



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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A meeting of the Zoning Board of Review of the Town of South Kingstown, County of Washington, in the State of Rhode Island was held virtually VIA Zoom at 7:00 pm on Wednesday May 19, 2021.

Members Present:

- Robert Cagnetta, Chair
- Thomas Daniels, Vice-Chair
- Richard Jurczak, Member
- William Rosen, Member
- Casey Charkowick, Member
- Susan Walsh, Alt. #1

Also present were, Amy Goins, Special Legal Counsel, Jamie Gorman, Building Official and Clerk, and Jessica Spence, Administrative Support Associate.

Mr. Cagnetta opened the meeting at 7:00 pm

The standards of relief were explained as well as some technological aspects of Zoom.

Members voting tonight will be Mr. Cagnetta, Mr. Daniels, and Mr. Jurczak, Mr. Rosen, and Mr. Charkowick

Mr. Cagnetta read the first petition.

- **Robert Riorden, 193 Rockwood Lane, South Kingstown, RI 02879** for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a new 24' X 28' detached garage. The proposed garage will be 22'-7" high. The maximum height allowed for accessory structures is 20'. Relief of 2'7" is requested. Lot size is 8.79 Acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).** Owner of the property is Rockwood Ranch LLC for premises located at 193 Rockwood Lane, South Kingstown, Assessor's Map 54, Lot 69 and zoned R 80.

Letter was read into record from Robert Riorden requesting his petition to be withdrawn.

No vote was necessary and the petition was withdrawn.

Mr. Cagnetta read the second petition.

- **Stephen Roman, 61 Beech Tree Place, South Kingstown, RI 02879** for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 22' x 12'6" deck with stairs to grade attached to the rear of the dwelling. The deck will be located 17'6" from the rear property line. The required rear setback is 30'. Relief of 12'6" is requested. The Lot size is .23 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 Stephen C & Diane D Roman for premises located at 61 Beech Tree Place, South Kingstown, Assessor's Map 49-2, Lot 61 and is zoned R 20.

Stephen and Diane Roman were present and sworn in.

Mr. Roman testified that they would like to make a larger open deck at the back of the house, they currently have a small landing with steps down to grade. As they get older the stairs are getting harder to navigate. They would like to be able to move the grill, table and some lawn furniture up onto the new deck that has direct access to the kitchen / dining room area.

Board questions ensued.

Mrs. Roman stated that they have designated open space at the back of their property and that no other houses are backing up to their property.

There were no further questions.

There was no one in the audience who wished to speak.

The motion is as follows:

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

Motion passed unanimously: Vote 5-0

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

At a meeting held on May 19, 2021 regarding the Petition of Stephen Roman, 61 Beech Tree Place, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 22' x 12'6" deck with stairs to grade attached to the rear of the dwelling. The deck will be located 17'6" from the rear property line. The required rear setback is 30'. Relief of 12'6" is requested. The Lot size is .23 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 Stephen C & Diane D Roman for premises located at 61 Beech Tree Place, South Kingstown, Assessor's Map 49-2, Lot 61 and is zoned R 20.

The following individuals spoke as representatives of the applicant:

- Stephen Roman, applicant
- Diane Roman, applicant

The following materials were entered into the record:

- Application signed and dated March 25, 2021; Owner Authorization signed and notarized March 25, 2021; Final Plan Major Subdivision Phase III Beech Tree Place (1 page) prepared by Environmental Planning & Surveying, Inc.; Current & Proposed Structure Location (2 pages) dated March 25, 2021; Photo dated March 25, 2021; Proposed Deck Layout (1 page) dated March 25, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

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 the applicants are looking to locate the proposed expanded deck where an existing smaller deck is currently located which is adjacent to the kitchen/dining room access area. The larger deck will accommodate the placement of a grill and outside furniture reducing the amount of climbing up and down the stairs.
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 applicants are simply looking to build a deck that will accommodate their family's needs.
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 plenty of open space and buffering to the rear of the property.
4. The Board finds that the relief to be granted is the least relief necessary, because the deck being built is extending an existing landing and the applicants are requesting to simply enlarge the deck to create a nice outside family gathering space.
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 there is no other space to locate the rear deck that would be adjacent to the kitchen/dining room access area.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

Mr. Cagnetta read the third petition.

