



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 Via Zoom Video Conference at 7:00 p.m. on Wednesday January 26, 2022.

A. CALL TO ORDER:

Mr. Cagnetta called the meeting to order at 7:02 pm

B. CHAIRMAN INTRODUCTIONS AND INSTRUCTIONS:

Members Present: Robert Cagnetta, Chairman; Thomas Daniels, Vice-Chair; William Rosen, Member; Casey Charkowick, Member; Susan Walsh, Member; and Alternate; Russell Brown, Alt. #1

Member(s) Absent: none

Staff Present: Amy Goins, Special Legal Counsel; Jamie Gorman, Building Official and Zoning Clerk; Jessica Spence, Administrative Support Assistant

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

The standards of relief were explained.

C. AGENDA ITEMS:

- I. **Petition of Emily and Craig Totten**, 900 Tuckertown Road, Wakefield, RI 02879 for a **Special Use Permit** under the Zoning Ordinance as follows: The applicant is seeking to construct a one (1) bedroom detached Accessory Apartment. The living area of the accessory apartment will be 750 square feet, the maximum allowed. The proposed building will also include a 6' x 12' covered porch. The Lot size is 5.04 acres. **A Special Use Permit is required per Zoning Ordinance Section 503.2 (Accessory Apartments) and Section 907 (Standards of Relief)**. Owner of the property is Pennington Partners LLC, for premises located at 900 Tuckertown Road, South Kingstown, Assessor's Map 61, Lot 67 and is zoned R200.

All the documents were entered into record.

Joshua Rosen, PE was present and sworn in.

Emily Totten was present and sworn in.

Mr. Rosen testified that the applicant is here tonight because the proposed one-bedroom accessory apartment is allowed in the R-200 Zone by Special Use Permit (SUP) only.

Ms. Totten stated that her family lives at 900 Tuckertown Road which is a 5 acre parcel. In addition, they own the 15 acre abutting parcel which is an operating farm. She is originally from the mid-west and her parents visit often; their current home has no extra space to accommodate when her parents visit. As a family they decided that the best option to accommodate her parents would be build an on-site accessory apartment. Since this decision was made, the applicant was diagnosed with cancer and her parents need the additional space even more so now to aid in her care.

Mr. Rosen then gave a brief overview of the site plan and explained where the proposed accessory structure would be located on the lot. There will be no additional driveway onto Tuckertown Road. Additionally, the existing utilities will remain in place. There is an OWTS that was conformed in the early 2000's and was documented as a four-bedroom use. The current primary residence does not have four-bedrooms so all they will need to do is tie into the existing OWTS which is sized appropriately to accommodate the additional one-bedroom accessory apartment. There will be no lighting or signage.

Board questions ensued in regards to the basement.

Ms. Totten explained the basement area will be used for storage for the farm. They had talked about putting a bathroom in the basement for farm use.

Ms. Goins explained that the Ordinance limits the square footage of the accessory apartment to 750 square feet and that prohibition does not distinguish between finished and unfinished space. The Board, however, can grant relief from that 750 square foot maximum by way of SUP, however the application was not advertised requesting this relief so tonight the Board could grant approval for a 750 square foot apartment and if as the project proceeds the applicants determine that they may need additional relief to include the basement area they can come back before the Board with a request for a revised SUP.

Mr. Gorman stated that he had initially met with the Totten's and his interpretation of the Ordinance was that if a basement was unfinished it would not be included as part of the 750 square feet floor area.

Mr. Brown stated that if any area is finished then it has to be included as part of the accessory apartment per the Ordinance.

Mr. Rosen indicated that the applicant is seeking a SUP for 750 square feet of living space and a 6 x 12 covered porch.

Discussion ensued in regards to the covered porch.

Ms. Goins advised that the tonight they could get approved for up to 750 square feet because that is what was advertised, if, in the future, they wanted to add a bathroom downstairs they could come back at a later date to ask for additional relief.

Mr. Rosen stated that the building plans do not reflect a finished basement space at this time.

Discussion ensued in regards to what constitutes finished basement space.

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

Board discussion ensued.

