



# 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

A meeting of the Zoning Board of Review of the Town of South Kingstown, County of Washington, in the State of Rhode Island was held virtually VIA Zoom at 7:00 pm on Wednesday October 21, 2020.

### Members Present:

- Robert Cagnetta, Chair
- Thomas Daniels, Vice-Chair
- Richard Jurczak, Member
- William Mark, Member
- William Rosen, Alt. #1
- Casey Charkowick, Alt. #2

Also present were, Amy Goins, Special Legal Counsel, Jamie Gorman, Interim Building Official and Clerk, and Jessica Spence, Administrative Support Associate.

Mr. Cagnetta opened the meeting at 7:00 pm

The standards of relief were explained as well as some technological aspects of Zoom.

Members voting tonight will be Mr. Cagnetta, Mr. Daniels, Mr. Jurczak, Mr. Mark and Mr. Rosen.

---

Mr. Cagnetta read the first petition.

- **Continuation of the Petition of Daniel J. Cunningham**, 3986 B1 Tower Hill Road, South Kingstown, RI, 02879 for an **Appeal of a Zoning Decision of the Zoning Enforcement Officer (ZEO)** under the Zoning Ordinance as follows: Petition of Daniel J. Cunningham, 3986 B1 Tower Hill Road, Wakefield, RI, for an Appeal of a Decision of the Zoning Enforcement Officer (ZEO) in a letter dated August 14, 2020. Premises located at 35 Fire Lane Two, South Kingstown, RI, Assessor's Map 82-1, Lot 1-1 and is zoned R-80. This appeal centers on the ZEO's interpretation of Sections 203 and 905 of the Zoning Ordinance as they relate to the premises. Owner of land is Jerry Brown Farm Association, Inc., and the owner of the dwelling is Daniel J. Cunningham for premises located at 35 Fire Lane Two, South Kingstown, RI, Assessor's Map 82-1, Lot 1-1 and is zoned R-80.

Attorney Goins suggested that Attorney Kenyon have the last word on this appeal. Both attorneys have submitted briefs to the Board for review, but the Board should allow Attorney Kenyon to make a closing statement.

Board questions ensued, directed at Ms. Goins, in regards to the appeal and the definition of intensification.

Attorney John Kenyon was present. Mr. Kenyon provided his closing statement, and summarized his brief.

Board questions ensued in regards to neighboring home expansions within the Jerry Brown Farm Association and what was allowed.

Mr. Jurczak spoke about Section 203 and its applicability today, regardless of past decisions.

Board questions ensued in regards to clarifying Mr. Kenyon's argument.

Mr. Kenyon explained what his client is proposing and that their contention is that Section 203 of the Zoning Ordinance does not apply.

There were no further questions of either attorneys.

Mr. Cagnetta asked if anyone present wished to speak.

Marshall Raucci, Jr., of 31 Fire Lane Two, was present and sworn in. Mr. Raucci stated that his two homes as well as 2 other homes are recent additions that have exceeded the fifty percent. He further stated that Jerry Brown Farm Association's Board had thoroughly vetted Mr. Cunningham's application and that the Section of the Ordinance should not pertain to the 73 acre parcel of Jerry Brown Farm. The Association feels that it is a reasonable request to expand the existing small fish shacks into larger year round homes. Mr. Cunningham's proposal met all of Jerry Brown Farm Association's requirements and was unanimously approved by their Board. In addition, the Association's long term goal is for this community to become a year round community with reasonably sized homes which will help all of the Association's property values.

Discussion ensued in regards to a legislative solution to have the Ordinance changed by the Town Council, allowing the Zoning Board to have the authority to grant relief under certain cases.

There were no further questions.

Board discussion ensued in regards to the argument before the Board.

