



Town of Bristol, Rhode Island
Zoning Board of Review

STAFF REPORT FOR:

FILE NO. **2024-31**

APPLICANT: Franklin Dennis McCool

LOCATION: 188 Poppasquash Road

PLAT: 179

LOT: 141

ZONE: R-40

APPLICANT IS REQUESTING A DIMENSIONAL VARIANCE TO:


Construct a 30ft. x 32ft. accessory garage structure at a size greater than permitted for accessory structures in the Residential R-40 zoning district.

COMPREHENSIVE PLAN REVIEW:

As this application is for a dimensional variance, it does not require review by the Planning Board per Section 28-409(b) of the Zoning Ordinance.

FINDINGS AND RECOMMENDATIONS BY STAFF:

The applicant is requesting a dimensional variance to construct a 30' x 32' accessory garage / barn structure on this residential property located to the west of Poppasquash Road and the private right of way known as "Clam Shell Road". This property consists of approximately 6.7 acres of land which is improved with a single-family dwelling and several existing accessory structures. The applicant proposes to construct the garage towards the front of the property within approximately 35 feet of the southerly side property line and approximately 216 feet from the easterly "front" property line adjacent to Clam Shell Road. The applicant states that the proposed garage would be utilized for a tractor and other power equipment for use on the property. The zoning ordinance permits accessory structures to a maximum size of 26' x 28' in the R-40 zone.

 9/30/2024
Edward M. Tanner, Zoning Officer



Town of Bristol, Rhode Island

Zoning Board of Review

STAFF REPORT FOR:

FILE NO. **2024-32**

APPLICANT: Jon M. Egan

LOCATION: 434 Metacom Avenue

PLAT: 155

LOT: 54

ZONE: R-10SW

APPLICANT IS REQUESTING DIMENSIONAL VARIANCES TO:

Demolish an existing 12ft. x 22ft. detached accessory garage structure and construct a new 24ft. x 30ft. accessory dwelling unit (ADU) structure in its place at a size greater than permitted for accessory structures in the Residential R-10 zoning district; and with less than the required lot area for an ADU within a new accessory structure.

COMPREHENSIVE PLAN REVIEW:

As this application is for a dimensional variance, it does not require review by the Planning Board per Section 28-409(b) of the Zoning Ordinance.

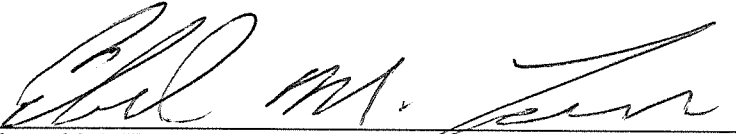
FINDINGS AND RECOMMENDATIONS BY STAFF:

The applicant is requesting dimensional variance to raze an existing 12' x 22' accessory garage structure and construct a new 24' x 30' accessory dwelling unit (ADU) structure in its place on this residential property located off the easterly side of Metacom Avenue and the northerly side of River Street. This "L" shaped property contains an existing single-family dwelling and driveway adjacent to Metacom Avenue along with a detached garage structure with driveway located off River Street. The applicant proposes to remove the existing garage and to construct a new ADU to be used by an aging family member. The applicant has presented plans for both a 24' x 30' ADU structure and a 22' x 24' ADU structure which would comply with the maximum size requirements for an accessory structure in the R-10 zone. The applicant would prefer to construct the larger structure as it would provide additional room for accessibility.

As zoning board members are aware, the Rhode Island General Assembly has adopted new legislation regulating ADU's. This legislation was signed into law on June 24, 2024. The new legislation has changed many of the rules regarding the construction of ADU's and overrides much of the language regulating ADU's found in Section 28-151 of Bristol's zoning ordinance. Generally speaking, ADU's are no longer restricted to owner-occupied property or to occupancy by family members or as deed restricted affordable housing units. One ADU is now permitted by right within a new, existing, or expanded principal structure or accessory structure on single-family or multi-family properties that contain at least 20,000 square feet off lot area. On lots that contain less than 20,000 square feet of lot area, one ADU is permitted by right within an existing principal or accessory structure. However, local dimensional requirements for an accessory structure still apply; and a dimensional variance(s) is required to exceed the maximum size and/or height dimension for the applicable zoning district. As the applicant's property contains approximately 10,002 square feet of land, an ADU would be permitted by

right within the existing dwelling or accessory structure. However, a dimensional variance is required to construct an ADU within the new expanded structure.

In addition, the new law limits the size of a two-bedroom ADU to 1,200 square feet or 60% of the floor area of the principal dwelling, whichever is less (900 square feet or 60% for one bedroom). The tax assessor has calculated the floor area of the existing dwelling at 1,264 square feet. Therefore, a two bedroom ADU on this property is limited in size to 758 square feet. The applicant's proposed 24' x 30' ADU would contain approximately 720 square feet; and the smaller 22' x 24' one bedroom ADU would contain approximately 528 square feet.

 9/30/2024

Edward M. Tanner, Zoning Officer