



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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

June 3, 2021

Geoff Elia
20 Mason Lane
Somers, CT 06071

At a meeting of the Zoning Board of Review held May 19, 2021, your petition for a Dimensional Variance was granted for premises located at 49 South Weeden Road, South Kingstown, Tax Assessor's Map 92-2, Lot 7.

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



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 INST# 15446
 TOWN OF SOUTH KINGSTOWN, RI



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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Jurczak and duly seconded by Mr. Rosen

Motion passed unanimously: Vote 5-0

(R. Jurczak-Aye, W. Rosen-Aye, T. Daniels-Aye, C. Charkowick-Aye, R. Cagnetta-Aye)

At a meeting held on May 19, 2021 regarding the Petition of Geoff Elia, 20 Mason Lane, Somers, CT 06071 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 23.96' x 43.25' addition and 12' x 28.5' deck on the west side of the existing single-family dwelling. The addition and deck will be located 10.4' from the west side property line. The required side yard setback is 12'. Relief of 1.6' is requested. The deck will be located 20.9' from the front property line. The required front yard setback is 25'. Relief of 4.1' is requested. The Zoning Official previously determined that the requested relief was less than 25% of the requirement and was therefore eligible for modification, but an objection was received within the 30-day notice period, therefore, the request must be made to the Zoning Board of Review. Lot size is 8,625 square feet. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is Geoff F. Elia & Christine Geary for premises located at 49 South Weeden Road, South Kingstown, Assessor's Map 92-2, Lot 7 and zoned R20.

The following individuals spoke as representatives of the applicant:

- Attorney John Kenyon
- Geoffrey Elia, applicant
- Ken Cole, septic design and field surveying
- Cyrus Beasley, designer and builder

The following materials were entered into the record:

- Application with Cover Letter and Narrative signed and dated March 25, 2021; Owner Authorization's signed and notarized March 25, 2021; Vision Appraisal Field Card Map 92-2 Lot 7; Proposed Development Site Plan prepared by Atlas Land Surveying, LLC, Marcus Channel PLS dated February 2021; Exterior Perspectives & Building Plans (A0.1, A0.2, A2.1, A2.2, A2.3, A3.1, A3.2) prepared by Beasley Woodworks dated February 8, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Revised Exterior Perspectives & Building Plans (A0.1, A0.2, A1.1, A2.1, A2.2, A2.3, A3.1, A3.2) prepared by Beasley Woodworks dated March 10, 2021; Proposed Development Site Plan prepared by Atlas Land Surveying, LLC, Marcus Channel PLS dated February 2021
- Photos 1-9
- Correspondence
 - Kim Hanson, 41 South Weeden Road received May 1, 2021
 - Karen Ferreira, 80 South Weeden Road, received May 4, 2021
 - Joseph Smith, 57 South Weeden Road, received May 4, 2021
 - Attorney John Kenyon, dated May 7, 2021

There following spoke in support of the petition.

- Elaine Hogan, 46 South Weeden Road
- Tom Hanson, 41 South Weeden Road
- Karen Ferreira, 80 South Weeden Road

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 due to the configuration of the lot and the requirements of where the septic system needs to be located this is the only viable option to locate the proposed addition.
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 applicants are looking to make this their year round home and have certain needs that must be met in making this their permanent residence.
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 the proposed plans will enhance the character of the area which is clearly evident in the volume of support for this application has received from the neighbors.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicants are not proposing an overly large addition and have in fact reduced the scope and size of the original plan.
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 the applicants will not be able to build the addition which is needed to make this home large enough to accommodate year round living and meet their family's needs.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

Respectfully,



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