**The motion is as follows:**

**The Motion was made by Mr. Daniels to overturn the decision of the Zoning Enforcement Officer in a letter dated August 14, 2020 and duly seconded by Mr. Mark.**

**Whereas a vote was taken: Daniels-Aye, Mark-Aye, Rosen-Aye, Jurczak-Nay, Cagnetta-Nay**

**Motion passed: (3-2 in favor)**

**Attorney Goins will draft the formal notice of decision to be approved and voted on by the Board on November 18, 2020**

---

Mr. Cagnetta read the second petition.

- **Continuation of the Petition of Daniel J. Cunningham**, 3986B Tower Hill Road, South Kingstown, RI for a for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing single family dwelling and construct a new 1,600 square foot dwelling with a detached 24' x 24' garage. This property is located within the Jerry Brown Farm Association property. The parcel of land that this property is located on is non-conforming due to the number of residential structures on the same parcel. A Special Use Permit is required for any addition, enlargement, expansion or intensification of non-conforming land. Lot size is 70 Acres. Although there are no property lines between dwellings, the distance from the proposed dwelling to the closest adjacent dwelling is 83'. **A Special use permit is required per Zoning Ordinance Section 203 (Special Use Permit for addition, enlargement, expansion or intensification) and 907 (Standards of Relief)**. Owner of land is Jerry Brown Farm Association, Inc., and the owner of the dwelling is Daniel J. Cunningham for premises located at 35 Fire Lane Two, South Kingstown, RI, Assessor's Map 82-1, Lot 1-1 and is zoned R-80.

Attorney John Kenyon was present and called his first witness.

Jeffrey Campopiano, PE was sworn in and reviewed his curriculum vitae.

Mr. Campopiano spoke about the specifics of the site. The site has received RI DEM approval to install a new state of the art OWTS and has met all coastal requirements, in addition the location would fit all R80 zoning setback requirements. There are no wetlands present. The existing home would need to be demolished and the proposed dwelling would go where the previous house was with a slight expansion of dwelling and the addition of several decks. The site has adequate ingress/egress, sufficient parking and will have no traffic impact on neighboring properties. The site has existing utilities present.

Mr. Campopiano explained the benefits of the approved OWTS. The proposed living area on the new dwelling will be approximately 2400 square feet and the existing living area on the current structure is 800 square feet. In addition the existing house does not have any basement and is structurally unsound.

Board questions ensued in regards to campsite size and number of houses on the entire parcel.

Mr. Cunningham explained that his site is approximately 1.3 acres.

Daniel Cunningham was sworn in.

Mr. Cunningham explained that he received a bill of sale for the house and a stock share of Jerry Brown Farm Association. The house was built in the 1950's and has not been lived in for the past 8 or so years. The current house is unlivable and any attempt to upgrade the existing house would be futile. The existing septic will be replaced with a new OWTS. The proposed house plans were approved by Jerry Brown Farm Association. In designing the house he took into consideration the surrounding homes and his proposal would not have any adverse impact on the surrounding homes or area in general.

Board questions ensued.

There was no further testimony.

Mr. Kenyon suggested that if an approval on the application is granted, the Board may want to make it conditioned upon the applicant providing evidence that it does not exceed the 50% for all of the structures on the property.

Ms. Goins concurred.

A letter from Jerry Brown Farm Association, LLC received October 19, 2020 was read into the record.

There was no one present who wished to speak.

There was no further Board discussion.

**The motion is as follows:**

**Motion to approve, made by Mr. Jurczak and duly seconded by Mr. Mark  
Motion passed unanimously 5-0  
(R. Jurczak-Aye, W. Mark-Aye, T. Daniels-Aye, W. Rosen-Aye, R. Cagnetta-Aye)**

---

Mr. Cagnetta read the third petition.

- **Continuation of the Petition of John Hanson**, 47 Walbridge Road, West Hartford, CT, 06119 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to construct a new single family dwelling to replace the existing single family dwelling. The lot is nonconforming by dimension, and has reduced setbacks. The new dwelling will be located 20' from the front property line. The required front yard setback is 25'. Relief of 5' is requested. The

new dwelling will also be located 18' from the right side property line. The required right yard setback is 30'. Relief of 12' is requested. Lot size is .41 Acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements) and Section 907 (Standards of Relief).** Owner of the property is Hanson Family GST-Exempt Gift Trust for premises located at 73 Potter Road, Assessor's Map 87-2, Lot 121 and zoned R 80.

