



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1224
Fax (401) 789-9792

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 in-person at the South Kingstown Town Hall, Council Chambers, 180 High Street, Wakefield, RI 02879 at 7:00 p.m. on Wednesday August 18, 2021.

A. CALL TO ORDER:

Mr. Cagnetta called the meeting to order at 7:00 pm

B. CHAIRMAN INTRODUCTIONS AND INSTRUCTIONS:

Members Present: Robert Cagnetta, Chairman; Thomas Daniels, Vice-Chair; Richard Jurczak, Member; William Rosen, Member; and Susan Walsh, Alternate #1

Member(s) Absent: Casey Charkowick, Member

Staff Present: Amy Goins, Special Legal Counsel; Jamie Gorman, Building Official and Zoning Clerk

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

The standards of relief were explained.

C. AGENDA ITEMS:

- I. **Petition of Jason and Joan Grear**, 487 Pond Street, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct an 18' x 24' detached garage located 34' from the front property line. The required front yard setback is 50'. Relief of 16' is requested. Lot size is 10.21 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief)**. Owner of the property is Jason & Joan Grear for premises located at 487 Pond Street, South Kingstown, Assessor's Map 63-3, Lot 1 and is zoned R80.

Mr. Cagnetta entered all documents into record.

Mr. Gorman read into record an email dated July 20, 2021 from Mark Goldberg, President Salt Pond Estates.

Jason Grear was sworn in and testified that they are proposing to construct an 18x24 garage kit. Due to the nature of the land and the slope of the land that drops to down to a fresh water wetland right behind the house the proposed location is the only viable location where the proposed structure can still be accessed from the driveway. The proposed structure is as far away from the wetlands as possible. The impact on the impervious surface is minimal, most of the proposed garage will be built on existing driveway. The structure will be under the 20' accessory building height maximum.

Mr. Grear clarified the stamped site plan shows a structure that was never built, it was part of a previous application prior to their ownership of the house, and he submitted this because this is what he used as reference for developing his site plan, as well as a site location monument that is existing on site.

Mr. Gorman indicated that the applicant will need to prepare a soil erosion plan as part of the building permit issuance which will need to be prepared by a surveyor.

Mr. Grear indicated that he would be doing so.

Board questions ensued.

Mr. Grear indicated that there is sufficient turn-around radius within the driveway and there would be no need to back out onto the road. Additionally above the garage will be used for storage only, the building will not be insulated and there is no plumbing. They have no intention of this to be used as an accessory apartment in the future. The site plan has an existing septic and leach field shown.

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

There was no further Board discussion.

Whereas a motion was made.

The Motion is as Follows:

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

At a meeting held on August 18, 2021 regarding the Petition of Jason and Joan Grear, 487 Pond Street, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct an 18' x 24' detached garage located 34' from the front property line. The required front yard setback is 50'. Relief of 16' is requested. Lot size is 10.21 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief). Owner of the property is Jason & Joan Grear for premises located at 487 Pond Street, South Kingstown, Assessor's Map 63-3, Lot 1 and is zoned R80.

The following individuals spoke as representatives of the applicant:

- Jason Grear

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

The following materials were entered into the record:

- Application signed and dated June 11, 2021; Owner Authorization signed and notarized June 11, 2021; Site Plan (1 page) dated June 11, 2021; Floor Plan (1 page) dated June 11, 2021; Elevations (1 page) dated June 11, 2021; Proposed ISDS Alteration (1 page) prepared and stamped by Peter Alviti, Jr. PE, Hudson Place Associated dated October 2005
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Mark Goldbert, President Salt Pond Estates received 7/21/2021

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 lot although large, slopes off drastically into a wetland swamp area directly behind the house. To construct the proposed garage anywhere else on the lot would require huge amounts of backfill and the foundation would need to be built up all of which would be detrimental to the construction process.
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 is primarily looking to construct the garage on his own. Additionally the applicant has no intention of creating any type of accessory apartment above the garage, the area would simply be used for storage.
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 essentially the applicant is looking to construct the garage to simply store his vehicles, boats and other outdoor equipment which would only serve to reduce the visible clutter in his yard.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant needs to locate the garage in the proposed location due to the slope of the land which limits where on the lot the garage could be located without requiring extensive engineering to backfill.

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 without the relief being granted the applicant would not be able to locate the garage in a location that has easy access to the primary structure without incurring considerable engineering costs.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

II. Petition of Mahar Boys Properties, Inc, 26 Pearl Street, Cortland, NY 13045 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to replace the existing seasonal trailer of 256 square feet with a new trailer of 300 square feet. The trailer will not be located any closer to neighboring units. Lot size is 7.67 Acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).** Owner of trailer 689A Succotash Road is Mahar Boys Properties Inc, on property owned by Village at Potters Pond LLC, located at South Kingstown, Assessor’s Map 87-3, Lot 5-56 and is zoned CW.