- **John Savastano, 20 Wildrose Court, Warwick, RI 02888** for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing garage and construct a new attached garage. The new

garage will be located 24.7' from the front property line. The required front yard setback is 35'. Relief of 10.3' is requested. The applicant previously received approval for the dimensional variance, but has since revised the plan reconfiguring the proposed garage. Lot size is .93 Acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).** Owner of the property is John E & Michelle Savastano for premises located at 191 Lake Avenue, South Kingstown, Assessor's Map 87-4, Lot 39 and is zoned R 20.

Attorney John Kenyon was present for the applicant.

Mr. Kenyon reviewed the lot zoning and size. The lot is bounded to the rear by Potter's Pond. There was an existing two family home on the property which was dimensionally non-conforming. The applicant demolished the existing two family house and is proposing to build a single family residence. The applicant was previously before the board and granted relief for a garage. The applicant is now working with a new architect and the redesign of the garage is actually less relief than previously granted.

John Savastano was present and sworn in. He testified that the new architect looked at the original design of the garage and redesigned it to better fit the lot and will require less relief than the Board previously granted. Everything else on the site plan will remain the same, including the OWTS. The previous house has been demolished and they will be using the existing foundation.

Board questions ensued.

There was no one in the audience who wished to speak.

The motion is as follows:

The following motion, made by Mr. Rosen and duly seconded by Mr. Charkowick

Motion passed unanimously: Vote 5-0

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

At a meeting held on May 19, 2021 regarding the Petition of John Savastano, 20 Wildrose Court, Warwick, RI 02888 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing garage and construct a new attached garage. The new garage will be located 24.7' from the front property line. The required front yard setback is 35'. Relief of 10.3' is requested. The applicant previously received approval for the dimensional variance, but has since revised the plan reconfiguring the proposed garage. Lot size is .93 Acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is John E & Michelle Savastano for premises located at 191 Lake Avenue, South Kingstown, Assessor's Map 87-4, Lot 39 and is zoned R 20.

The following individuals spoke as representatives of the applicant:

- Attorney John Kenyon
- John Savastano, applicant

The following materials were entered into the record:

- Application with Cover Letter and Narrative signed and dated March 31, 2021; Owner Authorization's signed and notarized March 31, 2021; Survey Plan (1 page) prepared by Flynn Surveys Inc., James G. Flynn PLS dated May 28, 2020 with revisions on June 7, 2020 & March 27, 2021
- 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

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 the re-designed proposed garage has been spun around on the property creating a better aesthetic which also better utilizes the lot and requires less relief than this Board previously granted on July 22, 2020.

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 gone through great lengths to minimize the amount of zoning setback relief needed, including the hiring of a new architect who re-designed the proposed garage.
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 the proposed completed structure will enhance the character of the surrounding area.
4. The Board finds that the relief to be granted is the least relief necessary, because as previously stated, the applicant has re-designed the garage and spun the location of the garage to create less relief now than was previously granted in July 22, 2020.
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 if the Board were to deny this application, the applicant would have to construct the garage that was previously approved in July 22, 2020 which would not meet all of the applicant's needs for his property.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

Mr. Cagnetta read the fourth petition.

- **Geoff Elia, 20 Mason Lane, Somers CT 06071** for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 23.96' x 43.25' addition and 12' x 28.5' deck on the west side of the existing single-family dwelling. The addition and deck will be located 10.4' from the west side property line. The required side yard setback is 12'. Relief of 1.6' is requested. The deck will be located 20.9' from the front property line. The required front yard setback is 25'. Relief of 4.1' is requested. The Zoning Official previously determined that the requested relief was less than 25% of the requirement and was therefore eligible for modification, but an objection was received within the 30-day notice period, therefore, the request must be made to the Zoning Board of Review. Lot size is 8,625 square feet. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).** Owner of the property is Geoff F. Elia & Christine Geary for premises located at 49 South Weeden Road, South Kingstown, Assessor's Map 92-2, Lot 7 and zoned R20.