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, C. Charkowick-Aye, S. Walsh-Aye, R. Cagnetta-Aye)

At a meeting held on January 26, 2022 regarding the Petition of Emily and Craig Totten, 900 Tuckertown Road, Wakefield, RI 02879 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to construct a one (1) bedroom detached Accessory Apartment. The living area of the accessory apartment will be 750 square feet, the maximum allowed. The proposed building will also include a 6' x 12' covered porch. The Lot size is 5.04 acres. A Special Use Permit is required per Zoning Ordinance Section 503.2 (Accessory Apartments) and Section 907 (Standards of Relief). Owner of the property is Pennington Partners LLC, for premises located at 900 Tuckertown Road, South Kingstown, Assessor's Map 61, Lot 67 and is zoned R200.

The following individuals spoke as representatives of the applicant:

- Emily Totten, Applicant

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

The following materials were entered into the record:

- Application signed and dated December 16, 2021; Owner Authorization signed and notarized December 10, 2021; Accessory Dwelling Plans (Cover Page, A1, A2, A4) dated August 27, 2021; Proposed Site Plan (1 page) prepared by Principe Company, Inc. and stamped by Thomas Principe III, PE and dated December 14, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing; Revised Legal Notice with Zoom instructions

Findings of Fact:

1. The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 503.2 (Accessory Apartments) and Section 907 (Standards of Relief).
2. 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 testimony and documentation presented support the necessary criteria as defined within the Ordinance.
3. 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; the ingress and egress will remain the same as is currently existing.
 - (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 are not applicable; the utilities are already existing and the applicant has shown that the existing conforming 4-bedroom OWTS will be sufficient to cover the additional one-bedroom accessory apartment.
 - (iv) Screening and buffering with reference to type, dimensions and character; not applicable, this is a wide open space with no neighbors nearby.
 - (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; this is a 5 acre parcel with an abutting 15 acre parcel under the same ownership.
 - (vii) General compatibility with lots in the same or abutting zoning districts, because this is a large parcel with no immediate neighbors, additionally there are already several other outbuildings and greenhouses on the property so the proposed accessory apartment will be in keeping with the character of the surrounding area.

Approval is conditional and subject to the following:

- The basement space cannot be finished for purposes of living space. In the future, if the applicant determines the need to utilize the basement as finished space they will need to come back before the Board for a revised SUP allowing for such use.

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- II. **Petition of Scott Riemer**, 3 Plum Court, Katunah, NY 10536 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 6' x 14' deck attached to the existing single-family dwelling. The deck will be located 19.9' from the front property line. The required front yard setback is 25'. Relief of 5.1' 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 Scott & Karen Riemer for premises located at 178 Balsam Road, South Kingstown, Assessor's Map 83-2, Lot 222 and is zoned R30.

All documents were entered into record.

Scott Riemer was present and sworn in.

Mr. Riemer introduced applicant's Exhibit's 1-3 (pictures showing where the proposed deck would be located).

Mr. Riemer indicated that he is looking to create a small deck in the front of the house for ease of access into the house. They have done extensive renovations to the house and the proposed front deck will match the deck in the back of the house.

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

There was no Board discussion.

Whereas a motion was made.

The Motion is as Follows:

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

Motion passed unanimously: Vote 5-0

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

At a meeting held on January 26, 2022 regarding the Petition of Scott Riemer, 3 Plum Court, Katunah, NY 10536 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 6' x 14' deck attached to the existing single-family dwelling. The deck will be located 19.9' from the front property line. The required front yard setback is 25'. Relief of 5.1' 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 Scott & Karen Riemer for premises located at 178 Balsam Road, South Kingstown, Assessor's Map 83-2, Lot 222 and is zoned R30.

The following individuals spoke as representatives of the applicant:

- Scott Riemer, applicant

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

The following materials were entered into the record:

- Application signed and dated November 26, 2021; Owner Authorization signed and notarized November 26, 2021; Plot Plan (1 page) prepared Dowdell Engineering Associates, LLC. and stamped by Robert Couchon, PLS & dated November 19, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing; Revised Legal Notice with Zoom instructions
- Applicant's Exhibits 1-3 (pictures showing proposed location of deck)

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 is a small non-conforming lot of record and the front of existing home is located almost right at the front yard setback so any type of front deck would require setback relief.
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 simply looking to add a small deck on to the front of the property for ease of entry and exit.
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 has done an extensive exterior renovation of the home which is very much in character with the surrounding neighborhood.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is simply looking to make a small, safe front entrance to the home that will match in character and design with the rest of the home.
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 access to the front door would be difficult and potentially hazardous during inclement conditions.

