



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1224
Fax (401) 789-9792

ZONING BOARD OF REVIEW

Insomnia Cookies
c/o David Wilson, Sign Guild
221 Tuckertown Road
Wakefield, RI 02879

May 1, 2020

Dear Mr. Wilson,

At a meeting of the Zoning Board of Review held April 21, 2020, your petition was **Denied** for a **Dimensional Variances** under the Zoning Ordinance as follows: : The applicant is proposing to install an internally illuminated exterior wall sign. The size will conform to the zoning standards. Internally illuminated signs are not allowed in the CN zoning district. Lot size is 4.4 acres. **A Dimensional Variance is required per Zoning Ordinance Section 805 (B) (Signs in Commercial and Industrial Districts) and Section 907 (Standards of Relief).** The business owner is Insomnia Cookies for property owned by Marley Properties Kingston LLC, located at 99 Fortin Road, South Kingstown, RI, Assessor's Map 23-2, Lot 24 and is zoned CN (Commercial Neighborhood).

Yours truly,

Wayne Pimental, Clerk
Zoning Board of Review
Town of South Kingstown



RECORDED 05/01/2020 10:13:41 AM
 B/P:1740/Pgs 580 - 581 (2 pgs)
 INST# 5450
 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 x1224
 Fax (401) 789-9792

ZONING BOARD OF REVIEW

NOTICE OF DECISION

May 1, 2020

At a meeting of the Zoning Board of Review held April 21, 2020, your petition was **Denied** for a **Dimensional Variances** under the Zoning Ordinance as follows: : The applicant is proposing to install an internally illuminated exterior wall sign. The size will conform to the zoning standards. Internally illuminated signs are not allowed in the CN zoning district. Lot size is 4.4 acres. **A Dimensional Variance is required per Zoning Ordinance Section 805 (B) (Signs in Commercial and Industrial Districts) and Section 907 (Standards of Relief).** The business owner is Insomnia Cookies for property owned by Marley Properties Kingston LLC, located at 99 Fortin Road, South Kingstown, RI, Assessor's Map 23-2, Lot 24 and is zoned CN (Commercial Neighborhood).

The Decision of the Board is as follows:

Mr. Bernardo made the motion that we Deny Petition of Insomnia Cookies c/o David Wilson, Sign Guild Inc., 221 Tuckertown Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is proposing to install an internally illuminated exterior wall sign. The size will conform to the zoning standards. Internally illuminated signs are not allowed in the CN zoning district. Lot size is 4.4 acres. A Dimensional Variance is required per Zoning Ordinance Section 805 (B) (Signs in Commercial and Industrial Districts) and Section 907 (Standards of Relief). The business owner is Insomnia Cookies for property owned by Marley Properties Kingston LLC, located at 99 Fortin Road, South Kingstown, RI, Assessor's Map 23-2, Lot 24 and is zoned CN (Commercial Neighborhood) So tonight, the application was represented by the sign builder Dave Wilson who presented testimony that this cookie business is essentially looking for an internally illuminated sign to assist its customers, mostly I guess prospective customers in finding their business. He also stated the fact that there are other businesses in the area with internally illuminated signs. This Zoning Board member is also, cognitive, of the fact that our Building Official just indicated that he is aware of or has just been made aware of the fact that there are a number of other businesses in the area with internally illuminated signs and that he will begin a process to address that issue so that they are consistent with town Zoning Ordinance, which is that internally illuminated signs are not allowed, unless of course by variance. And so, which seems like if we were to grant it, we'd be going down a path inconsistent with the Building Officials statement, but even more so I would find that I do not see a distinction between internally illuminated sign and a sign that is illuminated whose reflective lighting is external and especially if the sole purpose is to draw attention to the sign. We didn't hear any evidence that one sign, that excuse me, that an internally illuminated sign is brighter or will catch the eye more so than any other type of illuminated sign. So I'm having a hard time, I don't find that there is a hardship here. I also didn't hear any evidence about how many customers, perhaps, that got lost on their way trying to find this particular business or any evidence about the traffic of this business. Is it purely retail or are they out on the road selling their cookies based on internet orders. I just don't know. So I'm not able to find that the Applicant has demonstrated a hardship and therefore without a hardship. I can't move forward in granting or excuse me, are going through the other requirements to provide relief for this applicant. So with that said, I moved that we were deny the petition based on that fact.

Richard Jurczak, Chairman: Okay. Motion made by Mr. Bernardo someone want to second

Bill Mark, Alt. #1: I'll second it.

Whereupon a Roll-Call Vote was Taken: Bernardo-Aye, Mark-Aye, Cagnetta-Aye, Daniels-Nay, Jurczak-Aye
Motion Granted, Vote 4-1 in favor of denying the petition.



Wayne Pimental, Clerk
Zoning Board of Review
Town of South Kingstown