Mr. Cagnetta read all of the received documents into the record.

Attorney John Kenyon was present.

Mr. Kenyon reviewed the subject property's size, zoning district, existing house, septic and utilities. The existing structure is considered dimensionally non-conforming. The applicant will demolish the existing structure and rebuild a 2090 square foot new structure. The new structure will be more conforming dimensionally than the previous structure was. They have received an approved OWTS design from RI DEM

Peter Twombly, AIA, was sworn in and reviewed his curriculum vitae.

Mr. Twombly reviewed the lot location, the existing structure condition which would not conform to new FEMA standards and setbacks, and the existing septic which is outdated. The proposed new OWTS must be outside of the 50' coastal setback requirements and would be located approximately in the same area as the existing septic is currently located. The applicant is proposing to demolish the existing structure and build a new structure that would meet all FEMA standards and would be more dimensionally conforming to the lot setbacks. Due to coastal restrictions the structure is sited 50' feet back from the coastal features and also due to the septic location, the building envelope is limited as to where it can be located on the lot.

Mr. Twombly then reviewed the proposed design of the replacement dwelling. The home was modestly designed to reduce setback relief needed. The footprint is just over 1200 square feet.

Board questions ensued.

Mr. Twombly explained that before CRMC approval can be granted, Town approval is required first. He also explained where the proposed septic would be located.

John Hanson, applicant was sworn in.

Mr. Hanson explained that he is the Trustee for this property. He explained the shape and location of the lot. Mr. Hanson then explained the existing condition of the current structure and that it would not meet the needs of his family and their desire to age in place. They are proposing to demolish the existing structure and construct a new one. The location of the OWTS and the CRMC setbacks have limited the location of where the structure can be located on the lot and in working with their architect they designed the most conforming structure that they could due to site restrictions.

There was no further discussion, and Mr. Kenyon had no more witnesses.

Mr. Cagnetta asked if anyone in the audience wished to speak.

Frank Mazza, neighbor was sworn in. He expressed concerns about the amount of construction that has happened on Potter Road over the past few years. He is opposed to the design of the proposed new house. Mr. Mazza also expressed concerns over the location over the OWTS and wanted to make sure that it would not have an adverse effect on his property. Finally, he expressed concerns about construction vehicles on his property and parking along Potter Road, blocking access.

Mr. Kenyon stated that he met with Mr. Mazza and other neighbors on site to address some concerns they had brought up. In addition, they would not be opposed to the Board setting a condition in regards to construction vehicles not going onto Mr. Mazza's property.

Mr. Hanson stated that he has also spoken to neighbors about construction vehicles and that the neighborhood has experienced some "construction fatigue" over the last few years. In addition he stated they are sensitive to the neighbors' concerns and have spoken with their architect in regards to possibly setting up a construction schedule to manage the amount of vehicles on site at a time.

Christine Anderson was sworn in. She and her husband are the owners of Potter Road and reside at 140 Succotash Road. She stated that all of the residents of Potter Road have right of way access. Ms. Anderson was in agreement with Mr. Mazza on the amount of construction vehicles on the road and the damage that they create to the road itself and she also expressed concerns that the construction vehicles not block the right of way access to the pond. She also expressed some concerns about the location of the proposed driveway and moving it approximately 20' closer to the pond. She had no concerns regarding the request for a variance.

Mr. Twombly explained why the 20' was needed for the proposed driveway.

There was no one else who wished to speak.

Mr. Hanson stated that the build cycle of his home should be minimal in comparison to the house across the street.

Discussion ensued in regards to the updated site plan and the amount of relief requested.