The decision is subject to the following conditions.

- There are no conditions upon this decision.

III. **Petition of James McKelvey**, 109 Columbia Street, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 16'4" x 19'5" detached garage. The proposed garage will be located 20' from the corner-side property line. The required corner-side setback is 25'. Relief of 5' is requested. Lot size is .14 acres. **A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming Lots of Record – Accessory Building Setback Requirements) and Section 907 (Standards of Relief)**. Owner of the property is James M. & Larea Jo McKelvey, for premises located at 109 Columbia Street, South Kingstown, Assessor's Map 57-1, Lot 201 and zoned R10.

All documents were entered into record.

James McKelvey was present and sworn in.
Kevin Diamond, AIA was present and sworn in.

Mr. McKelvey stated that they are the owners and are seeking a variance to build a detached one-car garage. Their house is a corner lot and the garage will be located on the corner side off of Hope Court where a previous storage shed was located. The original design submittal was drawn using the Town GIS for setback distances, they have since had a professional land survey completed on the property and the proposed garage will now be 12'4-3/4" x 23'4" which was re-designed to properly reflect the actual boundaries and the design adjustments will still stay within the relief that was advertised in the legal notice.

Mr. Diamond testified that once they received the professional survey they modified the plan and quickly redesigned the garage to fit within the advertised notice so there is no difference in the relief request being sought.

Board questions ensued in regards to parking and garage location.

Mr. Diamond indicated that he was the former owner of this property and traffic and parking was a concern during large funerals. His intention was always to preserve the historic nature of the home and that adding an attached garage to the home would not fit within the historic nature of the property. The design was meant to tie into an addition that was put on it the late 40's. The gap between the house and the proposed garage is the only access point to the backyard to bring in large items.

Mr. McKelvey indicated that they very much wanted to stay in line with the historic nature of the property design.

Discussion ensued in regards to architectural projections.

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

There was no Board discussion.

Whereas a motion was made.

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, S. Walsh-Aye, T. Daniels-Aye, R. Cagnetta-Aye)

At a meeting held on January 26, 2022 regarding the Petition of James McKelvey, 109 Columbia Street, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 12'4-3/4" x 23'4" detached garage. The proposed garage will be located 20' from the corner-side property line. The required corner-side setback is 25'. Relief of 5' is requested. Lot size is .14 acres. A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming Lots of Record – Accessory Building Setback Requirements) and Section 907 (Standards of Relief). Owner of the property is James M. & Larea Jo McKelvey, for premises located at 109 Columbia Street, South Kingstown, Assessor's Map 57-1, Lot 201 and zoned R10.

The following individuals spoke as representatives of the applicant:

- James McKelvey, Applicant
- Kevin Diamond, AIA

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

The following materials were entered into the record:

- Application signed and dated November 15, 2021; Owner Authorization signed and notarized November 13, 2021; Cover Page with Site Plan, Floor Plan & Details (G-001, A-109, A-501) prepared by Providence Architecture; Survey and Plot Plan (1 page) prepared by George Dupont, PLS dated January 6, 2022; Variance Drawings (A-109) prepared by Providence Architecture (1 page) and dated January 19, 2022
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing; Revised Legal Notice with Zoom instructions

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 place a detached garage in the former location of an existing shed. The applicant explained that the requested garage must be located in this location because to move the garage closer to the house would deny necessary access to the backyard. Additionally, this lot is a non-conforming R-10 corner side lot which by nature has more restrictive setback 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 indicated that his goal to keep the design within the historic nature of the house while still addressing the need of having a one-car garage with storage on site.
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 one-car garage will blend in with the surrounding neighborhood. Additionally, the creation of this garage will not create any further parking problems within that neighborhood which at times is heavily trafficked.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has shown through testimony that they have worked diligently in the design and placement of this garage to seek the least relief necessary.
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 put forth the time and effort in designing the requested garage and has also demonstrated the need for the garage to be placed in the requested location.

The decision is subject to the following conditions.

- There are no conditions upon this decision.

