

Town of Bristol, Rhode Island Zoning Board of Review

STAFF REPORT FOR:

FILE NO. 2023-24

APPLICANT:

LuAnn Pezzullo

LOCATION:

471 Metacom Avenue

PLAT: 51

LOT: 8

ZONE: R-15

APPLICANT IS REQUESTING A SPECIAL USE PERMIT:

Keep non-household domesticated animals (10 chickens and 4 goats) on a residentially zoned property.

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. As of this writing, the Planning Board has not yet had an opportunity to review this application, but a TRC meeting is scheduled for July 6th.

FINDINGS AND RECOMMENDATIONS BY STAFF:

The applicant is requesting a special use permit to keep non-household domesticated animals at this property located on the westerly side of Metacom Avenue. The applicant proposes to keep up to 10 chickens and 4 goats on the property. This property contains approximately 34,500 square feet of land area, and the lot backs up to residential properties on Jane Lane to the west. The applicant proposes to keep the animals within a shed and fenced enclosure in the backyard of the property.

The animals in question are currently residing at the property. On May 18, 2023 the applicant was issued a Notice of Zoning Violation (copy attached) in which she was directed to remove the animals from the property or to apply for a special use permit to keep them.

The Zoning Ordinance permits the "keeping of nonhousehold domesticated animals" and "keeping of chicken hens" in the R-15 zone only with a special use permit. In addition to the standards for relief for a special use permit found in Section 28-409(c)(2) of the Zoning Ordinance, the proposed uses are also subject to the four specific standards found in Section 28-150(e). The specific standards for the keeping of non-household domesticated animals include requirements that the animals and their shelters be located at least 40 feet from all lot lines; that not more than three non-household domesticated animals (defined as livestock animals including goats) be kept on any one property; and that not more than six chicken hens be kept on any one property. The standards do allow the zoning board to permit the keeping of additional animals on the property "if neighborhood conditions are appropriate".

cun 6/22/2023

Edward M. Tanner, Zoning Officer

TOWN OF BRISTOL

Document Number <u>BOOK 221</u>1 PAGE 00004871

DEPARTMENT OF COMMUNITY DEVELOPMENT

10 Court Street • Bristol, Rhode Island 02809

NOTICE OF ZONING VIOLATION

DATED:

May 18, 2023

VIA ELECTRONIC, CERTIFIED & REGULAR US MAIL

Lu Ann Pezzullo 471 Metacom Avenue Bristol, RI 02809

Re:

Violation of Zoning Ordinance of the Town of Bristol at

471 Metacom Avenue, Assessor's Plat 51, Lot 8

Bristol, Rhode Island

Zoning District: Residential R-15

Dear Ms. Pezzullo,

Please be advised that your property located at 471 Metacom Avenue, Tax Assessor's plat 51, lot 8 in Bristol, Rhode Island is in violation of the following sections of the Bristol Zoning Ordinance:

Article III Permitted Uses, Section 28-82 Use Regulations, Table A Permitted Use Table. This
section of the ordinance lists various uses that are permitted in each zoning district. The table
identifies "keeping of nonhousehold domesticated animals" and "keeping of chicken hens" as uses
that are permitted in the Residential R-15 zoning district only upon approval of the zoning board
via a special use permit.

It has come to my attention that you are keeping numerous goats and numerous chicken hens on your property; and a special use permit has not been applied for or issued permitting the keeping of these animals. Upon receiving complaints from neighbors to your property in early April 2023, the Code Compliance Coordinator and Animal Control Officer inspected your property and found goats, roosters and chicken hens being housed in pens and cages in the rear yard. It is my understanding that the roosters were removed from the property, but that the numerous goats (six to eight) and chicken hens (approximately ten) remain. In follow up conversations between Town officials and your family member, Ariana Pezzullo, she was informed that the animals could not remain on the property and that they needed to be removed. Alternatively, you may apply for a special use permit from the zoning board and request to keep some of the animals. Please note that Section 28-150(e) of the zoning ordinance regulates the location and limits the number of non-household domesticated animals and chicken hens that may be kept on a residential property. These standards would be reviewed by the zoning board should you proceed to apply for a special use permit.

