



Name:

Address:

APPLICANT

Town of Bristol, Rhode Island

Department of Community Development Zoning Board of Review

APPLICATION

Jeanine and Daniel McConaghy

135 Kickemuit Ave

Bristol

File No: 2024-07	
Accepted by ZEO:	24

	City: Bristo	1		State:	RI	Zip: 02809
	Phone #: (401) 2	34-3050		Email:	dpmccon	naghy@gmail.com
PROPERTY OWNER	Name: Address:	Same a	s above			
	City:	Same		State:		Zip:
	Phone #:			Email:		
1. Location of	subject property: _	135 Kickemu	it Avenue			
Assesso	r's Plat(s)#:	133		Lot(s)#:	37
2. Zoning distr	ict in which proper	ty is located:	R-15			
3. Zoning Appr	roval(s) required (c	heck all that a	pply):			(ort)
X	Dimensional Varia	nce(s)	x_S _I	ecial Use P	ermit	
Dimensi Special	cular provisions of lonal Variance Sect Use Permit Section lance Section(s):	ion(s): (s):	dinance is appl 28.111; Front y 28.111; Building	ard setback g height in a	Flood Zo	-150 (eee) 4.i; Footprint
5. In a separate and how the	written statement, proposal will meet	please describ the standards	e the grounds : found in Sectio	for the requ n 28-409 of	iested vai the Zoni	riance or special use permit ng Ordinance.
6. How long ha	ve you owned the p	roperty?:P	urchased 9/29/23			
7. Present use o	f property: Singl	e family dwellir	ıg			
8. Is there a bui	lding on the proper	ty at present?	Yes			
9. Dimensions o There are also	f existing building (o 2 small sheds, 194 s	(size in feet, ar f and 92 sf	ea in square fe	et, height o	f exterior	in feet):
10. Proposed us	e of property:Si	ngle family dwe	elling			

11 Cive extent of manage	d alta d' Demolité	· · · · · · · · · · · · · · · · · · ·				
11. Give extent of propose	d alterations: and cons	struction of a	house and sheds lo new flood elevated	cated within the single family hor	flood zo	ne
12. Dimensions of propose Building size: 28' x 41' v	ntn a 7.75'x15.33' stair bay	on public rig	ht-of-way side, tota	ight of exterior al 1,267 sf.	in feet):	
Building Height: 42.33'	above mean existing grade	but 32.33' ab	ove: freeboard			
13. If dimensional relief is between the proposed b	being sought, please state ouilding/addition and eac	e the require th lot line:	ed and proposed d	imensions and	setback	distances
Front lot line(s):	Required Setback: _	35'	Prop	osed Setback:	19'	
Left side lot line: Right side lot line:	Required Setback:		Prop	osed Setback:		
Right side lot line:			Prop	osed Setback:		
Building height:	Required Setback:	35'	Prop	osed Setback: osed: 42'-4" (32	-4" obov	o frankou
	ding size, lot coverage, lo	t area, narki	rrop ng sign dimensio	osed: 42 -4 (32	-4 ADOV	e ii cebuai
Required:		— —	Proposed: _			
13. Number of families bef	ore/after proposed altera	tions:	1_Befor	re	1	_After
 Have you submitted pla If yes, has he refused a p 	permit?	If refused.	on what grounds?)		
			on what grounds			
15 A 11		NT-				
15. Are there any easement	s on your property?:	110	(If yes, their loca	ation must be sl	nown on	site plan)
16. Which public utilities se	ervice the property?:	Water:	x	Sewe	r:x	5
17. Is the property located i	n the Bristol Historic Dis	strict or is it	an individually lis	sted property?:	No	
18. Is the property located i	n a flood zone?	Yes	If yes, which	one?: <u>AE 13</u>		
f, the undersigned, attest that knowledge:	t all the information pro	vided on this	s application is tru	ie and accurate	to the b	est of my
	U.W.	1			1	
Applicant's Signature: Daniel P.	mc Conady	asky		Date:	1/29	
Print Name: Jeanne	P. Mc Congetin					
December Occupants Given	O P WOO			1/1	121	
Property Owner's Signature:	1 Consely	mogny		Date: 1 11	129	
Print Name: Teannel	M. Congley			ì		
ame of attorney or agent (e	ngineer, architect, etc.), i	f any, who is	authorized to rep	resent the appl	icant:	
Bruce H. Cox			Telephone #:	401-437-1	100	
ddress: 1481 Wampanoa	g Trail Fast Providen	ne Bl 0201	_			
ddress:	- Tan Last 1 To vide III					

Variance and Special Use Request for

135 Kickemuit Avenue, Bristol, RI

The subject property is an 18,625 sf lot located at the corner of Wilcox Street and Kickemuit Avenue. There is currently a 1930 one bedroom cottage with two small sheds on the lot. The property is accessed from both Kickemuit Avenue and Wilcox Street. Kickemuit Avenue at this location is a dead end right of way for access to the Kickemuit River.

The existing house is in disrepair, is too close to the coastal feature and is well below the base flood elevation. The owners intend to demolish it and build a new full time family residence. The new house strives to comply with CRMC, FEMA, and the Town of Bristol Zoning Ordinance while providing the owners with a modest size residence for them and their three children. Care has been taken with the design to give it architectural interest that will be an asset to the neighborhood with various articulations and a steep roof-line while keeping a reasonable footprint. The house's height above the flood protection measures is being kept to a visual minimum with a steep roof and entry stair articulation at the street side.

