



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 19, 2022.

A. CALL TO ORDER:

Mr. Cagnetta called the meeting to order at 7:01 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 Union Fire District of South Kingstown**, PO Box 327, Wakefield, RI 02880 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to replace the existing fire station with a 5,075 square foot fire station and to construct a 1,890 square foot auxiliary building for emergency medical services. The proposed access driveway will be 18' wide. The required width for two-way traffic is 24'. Relief of 6' is requested. Proposed parking on the premises will consist of ten (10) spaces. Sixteen (16) spaces are required. Relief of six (6) spaces is requested. The Planning Board granted advisory Development Plan Review approval on November 23, 2021. Lot size is .73 acres. **A Dimensional Variance is required per Zoning Ordinance Section 708 (Width of Access Driveways), Section 711 (Minimum Off-Street Parking Requirements) and Section 907 (Standards of Relief).** Owner of the property is Union Fire District for premises located at 49 Matunuck School House Road, South Kingstown, Assessor's Map 86-2, Lot 32 and is zoned GI (Government and Institutional).

All the documents were entered into record.

Mr. Cagnetta read into record the correspondence from Kristin and Richard Schwab, 61 Matunuck School House Road

Margaret Hogan, District Solicitor for Union Fire District since 1994, was present for the applicant.

Ms. Hogan emphasized that the concerns that were mentioned in the correspondence have been previously determined at the site plan review level over a 6-month review process. The focus before the Board tonight is simply for two (2) dimensional variances, both of which are related to the condition of the lot itself. The full application that was heard before the Planning Board was filed for the record, however tonight the primary focus will be on the site plan showing the proposed site conditions for the application. They have a full team of experts present tonight if testimony is necessary.

Ms. Hogan explained that since the applicant has received their DPR Plan Review, the Town has been approached by the Land Trust with an alternative site; they do not dispute that this would be a preferable site, but are choosing to go ahead with the application as it stands as a fall back plan for the Town's EMS location. To that end the site plan shows both the proposed location of the Fire Station and the EMS Station towards the rear. There will remain a 4-1/2 foot landscape buffer between the neighbors on the westerly side. Ms. Hogan then reviewed the proposed parking spaces. The Zoning Ordinance requires 16 spots and they are seeking relief from that primarily because this use does not require that many parking spots. To increase the parking spaces would require additional impervious surfaces.

Joe Casali, PE was present and sworn in.

Mr. Casali testified that he has been a registered PE for 26 years in the State of Rhode Island and he is a Civil Site Technical Engineer. He has visited the site on numerous occasions. Mr. Casali then explained the driveway design which is 18' wide. An existing buffer on the western side will remain, additionally the building cannot be built any narrower than shown and still be able to house the necessary fire apparatus. Additionally, the necessary ADA parking spot must be accommodated. All of which allows for an 18' driveway. Both the Union Fire District and the Town of South Kingstown have agreed that 18' will be enough to accommodate their operational needs. There have been many site, architectural and operational accommodations made throughout the process to try to accommodate the neighbors as best they could on a tough site. In regards to parking they originally proposed 12 but through the process with the Town they were able to reduce the parking to 10 spaces, which will accommodate on-site personnel. 16 spaces are not needed operationally and the community did not want them environmentally. Both of the requested dimensional variances are the result of trying to balance a tough site while addressing community concerns. In the event the EMS building is not located on the property the driveway would still need to be 18' and the parking spaces would still need to be located in the rear of the building for the fire station's use.

Ms. Hogan stated that she does have other experts present in the event the Board has additional questions or concerns.

Questions ensued in regards to the required size of driveway, the size of the existing building versus the size of the proposed buildings, the new building locations on the lot, impervious area and fill on the site, the number of personnel that will be present on site and use of parking spaces, what emergency vehicles will be housed in the building, and if there would be any on-street parking, off-site parking.

Mr. Casali explained about typical driveway widths and what the Zoning Ordinance states. Mr. Casali explained that their utmost concern is public safety. The AHJ (Authority Having Jurisdiction) has deemed that 18' is wide enough to perform operationally. The AHJ is present tonight, Chief Steven Pinch from UFD and Chief Craig Stanley from EMS. They have both deemed that the 18' is sufficient to proceed operationally.

