



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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INST# 10642
TOWN OF SOUTH KINGSTOWN, RI

Date November 30, 2020

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

**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, C. Charkowick-Aye, R. Cagnetta-Aye)**

At a meeting held on November 18, 2020 regarding the Petition of Michael McGonagle, 184 Kenyon Avenue, South Kingstown, RI 02879 a Dimensional Variance was granted under the Zoning Ordinance as follows: The applicant is seeking to reconstruct a detached garage which was previously destroyed by fire. The proposed 576 square feet garage will be relocated on a new foundation in a new location. The required accessory structure side setback is 6'. The proposed garage will be 4' from the southerly side lot line. Relief of 2' is requested. The maximum accessory structure building height is 15'. The proposed garage will be 18' high. Relief of 3' is requested. Lot size is .25 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 Michael P. and Nancy M. McGonagle for premises located at 184 Kenyon Avenue, Assessor's Map 64-1, Lot 105 and zoned R-10.

The following individuals spoke as representatives of the applicant:

- Michael McGonagle, applicant

The following materials were entered into the record:

- Application signed and dated October 9, 2020; Owner Authorization Form signed and notarized October 9, 2020; Location Plan prepared by Steven Pinch P.L.S. dated September 2020 and revised October 2, 2020; Elevations (A1) prepared by Ocean State Drafting dated September 28, 2020
- Radius Map, 200' Abutter's List, Legal Notice and Certified Mailing Receipts with Affidavit of Mailing

There was no one who spoke in favor of or opposition to the petition.

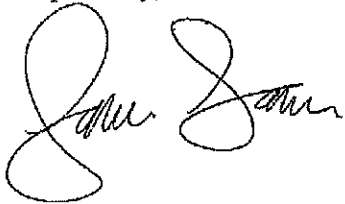
Findings of Fact:

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 former structure which was lost to fire, was actually closer to the lot line and the area where the replacement structure is going to located is very tight which is not unusual to the neighborhood's small lot sizes.
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 previous structure was destroyed by fire and the new structure will be similar in size and be better suited to park car(s) and allow for storage above.

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 applicant is proposing the same use that was previously there and under Sections 401 and 907 the proposed replacement structure is modest in size and fits within the Zoning Ordinance regulations.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is shortening his driveway length in an effort to minimize setback relief needed and still allow sufficient garage parking and storage space.
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 original garage structure was lost to fire and a garage is needed for vehicle parking and storage.

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

Respectfully,



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