There was no further discussion.

**The Motion is as follows:**

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

At a meeting held on October 21, 2020 regarding the Petition of John Hanson, 47 Walbridge Road, West Hartford, CT 06119 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is proposing to construct a new single family dwelling to replace the existing single family dwelling. The lot is nonconforming by dimension, and has reduced setbacks. The new dwelling will be located 20' from the front property line. The required front yard setback is 25'. Relief of 5' is requested. The new dwelling will also be located 18' from the right side property line. The required right yard setback is 30'. Relief of 12' is requested. Lot size is .41 Acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements) and Section 907 (Standards of Relief). Owner of the property is Hanson Family GST-Exempt Gift Trust for premises located at 73 Potter Road, Assessor's Map 87-2, Lot 121 and zoned R 80.

**The following individuals spoke as representatives of the applicant:**

- Attorney John Kenyon, for applicant
- John Hanson, applicant
- Peter Twombly, AIA

**The following materials were entered into the record:**

- Letter from Attorney Kenyon dated August 12, 2020; Application with Narrative signed and dated August 12, 2020; Signed and Notarized Owner Authorization Form dated August 12, 2020;

Vision Appraisal Field Card, Map 87-2 Lot 121; 1. Site Plan prepared by Estes/Twombly Architects dated July 27, 2020;

- Applicant's Exhibits, with letter from Attorney Kenyon dated September 3, 2020
  - 1. Site Plan prepared by Richard Couchon, PLS, Dowdell Engineering Inc. dated July 14, 2020 with revision dates of July 28, 2020 and August 4, 2020.
  - 2. Floor Plans prepared by Estes/Twombly Architects dated July 27, 2020;
  - 3. Elevations prepared by Estes/Twombly Architects dated July 27, 2020;
- 200' Radius Map and Abutter's List; Legal Notice, Certified Mail Receipts and Notarized Affidavit of Mailing
- Correspondence
  - Charles and Rebecca Donnell, email received September 13, 2020
- Continuation Requests from Attorney John Kenyon dated September 16, 2020
- Supplemental Materials received October 9, 2020
  - Letter from Attorney John Kenyon dated October 8 2020 with
  - Revised Site Plan with new septic system (A1) prepared by Estes/Twombly Architects with a revised date of October 8, 2020
  - OWTS Construction Permit dated September 28, 2020
  - Proposed OWTS site plan prepared by Dowdell Engineering dated August 24, 2020

**The following people spoke in regards to the petition.**

- Frank Mazza, neighbor 55 Potter Road
- Christine Anderson, owner of Potter Road

**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 proposed structure was designed as minimally as possible to still meet the applicant's needs while meeting the OWTS and CRMC setback requirements on an already non-conforming lot.
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 looking to age in place and the proposed structure was designed accordingly.
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 use as a single family structure will remain the same.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant worked diligently with their architect in designing a home that would require the least amount of relief while still meeting their needs to age in place.
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 the applicant is limited where the proposed structure can be located due to existing CRMC setback requirements from the pond.

**Approval is subject to the following conditions:**

- The decision is a Conditional Zoning Approval and is conditioned upon CRMC approval and will have a two year expiration from the recorded date per Section 908 with the right to extend if necessary.

At this point Mr. Cagnetta addressed the time and that the Board would only be able to hear one more petition tonight.

There was no one in the audience who offered any objections.