Mr. Cagnetta read the following correspondence into record.

- Kim Hanson, 41 South Weeden Road received May 1, 2021
- Karen Ferreira, 80 South Weeden Road, received May 4, 2021
- Joseph Smith, 57 South Weeden Road, received May 4, 2021

Mr. Gorman explained Section 905 of the Zoning ordinance which allows for the Zoning Enforcement Officer to make an Administrative Dimensional Variance as long as the requested relief does not exceed 25%. In the event of an objection being received within 30 days of the advertised notice the request would be automatically denied. In this case an objection was received so now the applicant has to go before the Zoning Board for relief.

Ms. Spence explained that the Modification Request was treated as a separate petition and that no objections were received on this current application.

Attorney John Kenyon was present for the applicant.

Mr. Kenyon explained the lot size and zoning. Mr. Kenyon then explained that the applicant originally tried to obtain a Zoning Modification, however, objections were filed within the 30-day appeal period, both objections have since been withdrawn. Due to the objections the applicant is now coming before the Board for zoning approval. In the interim the applicant has met with his designer and has submitted a new set of plans which require less relief than was originally noticed.

Ken Cole, septic design, was present and sworn in.

Mr. Cole reviewed his curriculum vitae. He explained that his company was hired by the applicant to prepare an OWTS design. Mr. Cole then reviewed the lot size, setbacks and existing septic system. The applicant is proposing to replace the OWTS. Mr. Cole then explained the proposed OWTS specifications. The applicant is falling below the maximum building lot coverage and the proposed design would fit well within the neighborhood.

The Board had no questions for Mr. Cole.

Cyrus Beasley, designer and contractor, was present and sworn in.

Mr. Beasley reviewed his curriculum vitae. He then explained the existing house specifications. The owners hired him to design the proposed addition which would meet the family's needs and also allow the applicants to age in place. Mr. Beasley reviewed the plan which was originally submitted with this application. Due to the rising cost of lumber the applicant has revised the plan and determined what is truly necessary and what can be eliminated while still meeting the goals of the clients. Mr. Beasley then reviewed the revised plan that is before the Board tonight. The relief being sought of 1.6' from the left side line is still needed to allow for a one-car garage which is needed because this property will be the applicant's year round home. The rear portion now meets the setbacks requirements. The stairs are now all that require relief in the front yard setback. The proposed house will fit in well with the houses in the surrounding area.

The Board had no questions for Mr. Beasley.

Geoff Elia was present and sworn in.

Mr. Elia testified that they have owned the property for 11 years and the home was used as a seasonal family gathering spot. The intent with this addition is to make this house their full time year round residence. The existing house is not set up for anyone in their retirement years. The proposed addition will make the house more functional and create enough space for all their family to visit comfortably. The proposed garage is the minimum size that the garage can be and still be functional. The deck has been reconfigured and now the only relief needed is for the stairs in the front. The proposed house is now at the minimum size that can still meet their needs. Both side neighbors have submitted letters in support.

Board questions ensued.

Mr. Kenyon explained that lot coverage requirements are maximum 25% and they are roughly at 19% lot coverage as proposed.

Mr. Cole stated that the distance from the addition to the house to the west is 24'.

Mr. Cagnetta asked if anyone present wished to speak.

Elaine Hogan, 46 South Weeden Road, was present and sworn in. Ms. Hogan stated that the Elia's are great neighbors and that they have no objections.

Tom Hanson, 41 South Weeden Road, stated he has reviewed the plans and the proposal should be a nice addition to the neighborhood.

Karen Ferreira, 80 South Weeden Road, stated the Elia's are great neighbors and they are in support of the proposed addition and believes it will add value to the neighborhood.

There was no one else present who wished to speak.

