



RECORDED 09/02/2021 10:08:44 AM  
B/P:1804/Pgs 518 - 519; (2 pgs)  
INST# 17500  
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

September 2, 2021

### NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on August 18, 2021 regarding the Petition of Jason and Joan Gear, 487 Pond Street, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct an 18' x 24' detached garage located 34' from the front property line. The required front yard setback is 50'. Relief of 16' is requested. Lot size is 10.21 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief). Owner of the property is Jason & Joan Gear for premises located at 487 Pond Street, South Kingstown, Assessor's Map 63-3, Lot 1 and is zoned R80.

The following individuals spoke as representatives of the applicant:

- Jason Gear

There was no one who spoke either in support of or opposition to the petition.

The following materials were entered into the record:

- Application signed and dated June 11, 2021; Owner Authorization signed and notarized June 11, 2021; Site Plan (1 page) dated June 11, 2021; Floor Plan (1 page) dated June 11, 2021; Elevations (1 page) dated June 11, 2021; Proposed ISDS Alteration (1 page) prepared and stamped by Peter Alviti, Jr. PE, Hudson Place Associated dated October 2005
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
  - Mark Goldberg, President Salt Pond Estates received 7/21/2021

#### 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 although large, slopes off drastically into a wetland swamp area directly behind the house. To construct the proposed garage anywhere else on the lot would require huge amounts of backfill and the foundation would need to be built up all of which would be detrimental to the construction process.

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 is primarily looking to construct the garage on his own. Additionally the applicant has no intention of creating any type of accessory apartment above the garage, the area would simply be used for storage.

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 essentially the applicant is looking to construct the garage to simply store his vehicles, boats and other outdoor equipment which would only serve to reduce the visible clutter in his yard.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicant needs to locate the garage in the proposed location due to the slope of the land which limits where on the lot the garage could be located without requiring extensive engineering to backfill.

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 without the relief being granted the applicant would not be able to locate the garage in a location that has easy access to the primary structure without incurring considerable engineering costs.

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

- There are no conditions upon this decision.

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