- IV. **Petition of Caroline Wilkel**, 101 Angelfish Lane, Jupiter FL 34477 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 14' x 22' accessory structure on the property. The applicant also seeks to construct an addition to the first story of the existing dwelling. Both the accessory structure and dwelling addition will be located 13' from the front property line. The required front yard setback is 35'. Relief of 22' is requested. The proposed building height of the accessory structure is 20'. The accessory structure height limit is 15'. Relief of 5' is requested. Lot size is .45 acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record – Building Setback Requirements), Section 208 (Nonconforming Lots of Record – Accessory Building Setback Requirements) Section 503.1 (Accessory Structures), and Section 907 (Standards of Relief).** Owner of the property is Caroline S. Wilkel Trust, for premises located at 1039 Matunuck Beach Road, South Kingstown, Assessor's Map 93-4, Lot 14 and zoned R20

All documents were entered into record.

Laura Krekorian, AIA was present and sworn in.

Caroline Wilkel was present and sworn in.

Ms. Krekorian stated that she is present with her client. Ms. Krekorian explained the zoning and flood requirements of this lot. As of last year this was actually 2 separate lots with the existing house on one lot and then plans for another house on the second lot. After working within the Town's regulations, CRMC and RI DEM her client scaled back her designs and merged the two lots into the one more conforming lot that is before the Board tonight. They are proposing a small addition and accessory structure. The

original house was built in the 1930 and has much of its original charm. However, the kitchen and entry area were cramped and small and where they are currently located is already within the front yard setback. The house predated any zoning. They worked very hard to minimize any addition and still be beneficial to the applicant and still fit within the continuity of the existing structure. The second part of the project is the accessory structure. There was no room within the confines of the house to fit the uses that the accessory structure would accommodate. This accessory area will be used as a game room/fitness room/recreational room. Because the accessory structure needs to be raised due to the flood zone they would be able to utilize the space below as a one-car garage. There was no feasible or aesthetic location to attach the accessory structure to the house. The proposed location would also allow the area in between the house and the accessory structure as open space. The structure must be elevated out of the flood zone and they worked hard to minimize the amount of relief being sought. She believes both the size and scale of the addition and the accessory structure are keeping within the neighborhood.

Board questions ensued.

Ms. Krekorian stated that CRMC will not allow any closer encroachment than currently exists on the existing structure which in this case is 30'. The main house is just under 22' high and the accessory structure will be at 20'. Ms. Krekorian wanted noted for the record that the letter from Mr. Froelick's record was in support.

Correspondence from Mark Froelick, 1061 Matunuck Beach Road, was read into record.

Ms. Wilkel indicated that other neighbors expressed support of the application.

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

There was no Board discussion.

Whereas a motion was made.

The Motion is as Follows:

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

At a meeting held on January 26, 2022 regarding the Petition of Caroline Wilkel, 101 Angelfish Lane, Jupiter FL 34477 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 14' x 22' accessory structure on the property. The applicant also seeks to construct an addition to the first story of the existing dwelling. Both the accessory structure and dwelling addition will be located 13' from the front property line. The required front yard setback is 35'. Relief of 22' is requested. The proposed building height of the accessory structure is 20'. The accessory structure height limit is 15'. Relief of 5' is requested. Lot size is .45 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record – Building Setback Requirements), Section 208 (Nonconforming Lots of Record – Accessory Building Setback Requirements) Section 503.1 (Accessory Structures), and Section 907 (Standards of Relief). Owner of the property is Caroline S. Wilkel Trust, for premises located at 1039 Matunuck Beach Road, South Kingstown, Assessor's Map 93-4, Lot 14 and zoned R20

The following individuals spoke as representatives of the applicant:

- Caroline Wilkel, Applicant
- Laura Krekorian, AIA

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

The following materials were entered into the record:

- Application signed and dated November 26, 2021; Owner Authorization signed and notarized November 26, 2021; Architectural Drawings (A1, A2, A3, A4, A5, A1 & A2) prepared Laura Krekorian, AIA and stamped by Laura Krekorian, AIA and Ernest George, PE and dated August 10, 2021; Plot Plan (1 page) prepared Dowdell Engineering Associates, LLC. and stamped by Robert Couchon, PLS and dated December 2, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing; Revised Legal Notice with Zoom instructions
- Correspondence
 - Mark Froelick, 1061 Matunuck Beach 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 the applicant has clearly exhausted all options and the proposal before the Board seems to be the only possible way forward.
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 simply looking to expand the existing living space in an already small house and is looking to create an additional structure that can be used as garage space with a room above for recreation.
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 location of the accessory structure will still allow for the open space between the principle dwelling which is in line with the surrounding area. Additionally, many other houses in the area have similar setback issues so this request seems consistent.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has exhausted all other options and due to the unique lot constraints this seems to be the only viable option.
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, through testimony, has proven that all other options have been looked at and the proposal before the Board tonight is the only solution to meet the applicant’s needs.