Mr. Cagnetta entered all documents into record.

Attorney Jeffrey Caffrey was present for the applicant.

Mr. Caffrey explained that they have worked very closely with both the Building and Planning Departments to come up with a viable plan. The applicant is proposing to replace a park model recreational vehicle which is 8x30 with a 3x12 bump out, equivalent to 279 square feet. The applicant is looking to replace this with a 12x25 recreational vehicle. Due to the nuisances of the Coastal Community Overlay district a Special Use Permit is required and they are restricted to a 50% increase of the GLFA from the 2000 field card, which was approximately 200 square feet, the applicants are proposing a 300 square foot model.

Arthur Mahar was present and sworn in and testified that he has lived at the park for two years. They are currently seasonal but are looking to spend more time in the fall and winter months. When they first petitioned the Board of the Village at Potter’s Pond they requested a 396 square foot model so they could have a laundry room on site which they have scaled down to meet the Ordinance requirements. They have a large family and they would like to be able to accommodate them all comfortably. In locating the proposed park model on the lot there is no encroachment on any neighboring properties. They have received authorization from the Board at the Village at Potter’s Pond to proceed with the replacement model as proposed.

Brad LaFontaine, President of the Village at Potter’s Pond was present and sworn in. Mr. LaFontaine testified that the VPP Board has approved the application that is before the Zoning Board tonight. He has been the President for the past six years and explained that anything that is done within the park needs VPP Board approval. The VPP Board after reviewing Mr. Mahar’s proposal believed that it would fit in well within the park. The VPP is made up of mobile homes, park models and stick built cottages.

The Board had no questions.

There was no one present who wished to speak.

There was no further discussion.

Whereas a motion was made.

The Motion is as Follows:

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

Motion passed unanimously 5-0

(T. Daniels-Aye, S. Walsh-Aye, R. Jurczak-Aye, W. Rosen-Aye, R. Cagnetta-Aye)

At a meeting held on August 18, 2021 regarding the Petition of Mahar Boys Properties, Inc, 26 Pearl Street, Cortland, NY 13045 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to replace the existing seasonal trailer of 256 square feet with a new trailer of 300 square feet. The trailer will not be located any closer to neighboring units. Lot size is 7.67 Acres. A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief). Owner of trailer 689A

Succotash Road is Mahar Boys Properties Inc, on property owned by Village at Potters Pond LLC, located at South Kingstown, Assessor's Map 87-3, Lot 5-56 and is zoned CW.

The following individuals spoke as representatives of the applicant:

- Attorney Jeffrey Caffrey
- Arthur Mahar, applicant
- Brad LaFontaine, President, Village at Potter's Pond

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

The following materials were entered into the record:

- Application signed and dated June 16, 2021; Owner Authorization signed and notarized May 19, 2021; Proposed Site Plan (1 page), Existing Site Plan (1 page), Floor Plan (1 page)
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

Findings of Fact:

The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).

The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use, because the applicant has testified that they are looking to replace an older unit and establish a park style unit within this community which presently has a number of this particular style of unit already onsite.

The Board finds that granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board has considered whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable:

- (i) Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe; there is no issue with ingress and egress, the proposed unit will be located in basically the same location as the existing unit and will maintain the same distances from existing buildings.
- (ii) Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare or odor effects of the special use permit on adjoining lots; not applicable.
- (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; Utilities, with reference to locations, availability and compatibility; trash, storage and delivery is not applicable. Utilities are existing.
- (iv) Screening and buffering with reference to type, dimensions and character; there is no issue with screening or buffering. Additionally the Board of the Village at Potter's Pond reviewed and approved the proposed replacement.
- (v) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; not applicable.
- (vi) Required yards and other open space; not applicable.
- (vii) General compatibility with lots in the same or abutting zoning districts, because this property is located within the Coastal Community Overlay District which is a densely populated area and the proposed application will fit in well with the surrounding area and only serve to improve the conditions on site.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

III. Petition of Nicole Vanderslice, 4615 Firtree Lane, Sparks, NV 89436 for a **Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to replace the existing seasonal cottage of 576 square feet with a new cottage of 720 square feet and attached deck of 200 square feet. The dimension between adjacent cottages will be a minimum of 20'. Lot size is 50.2 Acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).** Owner of cottage 18E3 is Nicole Louise Vanderslice on**

property owned by Matunuck Beach Properties Inc, located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-205 and is zoned R200.

Mr. Cagnetta entered all documents into record.

Mr. Cagnetta read into record the authorization from Nicole Vanderslice dated July 11, 2021 granting Jay Moon permission to act on her behalf.

