



## Town of South Kingstown, Rhode Island

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

October 7, 2021

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

**The following motion, made by Ms. Walsh and duly seconded by Mr. Daniels  
Motion passed unanimously: Vote 5-0  
(S. Walsh-Aye, T. Daniels-Aye, W. Rosen-Aye, K. Diamond-Aye, R. Cagnetta-Aye)**

At a meeting held on September 21, 2022 regarding the Petition of Katherine Brewster, 22 Kersey Road, Peacedale, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to convert 1,550 square feet of office space within the existing mixed-use structure into one (1) apartment. The structure currently consists of one (1) retail store and two (2) residential dwelling units. The addition of the third dwelling unit will increase nonconformity of land area required to support said uses (11,200 square feet required). The lot area consists of 4,356 square feet. Relief of 6,844 square feet is requested. The additional dwelling unit will also increase the nonconformity of required parking spaces. Currently there is no onsite parking, where the applicant seeks to establish two (2) new spaces. Eight (8) parking spaces are required. Relief of six (6) parking spaces is requested. Lot size is .1 acre. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations), Section 711 (Minimum Off-Street Parking Requirements) and Section 907 (Standards of Relief). Owner of the property is The Johnnycake Center for premises located at 1231 Kingstown Road, South Kingstown, Assessor's Map 48-2, Lot 31 and is zoned CD (Commercial Downtown).

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

- Jennifer Krueger, Deputy Director of the Johnnycake Center
- Edward Wojcik, AIA

**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 signed and dated August 17, 2022; Owner Authorization signed and notarized August 10, 2022; Photo (1 page); Existing Site Plan (A1.1), Proposed Site Plan (A1.2), Demo Plan (D1.0) and Proposed (A1.0) prepared by Ed Wojcik and dated August 17, 2021 and revised May 6, 2022
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
  - Kate Brewster, CEO, Johnnycake Center, 1231 Kingstown Road
  - Gary and Wes Lessard, Owners, Tase-Rite Co.
  - Robert A. DonFrancesco, Managing Partner, Peacedale Partners LLC
  - Chuck Cumiskey, abutter
  - Kate Brewster, CEO, Johnnycake Center, 1231 Kingstown Road

**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 dwelling is a mixed use and is located in the CD District and directly abuts a public parking lot, the actual land area is limited.
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 previous use of the space as an office is no longer needed the Johnnycake Center is looking to turn the former office space into a low to median income 4-bedroom family apartment to help with the housing shortage in the community.
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 unit fits well within the village centered housing identified in the Comprehensive Plan.
4. The Board finds that the relief to be granted is the least relief necessary, because the existing structure is in good condition and will not increase dimensionally and will also still be able to accommodate a family with the creation of a 4-bedrooms unit.
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 relief were not granted the Johnnycake Center would have to find a use for the vacant space that does not involve creating new affordable family housing within the community. Additionally, the Board would like to note that the intent as stated through the applicant's testimony is that the Johnnycake Center will provide affordable housing for a family within the community by the creating this 4-bedroom family unit.

**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