



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1225
Fax (401) 789-9792

February 18, 2021

Matthew and Jeanmarie Leonard
68 Potter Road
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held January 27, 2021, your petition for a Dimensional Variance was granted for premises located at 68 Potter Road, South Kingstown, Tax Assessor's Map 87-2, Lot 124.

Please be further advised that there is a Two-year Expiration on this Dimensional Variance with the right to extend, if necessary, per South Kingstown Zoning Ordinance Section 908.

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,
Building Official & Zoning Clerk
Town of South Kingstown



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 B/F:1778/Pgs 213 - 214 (2 pgs)
 INST# 12490
 TOWN OF SOUTH KINGSTOWN, RI



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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on January 27, 2021 regarding the Petition of Matthew and Jeanmarie Leonard, 68 Potter Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 21' x 24' detached garage, with studio above, and 10' x 10' storage area to the rear. The garage will be located 6' from the front property line. The required front setback is 25'. Relief of 19' is requested. The garage will also be located 6' from the side property line. The required side yard setback is 20'. Relief of 14' is requested. Lot size is 27,320 s.f. 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 Matthew J. and Jean Marie Leonard for premises located at 68 Potter Road, South Kingstown, RI, Assessor's Map 87-2, Lot 124 and zoned R-80.

The following individuals spoke as representatives of the applicant:

- Attorney Margaret Hogan
- Matthew Leonard, applicant
- Amy Sonder, PLS
- Nancy Leslie, AIA

The following materials were entered into the record:

- Application with Exhibit A Narrative, signed and dated December 20, 2020; Owner Authorization Form signed and notarized December 10, 2020; Site Plan prepared by Easterbrooks & Associates, LLC and stamped by Amy Sonder, PLS dated October 14, 2020; Construction Documents prepared by Leslie Architects dated October 8, 2020; 200' Radius Map and Abutter's List; Vision Appraisal Field Card Map 87-2 Lot 124
- Letter regarding Change of Attorney from John Kenyon dated January 11, 2021
- Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Applicant's Exhibits 1-18
 - 1. Photo, Leonard- Proposed Garage Location
 - 2. Photo, Leonard Garage Location with Gray Truck
 - 3. Photo, Leonard Garage Location showing wide view
 - 4. Photo, Leonard House from Water
 - 5. Photo, Leonard Abutter Garage- Cerio, 95 Old Succotash Road
 - 6. Photo, Leonard Abutter Garage-Donnell, 46 Potter Road
 - 7. Photo, Leonard Abutter Garage-Anderson, 141 Old Succotash Road
 - 8. Photo, Leonard Abutter Garage-Fiasconaro, 33 Potter Road
 - 9. Photo, Leonard Abutter Garage- Mazza, 55 Potter Road
 - 10. Photo, Leonard Abutter Garage- Samponarao, 34 Potter Road
 - 11. Photo, Leonard- Letter of Support from Donnell to Hanson for project in the fall of 2020.
 - 12. 2006 Aerial Photo from SK GIS.
 - 13. 2011 Aerial Photo from SK GIS.

- 14. 2018 Aerial Photo from SK GIS.
- 15. 2020 Aerial Photo from SK GIS.
- 16. FEMA's National Flood Insurance Program Community Rating System
- 17. Photo
- 18. Photo
- Correspondence in favor
 - John Hanson, 73 Potter Road received January 15, 2021
 - Christine and Michael Anderson, 141 Old Succotash Road received January 19, 2021
 - Tami and Frank Mazza, 55 Potter Road received January 20, 2021
- Correspondence opposed
 - Correspondence from Attorney Steven Surdut representing 46 Potter Road received January 20, 2021
 - Objector's Photo Exhibits 1-6

The following spoke in support of or opposition to the petition.

- Stephen Surdut, attorney for objector at 46 Potter Road
- Chuck Donnell, 46 Potter Road, in opposition
- Frank Mazza, 55 Potter Road, in support

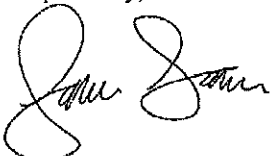
Findings of Fact:

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 there is only one location on this property based on extensive testimony where the proposed garage can be located. To move the garage any closer to the road would represent a safety hazard for emergency vehicle access and to move the proposed garage any closer to the west side of the lot would impede on the coastal features and fall within CRMC's regulatory full council review which would be extensive, costly and more than likely denied by CRMC.
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 intends to use the property as the family's permanent residence and simply wishes to construct a garage with an art studio above to accommodate the needs of his spouse.
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 2-car garage is in line with the general character of the area, in fact there are several homes along Potter Road that also have 2-car garages, both attached and detached, some with lofts above.
4. The Board finds that the relief to be granted is the least relief necessary, because to construct a garage any smaller would not be sufficient to allow for vehicle parking and additional storage, as well as accommodate a studio above. There has been extensive testimony in regards to the studio above. The studio will have a small lavette but will not have any living quarters and will not have any bedrooms. The studio will simply be an open area to be utilized as an art studio for the applicant's spouse and for additional 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 applicant is entitled to have a garage on his property, and certainly in this climate it is not unusual to have a garage like many of his neighbors along Potter Road also have. It would amount to more than a mere inconvenience because there is simply no other location on this property where the proposed garage can be located that would make any reasonable sense.

Approval is subject to the following conditions:

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

Respectfully,



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