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To: James Gorman
Cc: Jessica Spence

Fri 8/12/2022 9:05 AM
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August 12, 2022

Jamie Gorman
Building Official & Zoning Enforcement
jgorman@southkingstownri.com

Subject: Dimensional Variance Requested by Earle & Brenna Sharpe – Parkwood Drive

Dear Mr. Gorman and fellow Zoning Board Members,
This correspondence is in regard to the Zoning Board of Review Application dated 7/15/2022 submitted by Earle & Brenna Sharpe requesting a dimensional variance for Assessors Plat 31-2, Assessors Lot 93 located on Parkwood Drive.

We live at 3 Mark Glen Court, Assessors Plat 31-2, Assessors Lot 95 and are abutting residents of the lot in question. We are opposed to the request for the dimensional variance for Lot 93.

We encourage the Board to rely strictly on the Section 907 Standards for Relief, many of which are violated by this proposal, including:

1(a) *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.* Much of lot 93 is part of an extensive wetland encompassing most of the adjacent platted lots. The hardship results from the petitioner's decision to purchase this lot even though the lot has been known for many years to be too wet for development. The hardship incurred is due to the general characteristics of the surrounding area (the wetland), thus violating this standard.

1(b) *said 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.* The petitioners created this hardship by purchasing it in June 2020 for \$5,000 in hopes of developing it. They listed it for sale in August 2021 for \$255,000 and then re-listed it again on 2/22/22 for \$195,000. It is clear that the applicants' desire is to realize significant financial gain on an investment of \$5,000, thus violating this standard.

1(c) *granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this Zoning Ordinance.* Parkwood Drive

is zoned R-20 and the houses are generally located near the center of the lots, consistent with zoning requirements. If the applicants' petition is approved, (1) the dwelling will be much closer to the street than the neighborhood standard - it will be located nearly in front of the neighboring home at lot 94 and blocking that home from the street from the eastward direction, (2) the driveway will be located immediately adjacent and parallel to the next-door drive of lot 94, (3) the proposal requires demolition of an old stone wall that is part of neighborhood charm, and (4) will place above-ground components of a septic system just 10 feet from the front property line. This is completely inconsistent with the intent of R-20 zoning and totally out of character with our neighborhood.

1(e) *Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered grounds for granting a use variance.* The application states that since the requested front setback is similar to an abutting property to the east, that the application should be approved. This argument directly violates this standard.

1(f) *there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. The fact that a use may be more profitable, or that a structure may be more valuable after the relief is granted, shall not be grounds for relief.* Given the proximate wetlands, and the R-20 zoning standards, there is no legally permitted way to use this property for residential development without gross accommodations. This standard repeats aspects of items 1(b) and 1(e), emphasizing that financial gain shall not be grounds for relief, which appears to be the applicants' intent, given the history of MLS listing prices for the property. If the petition is denied, the residents of Parkwood Plat (including the applicants) can continue to enjoy the benefits and beauty of the undeveloped lot.

We encourage the Board to deny this application.

Sincerely,

Nikki and David McPeak

3 Mark Glen Court

Kingston, RI 02881