Relief is being requested of the Zoning Board in the following areas:

- 1) A **Special Use Permit** is requested due to the proposed structure being over 25' in a flood zone. The proposed house will be 42'-4" above the existing mean grade of 6.85' and 41'-0" above proposed final grade. There will be 3'-9" of Freeboard above the 13.0' Base Flood Elevation making the "Building Height" 32'-4". The design has minimized the height by limiting the interior ceiling heights and creating large overhangs that extend down to just above the second floor windows giving the appearance of a much lower roof. The design complies with all standards in Section 28-150 (eee) and, we believe, the spirit of the standard in Section 28-150 (eee)4.i for which we request a dimensional variance.
 - a. Standard 1: The construction will conform to all building code requirements in a flood zone. The lower level will be properly flood vented and engineered per requirements for residences in the AE Zone with limited wave action. Moreover, the design provides an additional 3'-9" of Freeboard per recommendations from CRMC and FEMA.
 - b. Standard 2: No roof pitches are less than 4/12 except under deck. The small attic dormers have a 4/12 roof pitch, the main roof has a pitch of 10/12 around the entire house with large overhangs. The only roof pitch less than 4/12 is the small deck over the entry stair bay.
 - c. Standard 3: Wilcox side front yard is well back of the average street-side setbacks. Kickemuit side front yard is subject to Variance Request below
 - d. Standard 4: Building size is as follows.
 - Lot Size 18,625sf .3 GFA = 5,588 sf
 - 60% allowed on 1st Floor = 3,353 sf

- 40% allowed on 2st Floor = 2,235sf
- Actual proposed footprint:
 - 1st Floor = 1,267sf (23% of GFA)
 - 2nd Floor 1,267sf (23% of GFA)
 - Attic Under Roof 700 sf
 - Water-side Deck 308 sf (5.5% of GFA where 15% is allowed)
- e. Standard 5. Articulation along the public right of way consists of an entry stair bay that is 7'- 9" deep by 15'-4" wide in the middle of the 41' length of the house covering the entire vertical surface.
- 2) A Dimensional Variance is requested from the newly adopted Special Use rule Section 28-150(eee)4.i which states that a second floor footprint should not exceed two thirds of the first floor footprint. As noted above, our design has used low overhangs and articulations to create interest and the feel of a lower roof. The first floor footprint is 1,267 sf (23% of GFA where 3,353 is allowed based on the lot size), the second floor is 1,267 and the attic under roof is 700sf. Our proposed design meets all of the Special Use criteria and, we believe is in concert with the spirit of those criteria. The request for relief from this specific criteria, complies with the standards in Sec. 28-409.
 - 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. Because the existing grade of 6.85 is so far below BFE, the house needs to be raised significantly to comply with FEMA flood zone requirements and the recommended added freeboard per CRMC. Having the first floor footprint be larger than requested would result in a significantly longer house given the shape and constraints of the lot that would not be in concert with the neighborhood or desired by the owners.
 - b. That such hardship is not the result of any prior action of the applicant. The existing property presents this hardship and the existing dwelling needs to be replaced as it is in disrepair and well below BFE.
 - 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 style and size of the house is consistent with surrounding area and the intent of the chapter appears to be to prevent elevated houses with little articulation and flat roofs. In contrast, this design has deep eaves and a street side articulation that maintains the spirit of the provision.
 - d. 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, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. 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. Owners have three children and are attempting to maintain a small footprint house with adequate bedrooms. Having a main 2nd floor sleeping floor with three bedrooms is a normal residential expectation and one that is a minimum need for the owners. In addition, because the owner's wish to age in place, area for an elevator is needed. As such the 2nd floor has been designed to provide basic useable spaces in as small as space as practical at a reasonable 1267sf. To comply with section Section 28-150(eee)4.i, owners would need to enlarge the first floor significantly to a minimum of 1900sf. This would result in a needlessly large residence with significantly longer frontage along the Kickemuit Avenue — potentially a minimum of an additional 22' x 28'. Owners would like to avoid having such a large first floor footprint and house that is so much larger than surrounding houses, and is much larger than they need or want. Also, while long narrow houses are sometimes desirable, because the house needs to be so elevated for flood purposes, the resulting footprint of the unused ground floor would be massive.

- 3) A **Dimensional Variance** is requested to have a 19' Front Yard on the Kickemuit Avenue side where 35' is required. The 19' is to the stair bay ("side articulation") which breaks up the massing of the house. The setback to the main structure is 26'-9". The proposed house location at the dead end off of Kickemuit Ave is generally beyond where the street becomes a granite marked "Public Right of Way" after the Harrison St intersection. The request complies with the standards in Sec. 28-409.
 - 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. As a corner lot subject to both building restriction setbacks and CRMC buffer and construction setbacks, the buildable area is uniquely constrained. With a 75' wide lot and a 20' side yard and 35' front yard the buildable house width is 20' making it impossible to fit a modest house without relief.
 - b. That such hardship is not the result of any prior action of the applicant. The existing shape and location of property presents this hardship.
 - 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 style and size of the house is consistent with surrounding area. Moreover, because Kickemuit Avenue at this point after Harrison Street is a dead end water access right of way, the reduction in front yard has even less impact. Additionally, while the existing cottage to be demolished has a current side yard of +/-7' where 20' is required, the proposal for the new dwelling is an improvement in holding the 20' side yard separation to the home at 3 Wilcox.
 - d. 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, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. 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. Owners would be unable to fit the modest footprint house on the property given the dimensional constraints. Moreover, the Kickemuit Avenue Main Entry Articulation would be constrained undermining the intent to have a design that fits into the character of the neighborhood and the effort to comply with the articulation requirements of the Special Use regulations. This would effectively prohibit the owners from building their forever residence.



Bristol, RI



Home

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Disclaimer: This information is for tax assessing purposes and is not warranted

Parcel	Identification

133 37 6990

Account 6990 State Code 11 - Seas & Beach

Card 1/1

User Account

Map/Lot

Assessment

Land \$512,700
Building \$117,000
Card Total \$629,700
Parcel Total \$629,700

Prior Assessments

Fiscal Year	Land Value	Building Value	Outbuilding Value	Total Value
2023	\$512,700	\$116,300	\$700	\$629,700
2021	\$457,100	\$74,400	\$700	\$532,200
2020	\$457,100	\$74,400	\$700	\$532,200
2019	\$457,100	\$74,400	\$700	\$532,200