The violations noted above must be corrected by removing the offending animals from your property or by applying for and receiving a special use permit from the Zoning Board of Review to maintain the animals on the property. Accordingly, you are hereby directed to bring your property into compliance by removing the animals from your property or by applying for a special use permit from the zoning board on or before June 6, 2023 (hereafter the 'compliance date').

You may appeal this Notice of Violation to the Zoning Board by filing the appropriate application on or before June 6, 2023, 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

Town Administrator
Town Solicitor

Recorded May 18,2023 at 09:19AM Helissa 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

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

File #2023-24

PUBLIC HEARING

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

> Monday, July 10, 2023 at 7:00 P.M. **Bristol Town Hall** 10 Court Street

APPLICANT:

LuAnn Pezzullo

PROPERTY OWNER: LuAnn Pezzullo

LOCATION:

471 Metacom Avenue

PLAT: **51**

LOT: 8

ZONE: Residential R-15

APPLICANT IS REQUESTING A SPECIAL USE PERMIT: to keep non-household domesticated animals (10 chickens and 4 goats) on a residentially zoned property.

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 https://www.bristolri.gov/government/boards/zoning-board-of-review/. 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 etanner@bristolri.gov. Written comments should be received no later than 12:00 p.m. on Thursday, July 6, 2023.

OUT OF BRIGO

Town of Bristol, Rhode Island

Department of Community Development COMMUNITY DEV. Zoning Board of Review

2023 JUN -6 PM 3: 17

APPLICATION

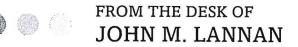
File No: 2023-24

Accepted by ZEO:

APPLICANT	Name: LUANN PEZZULIO
	Address: 471 Motacom Airc
	City: Bristol State: R1 Zip: 02809
4	Phone #: 401 253 7095 Email: PETO 849@40.hog. Com
PROPERTY	Name: LIANN PRZZU10
OWNER	Address: 471 Metacom AVE
	City: Bristol State: R1 zip: 02509
	Phone #: 401 253 7095 Email: PCZ0849@ yahoo: Com
1. Location of s	subject property: 471 Metacom Ave Bristol R1 02809
Assesso	r's Plat(s)#: Lot(s) #:
2. Zoning distr	ict in which property is located: 215
3. Zoning Appr	roval(s) required (check all that apply):
	Dimensional Variance(s)Special Use PermitUse Variance
4. Which partic	cular provisions of the Zoning Ordinance is applicable to this application?:
	Use Permit Section(s): $\frac{38-150(e)}{28-82}$ Use Regulation
	riance Section(s):
5. In a separate and how the	written statement, please describe the grounds for the requested variance or special use permit proposal will meet the standards found in Section 28-409 of the Zoning Ordinance.
6. How long hav	ve you owned the property?: Purchased 7/13/19/66
7. Present use o	of property: Residence
8. Is there a bui	ilding on the property at present?:
9. Dimensions o	of existing building (size in feet, area in square feet, height of exterior in feet):
10. Proposed us	e of property: permit to keep goats & chickens

11. Give extent of proposed alterations:
12. Dimensions of proposed building/addition (size in feet, area in square feet, height of exterior in feet):
13. If dimensional relief is being sought, please state the required and proposed dimensions and setback distances between the proposed building/addition and each lot line:
Front lot line(s): Left side lot line: Required Setback: Right side lot line: Required Setback: Rear lot line: Required Setback: Required Setback: Required Setback: Required Setback: Proposed Setback: Proposed Setback: Proposed Setback: Proposed Setback: Proposed: Other dimensions (building size, lot coverage, lot area, parking, sign dimensions, etc.):
Required: Proposed: 13. Number of families before/after proposed alterations: Before After
14. Have you submitted plans for the above alterations to the Building Official? If yes, has he refused a permit? If refused, on what grounds?
15. Are there any easements on your property?: (If yes, their location must be shown on site plan) 16. Which public utilities service the property?: Water: Sewer:
17. Is the property located in the Bristol Historic District or is it an individually listed property?:
I, the undersigned, attest that all the information provided on this application is true and accurate to the best of my knowledge:
Applicant's Signature: Date:
Print Name:
Name of attorney or agent (engineer, architect, etc.), if any, who is authorized to represent the applicant: Namer 10