Mr. Kenyon stated that he wants to make sure the Board is aware that the plans have been substantially reduced to fit much better on the lot.

The Board had no further questions.

The motion is as follows:

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 Geoff Elia, 20 Mason Lane, Somers, CT 06071 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 23.96' x 43.25' addition and 12' x 28.5' deck on the west side of the existing single-family dwelling. The addition and deck will be located 10.4' from the west side property line. The required side yard setback is 12'. Relief of 1.6' is requested. The deck will be located 20.9' from the front property line. The required front yard setback is 25'. Relief of 4.1' is requested. The Zoning Official previously determined that the requested relief was less than 25% of the requirement and was therefore eligible for modification, but an objection was received within the 30-day notice period, therefore, the request must be made to the Zoning Board of Review. Lot size is 8,625 square feet. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owner

of the property is Geoff F. Elia & Christine Geary for premises located at 49 South Weeden Road, South Kingstown, Assessor's Map 92-2, Lot 7 and zoned R20.

The following individuals spoke as representatives of the applicant:

- Attorney John Kenyon
- Geoffrey Elia, applicant
- Ken Cole, septic design and field surveying
- Cyrus Beasley, designer and builder

The following materials were entered into the record:

- Application with Cover Letter and Narrative signed and dated March 25, 2021; Owner Authorization's signed and notarized March 25, 2021; Vision Appraisal Field Card Map 92-2 Lot 7; Proposed Development Site Plan prepared by Atlas Land Surveying, LLC, Marcus Channel PLS dated February 2021; Exterior Perspectives & Building Plans (A0.1, A0.2, A2.1, A2.2, A2.3. A3.1, A3.2) prepared by Beasley Woodworks dated February 8, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Revised Exterior Perspectives & Building Plans (A0.1, A0.2, A1.1, A2.1, A2.2, A2.3. A3.1, A3.2) prepared by Beasley Woodworks dated March 10, 2021; Proposed Development Site Plan prepared by Atlas Land Surveying, LLC, Marcus Channel PLS dated February 2021
- Photos 1-9
- Correspondence
 - Kim Hanson, 41 South Weeden Road received May 1, 2021
 - Karen Ferreira, 80 South Weeden Road, received May 4, 2021
 - Joseph Smith, 57 South Weeden Road, received May 4, 2021
 - Attorney John Kenyon, dated May 7, 2021

There following spoke in support of the petition.

- Elaine Hogan, 46 South Weeden Road
- Tom Hanson, 41 South Weeden Road
- Karen Ferreira, 80 South Weeden Road

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 the configuration of the lot and the requirements of where the septic system needs to be located this is the only viable option to locate the proposed addition.
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 applicants are looking to make this their year round home and have certain needs that must be met in making this their permanent residence.
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 the proposed plans will enhance the character of the area which is clearly evident in the volume of support for this application has received from the neighbors.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicants are not proposing an overly large addition and have in fact reduced the scope and size of the original plan.
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 applicants will not be able to build the addition which is needed to make this home large enough to accommodate year round living and meet their family's needs.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

Mr. Cagnetta read the fifth petition.

- **Richard Cranston, 240 Camp Fuller Road, South Kingstown, RI 02879** for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 24' x 20' addition to the existing detached garage. The addition will be in line with the current garage, which is located 16' from the rear property line. The required rear yard setback is 20'. Relief of 4' is requested. The structure will meet the 20' height requirement. Lot size is 11 Acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief).** Owner of the property is Richard R Jr & Catherine M Cranston for premises located at 240 Camp Fuller Road, South Kingstown, Assessor's Map 75-2, Lot 4 and zoned R 80.

Richard Cranston was present and sworn in.

Mr. Cranston testified that he would like to expand the existing garage by doubling the size of the garage. The garage needs to be expanded to allow for additional vehicle storage, as well as other storage. There is an existing barn on the property which cannot be easily adapted to store vehicles so the decision was made to expand the existing garage which is located closer to the home.

Board questions ensued.