Mr. Casali explained that the AHJ is authority having jurisdiction anytime there is a proposal that may affect public health, safety and welfare. The Fire Code always states that the AHJ should have presiding jurisdiction. The only emergency vehicle that would be utilizing the driveway would be ambulances; the two (2) fire apparatus are located in the front of the building.

Mr. Casali explained that the new building is located further south and east on the site, the building has been placed as far back as possible to allow for the ADA parking and not lose visibility for public safety. The current driveway is 15' and is a legally non-conforming. The proposed EMS building will be located further to the northerly rear of the site. To reduce the amount of impervious area, they have reduced the amount of parking and they have a specially designed OWTS that will be allow for the infiltrating components to be under impervious areas which enables them to put as much as they could on that northern area so as to not have this lot entirely impervious. The architect has designed the building so the foundation will step through the change of grade. The existing grade will be flattened to be a maximum of 8% slope. Mr. Casali explained the number of personnel that will be on site and the corresponding parking spaces.

Union Fire District Chief Steven Pinch was sworn in and testified that in the event of meetings or a large gathering the members would double park each other and this would not limit the emergency response time. The back of the building also has the potential to be used as overflow parking should the need arise. Mr. Pinch indicated that there would be two (2) fire trucks and a rescue boat housed inside the building and that they would exit and enter through the front. They do not anticipate any on-street parking. They are anticipating to build the Fire Station as soon as possible and they hope that by the time the EMS needs to be built the Town will have determined which site it would be best located on. Mr. Pinch explained that all maintenance of the vehicles occurs at an off-site maintenance facility.

Mr. Casali addressed the previous iteration which was discussed with Planning Board which showed parking on the west side of the building. The building was designed so it can house the existing pump truck, boat and utility vehicle but can also accommodate a ladder truck in the future. The driveway is intended to be a 2-way lane and would allow for two (2) fire trucks to pass each other at a slow rate of speed.

Ms. Hogan explained that if the Board were to grant the requested relief the next step would be to finalize the proposed agreement with the Town of South Kingstown and present that to the Town Manager and the Town Council for approval. At that point in time it would be up to the Town to determine as to whether they are going to enter into agreement with UFD and go out to bid to construct both buildings. If, however, the Town chose not to enter into agreement, UFD would go out to bid solely for the Fire Station. They are motivated to move very quickly on this endeavor, the trucks cannot be left out during the winter months. They are trying to be good partners with the Town in its endeavor to have an EMS facility but that is ultimately the Town's decision to make.

Mr. Cagnetta asked if there was anyone in the audience who wished to speak.

There was no one present who wished to speak.

Ms. Hogan concluded by reviewing the standards for the granting of a dimensional variance and detailed how the applicant has met the burden of proof.

Board discussion ensued

Ms. Hogan indicated that they are aware of the conditions and are prepared to deal with conditions that were noted in the DPR Advisory to Zoning. In the event the Town chooses not to proceed on this site with the EMS building, the applicant does not need to go back before Planning for a revised decision.

Ms. Goins noted that the member who made the motion to approve should incorporate the conditions of approval from the Planning Board.

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: Vote 5-0

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

At a meeting held on January 19, 2022 regarding the Petition of Union Fire District of South Kingstown, PO Box 327, Wakefield, RI 02880 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to replace the existing fire station with a 5,075 square foot fire station and to construct a 1,890 square foot auxiliary building for emergency medical services. The proposed access driveway will be 18' wide. The required width for two-way traffic is 24'. Relief of 6' is requested. Proposed parking on the premises will consist of ten (10) spaces. Sixteen (16) spaces are required. Relief of six (6) spaces is requested. The Planning Board granted advisory Development Plan Review approval on November 23, 2021. Lot size is .73 acres. A Dimensional Variance is required per Zoning Ordinance Section 708 (Width of Access Driveways), Section 711 (Minimum Off-Street Parking Requirements) and Section 907 (Standards of Relief). Owner of the property is Union Fire District for premises located at 49 Matunuck School House Road, South Kingstown, Assessor's Map 86-2, Lot 32 and is zoned GI (Government and Institutional).

