



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

January 5, 2021

South County Survey Co, LLC
382-B Main Street
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held December 16, 2020, your petition for a Dimensional Variance was granted for premises located at 59 Browning Street, South Kingstown, Tax Assessor's Map 96-1, Lot 32.

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



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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on December 16, 2020 regarding the Petition of South County Survey Company, LLC, 382-B Main Street, South Kingstown, RI, 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is proposing to demolish the existing garage and construct a 24' x 24' detached garage with a family recreation room above it to be used by the principal dwelling. The lot is non-conforming by dimension. The lot is located on a corner lot, and has two interior side yards. The garage will be located 1.9' from the left side property line. The required side yard setback is 15'. Relief of 13.1' is requested. The garage will also be located 4' from the side yard in the rear of the garage, which is considered a side yard. Relief of 11' is requested. The proposed lot coverage will be 24.6%. The maximum lot coverage allowed is 20%. Relief of 4.6% is requested. The structure will meet the height requirement of 20'. Lot size is 7,500 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming lots of record-Accessory building setback requirements), Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).** Owner of the property is Michelle Quirk for premises located at 59 Browning Street, Assessor's Map 96-1, Lot 32 and zoned R 30.

The following individuals spoke as representatives of the applicant:

- James Caldarone, P.L.S., Applicant
- Michelle Quirk, property owner

The following materials were entered into the record:

- Original Application signed and dated July 17, 2020; Signed and Notarized Owner Authorization Form dated July 15, 2020; 200' Radius Map and Abutter's List; Elevations dated July 16, 2020; Site Plan dated July 17, 2020 and prepared and stamped by James Caldarone P.L.S.
- Original Legal Notice, Certified Mail Receipts and Notarized Affidavit of Mailing
- Revised Application signed and dated November 13, 2020; Signed and Notarized Owner Authorization Form dated July 15, 2020; 200' Radius Map and Abutter's List; Elevations dated July 16, 2020; Proposed Conditions Site Plan dated April 13, 2020, Revised August 20, 2020, and final Revision November 10, 2020, prepared and stamped by James Caldarone P.L.S.; Construction Documents (P-1) prepared by WG Carpentry dated November 13, 2020
- Revised Legal Notice, Certified Mail Receipts and Notarized Affidavit of Mailing
- Correspondence
 - Bert Hess received August 14, 2020
 - Bert Hess received August 17, 2020

- Moira Herson-Yanuck and Marcia Tokson received August 17, 2020
- David Carlson received August 18, 2020
- Richard DeBlasio received August 18, 2020
- Bert Hess received December 8, 2020
- Richard A. DeBlasio, 9 Surfside Avenue, dated December 15, 2020

The following spoke in opposition to the petition

- Bert Hess, 59 Rosebriar Avenue

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 due to the nature of the lot itself and the physical location of the septic system there are limited, if any, other options to relocate the garage structure.
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 house and most likely the garage were built in 1935 and pre-existed the current ownership and the Zoning Ordinance.
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 due to the dilapidated condition of the existing garage, the proposed garage will be an improvement to the neighborhood, as well as create safer conditions for everyone concerned.
4. The Board finds that the relief to be granted is the least relief necessary, because the proposed garage has the same foot print as the existing garage and the applicant is not proposing to build something outrageously large.
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 being granted the applicant would have to continue to use the current dilapidated structure. Therefore there is no public purpose in denying this petition.

Approval is subject to the following conditions:

- Architectural projections may not project more than 12" from the building.

Respectfully,



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