



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT
180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1225

May 10, 2022

Patrick Lyons
3637B Post Road
South Kingstown, RI 02879

At a meeting of the Zoning Board of Review held April 20, 2022, your petition for a Dimensional Variance was granted for premises located at 3637B Post Road, South Kingstown, Tax Assessor's Map 77-3, Lot 67.

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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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on April 20, 2022 regarding the Petition of Patrick Lyons, 3637B Post Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 24' x 28' detached residential garage. The garage will be located 11' from the northerly front property line. The required front yard setback is 40'. Relief of 29' is requested. The building height of the garage will be 22'7". The maximum height allowed for accessory structures is 20'. Relief of 2'7" is requested. Lot size is .96 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 Patrick J. Lyons for premises located at 3637B Post Road, South Kingstown, Assessor's Map 77-3, Lot 67 and zoned R40.

The following individuals spoke as representatives of the applicant:

- Patrick Lyons

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

The following materials were entered into the record:

- Application signed and dated February 28, 2022; Owner Authorization signed and notarized February 28, 2022; Site Plan (1 page) signed and prepared by Richard L. Couchon, PLS, Dowdell Engineering Associates LLC and dated December 3, 2021; Determination of Applicability SERSC (1 page) dated November 5, 2021; Front Elevation (S-1), Left Elevation (S-2), Right Elevation (S-3); Rear Elevation (S-4) and Building Section (S-8) prepared by Everett Skinner IV and dated March 18, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Matt and Carol Haney, 3637A Post 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 when the original parcel was subdivided into two lots a large section of the land area was designated as open space which cannot be utilized. Additionally the lot is situated between two roads and therefore has two fronts which have greater setbacks established.
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 simply looking to place a garage on his property to store his RV; of note, a garage was indicated on the Master Plan that went before the Planning Board as part of the subdivision of the original lot.

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 lot is located in the woods and the proposed garage would fit well within the surrounding area.


4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has made the decision to lower the height of the garage to 21' which would require less relief than originally requested and would keep the overall design in line with his house.

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 granting of this relief the applicant would not be able to locate the garage on his property and would have no storage for his RV.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

Respectfully,

A handwritten signature in black ink, appearing to read "James Gorman". The signature is fluid and cursive, with the first name "James" and last name "Gorman" clearly distinguishable.

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