Bristol Zoning Board of Review Application (revised 12-22)



LuAnn Pezzullo 471 Metacom Ave. Special Use Permit Application

Honorable Members of the Bristol Zoning Board,

As a result of a Court Order related to a lengthy and contentious divorce which as of this writing is still not yet resolved, LuAnn Pezzulo's Grand Daughter, Ariana Pezzulo and her 2 Children Norah age 4 and Cole age 5 were forced to vacate their Family Farm on short notice. Luann took in Ariana, the children and all their belongings on March 31st. I made a call that day to a Town Official prior to the 31st explaining the extenuating circumstances. Luann and Ariana would like it to be clear to the Members of the Board that there was no intent to deceive and at that moment in time it appeared to be the only option. Subsequent attempts to mitigate what happened have not yielded a better accommodation.

Moving Forward, The request before you is for a Special Use Permit. There are currently 10 Chickens and 4 Small Goats on the Property. These animals are not raised for commercial use and are well cared for By Ariana and the Children and are part of their Family which is why the animals moved with them. The Shelters and Yard areas are clean. The animals are quiet and well behaved.

In reading through the Zoning Regulations, I am now aware of some set back requirements. The Pezzullo Property is very large @ 34,584 Sq. ft. in an R-15 Zone so they could certainly comply with all the setbacks and even go further away from any given property line if needed. Screening is already in place in several directions and there are only a couple of homes on Jane Ln. that might actually have a Line of Sight from a window. Additional screening could also be added.

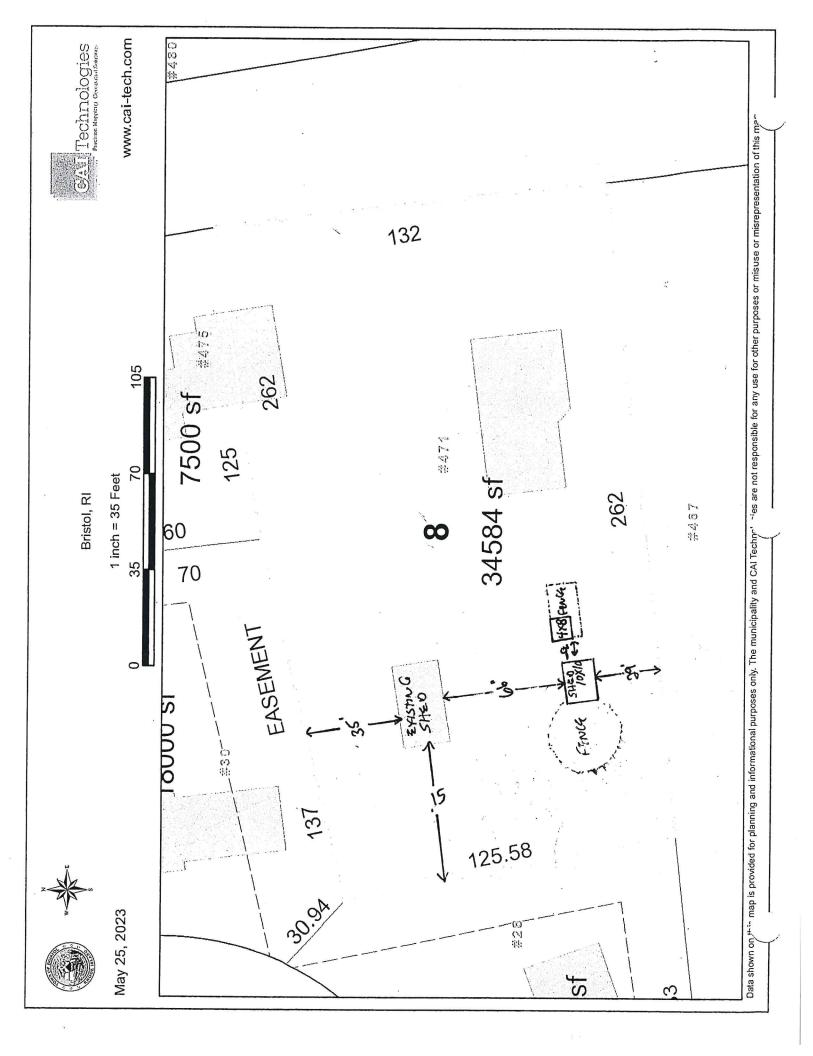
In speaking with Ed Tanner, I was informed that there was a letter of complaint and 2 emails. I did request copies to better understand and address any particular issues.

