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 INST# 26809
 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. 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 January 18, 2023 regarding the Petition of David Carpenter, 522 Matunuck Beach Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 60' x 200' detached garage for the storage of farm equipment, vehicles, and supplies. The proposed height of the garage will be 29'. The maximum height allowed for accessory structures is 20'. Relief of 9' is requested. Lot size is 38.43 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 David W. Carpenter and Benjamin S. Carpenter III Revocable Trust for premises located at 522 Matunuck Beach Road, South Kingstown Assessor's Map 86-3, Lot 151 and zoned R200.

The following individuals spoke as representatives of the applicant:

- Margaret Hogan, attorney
- David W. Carpenter, 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 9, 2022; Owner Authorization signed and notarized December 9, 2022; Vision Appraisal Field Card; Survey (1 page) prepared by David S. Hilbern, PLS and dated October 27, 2022; Construction Elevations and Spec Sheets (7 pages) prepared by Builder Direct and dated November 25, 2022
- 200' Radius Map and Abutter's List; Legal Notices; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Stephen Grasso, 540B Matunuck Beach Road
 - Lise Iwon, 540D & 540E Matunuck Beach 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 barn is necessary for the operation of the farm and the additional height is required so necessary farming equipment can be stored and worked on.
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's farm has been in operation for many years and the applicant is simply looking to build a barn for service and storage of farm equipment; this barn will not be open to the public and no sales will take place within the barn.

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 will be running a road along the north side of the property for access to the barn, this road will limit disturbance to the neighbors who abut the farm, additionally the applicant has planted arbor vitae that will further conceal the barn from public sight.

4. The Board finds that the relief to be granted is the least relief necessary, because the height restrictions under the Ordinance would not allow the applicant to store and service the equipment necessary to operate a working farm.

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 relief being granted the applicant would have no indoor space to store hay and work on the farm equipment needed for daily farm operations.

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