



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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A meeting of the Zoning Board of Review of the Town of South Kingstown, County of Washington, in the State of Rhode Island was held at the South Kingstown Town Hall, 180 High Street, Wakefield, RI at 7:00 p.m. on Wednesday, October 19, 2022.

A. CALL TO ORDER:

Mr. Cagnetta called the meeting to order at 7:04 pm

B. CHAIRMAN INTRODUCTIONS AND INSTRUCTIONS:

Members Present: Robert Cagnetta, Chairman; Thomas Daniels, Vice-Chair; William Rosen, Member; Susan Walsh, Member, and Kevin Diamond, Member, Arlene Hick, Alt. #1

Member(s) Absent: none

Staff Present: Amy Goins, Special Legal Counsel; Jamie Gorman, Building Official and Zoning Clerk; Jessica Spence, Administrative Support Assistant

Members voting tonight will be Mr. Cagnetta, Mr. Daniels, Mr. Rosen, Ms. Walsh and Mr. Diamond

The standards of relief were explained.

C. AGENDA ITEMS:

Discussion ensued regarding a special hearing date for the Parkwood Drive petition that has been continued until the necessary quorum can be met. Tentatively the petition will be heard on December 28th providing Mr. Cagnetta has availability. All members present tonight are available to attend the next regular Zoning Board of Review on November 16, 2022.

- I. **Petition of Robert and Doreen Grandell**, 3 Corncrib Lane, Rocky Hill CT, 06067 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 28' x 10' addition to the south side of the dwelling and a 28' x 4' roof awning attached to the north side of the dwelling. The proposed awning will be located 24.9' from the west corner-side property line and the addition will be located 32.5' from the south corner-side property line. The required corner-side setback is 40'. Relief of 15.1' (west) and 7.5' (south) is requested. Lot size is 2.74 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owners of the property are Robert G. & Doreen M. Grandell, for premises located at 70 Shadberry Trail, South Kingstown, Assessor's Map 89-2, Lot 68 and is zoned R80.

All the documents were entered into record.

Attorney Kelly Fracassa was present for the applicant.

Mr. Fracassa reviewed the property dimensions; the lot is long and thin and has wetlands covering much of the lot. The house was built in 1986 and is non-conforming by dimension as its pre-dated zoning. Additionally, the OWTS is tucked into the back corner of the lot. The lot also has a steep gradient. The existing house is already within 50' of the wetland setbacks. The Grandells purchased this property in 2017. The current deck in the front will be converted to additional living space and towards the rear of the house an awning will be installed to offer protection from the elements. Regarding the amount of relief being sought they are looking for 7.5' on the corner side and 15.5' along the side yard. The existing house is 3-levels. The ground level has no living space and is currently where the washer and dryer are stored. The 2nd and 3rd floors are used for living space. The house has 3-bedrooms.

Doreen Grandell was present and sworn in.

Ms. Grandell stated that they purchased the house in 2017. She briefly described the property and the existing layout. The house currently has electric heat. They have made no changes since taking title to the home. They use the house regularly throughout the Spring, Summer and Fall and make a few trips during the Winter months. The long-term goal is to make this home their retirement home. October 19, 2022, Zoning Board of Review Minutes

home. As part of that goal, they would like to move the washer and dryer upstairs for easier use. The existing kitchen and dining area are very small, and they are looking to expand both to make the kitchen and dining room more functional. On the 3rd level they would like to add a deck. Additionally, they are looking to create a screened in porch for outside dining. They intend to install a propane heating system; the addition would allow for space for a furnace to be located. The proposed awning would offer shelter when entering and exiting the home. The other houses in the neighborhood vary in size and the proposed size of the addition falls in the middle range. Only one other house is occupied year-round and its larger than their proposed addition. There are several other houses in the neighborhood that have upper decks similar to their proposal.

Board questions ensued.

Mr. Fracassa stated the site plan was not updated to reflect the relief being requested as stated on the application.

Mr. Gorman explained that the SW corner of the addition to the southerly Arrowwood property line is 32.5’.

Ms. Grandell explained that the awing will be used to offer shelter from the elements. She stated that there is no natural gas in the area and that they want to switch from electric heat to propane heat.

Mr. Fracassa reviewed the standards of relief and how the application has met the standards.

The Board had no further questions.

There was no one in the audience who wished to speak.

Board discussion ensued.

Whereas a motion was made.

The Motion is as Follows:

**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, K. Diamond-Aye, R. Cagnetta-Aye)**

At a meeting held on October 19, 2022, regarding the Petition of Robert and Doreen Grandell, 3 Corncrib Lane, Rocky Hill CT, 06067 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 28’ x 10’ addition to the south side of the dwelling and a 28’ x 4’ roof awning attached to the north side of the dwelling. The proposed awning will be located 24.9’ from the west corner-side property line and the addition will be located 32.5’ from the south corner-side property line. The required corner-side setback is 40’. Relief of 15.1’ (west) and 7.5’ (south) is requested. Lot size is 2.74 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owners of the property are Robert G. & Doreen M. Grandell, for premises located at 70 Shadberry Trail, South Kingstown, Assessor’s Map 89-2, Lot 68 and is zoned R80.