Location and Owner

Location

135 KICKEMUIT AVE

Owner

MCCONAGHY, JEANINE P. & DANIEL P. TE

Owner2

Owner3

Address 135 KICKEMUIT AVE

Address2 Address3

BRISTOL RI 02809

Building Information

 Design
 Cottage

 Year Built
 1930

 Heat
 BB Hot Water

 Fireplaces
 0

 Rooms
 4

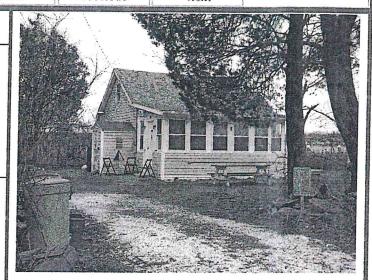
 Bedrooms
 1

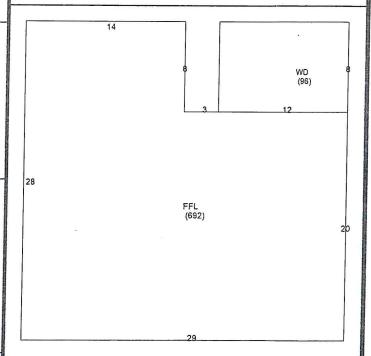
 Bathrooms
 1 Full Bath

 Above Grade Living Area
 692 SF

Sale Information

Sale Date	Sale Price	Legal Reference	Instrument
09/29/2023	\$827,000	2224-179	Warranty
11/17/2016	\$0	1871-333	Quit Claim
12/12/2013	\$262,500	1737-290	Executor
04/30/2008	\$0	1434-42	Quit Claim





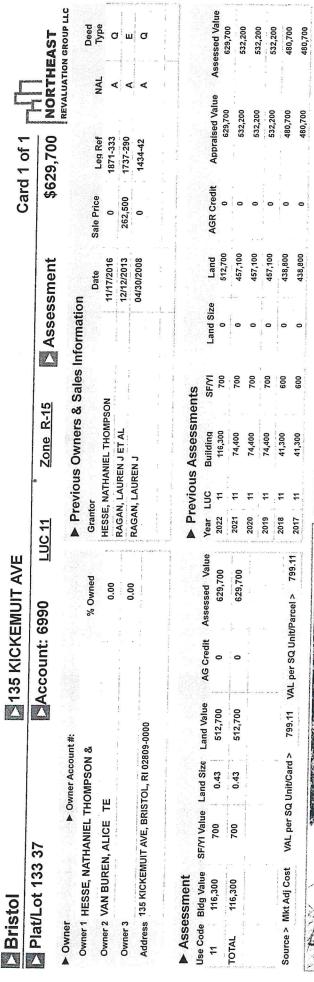
Building Sub Areas

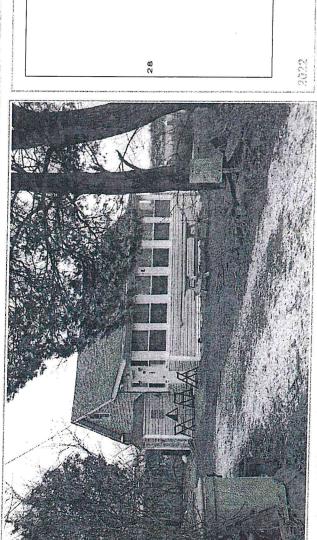
Sub AreaNet Area1st FLOOR692 SFWOOD DECK96 SF

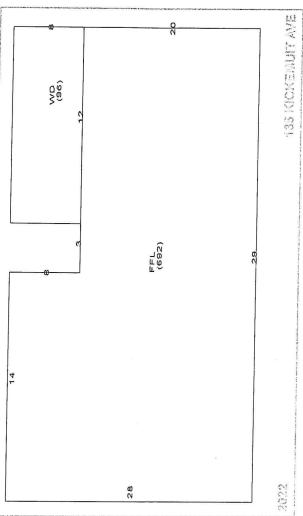
Land Information

 Land Area
 0.428 AC

 Zoning
 R-15







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Land Information	
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Adjusted	1,453,173	147,801	
Unit Price	645,000	645,000	
LT Fact	1.00	0.20	
Land Type	<u>a</u> .	EX	
Unit Type	AC	AC	
Onits	0.34435	0.08322	
nondunear	1 11 Seas & Ber 0.34435 AC P 1.00 645,000	Seas & Bea	
200	Ε.	7	
	-	8	67

