

Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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

June 3, 2021

David Mercier
32 Horizon Lane
Glastonbury, CT 06033

At a meeting of the Zoning Board of Review held May 19, 2021, your petition for a Dimensional Variance was granted for premises located at 98 Maple Drive, South Kingstown, Tax Assessor's Map 90-1, Lot 10.

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.

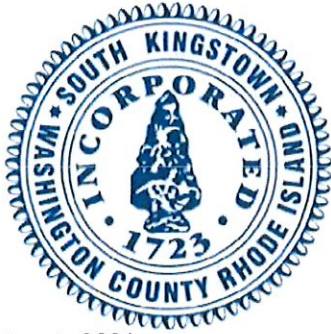
If you have to apply for a building permit, this Decision must be presented to the Building Official's office at the time you make application for your building permit.

Regards,

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



RECORDED 06/03/2021 09:27:28 AM
 B/P:1794/Pgs 261 - 262 (2 pgs)
 INST# 15449
 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 3, 2021

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Jurczak and duly seconded by Mr. Rosen
 Motion passed unanimously: Vote 5-0
 (R. Jurczak-Aye, W. Rosen-Aye, T. Daniels-Aye, C. Charkowick-Aye, R. Cagnetta-Aye)

At a meeting held on May 19, 2021 regarding the Petition of David Mercier Revocable Indenture of Trust, 32 Horizon Lane, Glastonbury, CT 06033 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing dwelling and construct a new single-family dwelling. The new dwelling will be located 26' from the east side property line. The required side yard setback is 36'. Relief of 10' is requested. Lot size is .84 Acres. 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 David P Mercier Revocable Indenture of Trust for premises located at 98 Maple Drive, South Kingstown, Assessor's Map 90-1, Lot 10 and is zoned R 80.

The following individuals spoke as representatives of the applicant:

- Attorney John Kenyon
- David Mercier, applicant
- Ken Cole, septic design and land surveying
- Laura Krekorian, AIA

The following materials were entered into the record:

- Application with Narrative signed and dated April 16, 2021, Owner Authorization signed and notarized April 2021; Development Plan Progress Print prepared by Atlas Land Surveying, LLC (1 page) dated February 2021 with revisions March 2021 and April 2021; Construction Plans (A1, A2, A3, A4, A5, A6, A7, A8) prepared and stamped by Laura D. Krekorian Architect dated March 18, 2021 and stamped by Ernest D. George Jr. PE
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Attorney John Kenyon, dated May 7, 2021
 - Ronald Poppe, 71 Maple Drive, received May 10, 2021
 - Leo & Jeanne Soucy, Beech Drive Map 90-1 Lot 192, received May 10, 2021

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

Findings of Fact:

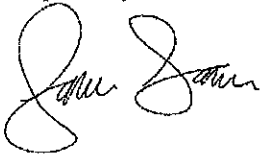
1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because due to restrictions placed on the lot by the Coastal Resources Management Council (CRMC) and the Rhode Island Department of Environmental Management (RI DEM) relating to the approved OWTS location the home needs to be located as far away from Green Hill Pond and can only be located in the proposed location to satisfy CRMC and RIDEM requirements.
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 designed the proposed house to be in conformity with the State of Rhode Island's rules set forth by CRMC and RI DEM in regards to coastal management.

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 based on the design of the proposed house the structure will not be overly large and fit well within the general character of the surrounding neighborhood.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has gone to great lengths to design a house that is as small as possible and still be able to accommodate his family's needs; additionally the applicant is well below the maximum lot coverage of 20% with the proposed design covering only 4.1% lot area.
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 applicant would not be able to build a reasonable accommodation due to the property's proximity to Green Hill Pond.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

Respectfully,



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