The following individuals spoke as representatives of the applicant:

- Attorney Kelly Fracassa
- Doreen Grandell

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

The following materials were entered into the record:

- Signed Application signed; Owner Authorization signed and notarized August 11, 2022; Vision Appraisal Field Card (3 page); Existing and Proposed Elevations and Floor Plan (14 pages); Site Plan (1 page) prepared and stamped by Joseph P. Toscano, PLS and dated July 8, 2022; Web GIS (1 page); RI Maps & Aerial Photo (1 page).
- 200’ Radius Map and Abutter’s List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

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 structure is already non-conforming and the applicant is simply looking to add an awning to the rear of the house and a small addition where an existing deck is currently located.

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 applicants purchased the house 5-years ago in its present state and location on the lot.
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 within the neighborhood in both size and character.
4. The Board finds that the relief to be granted is the least relief necessary, because the proposed expansion is minimal in design and was designed to utilize the house to its maximum potential in the applicant's retirement years.
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 without the approval of this petition, the existing house would not be suitable for year-round living.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.
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II. Petition Thero-con Inc., 500 Shermantown Road, Saunderstown, RI 02874 of for a **Dimensional Variance under the Zoning Ordinance as follows:** The applicant is seeking to remove the dwelling roof and construct a new roof system to establish a second story. The second story will be located 17' from the front property line and 10' from the corner-side property line. The required front and corner-side yard setback is 25'. Relief of 8' and 15' is requested. Lot size is .13 acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 907 (Standards of Relief).** Owners of the property are Paul M. & Ruth F. Riemer for premises located at 89 Old Succotash Road, South Kingstown, Assessor's Map 81-3, Lot 118 and zoned R80.

All the documents were entered into record.

Peter Theroux was sworn in.

Mr. Theroux testified that he is representing the Riemer's who have owned the property for 15 years. The structure was built in the 1950's. Mr. Theroux explained the current layout of the house, which consists of a finished walkout basement, first floor and a very low pitched second floor bedroom. The Riemer's are proposing to add a dormer and knee wall to raise the roof and create more headroom. The existing house has 2-bedrooms and will remain 2-bedrooms, there will be one (1) additional bathroom added upstairs. The proposed addition is not going outside of the existing footprint and will still maintain its Cape appearance. The height is only increasing enough to create the additional headroom to make the second bedroom more usable and will not exceed the zoning height maximum.

Board questions ensued.

Mr. Theroux explained that there is in fact a second floor on the house although from the outside it does not appear to be a 2-story house.

Mr. Cagnetta asked if anyone present wished to speak.

Michael Andrews, neighbor, stated that he was concerned that the proposal would change the character of the neighborhood and that they would be creating additional bedrooms and adding more traffic on an already difficult corner side lot. However, after hearing Mr. Theroux's testimony his concerns were addressed.

Ms. Walsh asked about the safety concerns regarding the road.

Ms. Goins advised that this is not something that should necessarily be addressed in any decision the Board may make but should be brought to the Town Manager's or the Town Council's attention.

Whereas a motion was made.

The Motion is as Follows:

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

At a meeting held on October 19, 2022 regarding the Petition Thero-con Inc., 500 Shermantown Road, Saunderstown, RI 02874 of for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to remove the dwelling roof and construct a new roof system to establish a second story. The second story will be located 17' from the front property line and 10' from the corner-side property line. The required front and corner-side yard setback is 25'. Relief of 8' and 15' is requested. Lot size is .13 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 907 (Standards of Relief). Owners of the property are Paul M. & Ruth F. Riemer for premises located at 89 Old Succotash Road, South Kingstown, Assessor's Map 81-3, Lot 118 and zoned R80.

The following individuals spoke as representatives of the applicant:

- Peter Theroux, applicant
- Ruth Riemer, property owner

The following spoke regarding the petition:

- Michael Andrews, neighbor

The following materials were entered into the record:

- Application signed and dated September 8, 2022; Owner Authorization signed and notarized September 12, 2022; Site Plan (1 page) prepared and stamped by David W. Fish, PE and dated August 30, 2022; Construction Documents (6 pages) prepared and stamped by David W. Fish, PE and dated August 30, 2022; System Suitability Determination (1 page) signed by RI DEM September 6, 2022.
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

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 itself is unique in that it is a corner lot with restrictive setbacks, additionally the proposed second floor expansion will remain on the same footprint as the existing house which already sits within the property line setbacks as it pre-dated zoning.
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 is planning to use the house as a retirement home and is simply looking to create more headroom in the existing second floor space.
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 expansion will improve the utilization of the interior space while still maintain the same Cape Cod style on the exterior which fits in well within the existing neighborhood.
4. The Board finds that the relief to be granted is the least relief necessary, because the existing footprint of the house will remain the same and the proposed addition will only create a higher pitched roof allowing for better utilization of the second floor.
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 without the variance being granted the current second floor space has limited headroom which impacts the full utilization of the space.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

Mr. Daniels has recused himself from the below petition.