Print Date = 1/16/2024 Printed By = Counter

Use Value

Fact

Spec Land Juris

Appr Value 500,400 12,300

Inf 3 %

Inf 3

Inf 2 %

Inf 2

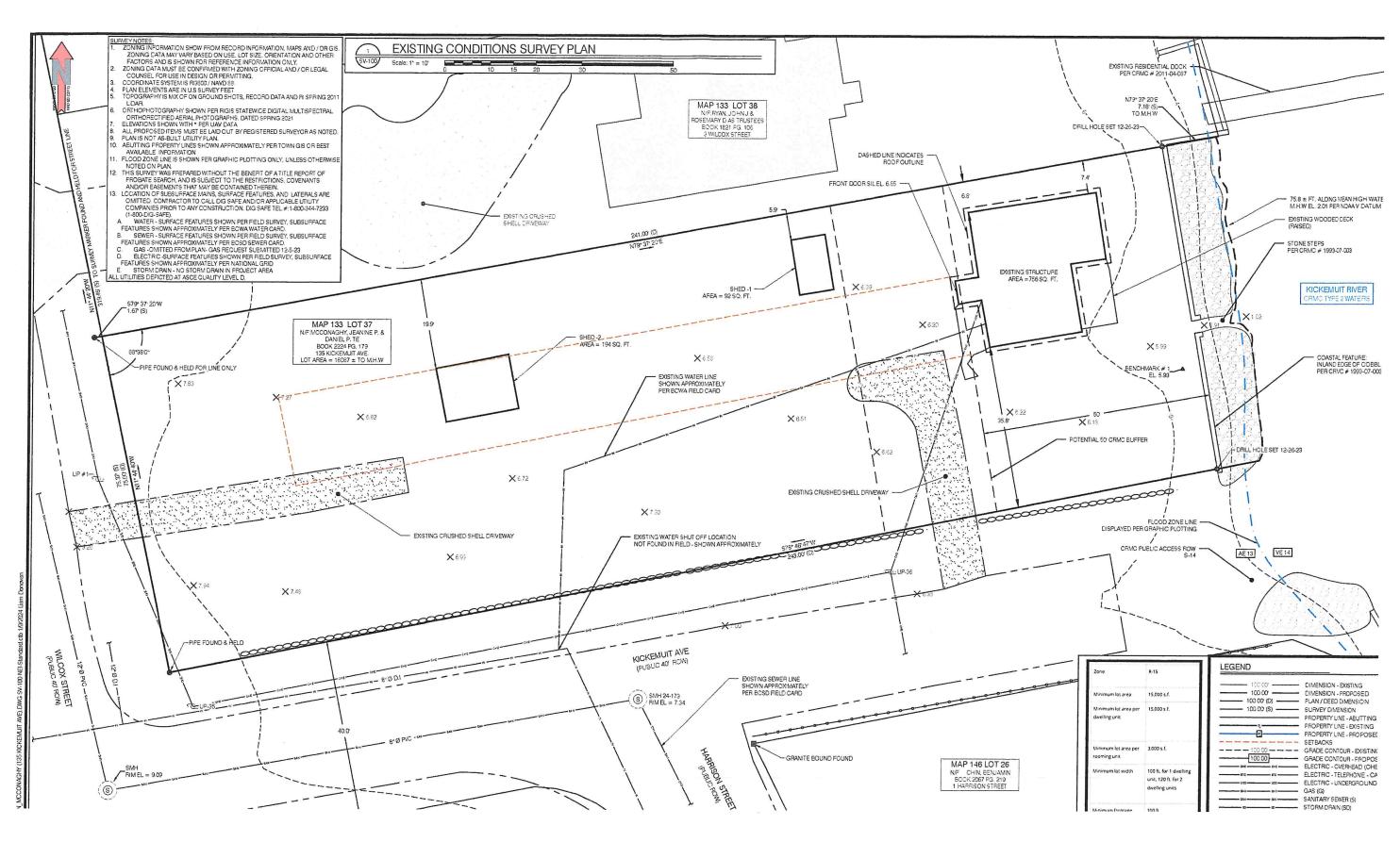
Inf 1 % 200

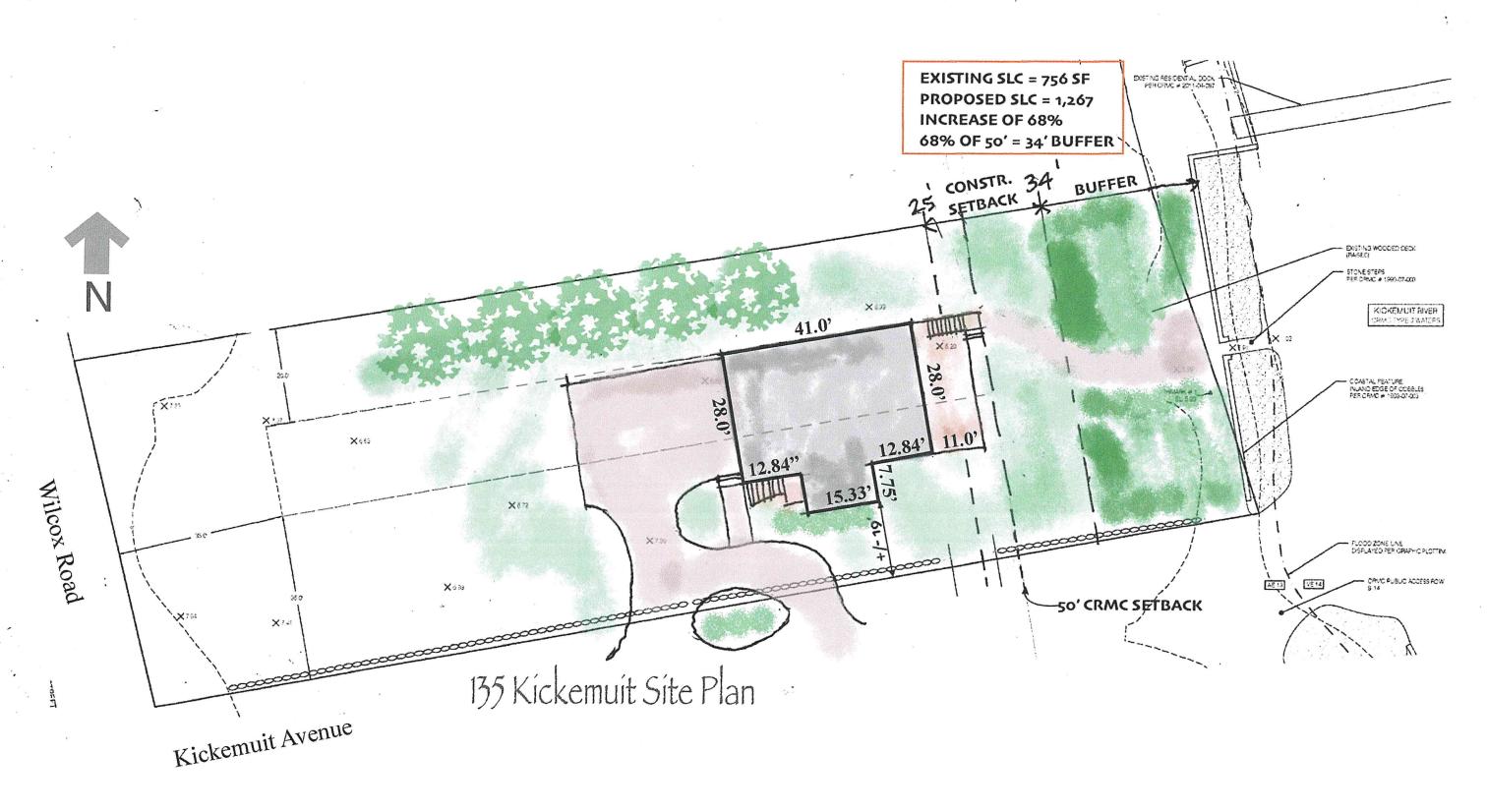
Inf 1 WF

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Special Features & Yard Items

