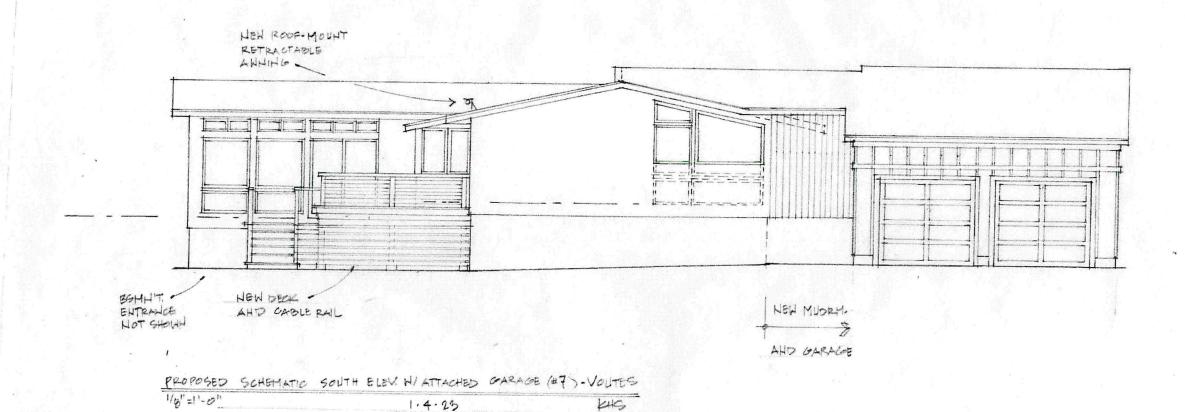


PROPOSED SCHEMATIC HORTH BLEV. WI ATTXCHED GARAGE (#7) - VOLITES

1/8"=1"-0"

1.4.29

K45 1.4.23

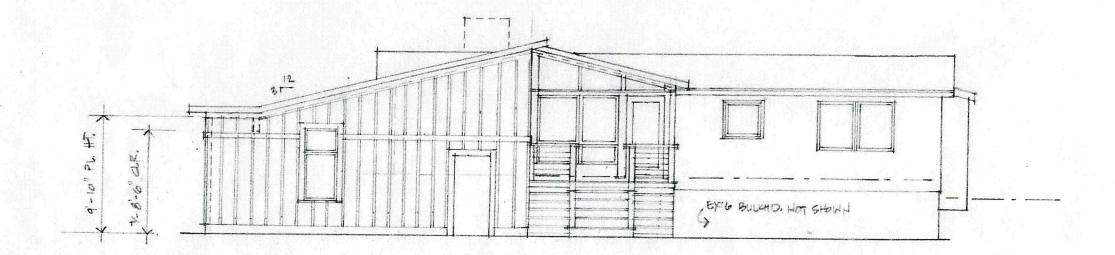


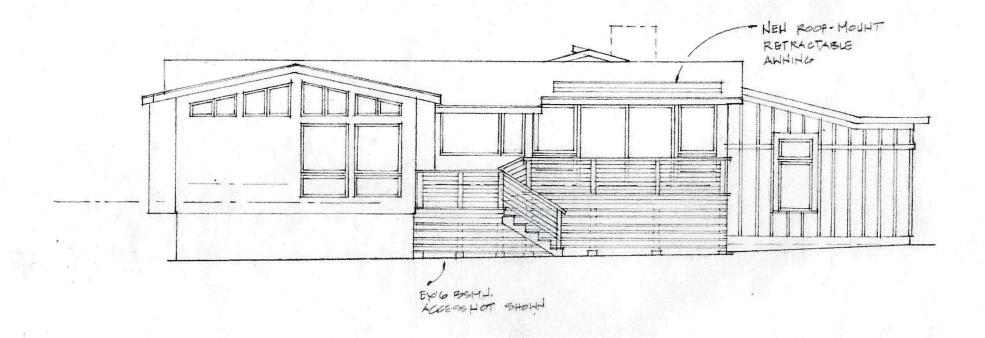
PROPOSED SCHEMATIC EAST BLEV. W/ ATTACHED GARAGE (+7) - VOLTES

1/6"=1"-0"

1.4.23

KHS





PROPOSED SCHEMATIC WEST BLEV. W/ ATTACHED GARAGE (#7) - VOLTES

1/6" =1"-0" | 1.4.23 | FHS

	# # # # # # # # # # # # # # # # # # #
	320
SUNSET AVENUE IN THE TOTAL PROPERTY OF THE PRO	
	+ c
	# 3.4 45 # 13.4 45 # 13.4 45
	(DE) <sup>1</sup>
EAST BAY DINE PATH  EAST BAY DINE PATH  EAST BAY DINE PATH	* # £
	E E