



# Town of South Kingstown, Rhode Island

## BUILDING AND ZONING DEPARTMENT

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

June 1, 2022

James Meyer & Maureen Rooney  
836B Matunuck School House Road  
South Kingstown, RI 02879

At a meeting of the Zoning Board of Review held May 18, 2022, your petition for a Dimensional Variance was granted for premises located at 836B Matunuck School House Road, South Kingstown, Tax Assessor's Map 85-4, Lot 8.

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



RECORDED 06/01/2022 01:34:46 PM  
 B/P:1832/Pgs 60 - 62; (3 pgs)  
 INST# 22974  
 TOWN OF SOUTH KINGSTOWN, RI



## Town of South Kingstown, Rhode Island

**BUILDING AND ZONING DEPARTMENT**  
 180 High Street  
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June 1, 2021

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

The following motion, made by Mr. Cagnetta and duly seconded by Mr. Daniels  
 Motion passed unanimously; Vote 5-0 in favor.  
 (R. Cagnetta-Aye, T. Daniels-Aye, S. Walsh-Aye, W. Rosen-Aye, R. Brown-Aye)

At a meeting held on May 25, 2022 regarding the Petition James Meyer & Maureen Rooney, 836B Matunuck School House Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 26' x 36' detached barn for storage of vehicles and farm equipment. The proposed garage will be located 30' from the corner-side property line. The required corner-side setback is 58'. Relief of 28' is requested. Lot size is 1.94 acres. A Dimensional Variance is required per Zoning Ordinance Section 208 (Non-Conforming Lot of Record – Accessory Building Setback Requirements) and Section 907 (Standards of Relief). Owner of the property is James T. Meyer & Maureen F. Rooney for premises located at 836B Matunuck School House Road, South Kingstown, Assessor's Map 85-4, Lot 8 and zoned R200.

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

- Laura Krekorian, AIA
- Amy Sonder, PLS
- James Meyer, applicant
- Thomas Meyer, applicant's son

**The following spoke in regards to the petition.**

- Matthew Meyer, 836C Matunuck School House Road
- Mary Anne Gaffney, 836C Matunuck School House Road
- Henry Meyer, 836D Matunuck School House Road
- Timothy Meyer, 836A Matunuck School House Road

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

- Signed Application; Designee Letters (2) signed, dated & notarized January 20, 2022; Owner Authorizations (2) signed and notarized January 20, 2022; Plans, Sections & Details (A1 & A2) dated November 11, 2022 and prepared by Laura Krekorian, AIA and stamped by Laura Krekorian, AIA and Ernest George, PE; Proposed Site Plan dated January 12, 2022 and prepared and stamped by Amy Sonder, PLS; Photo (1) of existing garden and barn; 3D sketch drawn by Laura Krekorian, AIA dated August 26, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Supplemental Materials
  - Correspondence from James Meyer and Maureen Rooney (2 pages)
  - Photographs (2)
  - Survey Plan showing a Conservation Easement of Windy Meadows dated November 5, 1999 (1 page)
  - Proposed Site Plan (1 page) dated January 12, 2022, prepared and stamped by Amy Sonder, PLS on January 14, 2022
  - Off-set image (1 page)
  - Site Plans of Windy Meadow Residential Compound (3pages) dated August 19, 1986, August 14, 1991 & December, 1998 prepared by Easterbrooks & Associates, C.E.

- Deed of Conservation Easement (9 pages), recorded January 8, 1999 in South Kingstown Land Evidence Book 0748 and Pages 136-144
- Exhibits
  - Applicant's Exhibit 1, Revised Site Plan (1 page) prepared by Amy Sonder, PLS and dated May 16, 2022
  - Applicant's Exhibit 2, Revised Site Plan (1 page revised during May 25, 2022 meeting) showing barn moved 30' west of property line and located 58' from northerly property lines with driveway access from Trustom Road.
  - Objector's Exhibit 1, 4 page correspondence outlining objections received May 25, 2022
- Supplemental Material
  - Revised Site Plan (1 page) prepared by Amy Sonder, PLS and dated May 16, 2022
- Correspondence
  - 1. Tim Meyer, 836A Matunuck School House Road
  - 2. Henry Meyer, 836D Matunuck School House Road
  - 3. Matthew Meyer and Mary Anne Gaffney, 836C Matunuck School House Road (letter)
  - 4. Matthew Meyer, 836C Matunuck School House Road (Email with 15 pictures)
  - 5. Matthew Meyer, 836C Matunuck School House Road (Email with Site Plan)
  - 6. Matthew Meyer, 836C Matunuck School House Road
    - Email (1 page)
    - Variance Objection (1 page)
    - Applicant's Exhibit A – alternative barn location (4 pages)
    - Applicant's Exhibit B – Previous use of Barn and Property (48 pages)

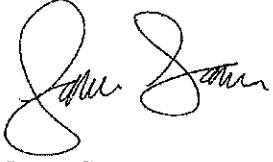
#### **Findings of Fact:**

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 this parcel was formerly one large farm parcel that was subdivided to create several lots for the family. In the creation of this subdivision the applicant's parcel (Map 85-4, Lot 8) was created between Trustom Road and Windy Meadows Lane, causing this parcel to have both a front accessory setback of 58' and a corner side accessory setback of 58', both of which restrict the viable locations the proposed barn could be located on the property.
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 proposed barn will clean up the lot and is needed to house cars and other equipment that is currently located outside. No evidence was put on the record to indicate that the applicant is requesting the variance for financial gain and there is no evidence that the applicant acted in violation of the Town Zoning Ordinance and is requesting relief to alleviate the illegality.
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 this is an R200 parcel that was once part of a large farm. There are currently other historic barns located within this subdivision. Additionally, it is not uncommon to locate a barn adjacent to a road for ease of ingress and egress especially during inclement weather.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has made several revisions to the original plan and, as a result of concerns brought up by neighbors has located the barn further away from the 58' setback than originally requested. This proposed location will leave a reasonable amount of space between the road and the barn and still allow the applicant use of his front lawn.
5. The Board finds 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 proposed barn were located within the required setbacks it would be inconsistent with the property and the general surrounding area.

#### **Approval is conditional and subject to the following conditions:**

- The proposed barn will be moved in 30' from Windy Meadows Lane and 58' from Trustom Road.
- The driveway will be accessed from Trustom Road.
- There will be evergreen screening on the east of the barn consisting of 8 trees that are 8-10' on center and maintaining 5-8' height which will be moved north in conjunction with the barn's location.

Respectfully,

A handwritten signature in black ink, appearing to read "James Gorman". The signature is fluid and cursive, with the first name "James" and last name "Gorman" clearly distinguishable.

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