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INST# 5871
 TOWN OF SOUTH KINGSTOWN, RI



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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ZONING BOARD OF REVIEW NOTICE OF DECISION

May 13, 2020

At a meeting of the Zoning Board of Review held April 29, 2020, your petition was **Granted** for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a mudroom/covered porch and sunroom addition to the existing single family dwelling. The maximum lot coverage in the R 10 zone is 25%. The lot size is 8,652 square feet. The total existing and proposed building coverage will be 2,880 square feet, which represents 33% lot coverage. Relief of 8% of lot coverage, which represents 717 square feet is requested. The required front setback is 25'. The addition will be 7.6' from the front lot line. Relief of 17.4' is requested. Lot size is 8,652 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations Table) and Section 907 (Standards of Relief).** Owner of the property is Mark Jannitto & Darcy Lynch for premises located at 15 Hendricks Street, Assessor's Map 57-1, Lot 182 and zoned R 10

The Decision of the Board is as follows:

Mr. Cagnetta made a motion to approve the petition of Mark Jannitto and Darcy Lynch of 15 Hendricks Street, South Kingstown, Rhode Island for a dimensional variance. The Applicant is seeking to construct a mud room covered porch and sunroom addition to the existing family dwelling. In this case, the maximum coverage in the R10 zone is 25% they are seeking 33% lot coverage and they are also seeking to have the front setback changed from about 7'6" less, the relief of 17'4" is requested. This is in and around downtown Wakefield and downtown Wakefield, as we know, was built in the late 19th century, and there weren't many rules, as we know, of making all these different plots, houses were added and subtracted over the years and this one is sort of unique in the fact that it has a turn of the century cape. And I believe the Applicant mentioned the later addition garage or outbuilding to the back, so this is in fact a pretty unique property and how it sits. It does not conform with any of the existing setbacks for either of the two buildings. The back accessory building, accessory apartment, is essentially right on the line, about a foot and a half away from the property line on two sides, and six feet away from the property line on the west side. And then the main house which the Applicant has made the proposed additions to, there is actually no elevation that is within, completely within, the setback. Also something very unique about this neighborhood is the plotline versus the actual size of the road. The road is marked on the plots about twice the size that it is actually in real life. And the front lawn is sloped down to the roadway. So right now, the actual road is about 10 feet further away from the property line, so, it is the illusion that the front property line is a little bit more of a setback for them. The Applicant had proposed through a series of drawings, the plot plan, as well as the floor plans and elevations and roof lines of the structure which are relevant. The elevations are relevant in this regard because of the Applicants desire to add additional headroom space on this cape, in a cape of this vintage you'll get about 40% use out of that second floor because of the low ceiling heights, he's proposing to increase those ceiling heights and then also make the floor plan more useful. The front addition of the proposed vestibule is to access from the driveway side into the home more conveniently and the sunroom that's proposed is to provide a bit more floor space on the first floor, towards the driveway. And they're not coming out any closer to the front, but they are obviously coming off the side a bit more about another six feet. The plot plan was from Michael Fontaine was dated back on March 18, 2020. There are the elevations and floor plans as well. There was one objector, Mr. Duffy, from across the street, who also

has a very unique property in the amount of buildings and the setbacks on them. And Mr. Duffy had mentioned the tightness, like the fact that the street is much skinnier than it is on the plot plan and there are some difficulties in navigating the street when there are cars parked on the street. But Mr. Jannitto had mentioned that you can fit four cars in his driveway comfortably and that they only move things around. And again, they're not intensifying or adding bedrooms to the house, they are only making living space on the first floor and making it more convenient to enter the building. We find that the hardship, which the Applicant sought relief is due to the unique characteristics of the land and the structure, and is not going to change the general surrounding area. This is not due to any physical or economic disability of the Applicant and that is because as I said, the plot setbacks are not in the conformance with the building at all. We find that the hardship is not the result of any prior action of the Applicant and will not result primarily in the Applicant to realize a greater financial gain because there's no evidence to suggest that. We find that the granting of the variance will not alter the general character or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan because as I said, this is a pretty unique area in downtown where the houses are clustered in a very organic way and not as planned. We find that the least relief, is the least necessary. And we find that the hardship suffered by the owner if this were not granted would amount to more than a mere inconvenience, because the house is very difficult in its current design to utilize all the spaces. So with that, I'd like to make a motion to approve.

Richard Jurczak, Chairman: Okay motion made by Mr. Cagnetta would someone like to second

William Mark, Alt. #1: Second

Richard Jurczak, Chairman: Yes. Okay, second by Mr. Mark, any discussion? All right, it's none let's vote.

Whereupon a Roll-Call Vote was Taken: Cagnetta-Aye, Mark-Aye, Bernardo-Aye, Daniels-Aye, Jurczak-Nay
Motion Passed, Vote 4-1 in favor, petition passed



Wayne Pimental, Clerk
Zoning Board of Review
Town of South Kingstown

*For expiration of Variances and Special Use Permits, please refer to
Section 910 of the Town of South Kingstown Zoning Ordinance*