The decision is subject to the following conditions.

- The decision is a Conditional Zoning Approval and is conditioned upon any, if necessary, further 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.

- V. **Petition of Harpin Family Trust**, 92 Indian Trail South, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 20’ x 55’ second story addition to the existing single-family dwelling. The proposed addition will be located 15’ from the front property line. The required front yard setback is 35’. Relief of 20’ is requested. Lot size is .16 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 Harpin Family Living Trust for premises located at 92 Indian Trail South, South Kingstown, Assessor’s Map 34-4, Lot 3 and zoned R 20.

All documents were entered into record.

Correspondence from Steve and Christina Brophy, 93 Indian Trail South, was read into record.

Glenn McCrory, contractor was present and sworn in.

Michael Harpin was present and sworn in.

Lisa Harpin was present and sworn in.

Mr. Harpin testified that have owned the house 43 years. This past year tropical storm Henry severely damaged the house. They had always thought about expanding the house and they decided that the best course of action following the storm damage would be to add on a second story addition.

Mr. McCrory explained that there is an existing foundation under the house and that there is a slab foundation on the front and rear of the house so to transfer the house they would use piers to support the weight of the proposed addition. The 4-piers would be put right in front of the existing slab and stairs which would be the additional encroachment. This would be aesthetically pleasing and the engineering would be sound. The footprint will remain the same on the sides. The existing room will be torn down to the top-plates and the existing walls would remain. The existing foundation is simply not deep enough to handle the additional loads, therefore necessitating the piers. The height of the house will be 27’ above grade and the design will retain its cottage aesthetics.

Discussion ensued.

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

There was no Board discussion.

Whereas a motion was made.

The Motion is as Follows:

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

Motion passed unanimously: Vote 5-0

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

At a meeting held on January 26, 2022 regarding the Petition of Harpin Family Trust, 92 Indian Trail South, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 20' x 55' second story addition to the existing single-family dwelling. The proposed addition will be located 15' from the front property line. The required front yard setback is 35'. Relief of 20' is requested. Lot size is .16 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 Harpin Family Living Trust for premises located at 92 Indian Trail South, South Kingstown, Assessor's Map 34-4, Lot 3 and zoned R 20.

The following individuals spoke as representatives of the applicant:

- Michael Harpin, Applicant
- Lisa Harpin, Applicant
- Glenn McCrory, Contactor

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

The following materials were entered into the record:

- Application signed and dated December 10, 2021; Owner Authorization signed and notarized December 10, 2021; Vision Appraisal Field Card Map 34-4, Lot 3 (4 pages); Proposed Site Plan (1 page); Architectural Drawings (10 pages); Existing Site Plan (1 page) prepared by E. Greenwich Surveyors, LLC and stamped by Kirk Andrews, PLS and dated November 27, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing; Revised Legal Notice with Zoom instructions
- Correspondence
 - Steve and Christina Brophy, 93 Indian Trail South

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 a storm severely damaged the existing roof of the current residence; based on the extent of damage the applicant's decided now would be the best time to add a second story to the home. The second story addition will require concrete piers to support the weight and it is these piers that will require setback relief.
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's home is currently uninhabitable due to the previous storm damage and the applicant is simply looking to repair the damage while using the opportunity to create the needed second story addition.
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 design will maintain the current footprint and they are only looking to expand upwards. The proposed design will be very in character with the surrounding neighborhood.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicants have done the necessary due diligence in best determining how to meet all their needs while at the same time making the house livable again.

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 granting of the dimensional variance the applicants will not be able to fully utilize the house to its fullest potential, additionally the house is currently uninhabitable due to storm damage and the applicants are simply looking to make a bad situation better by expanding upon the original structure to best suit their needs.

The decision is subject to the following conditions.

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

- I. Attendance for February 16, 2022 Zoning Board of Review, all members present can attend.

E. ADJOURNMENT:

- I. Mr. Rosen made the motion to adjourn the meeting at 9:14 p.m. The motion carried by unanimous vote with no abstentions.