Mr. Cranston stated that behind the stone wall is open land and that there are no houses close to the rear property line. He then reviewed the size of the proposed garage addition. This option is the most cost efficient way to proceed especially in light of rising building costs.

There was no one present who wished to speak.

The Board had no further questions.

The motion is as follows:

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

Motion passed unanimously: Vote 5-0

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

At a meeting held on May 19, 2021 regarding the Petition of Richard Cranston, 240 Camp Fuller Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 24' x 24' addition to the existing detached garage. The addition will be in line with the current garage, which is located 16' from the rear property line. The required rear yard setback is 20'. Relief of 4' is requested. The structure will meet the 20' height requirement. Lot size is 11 Acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is Richard R Jr & Catherine M Cranston for premises located at 240 Camp Fuller Road, South Kingstown, Assessor's Map 75-2, Lot 4 and zoned R 80.

The following individuals spoke as representatives of the applicant:

- Richard Cranston, applicant

The following materials were entered into the record:

- Application signed and dated April 14, 2021; Owner Authorization signed and dated April 14, 2021; Site Plan (1 page); Photos (2)
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

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 this is an eleven (11) acre lot with plenty of open space and the applicant is looking to utilize components of an existing garage.

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 the applicant's primary home and he is simply looking to increase an existing garage and create a suitable accommodation for his collection of antique cars.

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 the

applicant is on a very large lot and is surrounded to the rear by other large lots; the proposed garage addition is in such an area that no one in the surrounding area will even realize that there is a garage located towards the back of the property.

4. The Board finds that the relief to be granted is the least relief necessary, because it would not be economically sound to add a garage in any other location when there is already an existing garage on-site that can be added on to and meet the applicant's needs for storage and utilization.

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 is simply trying to utilize the existing structure as part of the new expanded garage to save on the high construction costs that are prevalent in today's market.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

Mr. Cagnetta read the sixth petition.

- **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.

Attorney John Kenyon was present for the applicant.

Mr. Kenyon explained the lot specifications and zoning. Mr. Kenyon explained that the proposed house has been moved out of the 100' setback per CRMC requirements. This move will also put the structure out of the flood zone. The applicant is proposing a narrow house in order to ask for the least relief necessary.

Ken Cole was present and sworn in.

Mr. Cole, reviewed his curriculum vitae again. Mr. Cole then reviewed the site and zoning requirements. There is currently an existing single family house on the property. There is an existing permitted RI DEM OWTS on site. The applicant is proposing to demolish the existing house and build a new house. They will be installing a new OWTS that has been approved by RI DEM. The design accounts for the maximum separation from the coast which is what the State requires. The Elm tree is represented on the plan and the septic system components were moved to meet the RI DEM setbacks of 10'. The leach field and the distribution box are 10' away from the elm tree which is the minimum RI DEM requirement. The coastal feature edge has been discussed with CRMC and they wanted the applicant to meet the 100' CRMC coastal perimeter. Due to the CRMC requirements the dimensional variance is required, there is no other spot on the property that the house could be located and still meet CRMC requirements. The proposed house will be approximately 60' from its nearest neighbor on the east. The structure is about 105' from the pond at its closest point. The proposed leach field will be approximately 165' from the pond.

Board questions ensued.

Mr. Cole explained that the proposed roof line drains will terminate into the pervious driveway which CRMC allows for storm water management. The driveway will be made up of crushed stone, and in his opinion there should be no standing water in the event of a heavy storm.

Laura Krekorian, AIA was present and sworn in.

Ms. Krekorian reviewed her curriculum vitae. Ms. Krekorian explained that the applicant is proposing to demolish the existing one-story house and construct a new house which will meet the flood zone requirements. Ms. Krekorian reviewed the proposed house size and layout, the house was designed as narrow as possible to keep the house as far away from the coastal feature as possible and also keep the setback relief to a minimum. The design will fit in with other houses in the area.

Mr. Cole reviewed the maximum lot coverage of 20%. The existing lot coverage was 1.7% and they are proposing 4.1%

David Mercier was present and sworn in.