Jay Moon, Urbane Construction, was sworn in and testified that he is the project manager and designer representing Nicole Vanderslice. They have a 70 year old family generational cabin that is very outdated and needs to be replaced. They will be staying under the 150 square feet maximum expansion allowed in the Zoning Ordinance. The second floor will be storage only and was designed with a very low head height.

Mr. Daniels questioned the specific site plan and the questioned the minimum distances between units and the roadway.

Mr. Moon was able to address Mr. Daniels concerns.

Mr. Gorman indicated that the applicant should describe the distances from the road and other structures.

Mr. Moon explained that the façade in regards to the setbacks from the road will be exactly the same which is 7-1/2'. In terms of the width of the building it is increasing roughly 1'9" in either direction which will be roughly 22' on one side and roughly 26' on the other side from existing cottages.

Board questions ensued.

Mr. Moon explained the existing building's footprint.

Ms. Goins explained the legal requirements for legal notice.

Mr. Gorman explained that the relief that can be sought is the lesser of either 150 square feet expansion or 50% increase of the existing footprint as shown on the 2000 Tax Assessor's field card.

The Board had no further questions.

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

Whereas a motion was made.

The Motion is as Follows:

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

Motion passed unanimously 5-0

(T. Daniels-Aye, W. Rosen-Aye, S. Walsh-Aye, R. Jurczak-Aye, R. Cagnetta-Aye)

At a meeting held on August 18, 2021 regarding the Petition of Nicole Vanderslice, 4615 Firtree Lane, Sparks, NV 89436 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to replace the existing seasonal cottage of 576 square feet with a new cottage of 720 square feet and attached deck of 200 square feet. The dimension between adjacent cottages will be a minimum of 20'. Lot size is 50.2 Acres. A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief). Owner of cottage 18E3 is Nicole Louise Vanderslice on property owned by Matunuck Beach Properties Inc., located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-205 and is zoned R200.

The following individuals spoke as representatives of the applicant:

- Jason Moon, Project Manager and Designer, Urbane Construction

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

The following materials were entered into the record:

- Application signed and dated June 2, 2021; Owner Authorization signed and notarized June 29, 2021; Owner Authorization Form signed and notarized June 14, 2021; Owner Authorization Form signed and notarized June 29, 2021; Architectural Plans (A0.0, A1.0, A2.0, A3.0) prepared by Urbane Construction and dated June 14, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Nicole Vanderslice, Authorization letter received 7/19/2021

Findings of Fact:

The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).

The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use, because the replacement and expansion of the existing cottage from 576 square feet to the proposed 720 square feet cottage is required under the Coastal Community Overlay District, Section 608. The testimony and submitted documentation show that the proposed structure will be within the limit for expansion and will not exceed the dimensions between existing buildings which is an important criteria for fire prevention and safety prevention on this particular parcel.

The Board finds that granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board has considered whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable:

- (i) Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe; there is no issue because the applicant is using the same area on the property and minimum distances will be maintained between properties.
- (ii) Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare or odor effects of the special use permit on adjoining lots; there are no issues.
- (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; Utilities, with reference to locations, availability and compatibility; there are no issues with trash, storage and delivery and utilities are existing.
- (iv) Screening and buffering with reference to type, dimensions and character; not applicable.
- (v) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; not applicable.
- (vi) Required yards and other open space; not applicable.
- (vii) General compatibility with lots in the same or abutting zoning districts, because this is a large lot with multiple cottages located on the lot and the proposed cottage will fit in well with its surroundings.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

- IV. **Petition of Antonio Loura**, 14 Second Street, Hudson MA 01749 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to construct a 6'9" x 22' addition to the existing seasonal cottage. The required separation between adjacent cottages will be in compliance with the zoning regulations. Lot size is 50.2 Acres. **A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).** Owner of cottage 4W1 is Antonio and Zaira Loura on property owned by Matunuck Beach Properties Inc., located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-254 and is zoned R200.

Mr. Cagnetta entered all documents into record.

Antonio Loura was sworn in and testified that they have owned the cottage for almost 20 years. The family has grown and there is not enough room for all the family to fit comfortably. The proposed addition will allow them to add a small addition where they can

have bunkbeds for additional sleeping. The addition will be going towards the road and will be 7'3" from the road and not encroaching on any other cottages.

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

There was no further Board discussion.

Whereas a motion was made.

The Motion is as Follows:

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

Motion passed unanimously 5-0

(T. Daniels-Aye, W. Rosen-Aye, S. Walsh-Aye, R. Jurczak-Aye, R. Cagnetta-Aye)

At a meeting held on August 18, 2021 regarding the Petition of Antonio Loura, 14 Second Street, Hudson MA 01749 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to construct a 6'9" x 22' addition to the existing seasonal cottage. The required separation between adjacent cottages will be in compliance with the zoning regulations. Lot size is 50.2 Acres. A Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief). Owner of cottage 4W1 is Antonio and Zaira Loura on property owned by Matunuck Beach Properties Inc., located at 240 Cards Pond Road, South Kingstown, Assessor's Map 92-1, Lot 9-254 and is zoned R200.

