

Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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

June 29, 2022

Margaret Mueller
82 Maple Drive
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held June 15, 2022, your petition for a Dimensional Variance was granted for premises located at 82 Maple Drive, South Kingstown, Tax Assessor's Map 90-1, Lot 11.

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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 B/P:1834/Pgs 363 - 364; (2 pgs)
 INST# 23458
 TOWN OF SOUTH KINGSTOWN, RI



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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. Daniels
 Motion passed unanimously: Vote 5-0
 (W. Rosen-Aye, T. Daniels-Aye, S. Walsh-Aye, R. Brown-Aye, R. Cagnetta-Aye)

At a meeting held on June 15, 2022 regarding the Petition of Margaret Mueller, 82 Maple Drive, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing attached garage and construct a larger garage with habitable space above. The garage will be located 33' from the front property line. The required front yard setback is 40'. Relief of 7' is requested. The Lot size is .69 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 907 (Standards of Relief). Owner of the property is Margaret P. Mueller for premises located at 82 Maple Drive, South Kingstown, Assessor's Map 90-1, Lot 11 and is zoned R80.

The following individuals spoke as representatives of the applicant:

- Keith Kyle, attorney
- Stephen T. Morrissey

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:

- Application with Exhibit A signed and dated April 27, 2022; Owner Authorization Form signed and notarized April 27, 2022; Existing Conditions Photographs (#1); Existing First and Second Floor Plans (#2 & #3); Proposed First and Second Floor Plans (#4 & #5) and Proposed Exterior Views (#6); RI DEM OWTS Certificate of Conformance (3 pages) dated June 11, 1999; Existing Plot Plan (1 page) and Proposed Plot Plan (1 page) prepared by Dowdell Engineering Associates, LLC, Richard Couchon, PLS and dated December 3, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings, Notarized Affidavit of Mailing
- Exhibits 1-8
 - Exhibits #1-7, Photos, 82 Maple Drive
 - Exhibit #8, Vision Appraisal Field Card, 71 Maple Drive
- Correspondence
 - Ron Poppe, 71 Maple Drive, dated June 2, 2022
 - Ron Poppe, 71 Maple Drive, dated June 5, 2022
 - Ron Poppe, 71 Maple Drive, dated June 8, 2022

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 existing house was built in the 1885 and the location of the basement, below the garage, impedes the use of the garage due to the hole in the garage floor to access the basement.

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 purchased the property (4) four years ago and would like to bring the deficiencies up to code, while making the space safer and more functional.

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 addition will fit in well with the surrounding properties and will actually be set back further than neighboring properties. Additionally, this proposed addition will not interfere or cause harm to the historic well located in the street.

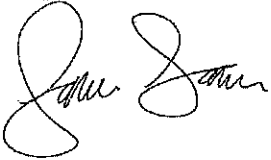
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is looking to correct deficiencies with the current entry and garage and is simply seeking minimal relief to allow for an expanded entry and mudroom, as well as make the garage safer and fully functional.

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 this is an old structure and it would be hazardous to continue with the current situation due to the narrow landing and the hole in the garage floor.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

Respectfully,



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