**Mr. Daniels made a motion that the following petitions would be moved to October 28, 2020 and was duly seconded by Mr. Rosen.**

**Motion passed unanimously vote: 5-0**

**(T. Daniels-Aye, W. Rosen-Aye, R. Jurczak-Aye, W. Mark-Aye, R. Cagnetta-Aye)**

- **Petition of Jeffrey Greene**, 782 Mooresfield Road, South Kingstown, RI 02879 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to convert the existing single-family dwelling into a three guest room Bed & Breakfast. The Bed & Breakfast will include limited events, accessory to the principal use. The Planning Board Advisory Development Plan Review was granted on June 23, 2020. Lot size is 3 Acres. **A Special Use Permit is required per Zoning Ordinance Section 301 Schedule of Use Regulations and Section 907 (Standards of Relief)**. Owners of the property are Jeffrey and Christine Greene for premises located at 782 Mooresfield Road, South Kingstown, RI, Assessor's Map 17-3, Lot 6, and is zoned R80.
- **Petition of Linda-Jean Briggs**, 77 Acadia Street, Dexter, ME 04930 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to construct a 144 s.f. addition, 144 s.f. covered deck, and 40 s.f. open deck attached to their seasonal cottage. The owner is allowed an increase of 150 s.f. of living area to the existing size, and the proposed deck is under the 200 s.f. allowed under this ordinance. The proposed addition will be no closer to any of the neighboring cottages. The Lot size is 50.2 Acres. **A Special Use Permit is required per Zoning Ordinance Section 608.7 (Changes to Coastal Community Structures allowed by the Zoning Board) and Section 907 (Standards of Relief)**. Owner of the cottage 11W8 is Linda-Jean Briggs on property owned by Matunuck Beach Properties, located at 240 Cards Pond Road, South Kingstown, RI, Assessor's Map 92-1, Lot 9-347, and is zoned R200.
- **Petition of William Harvey**, 77 Quarry Road, Bridgewater, CT 06752 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to elevate the existing dwelling 5.5' in same location. The existing south side deck will become detached and the 224 s.f. west side deck will be removed and replaced. The north side dwelling and deck do not currently meet the side yard dimensional setback. The side yard setback is 10'. The west side deck will be 8.1' from side property line and the dwelling will be 8.5' from the west side property line. Relief of 1.9' is requested. Lot size is 6,832 s.f. **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 William A. Harvey for premises located at 2 Peninsula Road, South Kingstown, RI, 02879, Assessor's Map 93-1, Lot 70 and is zoned R 20.
- **Petition of Maureen and John Cardinal**, 18 Desano Drive, Narragansett, RI 02882 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing 750 s.f. dwelling and replace it with a 1,500 s.f. dwelling, with attached 240 s.f. deck. The current dwelling does not meet the front or rear yard setbacks. The required setbacks for the front and rear property line are 25' and 30' respectively. The proposed dwelling will be located 13.9' from the front property line and 18.1' from the rear property line. Relief of 11.1' and 11.9' respectively, is requested. Lot size is 15,000 s.f. **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 John & Maureen Cardinal for premises located at 29 Cook Avenue, South Kingstown, RI, Assessor's Map 43-1, Lot 24 and is zoned R 20.

- **Petition of John and Lee Chartier**, 43 Hahn Avenue, South Kingstown, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to construct a 192 s.f. second story deck, attached to the existing single family dwelling. The deck will be located along the rear property line on the southwest portion of the dwelling. The deck will be located 5' from the rear property line. The required rear setback is 30'. Relief of 25' is requested. The Lot size is 12,632. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 907 (Standards of Relief)**. Owner of the property is John and Lee Chartier for premises located at 43 Hahn Avenue, South Kingstown, RI, Assessor's Map 43-1, Lot 16 and is zoned R 20.
- 

Mr. Cagnetta read the forth petition.

- **Petition of Robert Haxton**, 483 Bittersweet Farm Way, South Kingstown, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a detached garage with a one bedroom Accessory Apartment on the second floor. The living area size of the accessory apartment structure will be 750 square feet, the maximum allowed. The proposed building height will be 24'. The maximum height allowed for an accessory structure is 20'. Relief of 4' is requested. The Lot size is 4.52 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Dimensional Regulations) and Section 907 (Standards of Relief)**. Owner of the property is Robert & Dana Haxton for premises located at 483 Bittersweet Farm Way, South Kingstown, RI, Assessor's Map 55, Lot 15 and is zoned R80.

