



RECORDED 08/03/2021 11:12:25 AM  
B/P:1801/Pgs 405 - 406; (2 pgs)  
INST# 16923  
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 x1225

August 3, 2021

## NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on July 21, 2021 regarding the Petition of Richard Schappach, 74 North Mountain Road, Brookfield, CT 06804 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing dwelling and construct a new dwelling with second story deck. The proposed dwelling will be located 39.4' from the front property line. The required front yard setback is 40'. Relief of .6' is requested. The dwelling will be located 30' from the rear property line. The required rear yard setback is 40'. Relief of 10' is requested. The dwelling will also be located 4.3' from the left side property line and 7.1' from the right side property line. The required side yard setback is 10'. Relief of 5.7' and 2.9' is requested. Lot size is 6,200 square feet. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements) and Section 907 (Standards of Relief). Owner of the property is D & R Schappach LLC for premises located at 311 Twin Peninsula Avenue, South Kingstown, Assessor's Map 89-3, Lot 5 and is zoned R80.

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

- Attorney John Kenyon
- Richard Schappach

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

- Application with cover letter and narrative (Exhibit A) signed and dated June 4, 2021, Owner Authorization Form signed and notarized May 17, 2021; Vision Appraisal Field Cards (3 pages)
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
  - Mary-Gail Smith, 17 Periwinkle Drive West, received July 20, 2021
- Exhibits 1-3
  - Cover Letter received July 9, 2021
  - Exhibit 1, Plot Plan prepared and stamped by Richard L. Couchon, PLS, Dowdell Engineering Inc., April 26, 2021 (A-00)
  - OWTS Plan prepared and stamped by William D. Dowdell, PE, Dowdell Engineering Inc., and Approved by RI DEM on May 14, 2020 Plan #0232-2062 (1 page)
  - Architectural Plans (A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-0)

**The following spoke in regards to the petition:**

- Mary-Gail Smith, 17 Periwinkle Drive
- Jeffrey Cahn, 313 Twin Peninsula Avenue

**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 lot is very unique in that it is a pie shaped lot and is restricted by its dimensions, as well as its close proximity to Green Hill Pond.

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 wishes to build a new structure that will comply with current flood zone requirements.

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 applicant has shown great care in the design of the house and the proposed design will certainly add to the character of this location. Additionally the proposed plan will not impair the intent of the Zoning Ordinance or the Comprehensive Plan because the proposed structure and its use is allowed within this zoning district.

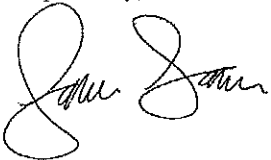
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has taken all possible steps to move the proposed structure as far away from the waterfront as possible while also trying to fit the structure within the very narrow lot confines and is requesting the least amount of relief as possible.

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 there is simply no other alternative for this applicant to comply with the flood plain requirements and be able to enjoy the use of his property to its fullest.

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

- The decision is a Conditional Zoning Approval and is conditioned upon any, if necessary, further CRMC approvals and will have a two-year expiration from the recorded date per Section 908 of the Zoning Ordinance with the right to extend if necessary.

Respectfully,



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