The following individuals spoke as representatives of the applicant:

- Margaret Hogan, Attorney
- Joseph Casali, PE
- Steven Pinch, Chief Union Fire District

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 with cover letter and attachment signed and dated November 30, 2021; Owner Authorization signed and notarized September 8, 2021; Permit Submission Plan Set (9 pages) dated July 30, 2021, with revisions on September 10, 2021 and November 18, 2021 prepared by Joe Casali Engineering, Inc., and stamped by Joe Casali PE; Exterior Elevations, existing and proposed (2 pages) prepared by Aharonian & Associates, Inc; Proposed Floor Plan (1 page) prepared by Aharonian & Associates, Inc; Lighting Schedule (1 page) prepared by Robert Lindstrom and dated August 6, 2021; Location Plan (1 page) prepared by Steven Pinch, PLS and dated November 2010; Project Narrative and Stormwater Management Report (196 pages) dated July 2021, with revisions on September 2021 and November 2021 prepared by Joe Casali Engineering, Inc., and stamped by Joe Casali PE; Developmental Plan Review Decision (2 pages) granted on November 23, 2021 and recorded on December 3, 2021 Land Evidence Book 1814 & Pages 547-548
- 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
 - Kristin and Richard Schwab, 61 Matunuck School House Road (Objection)

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 lot is severely restricted by width from east to west and is very narrow; in order to construct the new EMS building and demolish and

rebuild the Fire Station the driveway width needs to be reduced from 24' to 18' to accommodate the buildings and fire apparatus.

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 use of these proposed buildings are put forth to service the best interest of the public's safety and welfare in the surrounding area and not for any financial gain.
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 Planning Board has thoroughly vetted the entire application and granted a positive advisory opinion to Zoning. Additionally, the property is designated GI (Government/Institutional) and there is currently an operational Fire Station on-site; the proposed use will remain in character with the property's current use and not adversely affect the surrounding area.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has taken every opportunity to reduce the size of the building while still being able to accommodate the necessary equipment and is therefore forced to ask for 6' of relief in terms of the driveway. Additionally the applicant has asked for a reduction in the required number of parking spaces and have designed a plan which will accommodate all on-site personnel and meet ADA requirements. Finally based on expert testimony there is nothing further the applicant can do in regards to locating the buildings anywhere else on the constricted lot and still be able to achieve all of their operational standards.
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 a need for public safety and the proposed application will support the general health, safety and welfare in the surrounding communities.

The decision is subject to the following conditions.

- All conditions of the Development Plan Review Advisory to Zoning granted on November 23, 2021 and recorded in South Kingstown Land Evidence Book 1814 & Page 547-548 on December 3, 2021 must be met.

II. Continuation of the Petition of Jacquelyn French, 14 Eldred Court, South Kingstown, RI 02879 for a **Dimensional Variance Extension under the Zoning Ordinance as follows: The applicant is seeking a **one-year extension** of the expiration date for a Dimensional Variance granted on December 16, 2020 and recorded on January 5, 2021, Land Evidence Book 1772, Pages 121-122. **Request made pursuant to Sec. 910(A) of the Zoning Ordinance.** Owner of the property is Jacquelyn M. French for premises located at 14 Eldred Court, South Kingstown, RI, Assessor's Map 57-4, Lot 218 and is zoned R-10.**

All documents were entered into record.

Jacquelyn French was present and sworn in.

Ms. French stated that they are requesting a one-year extension due to several creative design changes which do not affect the granted Zoning decision, additionally they are experiencing delays due to contractor and material availability.

Ms. Goins explained that the new expiration date will be January 5, 2023.

Mr. Gorman stated that as long as the permit has been issued prior to the expiration of the recorded decision the dimensional variance will remain valid.

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 Ms. Walsh
Motion passed unanimously: Vote 5-0
(W. Rosen-Aye, S. Walsh-Aye, C. Charkowick-Aye, T. Daniels-Aye, R. Cagnetta-Aye)**

At a meeting held on January 19, 2021 regarding the Petition of Jacquelyn French, 14 Eldred Court, South Kingstown, RI 02879 for a Dimensional Variance Extension under the Zoning Ordinance as follows: The applicant is seeking a one-year extension of the expiration date for a Dimensional Variance granted on December 16, 2020 and recorded on January 5, 2021, Land Evidence Book

1772, Pages 121-122. Request made pursuant to Sec. 910(A) of the Zoning Ordinance. Owner of the property is Jacquelyn M. French for premises located at 14 Eldred Court, South Kingstown, RI, Assessor's Map 57-4, Lot 218 and is zoned R-10.

