



# Town of South Kingstown, Rhode Island

## BUILDING AND ZONING DEPARTMENT

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INST# 10640  
TOWN OF SOUTH KINGSTOWN, RI

Date November 30, 2020

## NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Jurczak and duly seconded by Mr. Mark  
Motion passed unanimously 5-0  
(R. Jurczak-Aye, W. Mark-Aye, T. Daniels-Aye, W. Rosen-Aye, R. Cagnetta-Aye)

At a meeting held on October 21, 2020 regarding the petition of Daniel J. Cunningham, 3986 B1 Tower Hill Road, South Kingstown, RI for a for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing single family dwelling and construct a new 1,600 square foot dwelling with a detached 24' x 24' garage. This property is located within the Jerry Brown Farm Association property. The parcel of land that this property is located on is non-conforming due to the number of residential structures on the same parcel. A Special Use Permit is required for any addition, enlargement, expansion or intensification of non-conforming land. Lot size is 70 Acres. Although there are no property lines between dwellings, the distance from the proposed dwelling to the closest adjacent dwelling is 83'. A Special use permit is required per Zoning Ordinance Section 203 (Special Use Permit for addition, enlargement, expansion or intensification) and 907 (Standards of Relief). Owner of land is Jerry Brown Farm Association, Inc., and the owner of the dwelling is Daniel J. Cunningham for premises located at 35 Fire Lane Two, South Kingstown, RI, Assessor's Map 82-1, Lot 1-1 and is zoned R-80.

### The following individuals spoke as representatives of the applicant:

- Attorney John Kenyon,
- Daniel Cunningham, applicant
- Jeffrey Campopiano P.E.

### The following materials were entered into the record:

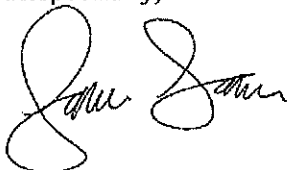
- Letter from Attorney John Kenyon dated May 8, 2020; Application signed and dated May 8, 2020; Signed and Notarized Owner Authorization form dated May 8, 2020; Abutters List and 200' Radius Map; Project Narrative Prepared by Jeffrey J. Campopiano PE dated May 6, 2020; Site & Soil Erosion Control Plan Prepared by Jeffrey J. Campopiano PE dated May 5, 2020; Preliminary Construction Documents Prepared by Jeffrey J. Campopiano PE dated May 5, 2020; Legal Notice, Certified Mail Receipts and Notarized Affidavit of Mailing
- Continuation Requests from Attorney John Kenyon
  - Dated June 17, 2020
  - Dated June 24, 2020
- Correspondence in favor:
  - Louise S. Kiessling Fair, Secretary to Jerry Brown Farm Association dated May 8, 2020
  - James R. Fowler Jr. dated June 4, 2020
  - Jerry Brown Board of Directors, Signed Eric Thorkilsen, President dated October 19, 2020
- Applicant's Exhibits 1-5
  - (1) Site and Soil Erosion Plan prepared by Jeffrey J. Campopiano P.E. dated May 5, 2020
  - (2) Elevations and Plan Details prepared by Jeffrey J. Campopiano P.E dated May 5, 2020
  - (3) Project Narrative prepared by prepared by Jeffrey J. Campopiano P.E dated May 6, 2020
  - (4) Letter supporting proposed project from the Secretary of the Jerry Brown Farm Association dated May 8, 2020
  - (5) Narrative from Attorney John Kenyon dated July 7, 2020

1. The Board finds that the special use is specifically authorized by this Ordinance, because a Special use permit is required per Zoning Ordinance Section 203 (Special Use Permit for addition, enlargement, expansion or intensification) and 907 (Standards of Relief).
2. The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use, because it has been determined that Section 203 applies (reference attached decision on Mr. Cunningham's zoning appeal) and that the expansion will be limited to 50% of all of the existing homes on the Jerry Brown Farm parcel based on the original square footage of all structures since the inception of the present Zoning Ordinance. The application has also met all of the criteria set forth in Section 907 of the Zoning Ordinance.
3. The Board finds that granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board has considered whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable:
  - (i) Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe; there is an existing driveway in place.
  - (ii) Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare or odor effects of the special use permit on adjoining lots; parcel has sufficient parking.
  - (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; not applicable
  - (iv) Utilities, with reference to locations, availability and compatibility; there are existing utilities on site.
  - (v) Screening and buffering with reference to type, dimensions and character; not applicable.
  - (vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; not applicable.
  - (vii) Required yards and other open space; the applicant has control of approximately 1.3 acres of a 70 acre parcel.
  - (viii) General compatibility with lots in the same or abutting zoning districts, because the Jerry Brown Farm Association Board of Directors fully reviewed and approved the applicant's proposed home which will be in character with other homes on the same parcel. In addition there is no public purpose to deny the applicant's request.

**Approval is subject to the following conditions:**

- Mr. Kenyon and the Building Official will work together to provide an analysis of the original square footage of all of the structures on the Jerry Brown parcel to make sure that 50% structural expansion has not occurred since the inception of the Zoning Ordinance.
- The decision is a Conditional Zoning Approval and is conditioned upon RI DEM approval and will have a two year expiration from the recorded date per Section 908 with the right to extend if necessary.

Respectfully,



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