



RECORDED 01/27/2023 11:49:56 AM
B/P:1850/Pgs 260 - 261; (2 pgs)
INST# 26807
TOWN OF SOUTH KINGSTOWN, RI



Town of South Kingstown, Rhode Island

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

January 27, 2023

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Diamond and duly seconded by Mr. Daniels

Motion passed unanimously: Vote 5-0

(K. Diamond-Aye, T. Daniels-Aye, W. Rosen-Aye, S. Walsh-Aye, R. Cagnetta-Aye)

At a meeting held on January 18, 2023 regarding the Petition of Michael Garretson, 36 Karee Court, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to change use on the premises from Automotive Service Station (Use Code 45) to Retail Trade of Marine Products (Use Code 55.5). Section 504.12 of the Zoning Ordinance requires that any lot seeking to establish Use Code 55.5 shall contain a minimum lot area of 40,000 square feet. The subject property consists of 28,025 square feet in area. Relief of 11,975 square feet is requested. The Planning Board advisory, by way of Development Plan Review, was granted on December 13, 2022. Lot size is .64 acre. A Dimensional Variance is required per Zoning Ordinance Section 504.12 (Boat Storage and Retail Trade of Marine Products) and Section 907 (Standards of Relief).

Owners of the property are Craig W. and Barbara F. Pierce for premises located at 1965 Kingstown Road, South Kingstown Assessor's Map 32-4, Lot 14 and zoned CH (Commercial Highway).

The following individuals spoke as representatives of the applicant:

- Michael Garretson, 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 December 6, 2022; Owner Authorization signed and notarized December 15, 2022; Survey (1 page) prepared by Matthew Cotta, PLS and dated August 29, 2022; Development Plan Review, Advisory to Zoning granted December 13, 2022 and recorded in Land Evidence January 3, 2023 Book 1848 and Pages 702-703
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - James and Kim Murdock, 118 Greenwood Drive

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 size of the lot creates a limitation to what type of operation could be performed on-site and the applicant's proposal seems to be a reasonable use.

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 has proposed a reasonable use of the property to operate his business and is not trying to alter the use of the property to obtain any obvious financial gain.

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 applicant's proposed use appears to be less intense than previous uses and more aligned with characteristics of the neighborhood, as well as meeting the intent of the Comprehensive Plan. Additionally, the applicant will be adding landscaping to further enhance the property.

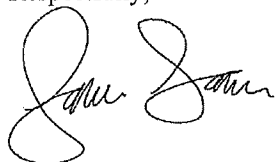
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has indicated that he is not trying to expand his currently offered services, but he simply needs a location to perform work on smaller boats and have an area for employee training. Additionally, the applicant has agreed to all of the conditions set forth under the Development Plan Review Advisory to Zoning prepared by the Planning Board.

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 granting of the dimensional variance the applicant would not be able to operate his business.

Approval is conditional subject to the following conditions:

- All of the conditions of the Development Plan Review, Advisory to Zoning granted December 13, 2022 and recorded in Land Evidence January 3, 2023 Book 1848 and Pages 702-703 must be met.

Respectfully,



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