The following individuals spoke as representatives of the applicant:

- Jacquelyn French

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

The following materials were entered into the record:

- Correspondence received December 3, 2021 from Jacquelyn French
- Zoning Decision and cover letter, granted December 16, 2020 and Recorded January 5, 2021 Land Evidence Book 1772, Pages 121-122

Findings of Fact:

The Board finds that the request for a one-year extension of time on the previously granted Dimensional Variance (Land Evidence Book 1772 & Page 121-122) should be granted. The applicant has submitted a written request and for cause shown has met all of the criteria set forth in in Section 910 (A) of the Zoning Ordinance prior to the expiration of the initial one-year period. This one-year extension shall expire on January 5, 2023 if the necessary legal building permit has not been issued prior to this expiration date.

The decision is subject to the following conditions.

- There are no conditions upon this decision.

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- III. Petition of Michelle Quirk c/o South County Survey Co. LLC, 382-B Main Street, South Kingstown, RI 02879 for a **Dimensional Variance Extension** under the Zoning Ordinance as follows: The applicant is seeking a **one-year extension** of the expiration date for a Dimensional Variance granted on December 16, 2020 and recorded on January 5, 2021, Land Evidence Book 1772, Pages 123-124. **Request made pursuant to Sec. 910(A) of the Zoning Ordinance.** Owner of the property is Michelle Quirk for premises located at 59 Browning Street, South Kingstown, RI, Assessor's Map 96-1, Lot 32 and is zoned R-30.**

All documents were entered into record.

Michelle Quirk was present and sworn in.

Ms. Quirk stated that they are ready to proceed but have run into problems scheduling contractors and obtaining supplies which is delaying the project.

Mr. Cagnetta read into record the letter from Bert Hess, 59 Rosebriar Avenue.

Ms. Goins advised that under the Zoning Ordinance there is no need for a public hearing for the first one-year extension, this first one-year extension should be considered by right.

Bert Hess was present and sworn in.

Mr. Hess stated that there were 1282 building permits that were pulled in South Kingstown last year, despite labor and material shortages. He also wanted to state for the record that the footprint of the new garage is 10% larger

Mr. Cagnetta advised Mr. Hess that his concerns could not be addressed tonight as the Board was not considering, nor amending the previously granted request. Any concerns in regards to an increase in the footprint would need to be addressed to the Building Official.

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. Rosen

Motion passed unanimously: Vote 5-0

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

At a meeting held on January 19, 2021 regarding the Petition of Michelle Quirk c/o South County Survey Co. LLC, 382-B Main Street, South Kingstown, RI 02879 for a Dimensional Variance Extension under the Zoning Ordinance as follows: The applicant is seeking a one-year extension of the expiration date for a Dimensional Variance granted on December 16, 2020 and recorded on January 5, 2021, Land Evidence Book 1772, Pages 123-124. Request made pursuant to Sec. 910(A) of the Zoning Ordinance. Owner of the property is Michelle Quirk for premises located at 59 Browning Street, South Kingstown, RI, Assessor's Map 96-1, Lot 32 and is zoned R-30.

The following individuals spoke as representatives of the applicant:

- Michelle Quirk

The following were present and spoke in opposition to the petition:

- Bert Hess, 59 Rosebriar Avenue

The following materials were entered into the record:

- Correspondence received December 22, 2021 from Shelly Quirk
- Zoning Decision and cover letter, granted December 16, 2020 and Recorded January 5, 2021 Land Evidence Book 1772, Pages 123-124
- Correspondence from Bert Hess, 59 Rosebriar Avenue received January 6, 2022

Findings of Fact:

The Board finds that the request for a one-year extension of time on the previously granted Dimensional Variance (Land Evidence Book 1772 & Page 123-124) should be granted. The applicant has submitted a written request and for cause shown has met all of the criteria set forth in in Section 910 (A) of the Zoning Ordinance prior to the expiration of the initial one-year period. This one-year extension shall expire on January 5, 2023 if the necessary legal building permit has not been issued prior to this expiration date.

The decision is subject to the following conditions.

- There are no conditions upon this decision.

