



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1225
Fax (401) 789-9792

February 18, 2021

Sean Daugherty
60 Broad Rock Road
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held January 27, 2021, your petition for a Dimensional Variance was granted for premises located at 705 Middlebridge Road, South Kingstown, Tax Assessor's Map 35-4, Lot 97.

Please be further advised that there is a Two-year Expiration on this Dimensional Variance 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



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 TOWN OF SOUTH KINGSTOWN, RI



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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Mark and duly seconded by Mr. Daniels

Motion passed unanimously: Vote 5-0

(W. Mark-Aye, T. Daniels-Aye, W. Rosen-Aye, C. Charkowick-Aye, R. Cagnetta-Aye)

At a meeting held on January 27, 2021 regarding the Petition of Sean Daugherty, 60 Broad Rock Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to elevate the existing dwelling in same location to comply with the floodplain elevation requirements. The proposed exterior stairs and entry deck will be located 7.4' from the side property line. The required side yard setback is 11'. Relief of 3.6' is requested. The first floor entry door will have a roof overhang located 32.7' from the front property line. The required front yard setback is 35'. Relief of 2.3' is requested. Lot size is 7,961 s.f. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements) and Section 907 (Standards of Relief). Owner of the property is Sean Daugherty for premises located at 705 Middlebridge Road, South Kingstown, RI, 02879, Assessor's Map 35-4, Lot 97 and is zoned R 20.

The following individuals spoke as representatives of the applicant:

- Sean Daugherty, applicant
- Christopher Palmer, PLS

The following materials were entered into the record:

- Application with Exhibit A Narrative, signed and dated December 15, 2020; Owner Authorization Form signed and notarized December 22, 2020; ; 200' Radius Map and Abutter's List; Construction Drawings (11 pages); Comprehensive Boundary Survey (Sheet 1) prepared by Christopher G. Palmer, PLS dated December 15, 2020; CRMC Submission Proposed Site Plan Comprehensive Boundary Survey (Sheet 2) prepared by Christopher G. Palmer, PLS dated December 15, 2020; Proposed Site Plan Comprehensive Boundary Survey prepared by Christopher G. Palmer, PLS dated December 15, 2020
- Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing

There was no one present who spoke in favor of or opposition to the petition.

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 structure which the applicant is proposing to elevate will utilize the existing foundation which is already legally non-conforming due to the unique lot constraints that are consistent throughout this area.

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 as the applicant indicated the proposed structure will become their permanent year round dream home and needs to be elevated to meet all FEMA standards for the flood plain.

3. The Board finds that the granting of the requested variance will not alter the general character of the surrounding area or impact the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based, because the use of the structure will remain the same as a single family dwelling. The proposed structure will be brought up to all Code Standards and be FEMA compliant. Also of note, there are many similarly designed structures in the immediate neighborhood.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is proposing to use the existing structure's foundation and elevate the proposed structure out of the floodplain. The only relief requested is for the outside stairway and landing; the stairway and landing location was chosen because that side of the lot is the furthest point from the flood features of the lot.

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 given the current climate considerations and the house being located in a designated FEMA flood zone, to not elevate the house would prove unwise and the exterior stairs are a necessary part of the proposed elevated structure.

Approval is subject to the following conditions:

- The decision is a Conditional Zoning Approval and is conditioned upon any 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,



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