In closing, The Pezzullo family has lived at 471 Metacom since 1966 and they have by all accounts been Good Neighbors and Citizens of Bristol. While that does not entitle them to any special consideration, They look forward to working with the Town and Neighbors to hopefully find a path forward.

34 BROAD COMMON ROAD, BRISTOL, RI 02809

401 254-2500 office / 401-254-2501 fax / 401-808-0111 cell

office@imlexcavation.com



To whom it may concern:

I, LuAnn Pezzullo of 471 Metacom Avenue, have entrusted John Lannan with speaking/acting on my behalf as it pertains to my application for a special use permit for animals to be located at my 471 Metacom Avenue address.

Sincerely,

LuAnn Pezzullo

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that I, Mary C. Leahy of the Town and County of Bristol, State of Rhode Island, for consideration paid, grant to Edward J. Pezzullo and Lu Ann P. Pezzullo, husband and wife, both of the Town and County of Bristol, State of Rhode Island, and as tenants by the entirety and not tenants in common, and with Warranty Covenants:

That certain parcel of land with all buildings and improvements thereon situated on the westerly side of Metacom Avenue in the Town and County of Bristol, State of Rhode Island, bounded and described as follows:

Beginning at the southeast corner of the parcel herein conveyed at a point along the westerly line of Metacom Avenue, thence NORTHERLY approximately one hundred thirty-two (132) feet bounded easterly by said Metacom Avenue; thence WESTERLY two hundred sixty-two (262) feet more or less, bounded northerly partly by land of Joseph & Brazelina Costa and partly by land of Manuel & Louise Barboza; thence SOUTHERLY approximately one hundred thirty-two (132) feet bounded westerly by land of Joseph & Brazelina Costa; thence EASTERLY approximately two hundred sixty-two (262) to the point and place of beginning bounded on the south by land of John J. & Mary Nappi; less, however, the strip of property, if any, condemned and taken by the State of Rhode Island for the widening of said Metacom Ave.

And I, the grantor aforesaid, covenant that I am not married,

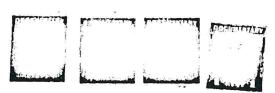
WITNESS my hand and seal this 13thday of July

Mary Charly

STATE OF RHODE ISLAND COUNTY OF BRISTOL

In Bristol on the 13th day of July , 196 6 before me personally appeared Mary C. Leahy to me known and known by me to be the party executing the foregoing instrument, and she acknowledged said instrument by her executed to be her free act and deed,





ath Jul 19 1956 10:400.

