



Town of South Kingstown, Rhode Island

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

June 29, 2022

Brian J. & Ana B. Steele
33 Peckham Avenue
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 33 Peckham Avenue, South Kingstown, Tax Assessor's Map 57-2, Lot 81.

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 357 - 358; (2 pgs)
 INST# 23455
 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

June 29, 2022

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on June 15, 2022 regarding the Petition of Brian J. & Ana B. Steele, 33 Peckham Avenue, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to install a stand-by generator to serve the existing single-family dwelling. The proposed generator will be located 1' from the side property line. The required side yard setback is 20'. Relief of 19' is requested. Lot size is 1.85 acres. A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming Lots of Record – Accessory Building Setback Requirements) and Section 907 (Standards of Relief). Owners of the property are Brian J. & Ana B. Steele, for premises located at 33 Peckham Avenue, South Kingstown, Assessor's Map 57-2, Lot 81 and zoned R80.

The following individuals spoke as representatives of the applicant:

- Brian Steele

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 with cover letter signed and dated April 27, 2022; Owner Authorization Form signed and notarized April 27, 2022; Proposed Site Plan (1 page) prepared by E. Greenwich Surveyors, LLC and dated April 11, 2022; Site Photo (1 page)
- Applicant's exhibit #1 - diagram of equipment on generator pad (Option 1)
- Correspondence
 - Emails between Mr. Steele and Dr. Lisi, from Msgr. Clarke School
- 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 there is an existing underground propane tank and other services that are located in the same area of the property which make the proposed location of the generator the most practical and the most feasible in relation to these other existing services and utilities.
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 install a generator to supply electricity during power outages so necessary equipment can run without disruption.
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 location

is next to a currently unused portion of land owned by Msgr. Clarke School. Additionally, Msgr. Clarke School indicated via email that they had no objection to the proposal as presented to them.

4. The Board finds that the relief to be granted is the least relief necessary, because the proposed location as shown on Exhibit #1, Option #1 allows for sufficient room for the generator to be serviced without infringing on the neighboring property.

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 to relocate the generator elsewhere on the property other services on site would need to be dug up and relocated to service the generator at a significant financial cost to the applicant.

Approval is conditional subject to the following conditions:

- Applicant's Exhibit #1, Option #1 (diagram of equipment on pad) will be used to indicate equipment location.
- Applicant will install a 4' fence along the perimeter of the concrete pad, along with (4) four arborvitaes for a buffer.

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