



Town of South Kingstown, Rhode Island

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

June 29, 2022

Christopher J. Melley
41 Briggs 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 41 Briggs Road, South Kingstown, Tax Assessor's Map 87-2, Lot 129.

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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 B/P:1834/Pgs 359 - 360; (2 pgs)
 INST# 23456
 TOWN OF SOUTH KINGSTOWN, RI



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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. Brown
 Motion passed unanimously: Vote 5-0
 (T. Daniels-Aye, R. Brown-Aye, W. Rosen-Aye, S. Walsh-Aye, R. Cagnetta-Aye)

At a meeting held on June 15, 2022 regarding the Petition of Christopher J. Melley, 41 Briggs Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 24' x 25' second story addition to the existing single-family dwelling. The proposed addition will be located 19'11" from the rear property line. The required rear yard setback is 30'. Relief of 10'1" is requested. Lot size is .34 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 Christopher J. & Eileen L. Melley for premises located at 41 Briggs Road, South Kingstown, Assessor's Map 87-2, Lot 129 and zoned R80

The following individuals spoke as representatives of the applicant:

- Christopher Melley

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 2, 2022; Owner Authorization Form signed and notarized April 27, 2022; Site Photo (1 page); Site Plan (L-1.0), Floor Plans (A-1.0) and Exterior Elevations (A-2.0) prepared by ESM and dated March 13, 2021; Plat Map Addendum (1 page)
- Supplemental Material
 - Cover & Drawing Index (T1.0), Floor Plans (A-1.0) and Exterior Elevations (A-2.0), Cross Sections (A-3.0) prepared by ESM and stamped by Wesley Grant III, PE and dated March 13, 2021; Site Plan (L-1.0) prepared by ESM and dated March 13, 2021
- 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 existing house is already legally non-conforming and the proposed second story addition will remain on the same footprint with no expansion.
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 has moved into the home year round and is simply looking to utilize the addition to better suit the family's needs and will realize no financial gain from the proposed addition.

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 addition will fit in well with the surrounding area. The applicant submitted into record that an adjacent property, 61 Briggs Road, was also granted a variance for a similar type of addition.

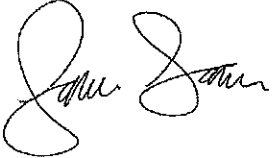
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is looking to add a second story on an already existing footprint and is not expanding outward.

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 the applicant cannot utilize his home for the necessary additional living space that he and his family require now that this is their year round home.

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 and last names being the most prominent.

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