Card 1 of 1 **A71 METACOM AVE** % Owned Account: 3374 ▶ Owner Account #: Owner 1 PEZZULLO, LU ANN LE ► Plat/Lot 518 ▶ Owner

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Owner 2 PEZZULLO, STEVEN P TRUSTEE

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Land 203,000

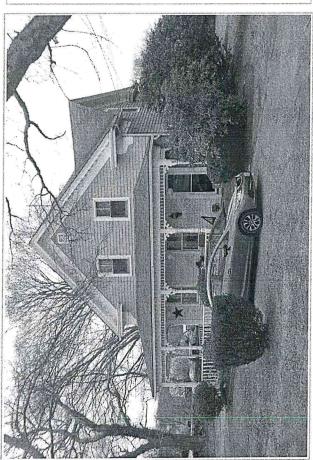
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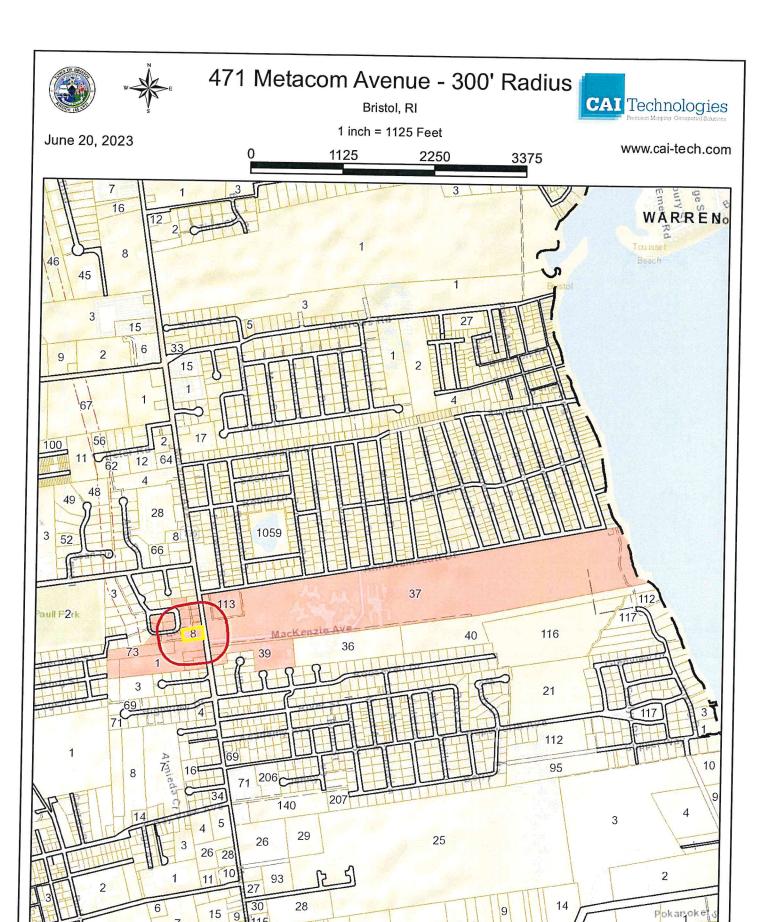


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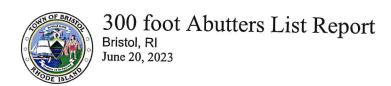
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Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

5 6



Subject Property:

Parcel Number:

51-8

CAMA Number:

51-8

Property Address: 471 METACOM AVE

Mailing Address:

PEZZULLO, LU ANN LE PEZZULLO,

STEVEN P TRUSTEE

471 METACOM AVE BRISTOL, RI 02809

Abutters:

Parcel Number:

156-113

CAMA Number:

156-113

Property Address: 4 ANNAWAMSCUTT DR

HYDRAULION FIRE STATION

4 ANNAWAMSCUTT DR

Parcel Number: CAMA Number:

156-37 156-37

Property Address: 480 METACOM AVE

Parcel Number:

156-38

CAMA Number:

156-38

Property Address: 462 METACOM AVE

Parcel Number: 156-39

CAMA Number:

156-39

Property Address: 470 METACOM AVE

457 METACOM AVE

Parcel Number: CAMA Number:

