



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1225

March 8, 2021

James Caldarone
382B Main Street
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held February 17, 2021, your petition for a Dimensional Variance was granted for premises located at 2040 Ministerial Road, South Kingstown, Tax Assessor's Map 46, Lot 4.

Please be further advised that there is a One-year Expiration. Any variance or special use permit shall expire one year after the date of the filing of the decision in the office of the Town Clerk, unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction, or obtain a certificate of occupancy when no legal building permit is required. If application is made prior to the expiration of the initial one-year period, the Board may, upon written request and for cause shown, renew the variance or special use permit for a second one-year period. Said request for an extension need not be advertised nor noticed, per South Kingstown Zoning Ordinance Section 910.

If you have to apply for a building permit, this Decision must be presented to the Building Official's office at the time you make application for your building permit.

Regards,

James Gorman,
Building Official & Zoning Clerk
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

March 8, 2021

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on February 17, 2021 regarding the Petition of Maria Earley, Executor of the Estate of Christopher Shafer c/o South County Survey Company, LLC, James T. Caldaroni, 382B Main Street, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to reduce the area of an existing lot (AP 46, Lot 4) in an R-80 zone. Both lots 3 and 4 are currently nonconforming by dimension. Lot 4 is presently 57,032 s.f. and is proposed to become 43,984 s.f. whereas Lot 3 is presently 18,688 s.f. and is proposed to become 31,737 s.f. **A Dimensional Variance is required per Zoning Ordinance Section 400D (Compliance with Regulations), Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).** Owner of the property is the Estate of Christopher Shafer c/o Maria Earley, Executor for premises located at 2040 Ministerial Road, Assessor's Map 46, Lot 4 and is zoned R80.

The following individuals spoke as representatives of the applicant:

- James Caldaroni, PLS

The following materials were entered into the record:

- Application, signed and dated January 8, 2021; Owner Authorization Form signed and notarized January 5, 2021; Certificate of Appointment dated August 24, 2020; 200' Radius Map and Abutter's List; Administrative Subdivision Plan prepared by South County Survey, LLC, James T Caldaroni, PLS dated January 8, 2021; Administrative Subdivision Conditional Approval dated October 22, 2020; Correspondence from James T Caldaroni to Planning Department dated January 5, 2021
- Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Karen DiMartino Mensel, 2030 Ministerial Road, received February 8, 2021
 - Anne B. Sheffield, 2070 Ministerial Road, received February 16, 2021
 - Letter from Planning Director, James Rabbit dated January 19, 2021 granting extension of the Conditional Approval dated October 22, 2020

The following spoke either in support of or opposition to the petition.

- Joe Kosiarek, 2014 Ministerial Road, in support

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 administrative subdivision of Assessor's Map 46, Lots 3 & 4 was conditionally approved by the Administrative Officer on October 22, 2020. This is conditional upon zoning approval due to the fact that the two lots are located in an R-80 Zone and are existing legally non-conforming lots of record which makes zoning approval necessary for the granting of an Administrative Subdivision to occur.

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 simply wants to revert the lot line between Assessor's Map 46, Lot 3 & 4 back to the original 1932 plat line.

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 this an R-80 Zone and the granting of this dimensional variance will increase the size of the corresponding lot, Map 46 Lot 3, making it more compliant with R-80 zoning requirements.

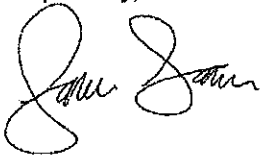
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is simply requesting to move the lot lines back to their original 1932 demarcation.

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 lots lines are not moved it will make the full utilization of either lot difficult in an R-80 zone.

Approval is subject to the following conditions:

- All conditions of the Planning Board Administrative Subdivision Conditional Approval dated October 22, 2020 shall be met.

Respectfully,

A handwritten signature in black ink, appearing to read "James Gorman", written in a cursive style.

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