

Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1224
Fax (401) 789-9792

October 9, 2020

Kelly and Brian Thibeault
3140 South County Trail
West Kingston, RI 02892

At a meeting of the Zoning Board of Review held September 16, 2020, your petition for a dimensional variance was granted for premises located at 3140 South County Trail, Assessor's Map 21, Lot 7

Please be further advised that there is a ***One-year Expiration***. Any variance or special use permit shall expire one year after the date of the filing of the decision in the office of the Town Clerk, unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction, or obtain a certificate of occupancy when no legal building permit is required. If application is made prior to the expiration of the initial one-year period, the Board may, upon written request and for cause shown, renew the variance or special use permit for a second one-year period. Said request for an extension need not be advertised nor noticed. Per South Kingstown Zoning Ordinance Section 910.

If you have to apply for a building permit, this Decision must be presented to the Building Official's office at the time you make application for your building permit.

Regards,

James Gorman,
Interim Building Official & Zoning Clerk
Town of South Kingstown



RECORDED 10/09/2020 09:27:57 AM
 B/P:1760/Pgs 673 - 674 (2 pgs)
 INST#: 9412
 TOWN OF SOUTH KINGSTOWN, RI



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Date October 9, 2020

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on September 16, 2020 regarding the Petition of Kelly & Brian Thibeault, 3140 South County Trail, West Kingstown, RI, 02892 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is proposing to construct a new 30' X 50' detached garage. The proposed garage will be 23'-5 ¾" high. The maximum height allowed for accessory structures is 20'. Relief of 3'-5 ¾" is requested. Lot size is 11.06 Acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is Kelly & Brian Thibeault for premises located at 3140 South County Trail, Assessor's Map 21, Lot 7 and zoned R 80.

The following individuals spoke as representatives of the applicant:

- Brian Thibeault, applicant

The following materials were entered into the record:

- Application signed and dated August 14, 2020; Signed and Notarized Owner Authorization Form dated August 13, 2020; Floor Seating Plan dated August 13, 2020; Construction Plans (T-1, A1.1, A1.2, A2.1, A2.2, A4-1, S1-0, S1-1, S1-2) prepared by Naeem Akhter, P.E. dated August 14, 2020; Site Plan prepared by Daniel F. Harrington III, P.L.S. dated August 8, 2020
- 200' Radius Map and Abutter's List; Legal Notice, Certified Mail Receipts and Notarized Affidavit of Mailing
- Correspondence
 - Howland Green, Email received August 31, 2020

No one present spoke in support of or opposition to the petition.

Findings of Fact:

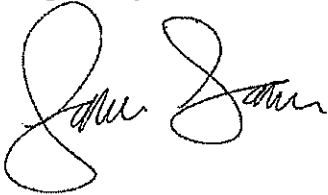
1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because the very nature of the intended use of the garage requires a height variance to allow for the necessary storage of the applicants personal and professional tools and equipment.

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 has an existing garage which he simply wants to replace with a slightly larger garage to accommodate his growing family and for optimal equipment storage which requires the additional height requested.

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 proposed garage is going to be located right in the center of the applicant's 11.06 acres and will fit in with the surrounding area.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is asking for a mere 3'-5 3/4" height variance to allow for the necessary clearance and headroom required for the storage of his equipment. In addition the engineered trusses were specifically designed to allow for the roof pitch to accommodate snow load.
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 without the garage the applicant would not be able to store his equipment on site. In addition, there would be no public purpose to deny this variance due to the size of the property.

Approval is subject to the following conditions: There are no conditions of approval.

Respectfully,

A handwritten signature in black ink, appearing to read "James Gorman". The signature is fluid and cursive, with the first name "James" and last name "Gorman" clearly distinguishable.

James Gorman,
Interim Building Official & Zoning Clerk
Town of South Kingstown