Members voting will be Mr. Cagnetta, Mr. Rosen, Ms. Walsh, Mr. Diamond and Ms. Hicks

III. **Petition of Keith Briggs**, 4 Frank Avenue, West Kingston, RI 02892 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 917 square foot deck with screened porch attached to the existing dwelling. The deck will be located 9.4' from the side property line. The required side yard setback is 15'. Relief of 5.6' is requested. Lot size is .49 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owners of the property are Peter J. & Melissa B. Cummings for premises located at 40 Summer Street, South Kingstown, Assessor's Map 88-1, Lot 72 and is zoned R20.

Mr. Daniels has recused on the petition of Keith Briggs.

Members voting on the petition of Keith Briggs will be Mr. Cagnetta, Mr. Rosen, Ms. Walsh, Mr. Diamond and Ms. Hicks

All the documents were entered into record.

Keith Briggs was sworn in.

Mr. Briggs testified that in 2014 the house went under a major renovation to add a second floor over an existing non-conforming garage. A dimensional variance was requested, and the relief was granted. They are now undertaking Phase II of the renovation which includes the addition of a screened in porch and a deck with stairs.

Mr. Briggs entered Applicant's Exhibit 1, revised plan.

The original plan for Phase II has been scaled down. The proposal before the Board tonight is to add a screened in porch with a roof, they are seeking relief for the part that is an open deck which is roughly 4' off the ground. There is no intention to add living space above the proposed deck. The total relief being requested has decreased to 4' instead of the original 5'6" originally requested. The deck size is 40 square feet less than originally asked for. The proposed addition is not visible from the street. Phase I was originally designed with Phase II in mind.

Board questions ensued.

Mr. Briggs indicated the house itself is slightly offset on the property lines. The stairs are tucked behind the existing garage and the stairs out to the rear yard are within the footprint of the deck itself. The edge of the deck will be the closest to the setbacks. The privacy screen indicated on the plans will now most likely be open railing. There is mature vegetation along the property line, so the backyard is not visible from the neighbor's property. The proposed deck is going between the existing garage and the proposed screen in porch and will basically fill in the corner by squaring out the house.

Board questions ensued.

There was no one in the audience who wished to speak.

Board discussion ensued.

Whereas a motion was made.

The Motion is as Follows:

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

At a meeting held on October 19, 2022 regarding the Petition of Keith Briggs, 4 Frank Avenue, West Kingston, RI 02892 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 917 square foot deck with screened porch attached to the existing dwelling. The deck will be located 9.4' from the side property line. The required side yard setback is 15'. Relief of 5.6' is requested. Lot size is .49 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owners of the property are Peter J. & Melissa B. Cummings for premises located at 40 Summer Street, South Kingstown, Assessor's Map 88-1, Lot 72 and is zoned R20.

The following individuals spoke as representatives of the applicant:

- Keith Briggs, applicant

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 September 14, 2022; Owner Authorization signed and notarized September 14, 2022; Site Plan (1 page) prepared and stamped by Richard L. Couchon, PLS and dated February 21, 2014 and revised September 8, 2022
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Applicant's Exhibit #1, revised drawings (A1, A3) prepared by Davitt and dated October 19, 2022
- Notice of Recusal from Thomas Daniels

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 house is in place and the proposal will simply fill in the open corner by adding a small deck.
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 this proposal is Phase II of a long-term renovation to the property which will best utilize the space.
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 proposal before the Board tonight will fit in well with the area. Additionally, the deck is not visible from the street or from the applicant's nearest neighbors as there is mature vegetation separating the lots.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicants have scaled down the scope of the relief originally being sought.
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 as noted through testimony this proposed addition has been in the works for several years and is Phase II of a long-term home renovation.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

D. OTHER BUSINESS:

I. Minutes:

- i. Approval of September 21, 2022, Zoning Board of Review minutes.
 - Mr. Rosen made a motion to approve the minutes, whereas a voice vote was taken, and all members were in favor.

II. Discussion:

- i. Ms. Goins stated that she will forward some upcoming training sessions that would count towards the continuing education requirements.

III. Adjournment:

- i. Mr. Rosen made the motion to adjourn, whereas a voice vote was taken, and all members were in favor.
 - Meeting adjourned at 8:18 pm.