Robert Haxton, applicant, was sworn in.

Mr. Haxton explained that he does not currently have a garage and that he has always dreamed of having one. In addition the intent of the accessory apartment is to allow for his in-laws to stay when they visit from out of state.

Frank Karpowicz, AIA, was sworn in.

Mr. Karpowicz explained that the design is for a three car garage, 24 feet deep with a 750 square feet accessory apartment above. The 750 square feet is the apartment's heated envelope and will not include the stairway or the elevator. He explained that it's simple geometry that the 4 feet height relief is needed due to the pitch of the roof to meet the necessary headroom required for the apartment and also be complimentary to the existing house in design. In addition the apartment will tie into the existing septic system which has the necessary capacity. The well will also be tied into the existing well, but if needed a new well will be dug to accommodate the accessory apartment.

Mr. Karpowicz referenced the supplemental drawing, showing the exterior elevation.

Board questions ensued into garage ceiling height and the proposed elevator.

Mr. Karpowicz explained the ceiling height inside the garage.

Mr. Haxton explained that an elevator is included into the design to accommodate his mother in law's needs. Mr. Haxton also noted that he has no direct neighbors who would even be able to see the proposed garage.

There was no one in the audience who wished to speak.

There was no further discussion.

**The Motion is as follows:**

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

At a meeting held on October 21, 2020 regarding the Petition of Robert Haxton, 483 Bittersweet Farm Way, South Kingstown, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a detached garage with a one bedroom Accessory Apartment on the second floor. The living area size of the accessory apartment structure will be 750 square feet, the maximum allowed. The proposed building height will be 24'. The maximum height allowed for an accessory structure is 20'. Relief of 4' is requested. The Lot size is 4.52 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is Robert & Dana Haxton for premises located at 483 Bittersweet Farm Way, South Kingstown, RI, Assessor's Map 55, Lot 15 and is zoned R80.

**The following individuals spoke as representatives of the applicant:**

- Robert Haxton, applicant
- Frank Karpowicz, AIA

**The following materials were entered into the record:**

- Application signed and dated August 21, 2020; Owner Authorization Form signed and notarized August 21, 2020; Plot Plan prepared by Dowdell Engineering, Inc. dated August 11; Architectural Drawings (A1.1, A1.2, A2.1) prepared by Frank Karpowicz Architects Inc. dated June 24, 2020 & August 17, 2020
- Exterior Rendering received October 20, 2020
- Radius Map, 200' Abutter's List, Legal Notice and Certified Mailing Receipts with Affidavit of Mailing

**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 applicant is seeking to make the proposed garage and accessory apartment architecturally compatible with the existing home which requires a 4' of additional height relief, as well as being able to accommodate an elevator for a disabled family member.
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 simply looking to add a garage onto his property and with that an accessory apartment for his in-laws to use.
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 architectural drawings submitted show a structure that will fit very well into the surrounding area, as well as the fact that the proposed structure is located on the lot in a location that is not visible to any neighbors.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is only asking for 4' relief to meet the necessary headroom required for the accessory apartment and also be architecturally compatible with the existing home.

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 relief they will not be able to install the necessary elevator and the proposed structure would not be compatible with the existing home. In addition, there is no public purpose to deny this application and no one present spoke in opposition of the application.

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

---

There were no further petitions.

Other Business:

**Minutes:**

September 16, 2020 minutes were approved.

Mr. Mark made a motion to approve the minutes as submitted and was duly seconded by Mr. Daniels

Whereas a vote was taken: Mark-Aye, Daniels-Aye, Jurczak-Aye, Rosen-Aye, Cagnetta-Aye

Motion passed: vote 5-0

**Attendance:**

October 28, 2020 meeting, all members present will be available

November 18, 2020 meeting, all members present with the possible exception of Mr. Mark, should be available.

**Adjournment:**

Mr. Mark made the motion to adjourn.

All Members were in favor.

Meeting adjourned at 10:15 p.m.