



# Town of South Kingstown, Rhode Island

## BUILDING AND ZONING DEPARTMENT

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

March 8, 2021

Christopher Kehoe  
71 Main Street  
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held February 17, 2021, your petition for a Dimensional Variance was granted for premises located at 71 Main Street Street, South Kingstown, Tax Assessor's Map 57-1, Lot 102.

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,  
Building Official & Zoning Clerk  
Town of South Kingstown



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**BUILDING AND ZONING DEPARTMENT**  
180 High Street  
Wakefield, RI 02879  
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March 8, 2021

### NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on February 17, 2021 regarding the Petition of Christopher G. Kehoe Revocable Trust, 71 Main Street, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to convert the existing mixed-use structure into a single family dwelling. Currently, the first story is business use and the second story is a single dwelling unit. Relief is required for locating dwelling units on the first floor in a CD zoning district. There are no exterior changes proposed to the structure. The Lot size is 11,325 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 402 (Notes to Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).** Owner of the property is Christopher G. and Tracey L. Kehoe Trustees for premises located at 71 Main Street, South Kingstown, RI, Assessor's Map 57-1, Lot 102 and is zoned CD (Commercial Downtown).

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

- Attorney Christopher Kehoe

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

- Application with Cover Letter & Narrative (exhibit 12), signed and dated December 11, 2020; Owner Authorization Form signed December 11, 2020; Vision Appraisal Field Card Map 57-1 Lot 102; 200' Radius Map and Abutter's List; WEB GIS Map 57-1 Lot 102
- Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Amended Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
  - Christopher Kehoe dated January 1, 2021
  - Continuation Request from Christopher Kehoe dated January 6, 2021
- Applicant's Exhibits Photo Exhibits 1-6
  - Exhibit 1A, application
  - Exhibit 1B, correspondence to abutters dated January 1, 2021
  - Exhibit 1C, outline of testimony
  - Exhibit 2, photo exterior of building
  - Exhibit 3, photo only public entrance to building
  - Exhibit 4, panoramic of interior and foyer
  - Exhibit 5, video entering foyer through front door
  - Exhibit 6, video descending stairs from second to first floor foyer and exit

**There was no one present who spoke either 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 building was originally built as a single

family residence and then was grandfathered in 1979 to allow the use as commercial space. The applicant is simply looking to revert the building back to its original use. The applicant understands that any change back to a commercial use would require further zoning approval and would need to meet all current building and fire code standards.

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 hardship was created prior to the applicant's purchase of the property. Due to the Covid Pandemic, the current use is no longer a viable option and the applicant is simply seeking to utilize the building to its best potential.

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 in granting this dimensional variance the applicant will not be changing any outside characteristics of the property which is surrounded by similar structures in both size and age.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is not seeking to undertake a large physical expansion of the property, but rather the applicant is seeking to change the use within the property's existing walls which requires the granting of this dimensional variance.

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 if the dimensional variance is not granted the building will likely remain vacant due to the current economic situations as a result of the Covid Pandemic. The applicant expressed that he wants to maintain ownership of the building for future generations use and the granting of this dimensional variance would allow him the best economic option to do so.

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

- There are no conditions of approval on this decision.

Respectfully,



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