

# 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

Janet Elizabeth & Kenneth Greenberg  
14700 Stallion Court  
Bowie, MD 20715

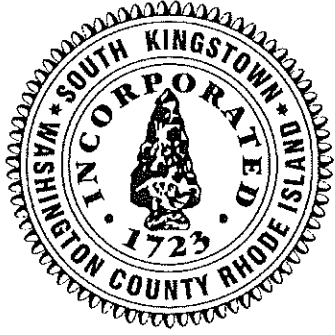
May 13, 2020

Dear Mr. & Mrs. Greenberg,

At a meeting of the Zoning Board of Review held April 29, 2020, your petition was **Granted** for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a new one story single family dwelling. The maximum lot coverage in the R 40 zone is 20%. The lot size is 10,283 square feet. The proposed dwelling will be 2,336 square feet, which represents 22.7% lot coverage. Relief of 2.7% of lot coverage, which represents 279.4 square feet is requested. Lot size is 10,283 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations Table) and Section 907 (Standards of Relief).** Owner of the property is Joseph & Michelle Boulay for premises located at 94 Winchester Drive, Assessor's Map 63-3, Lot 17 and zoned R 40.

Yours truly,

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



## 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 13, 2020

At a meeting of the Zoning Board of Review held April 29, 2020, your petition was **Granted** for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a new one story single family dwelling. The maximum lot coverage in the R 40 zone is 20%. The lot size is 10,283 square feet. The proposed dwelling will be 2,336 square feet, which represents 22.7% lot coverage. Relief of 2.7% of lot coverage, which represents 279.4 square feet is requested. Lot size is 10,283 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations Table) and Section 907 (Standards of Relief).** Owner of the property is Joseph & Michelle Boulay for premises located at 94 Winchester Drive, Assessor's Map 63-3, Lot 17 and zoned R 40.

*The Decision of the Board is as follows:*

**Mr. Mark made a motion to approve the petition of Janet and Kenneth Greenberg, 14700 Stallion Court, Bowie, MD for a Dimensional Variance under the Zoning Ordinance as follows:** The applicant is seeking to construct a new one story single family dwelling. The maximum lot coverage in the R 40 zone is 20%. The lot size is 10,283 square feet. The proposed dwelling will be 2,336 square feet, which represents 22.7% lot coverage. Relief of 2.7% of lot coverage, which represents 279.4 square feet is requested. Lot size is 10,283 square feet. A Dimensional Variance is required per Zoning Ordinance Section 401 Schedule of Dimensional Regulations Table and Section 907 Standards of Relief. Owner of the property is Joseph & Michelle Boulay for premises located at 94 Winchester Drive, Assessor's Map 63-3, Lot 17 and zoned R 40. The following individuals spoke as representatives for the Applicant Mrs. Greenberg, Attorney Kenyon and George Daglieri. The following individuals spoke in opposition or through letters. The Krolickis and Mr. Barbiar, both that seemed to have not so much arguments regarding the relief sought but more so I think, the aesthetics and or the building processes. The following materials were submitted, were the proposed site plan, the floor elevation plans, the appraiser's report and any objector's letters from the Krolickis, all three of them, and one other objector's letter from someone else whose name I didn't get. I kind of agree with the summation that chairman mentioned that if this were you know, in a R10 or R20 lot you know, in this zone of where everything else is like a 10,000 square feet, they would have no problem with the site coverage on this particular lot. So I'm saying the Board finds that the hardship from which the Applicant seeks is not due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, is not due to any physical or economic disability of the Applicant, accepting those physical disabilities addressed. The Board finds that the hardship is not the results of any prior action of the Applicant and does not result primarily from the desire of the Applicant to realize greater financial gain, because this is a new structure and because of the after mentioned disabilities of the Applicant. The Board finds that the granting of the request for dimensional 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. Again, getting back to the square footage of an R40 versus the surrounding lots. The Board finds that the relief to be granted is the least relief necessary because they could go up and have twice the square footage of a dwelling, but given the circumstances, I think that 2.7% is certainly the least relief necessary. The Board finds that the hardship suffered by the owner of the subject property, if the dimensional variances is not granted amounts to

more than a mere inconvenience because at 2.7% and given the turning ability of having ADA compliant setups within the house is negligible at this point. So with that I make a motion to approve the petition.

Richard Jurczak, Chairman: Okay motion made by Mr. Mark someone like the second

Tom Daniels, Member: Second.

Richard Jurczak, Chairman: OK, seconded by Mr. Daniels, any discussion

John Bernardo, Member: I think he said, a not when he meant to say an is, when he was saying the hardship from which the relief is in fact due to the unique characteristics of the land and I think he said not due, it might have been just a mistake or perhaps I heard it wrong, but I'm submitting that for clarification only.

Richard Jurczak, Chairman: Mr. Mark, can you clarify this

William Mark, Alt. #1: Is not due to the unique characteristics of the subject land...

Tom Daniels, Member: It should be is due.

(Discussion)

William Mark, Alt. #1: I'll amend my motion to say, the hardship for which the Applicant seeks relief is due to the unique characteristics of the subject land and not the general characteristics of the surrounding area.

Richard Jurczak, Chairman: Amy, Is that OK for clarification?

Amy Goins, Special Legal Counsel: Yes, we got it now.

Richard Jurczak, Chairman: Okay, Mr. Daniels. I think you seconded, can you second the change.

Tom Daniels, Member: I will second the change.

Whereupon a Roll-Call Vote was Taken: Mark-Aye, Daniels-Aye, Cagnetta-Aye, Bernardo-Aye, Jurczak-Aye  
Motion Granted, Vote 5-0 in Favor, Petition Passed Unanimously



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

*For expiration of Variances and Special Use Permits, please refer to  
Section 910 of the Town of South Kingstown Zoning Ordinance*