



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT
180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1225

May 7, 2021

Benjamin Martish
680 Moonstone Beach Road
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held February 24, 2021, your petition for a Dimensional Variance was granted for premises located at 680 Moonstone Beach Road, South Kingstown, Tax Assessor's Map 85-2, Lot 16.

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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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on April 21, 2021 regarding the Petition of Benjamin Martish, 680 Moonstone Beach Road, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a new 26' X 36' detached garage. The building height of the garage will be 23'. The maximum height allowed for accessory structures is 20'. Relief of 3' is requested. Lot size is 1.86 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 Benjamin J. Martish & Jaclyn Altieri for premises located at 680 Moonstone Beach Road, South Kingstown, Assessor's Map 85-2, Lot 16 and zoned R80.

The following individuals spoke as representatives of the applicant:

- Benjamin Martish, applicant

The following materials were entered into the record:

- Application signed and dated March 15, 2021; Owner Authorization Form Notarized and Dated March 15, 2021; Section A Cross Section (sheet 5) prepared by SM Naeem Akhter PE and dated January 18, 2021; Site Plan (1 page) prepared by DiPrete Engineering and dated March 16, 2021
- 200 Radius Map, Abutter's List, Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - David and Lisa Neill, 620 Moonstone Beach Road dated April 7, 2021
 - John D'Agostino, 697 Moonstone Beach Road dated April 8, 2021
 - Charles Bowse, 728 Moonstone Beach Road dated April 17, 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 applicant needs the additional clearance on the first floor to house farm equipment and also create a storage area above.
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 uses his property for farming and requires storage for all of the necessary equipment associated with farming.
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 surrounding area is rural in nature and the garage being 3' higher will not affect the character of the surrounding area.
4. The Board finds that the relief to be granted is the least relief necessary, because the garage will be located between the existing house and a wetland area which cannot be built in. The applicant is merely seeking 3' of height relief so farm equipment can be stored additionally, the property currently has no other outside storage.

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 needs the garage to fully utilize the property to its fullest potential.

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,

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