Mr. Mercier testified that he is the trustee of this property. He then explained that this is a 75 year old seasonal cottage. They are proposing to demolish the existing house and construct a new one. They just recently received RI DEM approval to construct a new OWTS. The proximity to the coastal feature limits where on the lot the proposed house can be located. The

original design was roughly 2400sf but due to the proximity to the coastal feature the house size has been reduced to meet the CRMC 100' setback. The proposed design is as narrow as is still functionally usable. In designing the house the elm tree was considered and they have every intention to try to keep the tree viable and in fact treated the tree last year for Dutch elm disease.

Mr. Cagnetta read into record a letter from Ronald Poppe,

The Board had no further questions.

There was no one present who wished to speak.

The motion is as follows:

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.

Mr. Cagnetta read the seventh petition.

- **Marshall Votta, 77 Kimberley Drive, South Kingstown, RI 02879** for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct an addition to the attached north side deck. The deck will be located 10'4" from the side property line. The required side yard setback is 15'. Relief of 4'8" is requested. Lot size is .62 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 Marshall S & Jamie H Votta for premises located at 77 Kimberley Drive, South Kingstown, Assessor's Map 58-1, Lot 18 and is zoned R 80.

Marshall Votta was present and sworn in.

Ryan Cahill was present and sworn in.

Mr. Votta testified that the property was purchased in 2019 and the application is to expand the deck. The prior deck was very narrow and cannot be utilized to its maximum potential. They discovered in the process of renovations that there was extensive water damage to the house which has led to extensive reconstruction of the house and at that point they decided to expand the deck and make it more usable by squaring the deck off.

Mr. Cahill testified that he has worked with the applicant and that he prepared the zoning application.

There was no one present who wished to speak.

The Board had no further questions.

The Motion is as Follows:

The following motion, made by Mr. Rosen and duly seconded by Mr. Jurczak

Motion passed unanimously: Vote 5-0

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

At a meeting held on May 19, 2021 regarding the Petition of Marshall Votta, 77 Kimberley Drive, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct an addition to the attached north side deck. The deck will be located 10'4" from the side property line. The required side yard setback is 15'. Relief of 4'8" is requested. Lot size is .62 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 Marshall S & Jamie H Votta for premises located at 77 Kimberley Drive, South Kingstown, Assessor's Map 58-1, Lot 18 and is zoned R 80.

The following individuals spoke as representatives of the applicant:

- Marshall Votta, applicant
- Ryan Cahill

The following materials were entered into the record:

- Application signed and dated April 15, 2021, Owner Authorization signed and notarized April 16, 2021; Site Plan (1 page) prepared by Principe Company, Inc. Engineering Division, Thomas J. Principe III PE dated December 23, 2020; Floor Plans and Aerials (A1.2, A0.2) prepared by Newport Renewables dated April 12, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Bruce Ward, 70 Kimberley Drive

- Ken Feroldi, 67 Kimberley Drive

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 the applicant has performed his due diligence in respect to the necessary renovations for the existing structure; the applicant is only seeking to square off a small portion of an existing deck which would better utilize the space and be more aesthetically pleasing.
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 recently purchased the house and later determined that there was considerable pre-existing damage to the existing structure; as part of the extensive renovations the applicant thought it would work best to square up the corner of the deck to be in alignment with the existing 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 this property is located in a private area and is buffered to the rear by a designated US Wildlife area.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is simply asking to square the deck off by expanding just the northeast corner of the deck.
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 has done extensive work on the house and this request is just a minor alteration that needs to be taken care of so the restoration of the structure can be completed and the applicant can begin residing on-site.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

Other Business:

- Minutes: Motion made by Mr. Daniels to approve the minutes from the April 21, 2021 minutes. All members were in favor, minutes passed 5-0
- Attendance: June 16th meeting, Mr. Jurczak will not be available, all other members can attend
- Adjournment: Mr. Daniels made the motion to adjourn, all members in favor. Meeting adjourned 9:26 p.m.