



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. Cagnetta and duly seconded by Mr. Daniels
Motion passed unanimously: Vote 5-0
(R. Cagnetta-Aye, S. Walsh-Aye, T. Daniels-Aye, K. Diamond-Aye, A. Hicks-Aye)

At a meeting held on January 18, 2023 regarding the Petition of Earle S. & Brenna E. Sharpe, 74 Parkwood Drive, Kingston, RI 02881 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a single-family dwelling 23' from the front property line. The required front yard setback is 35'. Relief of 12' is requested. Lot size is .48 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 Earle S. Sharpe & Brenna E. Rheinberger for premises located at Assessor's Map 31-2, Lot 93, South Kingstown, and zoned R20.

The following individuals spoke as representatives of the applicant:

- Jack McGreen, attorney
- Amy Sonder, PLS
- Brenna Sharpe, applicant
- Earle Sharpe, applicant

The following spoke in opposition to the petition.

- Edward Pare, attorney for abutter Bruce Cutting

The following materials were entered into the record:

- Application signed and dated July 15, 2022; Owner Authorization signed and notarized July 15, 2022; RI DEM Insignificant Alteration Permit (3 pages) dated December 31, 2021; Proposed OWTS Design and Details (2 pages) prepared and stamped by Amy Sonder, PLS and dated July 16, 2021
- Supplemental Materials
 - Photos 1-5
- 200' Radius Map and Abutter's List; Legal Notices (2); Proof of Certified Mailings and Notarized Affidavit of Mailing
- Plaintiffs Exhibits
 - (A) Home Plans (3 pages), Plan #34077 from FamilyHomePlans.com
 - (B) Vision Appraisal Neighborhood Comprehensives (28 pages)
 - (C) Conservation Commission's OWTS Advisory Opinion to Zoning Board (2 pages) dated February 2, 2022
 - (D) Draft Site Plans (4 pages) showing multiple revisions prepared by Amy N Sonder PLS dated July 16, 2021
 - (E) Alternative Driveway Plan (1 page)

- Objectors Exhibits
 - (1) Warranty Deed recorded in recorded in Land Evidence on June 16, 2020, Book 1745 Page 675-677
 - (2) Realtor.com listing (6 pages)
 - (3) MLS listing (1 page)
 - (4) Parkwood Plat Restrictions, Easements and Conditions (4 pages)
- Correspondence
 - Nikki and David McPeak, 3 Mark Glen Court
 - Bruce Cutting and William Kinnersley, 160 Parkwood Drive
 - Richard A. Cassagrande, 21 Mark Glen Court and David Casagrande, 98 Parkwood Drive
 - Tim Gleason and Brenda Rashleigh, 65 Parkwood Drive
 - Bruce Cutting and Fellow Residents of Little Rest neighborhood (letter and petition)
 - Ben and Alice Nascenzi, 163 Parkwood Drive
 - Brett and Wendy Lucht, 121 Parkwood Drive

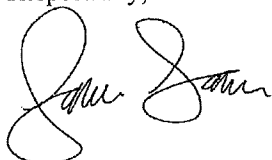
Findings of Fact:

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 subject parcel has wetlands on it and next to it. The lot is further restricted because these wetlands are governed by RI DEM and the State Division of Fresh Water Wetlands who through their thorough review indicated where the building envelope can be located in relation to the wetlands and required wetland buffers on the subject parcel.
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 with great consideration the Board determined that the proposed size and footprint of the house is reasonable with other houses in the surrounding area and would not necessarily contribute to greater 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 although the proposed house would be unique in its proximity to the roadway, all of the other houses in the neighborhood have a varying range of how far they are setback from the roadway.
4. The Board finds that the relief to be granted is the least relief necessary, because after great discussion the proposed structure size is not excessive and is not out of the ordinary in the neighborhood. Additionally, the applicant has shown through several plan reiterations how they have reduced the initial size of the house to be in compliance with wetland buffers.
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 applicant had to conform to the setbacks of record they would have to build a very irregular, substandard structure that would not fit well within the neighborhood.

Approval is conditional subject to the following conditions:

- At time of permitting the building plans submitted must be in substantial design conformance to Applicants Exhibit A, "Home Plans #34077"
- Proposed structure will be located as indicated on the "Proposed OWTS Design and Details" which was submitted with the application and was prepared, stamped, and signed by Amy Sonder, PLS and dated July 16, 2021

Respectfully,



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