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 INST# 20903  
 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

February 23, 2021

### 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, T. Daniels-Aye, C. Charkowick-Aye, R. Brown-Aye)

At a meeting held on February 16, 2022 regarding the Petition of Glenn and Gretel McCrory, 200 Lavan Street, Unit 1, Warwick, RI 02888 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a five (5) unit multi-family residential dwelling. The proposed structure will be separate from the existing three (3) unit residential structure. Relief is required for establishing more than one principal residential structure on a lot. Relief is required for locating dwelling units on the first floor in the CD district. The proposed structure will be located 11.67' from the rear property line. The required rear yard setback is 30'. Relief of 18.33' is requested. The Zoning Board previously granted the requested relief on June 19, 2019, but the approval has since expired. Lot size is .36 acres. A Dimensional Variance is required per Zoning Ordinance Section 402 Notes 4 & 9 (Notes to Dimensional Table), Section 501.1 (Supplementary Use Regulations) and Section 907 (Standards of Relief). Owner of the property is Glenn & Gretel McCrory for premises located at 507-509 High Street, South Kingstown, Assessor's Map 48-3, Lot 150 and is zoned CN (Commercial Neighborhood).

**The following individuals spoke as representatives of the applicant:**

- Attorney James Callaghan
- Glenn McCrory, applicant

**The following spoke in regard to the petition:**

- Lisa and Joel Hollenbeck, Church Street

**The following materials were entered into the record:**

- Application signed and dated January 13, 2022; Owner Authorization signed and notarized January 14, 2022; Site Plan (1 page) prepared by Environmental Planning & Surveying, Inc. and stamped by Wesley Grant III, PE, Site Plan dated September 10, 2002 with multiple revisions; previous Zoning application (3 pages) received June 13, 2008; Elevation and Floor Plan (2 pages); Drawing List (cover, A0.1, A1.0, A1.1, A2.0, A3.0, A4.0, A5.0) prepared by Cordtsen Design Architecture dated November 19, 2021; Insignificant Alteration Permit (4 pages) from RI DEM dated February 22, 2021
- Zoning Decisions
  - Granted June 19, 2019 and recorded June 27, 2019 Land Evidence Book L1709 Page 345-346
  - Granted August 27, 2008 and recorded October 14, 2008 Land Evidence Book L1332 Page 713
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Notice of Recusal from Zoning Board Member and abutter, Susan Walsh


**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 property is a very deep property with a lot of space to the rear. The addition of the 5-unit structure will not alter the appearance of the surrounding area and will in fact be a great benefit to the area by providing additional housing.
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 put forth a significant investment in the purchase and development of this property and the proposed 5-unit structure will support the need for housing within the surrounding area.
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 this proposal is helping to create more needed housing in the area as well as working towards improving the overall look of the lot.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has demonstrated that there will be adequate parking on site to accommodate all the units and that the lot is deep enough to sustain the additional building without impeding the surrounding area. Additionally, the applicant has gone before RI DEM and obtained an Insignificant Alteration Permit and will meet all the requirements set forth.
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 this is a fairly large, under-utilized lot and the proposed application will fit well within the surrounding community while also addressing housing needs.

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

- The applicant must meet the (21) conditions set forth in the RI DEM Insignificant Alteration Permit dated February 22, 2021.

Respectfully,



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