48-1

Property Address: 467 METACOM AVE

48-1

Parcel Number:

48-2 CAMA Number: 48-2

Property Address: 461 METACOM AVE

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48-43 CAMA Number: 48-43

Property Address:

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CAMA Number:

48-73 Property Address: ELBOW ST

Parcel Number:

CAMA Number:

Property Address: 465 METACOM AVE

Parcel Number: 51-10 **CAMA Number:**

51-10

Property Address: 479 METACOM AVE

48-74

48-74

Mailing Address:

BRISTOL, RI 02809

Mailing Address: STATE OF RHODE ISLAND VETERANS

HOME

480 METACOM AVE

BRISTOL, RI 02809

Mailing Address:

FANNING, CYNTHIA A & MICHAEL G -

TRUSTEES FANNING TRUST TO

237 FERRY LANDING RD PORTSMOUTH, RI 02871

Mailing Address:

STATE PROPERTY OFFICE FED BLDG 645 NEW LONDON AVE ATT: MARY

CROCE

CRANSTON, RI 02920

Mailing Address: FRANCO, DOMENIC A. JR.

P O BOX 446

BRISTOL, RI 02809

Mailing Address:

DANIELS, SANDRA J **461 METACOM AVE**

BRISTOL, RI 02809

Mailing Address:

CANARIO, FRANCISCO T. 457 METACOM AVE. BRISTOL, RI 02809

Mailing Address:

PACHECO, DAVID A. ET AL DOMENIC

FRANCO JR. P O BOX 446 BRISTOL, RI 02809

Mailing Address:

FRANCO, DOMENIC A JR & LINDA J &

LORI JT

467 METACOM AVE BRISTOL, RI 02809

Mailing Address:

LEVESQUE, ROLAND L. CLAIRE M 479 METACOM AVE

BRISTOL, RI 02809

CAI Technologies



Parcel Number: 51-23 Mailing Address: SYLVIA, JOSEPH E.

CAMA Number: 51-23 481 METACOM AVE
Property Address: 481 METACOM AVE
BRISTOL, RI 02809

Parcel Number: 51-24 Mailing Address: OLIVEIRA, JASON

CAMA Number: 51-24 IMAIIING Address: OLIVEIRA, JASON 483 METACOM AVE

Property Address: 483 METACOM AVE BRISTOL, RI 02809

Parcel Number: 51-25 Mailing Address: PRENDERGAST, THOMAS D

CAMA Number: 51-25 30 JANE LANE
Property Address: 30 JANE LN BRISTOL, RI 02809

Parcel Number: 51-26 Mailing Address: RICHARD, MELLISSA

CAMA Number: 51-26 32 JANE LANE
Property Address: 32 JANE LN BRISTOL, RI 02809

Parcel Number: 51-27 Mailing Address: SANTOS, ANTHONY J JR

CAMA Number: 51-27 34 JANE LANE
Property Address: 34 JANE LN BRISTOL, RI 02809

Parcel Number: 51-34 Mailing Address: GOVEDNIK, BRIAN T & JANE C TE

CAMA Number: 51-34 24 JANE LN

Property Address: 24 JANE LN BRISTOL, RI 02809

Parcel Number: 51-35 Mailing Address: CELONE, SAMUEL R. JR.

CAMA Number: 51-35 26 JANE LANE
Property Address: 26 JANE LN BRISTOL, RI 02809

Parcel Number: 51-36 Mailing Address: LEWIS, CHARLES J JR

CAMA Number: 51-36 28 JANE LANE
Property Address: 28 JANE LN BRISTOL, RI 02809

Parcel Number: 51-37 Mailing Address: FUSCO, SHARON W & COREY M TE

CAMA Number: 51-37 25 JANE LN

Property Address: 25 JANE LN BRISTOL, RI 02809

Parcel Number: 51-38 Mailing Address: ANDREWS, ONOFIRO J & CAROLYN P

CAMA Number: 51-38 TRUSTEES
Property Address: 15 JANE LN 15 JANE LANE
BRISTOL, RI 02809

Parcel Number: 51-39 Mailing Address: BRUM, EDWARD L BERTHA M

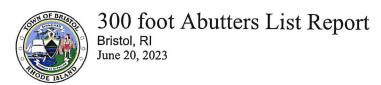
CAMA Number: 51-39
Property Address: 29 JANE LN
BRISTOL, RI 02809

Parcel Number: 51-40 Mailing Address: BARBOZA, BENJAMIN HELEN C.

