



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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

April 6, 2021

Timothy O'Neill
235 Middlebridge Road
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held March 17, 2021, your petition for a Dimensional Variance was granted for premises located at 235 Middlebridge Road, South Kingstown, Tax Assessor's Map 43-4, Lot 15.

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



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

April 6, 2021

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on March 17, 2021 regarding the Petition of Timothy O'Neill, 235 Middlebridge Road, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to construct a 12' x 16' detached shed on the property and also construct a new front exterior stair attached to the dwelling. The shed will be located 29' from the front property line. The required front yard setback is 35'. Relief of 6' is requested. The dwelling front stairs will be located 17.5' from the front property line. Relief of 17.5' is requested. Lot size is 35,719 square feet. **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 Timothy O'Neill for premises located at 235 Middlebridge Road, Assessor's Map 43-4, Lot 15 and zoned R 20.

The following individuals spoke as representatives of the applicant:

- Timothy O'Neill, applicant

The following materials were entered into the record:

- Application, signed and dated January 3, 2021; Owner Authorization Form signed and notarized January 3, 2021; 200' Radius Map and Abutter's List; Construction Drawings showing existing and proposed stairs by Votava Design, (A1.1); Site Plan showing stair location; Construction Drawings by Sheds Unlimited LLC dated December 4, 2020 (A1.1, A2.1, A3.); Site Plan
- Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Amended Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Andrew and Holly McMahon, 7 Lafayette Avenue, received February 12, 2021

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 lot is unique in shape, and has frontage on two roads and one paper road, additionally the lot is directly buffered by coastal wetlands further limiting the building envelope.
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 existing front stairs are under-utilized because they are awkward in design and dangerous to use. Furthermore, the proposed shed can only be located in the front yard due to the lot's unique shape, general configuration and its proximity to coastal features.
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 front entrance stairs are more aesthetic in appearance and fit better within the surrounding neighborhood. In regards to the proposed shed, although the shed will be located in the front yard, the proposed shed is modest in size, designed to be visually pleasing and to fit in well with the surrounding neighborhood.

4. The Board finds that the relief to be granted is the least relief necessary, because without the requested relief being granted due to the lots restrictive setbacks the applicant would not be able to build the proposed stairs that would allow them straight access into the house. As for the shed, the applicant is limited by the lot's unique shape, setbacks and coastal restrictions making the proposed location the only viable option to locate the shed on the lot.

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 existing stairs are not utilized due to their awkward design and safety concerns. The shed can only be located in the front of this property and the applicants demonstrated a need for additional dry storage.

Approval is subject to the following conditions:

- There are no conditions upon this approval.

Respectfully,

A handwritten signature in black ink, appearing to read "James Gorman", written in a cursive style.

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