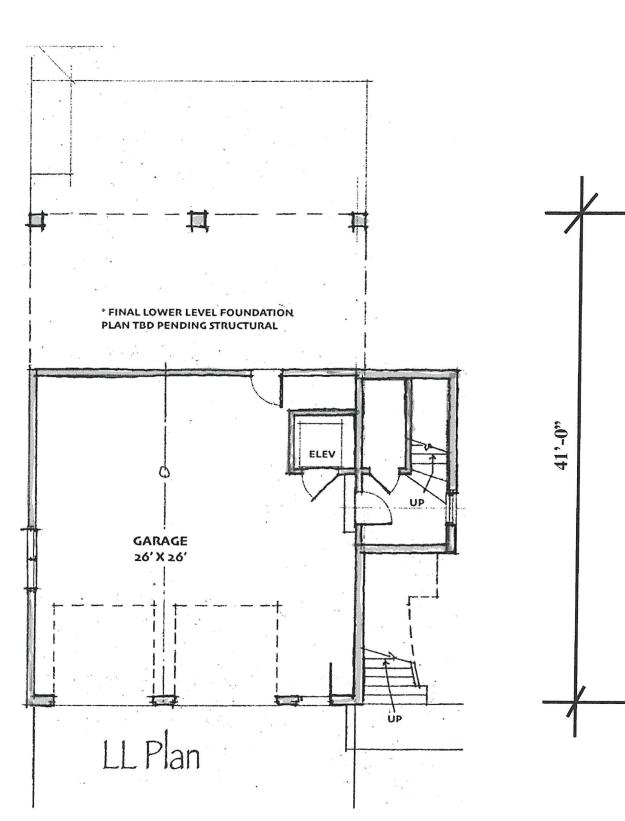


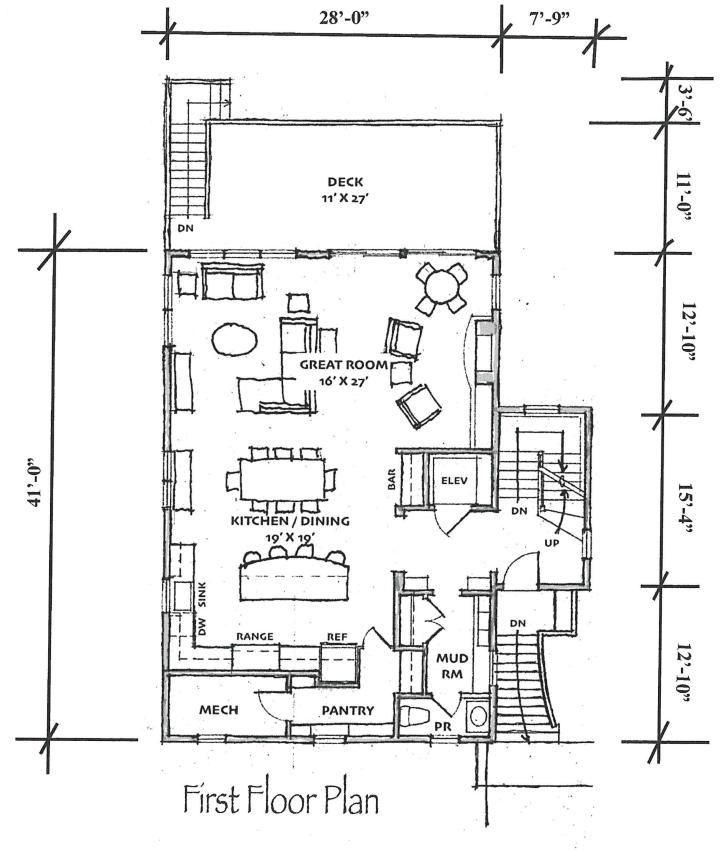


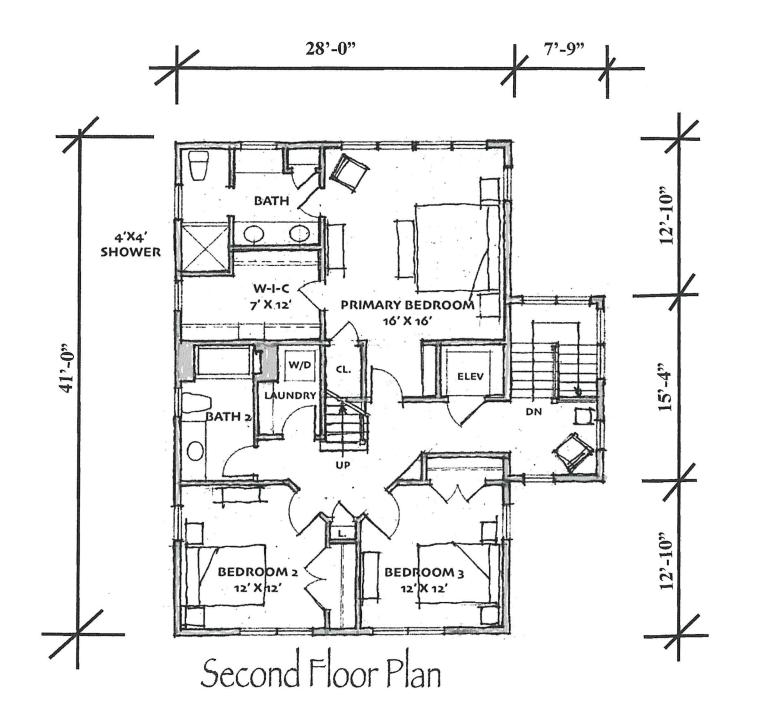
PROPOSED

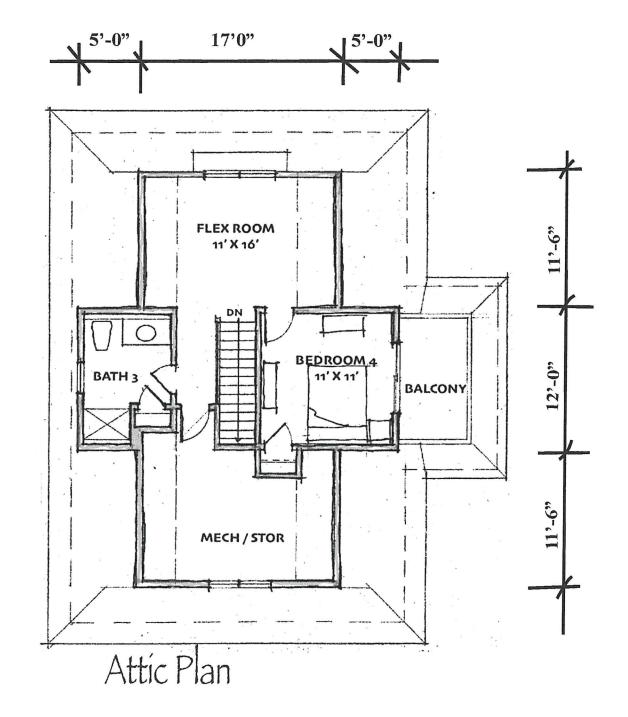
5K2

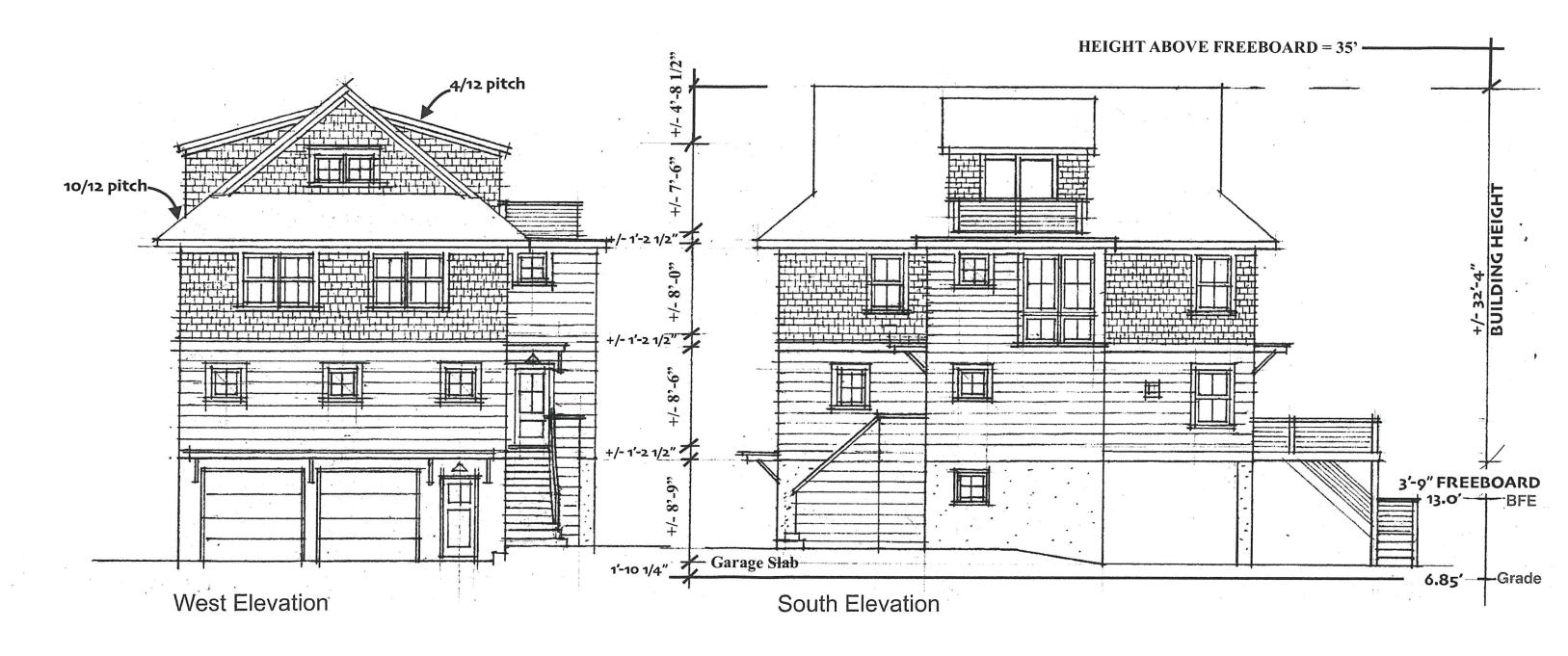
Site Plan 1" = 20



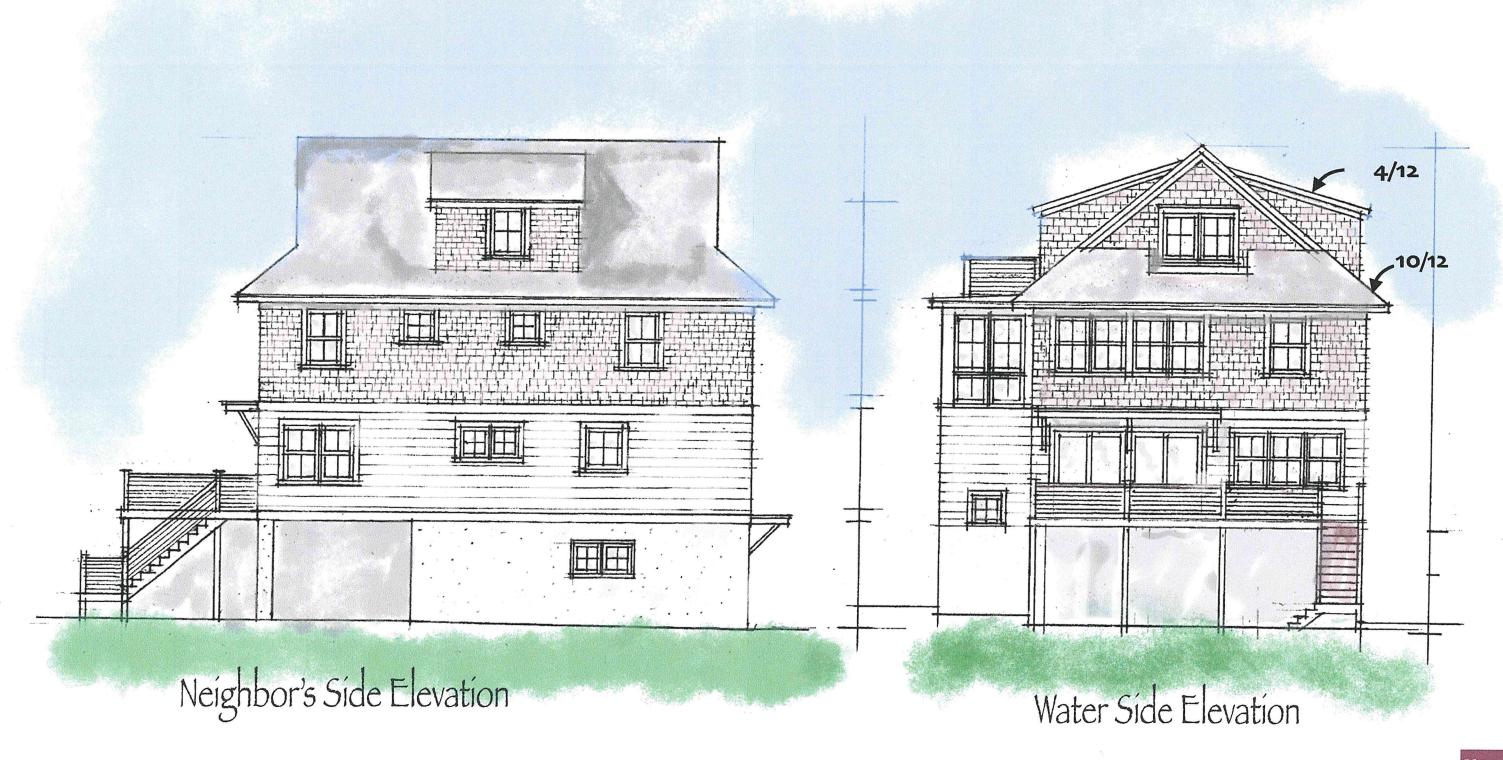












OF THE PROPERTY OF THE PROPERT



135 Kickemuit Avenue - 300' Radius

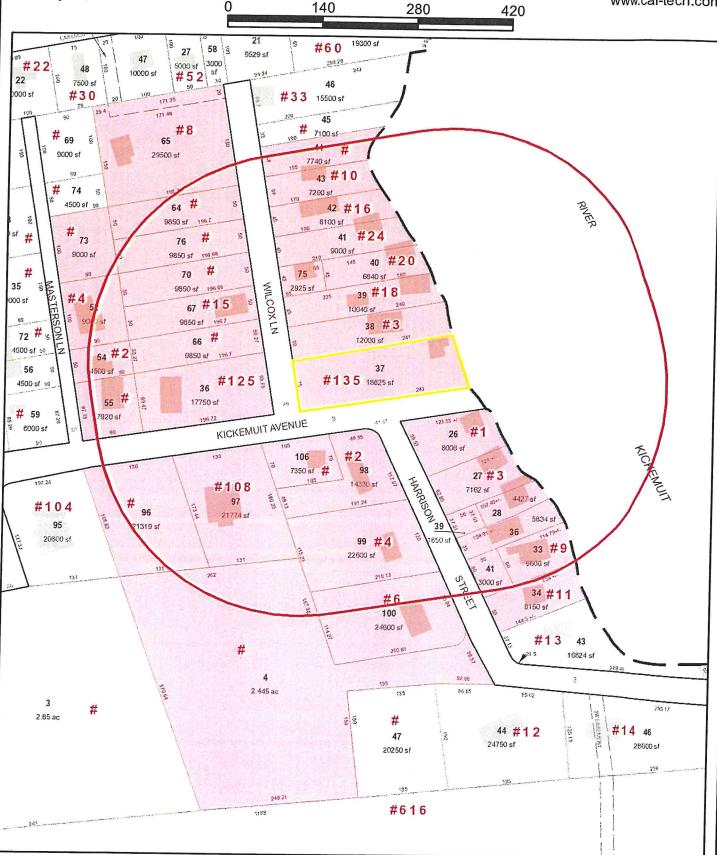
Bristol, RI



January 12, 2024

1 inch = 140 Feet

www.cai-tech.com



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.



Subject Property:

Parcel Number: CAMA Number:

133-37 133-37

Property Address: 135 KICKEMUIT AVE

Mailing Address:

MCCONAGHY, JEANINE P. & DANIEL P.