CAMA Number: 51-40 23 JANE LN

Property Address: 23 JANE LN BRISTOL, RI 02809





Parcel Number: **CAMA Number:** 51-48

51-48

Property Address: METACOM AVE

Mailing Address: CONTENTE, PAUL

475 METACOM AVE

BRISTOL, RI 02809

Parcel Number: CAMA Number: 51-8

51-8

Property Address: 471 METACOM AVE

Mailing Address: PEZZULLO, LU ANN LE PEZZULLO,

STEVEN P TRUSTEE **471 METACOM AVE**

BRISTOL, RI 02809

Parcel Number: CAMA Number: 51-9

51-9

Property Address: 475 METACOM AVE

Mailing Address: CONTENTE, PAUL **475 METACOM AVE**

BRISTOL, RI 02809

ANDREWS, ONOFIRO J & CAROLYN P TRUSTEES 15 JANE LANE BRISTOL, RI 02809

FUSCO, SHARON W & COREY M TE 25 JANE LN BRISTOL, RI 02809

SANTOS, ANTHONY J JR 34 JANE LANE BRISTOL, RI 02809

BARBOZA, BENJAMIN HELEN C. 23 JANE LN BRISTOL, RI 02809

GOVEDNIK, BRIAN T & JANE 24 JANE LN BRISTOL, RI 02809 STATE OF RHODE ISLAND VETERANS HOME 480 METACOM AVE BRISTOL, RI 02809

BRUM, EDWARD L BERTHA M TRUSTEES 29 JANE LN BRISTOL, RI 02809

HYDRAULION FIRE STATION 4 ANNAWAMSCUTT DR BRISTOL, RI 02809 STATE PROPERTY OFFICE FED 645 NEW LONDON AVE ATT: MARY CROCE CRANSTON, RI 02920

CANARIO, FRANCISCO T. 457 METACOM AVE. BRISTOL, RI 02809 LEVESQUE, ROLAND L. CLAIRE M 479 METACOM AVE BRISTOL, RI 02809

SYLVIA, JOSEPH E. 481 METACOM AVE BRISTOL, RI 02809

CELONE, SAMUEL R. JR. 26 JANE LANE BRISTOL, RI 02809

LEWIS, CHARLES J JR 28 JANE LANE BRISTOL, RI 02809

CONTENTE, PAUL 475 METACOM AVE BRISTOL, RI 02809

OLIVEIRA, JASON 483 METACOM AVE BRISTOL, RI 02809

DANIELS, SANDRA J 461 METACOM AVE BRISTOL, RI 02809 PACHECO, DAVID A. ET AL DOMENIC FRANCO JR. P O BOX 446 BRISTOL, RI 02809

FANNING, CYNTHIA A & MICH FANNING TRUST TC 237 FERRY LANDING RD PORTSMOUTH, RI 02871 PEZZULLO, LU ANN LE PEZZULLO, STEVEN P TRUSTE 471 METACOM AVE BRISTOL, RI 02809

FRANCO, DOMENIC A JR & LINDA J & LORI JT 467 METACOM AVE BRISTOL, RI 02809

PRENDERGAST, THOMAS D 30 JANE LANE BRISTOL, RI 02809

FRANCO, DOMENIC A. JR. P O BOX 446 BRISTOL, RI 02809

RICHARD, MELLISSA 32 JANE LANE BRISTOL, RI 02809