



## Town of South Kingstown, Rhode Island

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

June 29, 2022

James Gallagher  
163 Juniper Road  
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held June 15, 2022, your petition for a Dimensional Variance was granted for premises located at 163 Juniper Road, South Kingstown, Tax Assessor's Map 83-2, Lot 240.

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



RECORDED 06/29/2022 10:42:38 AM  
 B/P:1834/Pgs 353 - 354; (2 pgs)  
 INST# 23453  
 TOWN OF SOUTH KINGSTOWN, RI



## Town of South Kingstown, Rhode Island

**BUILDING AND ZONING DEPARTMENT**  
 180 High Street  
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### 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, R. Brown-Aye, S. Walsh-Aye, R. Cagnetta-Aye)

At a meeting held on June 15, 2022 regarding the Petition of James Gallagher, 163 Juniper Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to demolish a 10' x 16' deck and reconstruct a 16' x 25' deck attached to the existing single-family dwelling. The proposed deck will be located 25' from the rear property line and 2'8" from the side property line. The required rear and side yard setbacks are 30' and 10' respectively. Relief of 5' and 7'4" is requested. The total lot coverage proposed will be 1,330 square feet. The maximum lot coverage allowed is 956 square feet (20%). Relief of 374 square feet is requested. Lot size is .11 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 907 (Standards of Relief). Owners of the property are James & Jennifer Gallagher for premises located at 163 Juniper Road, South Kingstown, Assessor's Map 83-2, Lot 240 and is zoned R30.

The following individuals spoke as representatives of the applicant:

- James Gallagher

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 May 11, 2022; Owner Authorization Form signed and notarized May 11, 2022; Existing Site Plan (1 page); Proposed Site Plan (1 page)
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings, Notarized Affidavit of Mailing

#### 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 applicant has shown through testimony that he has a child who has a physical disability which requires more space for ease of mobility.
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 intends to utilize the home and deck for his large family to gather.
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 there is an existing deck already on site, therefore the proposed reconstruction and enlargement of the deck will continue to fit in with the surrounding area while better serving the needs of his family.

4. The Board finds that the relief to be granted is the least relief necessary, because there is testimony that additional space is needed to accommodate his child's disability and additionally more space is needed to accommodate his large family's needs.
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 extra space the family has very little area for his family to gather and dine together. Furthermore, his child requires the extra space requested to make the deck more ADA compliant.

**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', written in a cursive style.

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