135 KICKEMUIT AVE BRISTOL, RI 02809

Abutters:

Parcel Number: CAMA Number: 133-100

133-100

Property Address: 6 HARRISON ST

Parcel Number:

133-106

CAMA Number:

133-106

Property Address: KICKEMUIT AVE

Parcel Number:

133-36

CAMA Number:

133-36

Property Address: 125 KICKEMUIT AVE

Parcel Number: CAMA Number: 133-37 133-37

Property Address:

135 KICKEMUIT AVE

Parcel Number:

133-38 133-38

CAMA Number:

Property Address:

3 WILCOX ST

Parcel Number:

133-39

CAMA Number:

Property Address: 18 WILCOX ST

133-39

Parcel Number:

133-4

CAMA Number:

133-4

Property Address: KICKEMUIT AVE

Parcel Number:

133-40

CAMA Number:

133-40

Property Address: 20 WILCOX ST

Parcel Number:

133-41

CAMA Number: Property Address: 24 WILCOX ST

133-41

Parcel Number:

1/12/2024

133-42

CAMA Number:

133-42

Property Address: 16 WILCOX ST

Mailing Address: BYRD, VAUGHN R

6 HARRISON ST

BRISTOL, RI 02809

Mailing Address: TOWN OF BRISTOL

10 COURT ST

BRISTOL, RI 02809

Mailing Address: WEBSTER, DENISE

125 KICKEMUIT AVE

BRISTOL, RI 02809

Mailing Address:

MCCONAGHY, JEANINE P. & DANIEL P.

135 KICKEMUIT AVE BRISTOL, RI 02809

RYAN, JOHN J & ROSEMARY D AS

TRUSTEES IRREVOC TRUST JULY 1,

2015

3 WILCOX ST

BRISTOL, RI 02809

Mailing Address:

SAOBENTO, KRIS MARIE STEVEN A

35 MONMOUTH DR

RIVERSIDE, RI 02915

Mailing Address:

Mailing Address:

FRANCIS BROTHERS REALTY, INC.