- IV. **Continuation of the Petition of Thomas Rock**, 5 Sunrise Lane, South Windsor, CT 06074 a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct an 8' x 22', two-story addition to the west side of the single-family dwelling. The applicant also seeks to extend the attached deck and stairs 4' closer to the west side property line. The deck will be located 3' from the side property line and 8' from the front property line. The required side and front yard setbacks are 11' and 40', respectively. Side yard relief of 8' and front yard relief of 32' are requested. Lot size is .32 acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record – Building Setback Requirements) and Section 907 (Standards of Relief).** Owners of the property are Thomas & Diana Rock for premises located at 162 Green Hill Ocean Drive, South Kingstown, Assessor's Map 96-1, Lot 7 and is zoned R80.

Mr. Cagnetta read into record the continuation request from Thomas Rock received on January 18, 2022.

There was no Board discussion.

Whereas a motion was made.

The Motion is as Follows:

Mr. Cagnetta made the motion to continue the petition until February 16, 2022 and was duly seconded by Mr. Charkowick. Motion passed unanimously: Vote 5-0 (R. Cagnetta-Aye, C. Charkowick-Aye, T. Daniels-Aye, W. Rosen-Aye, S. Walsh-Aye)

Mr. Cagnetta called for a 5-minute recess at this point.

- V. **Continuation of the Petition of Alexander Gabriele**, 433 Main Street, South Kingstown, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a second story on the existing 38' x 50' detached garage. The proposed roof height will be 28'. The maximum height allowed for accessory structures is 20'. Relief of 8' is requested. Lot size is 14 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 Kathleen F. Rorick for premises located at 158A Sherman Road, South Kingstown, Assessor's Map 82-4, Lot 75 and zoned R80.

All documents were entered into record.

Alexander Gabriele was present and sworn in.

Mr. Gabriele stated that they are seeking an 8' height relief variance in order to create storage on the second floor. In an attempt to not have to build other additional structures on the property they are looking to create additional storage above the existing garage. Additionally they would like to create recreational space for the grandchildren. The current roof on the garage is a flat EPA roof. The proposed design is a 10/12 roof pitch. The current flat roof also has a number of drainage issues.

Board questions ensued.

Kathleen Rorick was present and sworn.

Ms. Rorick stated that she is the owner of 158A Sherman Road and that part of the space above will be used as a play room for her grandkids and the other half will be used for storage. The main house does not have any storage and everything is jammed into the garage. There is no intent to make this an accessory apartment. The property is very high and on 14 acres and the addition of this garage would not impact any views. Ms. Rorick indicated that they were supposed to be heard last month and they had neighbors who were present to speak on their behalf, unfortunately their petition was not heard and their neighbors could not attend tonight.

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. Charkowick

Motion passed unanimously: Vote 5-0

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

At a meeting held on January 19, 2022 regarding the Petition of Alexander Gabriele, 433 Main Street, South Kingstown, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a second story on the existing 38' x 50' detached garage. The proposed roof height will be 28'. The maximum height allowed for accessory structures is 20'. Relief of 8' is requested. Lot size is 14 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 Kathleen F. Rorick for premises located at 158A Sherman Road, South Kingstown, Assessor's Map 82-4, Lot 75 and zoned R80.

The following individuals spoke as representatives of the applicant:

- Alexander Gabriele, applicant
- Kathleen Rorick, owner

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 October 26, 2021; Owner Authorization signed and notarized October 28, 2021; Owner Authorization signed and notarized October 28, 2021; Vision Appraisal Field Card (4 pages) Map 82-4 Lot 75; Construction Documents (5 pages); Boundary survey (1 page) prepared by DiPrete Engineering, stamped by Robert G. Babcock PLS and dated April 26, 2021 and revised May 4, 2021
- 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 simply looking to add a second story on to an already existing garage. Additionally, this property is a large private parcel at a higher elevation than the surrounding neighbors so the proposed second story location will not impede on any of the surrounding properties.

