



## Town of South Kingstown, Rhode Island

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

June 29, 2022

David Guadagnoli  
49 Sheldon Point Road  
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held June 15, 2022, your petition for a Special Use Permit was granted for premises located at 49 Sheldon Point Road, South Kingstown, Tax Assessor's Map 87-2, Lot 135.

Please be further advised that there is a Two-year Expiration on this Special Use Permit with the right to extend, if necessary, per South Kingstown Zoning Ordinance Section 908.

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 361 - 362; (2 pgs)  
INST# 23457  
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. Daniels and duly seconded by Mr. Rosen  
Motion passed unanimously: Vote 5-0  
(T. Daniels-Aye, W. Rosen-Aye, S. Walsh-Aye, R. Brown-Aye, R. Cagnetta-Aye)

At a meeting held on June 15, 2022 regarding the Continuation of the Petition of David Guadagnoli, 49 Sheldon Point Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to replace the existing 573 s.f. attached deck and stairs to grade in the same location. The deck will be located 15' from the front property line. The required front yard setback is 25'. Relief of 10' is requested. The deck will also be located 10' from the northerly side property line. The required side yard is 20'. Relief of 10' is requested. Lot size is .25 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 David A. & Eileen T. Guadagnoli for premises located at 49 Sheldon Point Road, South Kingstown, Assessor's Map 87-2, Lot 135 and is zoned R80.

The following individuals spoke as representatives of the applicant:

- David Guadagnoli, applicant
- Ralph Balsamo, contractor

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 14, 2022; Owner Authorization Form signed and notarized April 14, 2022; Site Plan (1 page) prepared by Diprete Engineering, Michael E. Gavitt, PLS and dated August 24, 2020
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings, Notarized Affidavit of Mailing and Memorandum to Neighbors dated May 5, 2022

#### 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 deck is already dimensionally non-conforming and is beyond repair; the applicant is simply looking to replace the deck in kind with no footprint 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 this is a replacement in kind and will allow the applicant and his family full utilization of the deck.
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 already an

existing deck which will be replaced in exactly the same layout and footprint; therefore the new deck will continue to fit in well with the surrounding area.

4. The Board finds that the relief to be granted is the least relief necessary, because this is a straight up deck replacement with no expansion.

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 the current deck is in disrepair and needs to be replaced. If the applicant were not allowed to construct a replacement deck they would not be able to fully utilize the property and the living conditions within the home would be altered due no longer having a deck.

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

- The decision is a Conditional Zoning Approval and is conditioned upon any, if necessary, CRMC approvals and will have a two-year expiration from the recorded date per Section 908 of the Zoning Ordinance with the right to extend if necessary.

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