115 TUPELO ST.

BRISTOL, RI 02809

Mailing Address:

MELLO ANTHONY S & MARIA C CO-

TRUSTEES 10 MEADOW CT. SEEKONK, MA 02771

Mailing Address:

QUINN, ROSWELL 24 WILCOX ST

BRISTOL, RI 02809

Mailing Address: CALISE, PETER CAROL

16 WILCOX LN BRISTOL, RI 02809





300 foot Abutters List Report

Bristol, RI January 12, 2024

Parcel Number: CAMA Number:

133-43 133-43

Property Address: 10 WILCOX ST

Parcel Number:

133-44

CAMA Number: Property Address: WILCOX ST

133-44

Parcel Number:

133-52 133-52

CAMA Number:

Property Address: 4 MASTERSON LN

Parcel Number: CAMA Number: 133-54

133-54

Property Address: 2 MASTERSON LN

Parcel Number: CAMA Number: 133-55

133-55

Property Address: KICKEMUIT AVE

Parcel Number: CAMA Number:

133-64 133-64

Property Address: WILCOX ST

Parcel Number:

133-65

CAMA Number:

133-65

Property Address: 8 WILCOX ST

Parcel Number: CAMA Number: 133-66 133-66

Property Address:

WILCOX ST

Parcel Number:

133-67

CAMA Number: Property Address: 133-67

15 WILCOX ST

Parcel Number:

133-70

CAMA Number: Property Address: WILCOX ST

133-70

Parcel Number:

133-73 133-73

CAMA Number: Property Address: MASTERSON LN

Parcel Number: CAMA Number:

133-75 133-75

Property Address: 22 WILCOX ST

Mailing Address: EATON, JAMES STEVEN TRUSTEE

10 WILCOX ST BRISTOL, RI 02809

Mailing Address: PEIXOTO, MANUEL V., TRUSTEE

MANUEL V PEIXOTO TRUST - 2009

9 WOBURN ST BRISTOL, RI 02809

Mailing Address:

MELLO, JEROME R. ET AL MARY E.

OCONNELL

4 MASTERSON LANE BRISTOL, RI 02809

Mailing Address:

BENN, VICTOR G. GAIL B. TE

286 MCCOMBS ROAD MURPHY, NC 28906

Mailing Address:

BENN, VICTOR G. GAIL B. TE

286 MCCOMBS ROAD MURPHY, NC 28906

Mailing Address: VAUGHN, MICHAEL D ET UX JEANNINE

T TE

8 WILCOX LANE BRISTOL, RI 02809

Mailing Address: VAUGHN, MICHAEL D ET UX JEANNINE

T TE

8 WILCOX LANE BRISTOL, RI 02809

Mailing Address:

CAMARA, THOMAS A. & JOANNE C.

TRUSTEES 15 WILCOX ST BRISTOL, RI 02809

Mailing Address:

CAMARA, THOMAS A. & JOANNE C.

TRUSTEES 15 WILCOX ST BRISTOL, RI 02809

Mailing Address:

SAOBENTO, KRIS MARIE STEVEN A

35 MONMOUTH DR RIVERSIDE, RI 02915

Mailing Address: VAUGHN, MICHAEL D ET UX JEANNINE

T TF

8 WILCOX LANE BRISTOL, RI 02809

Mailing Address:

JENSEN, ROBERT S. DENISE R. TE

94 SAND PIPER DR. S KINGSTOWN, RI 02879





300 foot Abutters List Report

Bristol, RI January 12, 2024

Parcel Number: CAMA Number: 133-76 133-76

Property Address:

WILCOX ST

Parcel Number:

133-96 133-96

CAMA Number:

Property Address: KICKEMUIT AVE

Parcel Number: CAMA Number:

133-97 133-97

Property Address: 108 KICKEMUIT AVE

Parcel Number: CAMA Number: 133-98 133-98

Property Address: 2 HARRISON ST

Parcel Number:

133-99 133-99

CAMA Number: Property Address: 4 HARRISON ST

Parcel Number:

146-26

CAMA Number:

146-26

Property Address: 1 HARRISON ST

Parcel Number:

146-27

CAMA Number:

146-27

Property Address: 3 HARRISON ST

Parcel Number: CAMA Number:

146-28 146-28

Property Address:

5 HARRISON ST

Parcel Number:

146-33

CAMA Number:

146-33

Property Address: 9 HARRISON ST

Parcel Number: CAMA Number: 146-34

146-34

Property Address: 11 HARRISON ST

Parcel Number: CAMA Number: 146-36

Property Address: 7 HARRISON ST

146-36

Parcel Number:

146-39 146-39

CAMA Number: Property Address: HARRISON ST

1/12/2024

Mailing Address: VAUGHN, MICHAEL D ET UX JEANNINE

T TE

8 WILCOX LANE

BRISTOL, RI 02809

Mailing Address: 40 DIXON STREET, LLC

104 KICKEMUIT AVE

BRISTOL, RI 02809

Mailing Address:

LATESSA, BRIAN A. MONIQUEL.

108 KICKEMUIT AVE BRISTOL, RI 02809

Mailing Address: ELJ, INC

703 METACOM AVE

BRISTOL, RI 02809

Mailing Address: DIPAOLO, WANDA 4 HARRISON ST

BRISTOL, RI 02809

Mailing Address: CHIN, BENJAMIN

68 BAY STATE AVE., #2 SOMERVILLE, MA 02144

Mailing Address:

DELMAGE, MICHAEL

40 PHEASANT BROOK CRT BEDMINSTER, NJ 07921

Mailing Address: LUMINELLO, DWAYNE R. DARLENE D.

5 HARRISON ST BRISTOL, RI 02809

Mailing Address:

PARDINI, RANDY STEPHAN TRUSTEE

9 HARRISON ST

BRISTOL, RI 02809

Mailing Address: ARAGO, CYNTHIA A TRUSTEE CYNTHIA

A ARAGO REV TRUST 27 WILDFLOWER DR SEEKONK, MA 02771

Mailing Address:

BAILEY, MONICA L. 7 HARRISON ST

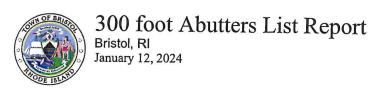
BRISTOL, RI 02809

Mailing Address:

LUMINELLO, DWAYNE R. DARLENE D.

5 HARRISON ST BRISTOL, RI 02809





Parcel Number: **CAMA Number:**

146-41 146-41

Property Address: HARRISON ST

Mailing Address: PARDINI, RANDY STEPHAN TRUSTEE

9 HARRISON AVE

BRISTOL, RI 02809



40 DIXON STREET, LLC 104 KICKEMUIT AVE BRISTOL, RI 02809

EATON, JAMES STEVEN TRUST 10 WILCOX ST BRISTOL, RI 02809

PARDINI, RANDY STEPHAN TR 9 HARRISON ST BRISTOL, RI 02809

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