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 planning to use the proposed addition for storage of personnel items and as a recreation room for grandchildren and will realize any financial gain from these intended uses.
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 location is a very private property and the relief being requested is to merely add a second story to an already existing aesthetically pleasing garage.
4. The Board finds that the relief to be granted is the least relief necessary, because without this requested relief being granted there would be no other way to construct a useable space to meet the applicant’s needs. Additionally, the current garage has a flat roof which is causing drainage problem so the proposed 10/12 roof pitch is needed for both headroom and to resolve existing drainage issues.
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 proven their need for additional storage on site, as well as the need for a recreational space for family members. If the relief were not granted, the applicant would not be able to proceed with the addition as planned, therefore they would not be able to fully utilize their property to its maximum potential.

The decision is subject to the following conditions.

- There are no conditions upon this decision.

VI. **Continuation of the Petition of Edward Baxter**, 33 Atlantic Blvd., North Providence, RI 02911 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 14’ x 18’ garage with a deck and breezeway attached to the single-family dwelling. The garage will be located 24’ from the front property line. The required front yard setback is 35’. Relief of 11’ is requested. The Lot size is .3 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 Lisbeth Pettengill for premises located at 186 Little Rest Road, South Kingstown, Assessor’s Map 23-3, Lot 10 and is zoned R20.

All documents were entered into record.

Edward Baxter was present and sworn in.

Mr. Baxter stated that they are looking for 11’ of relief to build a garage and breezeway. The owner of the property is an older woman and is looking forward to the garage during inclement, winter weather. Due to the existing design of the home the center of the house is the only location where the door to the breezeway could be located. The design is similar in style to other houses in the neighborhood. Additionally the drop-off in the back of the property is fairly severe so the garage can only be located as shown on the site plan.

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. Daniels and duly seconded by Mr. Charkowick

Motion passed unanimously: Vote 5-0

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

At a meeting held on January 19, 2022 regarding the Petition of Edward Baxter, 33 Atlantic Blvd., North Providence, RI 02911 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 14’ x 18’ garage with a deck and breezeway attached to the single-family dwelling. The garage will be located 24’ from the front property line. The required front yard setback is 35’. Relief of 11’ is requested. The Lot size is .3 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 Lisbeth Pettengill for premises located at 186 Little Rest Road, South Kingstown, Assessor’s Map 23-3, Lot 10 and is zoned R20.

The following individuals spoke as representatives of the applicant:

- Edward Baxter, 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 8, 2021; Owner Authorization signed and notarized November 8, 2021; Plan of Survey prepared by Atlas Land Surveying, stamped by Marcus Channell, PLS and dated October 7, 2021 and revised November 1, 2021; Construction Documents (G6.1, A1.1, A1.2, A1.3, A3.1, A3.2, A2.1, A2.2, A2.3, A2.4, & A2.5) prepared by Design Plus, designer Dennis Sarkisian and dated July 14, 2021
- 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 elevation change between the rear of the house and the rear yard is very severe, therefore necessitating bringing the garage forward on the lot which will require setback relief. Also, the only reasonable opening from the home to the proposed breezeway is where an existing window on the front of the home is currently located
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 owner of the home is aging and needs a breezeway and garage for safe access to her car during inclement weather.
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 as the applicant testified, there is a similarly designed home and garage with breezeway across the street from the subject property; the proposed addition before the Board tonight will certainly keep well within the character of the other surrounding homes in the area.
4. The Board finds that the relief to be granted is the least relief necessary, because there is no other reasonable alternative to place the garage and breezeway on the subject parcel without incurring the need for relief at the front of the property on this very tight small lot.
5. The Board finds that that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, because if the relief sought was not granted the aging homeowner would not be able to construct, for her needed convenience and safety, the requested garage and breezeway.

The decision is subject to the following conditions.

- There are no conditions upon this decision.

D. OTHER BUSINESS:

- I. Discussion of Garrett Homes Decision recorded January 5, 2022
- II. Discussion regarding new effective date of State-level wetlands regulations
- III. Approval of November 17, 2021 & December 15, 2021 Zoning Board of Review Minutes
 - Mr. Rosen made a motion to approve both sets of minutes whereas a voice vote was taken and all members approved.
- IV. Attendance for January 26, 2022 Zoning Board of Review
 - All members present can attend

E. ADJOURNMENT:

- I. Mr. Cagnetta made the motion to adjourn the meeting at 9:38 p.m. and was duly seconded by Ms. Walsh. The motion carried by unanimous vote with no abstentions and the meeting was adjourned.