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INST# 7683
 TOWN OF SOUTH KINGSTOWN, RI



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
 Wakefield, RI 02879
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Date July 30, 2020

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Cagnetta and duly seconded by Mr. Bernardo
 Motion passed unanimously: Vote: 5-0
 (R. Cagnetta-Aye, J. Bernardo-Aye, T. Daniels-Aye, W. Rosen-Aye, R. Jurczak-Aye)

At a meeting held on July 15, 2020 regarding Continuation of the Petition of Charles Walsh, 3 Stone Post Way, Greenville, RI 02828 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a new single family dwelling. A favorable advisory opinion was obtained by the South Kingstown Conservation Commission on March 3, 2020. The dwelling will be located 25' from the front property line. The required front yard setback is 40'. Relief of 15' is requested. Lot size is .57 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Dimensional Regulations). Owner of the property is Louise Marie Walsh Living Trust for premises located on Rosebriar Avenue, Assessor's Map 90-4, Lot 215 and zoned R 30.

The following individuals spoke as representatives of the applicant:

- Attorney John Kenyon, Applicant Charles Walsh, Joshua Rosen P.E., Edward Pimentel

The following individuals spoke at the hearing in opposition to the request:

- Bert Hess, William Riley, Christopher Fountain, Jim Lyness

The following materials were entered into the record:

- Application dated March 18, 2020; Owner Authorization Form from Louise Marie Walsh Living Trust dated March 18, 2020; 200' Radius Map and Abutter's list; OWTS Advisory Opinion from the Conservation Commission dated March 4, 2020; Legal Notice dated March 23, 2020, Certified Mail Receipts and Notarized Affidavit of Mailing; Legal Notice Change of Hearing;
- Continuation Requests from Attorney John Kenyon
 - Dated April 22, 2020
 - Dated May 19, 2020
- Applicant's Exhibits
 - 1. Original OWTS application dated 6/26/2019 and Plan originally dated November 17, 2017
 - 2. Revised OWTS application dated 1/28/2020
 - 3. Site plan, Revised OWTS, prepared by Joshua Rosen P.E. dated January 15, 2020
 - 4. Engineer's Narrative, prepared by Joshua Rosen, P.E. dated December 12, 2019
 - 5. Conservation Commission Advisory Opinion dated March 4, 2020
 - 6. Neighborhood Analysis report, prepared by Edward Pimentel
- Objectors' Correspondence
 - Jeanne B. Riley Trust dated April 9, 2020 with two photos of proposed site from Jeanne B. Riley Trust
 - Bert Hess dated April 15, 2020
 - Concerned Residents of Rosebriar Avenue received April 21, 2020

- Correspondence received April 22, 2020
- Bert Hess received May 19, 2020
- Concerned Residents of Rosebriar Avenue received May 19, 2020
- Jeff & Helena Roberts received May 21, 2020
- Jeanne B. Riley Trust dated June 19, 2020 with two additional photos of proposed site from Jeanne B. Riley Trust
- Concerned Residents of Rosebriar Avenue dated June 23, 2020
- William Riley to Jon Schock, Director of Public Services, dated June 25, 2020
- Christopher & Lianne Fontaine received July 7, 2020
- Concerned Residents of 0 Rosebriar Avenue received July 9, 2020
- from Jeanne B. Riley Trust received July 13, 2020

Findings of Fact:

1. The Board finds 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 is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because this lot and area is very unique, there is only a certain amount of area on this lot that can be built upon safely to the environment as was proposed on the submitted site plans and this is the best placement of the house.
2. The Board finds that that the 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, because the applicant is not asking for anything larger than allowed and is only requesting to place the dwelling in the best location for the environment.
3. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, because the dwelling setback is unique to the property itself but will not change the area.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has located the dwelling per DEM requirements.
5. The Board finds that that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, because it is feasible to build on a property like this but design, preparation and execution must be thoughtful and well considered and the applicants have diligently worked to satisfy all necessary requirements.

Approval is subject to the following conditions:

- The applicant shall meet all conditions previously set forth by The Conservation Commission.
- The decision is a Conditional Zoning Approval and is conditioned upon CRMC approval and will have a two year expiration from recorded date per Section 908 with right the right to extend if necessary.

Respectfully,



Wayne Pimental, Clerk
South Kingstown Zoning Board of Review