

Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1224
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ZONING BOARD OF REVIEW

Lance Whaley
98 George Schaeffer St.
Wakefield, RI 02879

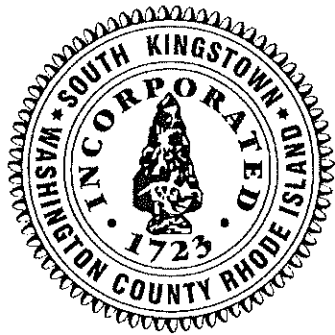
May 13, 2020

Dear Mr. Whaley,

I have attached an amended recorded decision for your records. There was an error in the original recorded decision stating the date the hearing was held, that has been corrected and re-recorded.

Yours truly,

Wayne Pimental, Clerk
Zoning Board of Review
Town of South Kingstown



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ZONING BOARD OF REVIEW

NOTICE OF DECISION

Amended Date of Hearing

May 13, 2020

At a meeting of the Zoning Board of Review held April 22, 2020, your petition was **Granted** for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct an attached two car garage with a 672 square foot accessory apartment above. The side yard setback on the left side is 10'. The addition along the left side will be 5' from the property line. Relief of 5' is required. Accessory apartments in the R10 zone with sewers require a lot size of 15,000 square feet. The lot size is 10,890 square feet. Relief of 4,110 square feet is required. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations Table) and Section 907 (Standards of Relief).** Owner of the property is Lance & Kathleen Whaley for premises located at 98 George Schaeffer Street, Assessor's Map 48-3, Lot 263 and zoned R 10.

The Decision of the Board is as follows:

Mr. Cagnetta made the motion to approve the Petition of Lance Whaley, 98 George Schaffer Street, South Kingstown, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct an attached two car garage with a 672 square foot accessory apartment above. The side yard setback on the left side is 10'. The addition along the left side will be 5' from the property line. Relief of 5' is required. Accessory apartments in the R10 zone with sewers require a lot size of 15,000 square feet. The lot size is 10,890 square feet. Relief of 4,110 square feet is required. Lot size is 10,890 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations Table) and Section 907 (Standards of Relief).** Owner of the property is Lance & Kathleen Whaley for premises located at 98 George Schaeffer Street, Assessor's Map 48-3, Lot 263 and zoned R 10. The owner of the property, Mr. Whaley presented his plans to the Board. The plans were zoning setbacks, which was from Pinch Land Surveying that displayed the existing house, foundation and the proposed addition, which is going to be five feet from the easterly property line. He also submitted floor plans and elevations for the accessory apartment and the garage from Ocean State Drafting, which was dated, on March 19 2020. The garage space is needed for a double car garage, but also as an accessory apartment. It is sort of larger, in a sense that it's taking up more of the lot space, but this is not going to change the surrounding area. So this is for a dimensional variance and with that, I'm sorry, there was one gentleman Mr. Deibler who lives on 71 Jennifer Drive that was concerned about some storm run-off; our Building Official let him know that the town does review run off and that storm containment of storm water is part of the application. So, let's see, the Board finds that the hardship from what the Applicant was seeking relief is due to the unique characteristics of the land and will not be changing the characteristic of the surrounding area. This is not due to a physical or economic disability of the Applicant. And we find that that the hardship of the placement of the building and the addition of the garage only on that one side would put it within the five feet, due to the desire for the Applicant to have an internal stairway required the building to be that size. This is not a result of any prior action to the Applicant and does not result primarily from the Applicant to have a greater financial gain. This is because he was hoping to have his mom be in the accessory apartment and this is not to rent out space per se. This will not alter the general character of the surrounding area or impair the intent or purpose of our Zoning Ordinance or the Comprehensive Plan. And this is because the area of the placement of the buildings is fairly random. So this will not

change the character. This is the least relief release necessary, and that is because as I said they wanted to have the stairway inside the building as opposed to external And we find that the hardship suffered by the owner would be would amount to more than a mere inconvenience, if it wasn't granted. And with that, I'd like to make a motion to approve.

Richard Jurczak, Chairman: Mr. Cagnetta, did you did you mention the variance with regard to the lot sizes.

Robert Cagnetta, Vice-Chair: I'm sorry I didn't justify it, but I will, the lot size. They were asking for relief of 4110 feet and the lot size, is an R 10 zone. So it is a legal lot size, but the requirement is for the lot size to be 15,000 square feet with an accessory apartment. This particular design of the double garage does fit the use of an accessory apartments, so it is unique in the sense that it is, it works out size wise for them to have an accessory apartment.

Richard Jurczak, Chairman: Okay, that makes sense. All right. Did you, Mr. Bernardo second the motion?

John Bernardo, Member: Okay.

Richard Jurczak, Chairman: Okay, second by Mr. Bernardo and the discussion. Right, there's no discussion. So let's vote.

Whereupon a Roll-Call Vote was Taken: Cagnetta-Aye, Bernardo-Aye, Daniels-Aye, Mark-Aye, Jurczak-Aye
Motion Granted, Vote 5-0 in Favor, Petition Passed Unanimously



Wayne Pimental, Clerk
Zoning Board of Review
Town of South Kingstown

*For expiration of Variances and Special Use Permits, please refer to
Section 910 of the Town of South Kingstown Zoning Ordinance*