The following individuals spoke as representatives of the applicant:

- Antonio Loura

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

The following materials were entered into the record:

- Application signed and dated July 8, 2021; Owner Authorization signed and notarized June 24, 2021; Proposed Addition (A100 & A200) dated June 28, 2021; Site Plan (1 page)
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

Findings of Fact:

The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 203 (Special Use Permit for Addition, Enlargement, Expansion or Intensification), Section 608 (Coastal Community Overlay District) and Section 907 (Standards of Relief).

The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use, because the applicant's testimony satisfied all of the requirements for the Board to grant a Special Use Permit. The applicant testified that all of the required distances between neighboring cottages will remain the same.

The Board finds that granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board has considered whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable:

- Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe; Ingress and egress will remain with one small reduction in the frontage on the west side along the edge of the road, the distances between existing units will be maintained.
- Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare or odor effects of the special use permit on adjoining lots; not applicable.
- Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; Utilities, with reference to locations, availability and compatibility; trash, storage and delivery are not applicable and utilities will remain the same.
- Screening and buffering with reference to type, dimensions and character; not applicable.
- Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; not applicable.

- (vi) Required yards and other open space; not applicable.
- (vii) General compatibility with lots in the same or abutting zoning districts, because this cottage is part of a high density cottage community located on a 50 acre lot and the proposed addition fits in well with the other existing cottages on site.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

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- V. **Petition of Lucas Hearne**, 708 South Road, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct two additions on the south side of the existing single-family dwelling. One addition will be located 14' from the rear property line. The required rear yard setback is 40'. Relief of 26' is requested. Lot size is .28 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 Catherine Martin and Lucas Hearne for premises located at 708 South Road, South Kingstown, Assessor's Map 47-3, Lot 28 and is zoned R40.

Mr. Cagnetta entered all documents into record.

Lucas Hearne was sworn in and testified that their family is growing and that the addition is needed to suit their growing family's needs. The lot is a non-conforming lot and what they are trying to do is reconfigure the existing bedrooms to make a larger living area for the family. In doing so the house will simply be made rectangular in shape and will not exceed any further than the existing deck in the back and they are not getting any closer in the front than is already there. Mr. Hearne testified that both of the neighbors behind them are in support of the proposed additions and does not foresee any problems with neighbors in regards to parking or construction traffic. There are no changes to the septic system and they are on an existing well which will not be affected by the proposed addition.

Board questions ensued.

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

There was no further Board discussion.

Whereas a motion was made.

The Motion is as Follows:

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

Motion passed unanimously: Vote 5-0

(S. Walsh-Aye, T. Daniels-Aye, W. Rosen-Aye, R. Jurczak-Aye, R. Cagnetta-Aye)

At a meeting held on August 18, 2021 regarding the Petition of Lucas Hearne, 708 South Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct two additions on the south side of the existing single-family dwelling. One addition will be located 14' from the rear property line. The required rear yard setback is 40'. Relief of 26' is requested. Lot size is .28 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 Catherine Martin and Lucas Hearne for premises located at 708 South Road, South Kingstown, Assessor's Map 47-3, Lot 28 and is zoned R40.

The following individuals spoke as representatives of the applicant:

- Lucas Hearne, applicant

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

The following materials were entered into the record:

- Application signed and dated July 14, 2021 with attachment; Owner Authorization signed and notarized June 14, 2021; Proposed Addition (A100 & A200) dated June 28, 2021; Existing and Proposed Site Plans (2 pages)
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

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 is looking to square up the existing house on an already constrained lot.
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 is only seeking to increase the size of his house to accommodate his growing 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 the design appears to take into account the least amount of relief necessary. Additionally the applicant, Mr. Hearne, indicated that he has the support of his two (2) direct neighbors.
4. The Board finds that the relief to be granted is the least relief necessary, because the current structure is offset on the lot and the applicant's design will not project any further than the existing structure is already built, he is simply looking to square up the structure to create more living 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 the current house does not meet the needs of the applicant's growing family and the applicant has expressed his family's desire to remain in the neighborhood.

Approval is subject to the following conditions:

- There are no conditions upon this approval.
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D. OTHER BUSINESS:

- I. **Minutes:** Motion made by Mr. Rosen to approve the minutes as written from the July 20, 2021 meeting and was duly seconded by Mr. Daniels. The motion carried by unanimous vote with no abstentions
- II. **Attendance:** September 15, 2021 Meeting & October 20, 2021 (discussion ensued)

E. ADJOURNMENT:

- I. Mr. Rosen made the motion to adjourn the meeting at 8:30 p.m. The motion carried by unanimous vote with no abstentions.