

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 at the Town Hall, 180 High Street, Wakefield on May 20, 2010.

Members Present: Ernest D. George, Jr.
Robert Toth
Stephanie A. Osborn
Douglas W. Bates, Alt. #1
Robert J. Cagnetta, Alt. #2

Also present was Jeffrey T. O'Hara, Building Inspector and Clerk.

Mr. George explained the burden of proof of an applicant seeking a Special Use Permit or Variance.

Mr. George read the first petition.

Petition of Paul & Ruth Riemer, 52 Whipoorwill Road, Armonk, NY for a **Variance** to construct a 4'-6" x 7'-6" addition to a dwelling closer to a front line than permitted in an R-80 Zone (25' required – 18'-9" requested). Premises located at 89 Old Succotash Road, South Kingstown, RI, Assessor's Plat 81-3, Lot 118, Section 207 & 907.

Peter Theroux was sworn.

It was noted that there was a letter in the file from Paul & Ruth Riemer giving authorization to Peter Theroux to act on their behalf.

The addition won't extend any further into the front boundary than they currently are.

Mr. Theroux showed photographs to Board members and then explained the proposal to Board members.

There was no one in opposition present.

Mrs. Osborn made the motion to pass the petition of Paul and Ruth Riemer of 52 Whipoorwill Road, Armonk, New York, for a variance to construct a 4'-6" x 7'-6"

addition to a dwelling closer to a front line than permitted in an R-80 Zone, 25 feet is required, 18.9 feet is requested. Premises located at 89 Old Succotash Road, South Kingstown, Rhode Island, Assessor's Plat 81-3, Lot 118. The applicant has had a representative here this evening, has shown pictures of the home and where the addition will be, and there doesn't seem to be any opposition to it this evening. I move that we grant this petition and we'll tie it to the site plan that was also presented this evening.

Mr. Toth seconded the motion.

VOTE: Osborn, Aye; Toth, Aye; Bates, Aye; Cagnetta, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Mr. George read the second petition.

Petition of John Melling, 73 South Mill Street, Hopkinton, MA for a ***Special Use Permit & Variance*** to construct a 24' x 24' roof top open deck and stairs to grade closer to a front line (40' required – 13' requested) and closer to a side line (15' required – 13' requested) than permitted in an R-80/HFD Zone. Premises located at 184 Green Hill Ocean Drive, South Kingstown, RI, Assessor's Map 96-1, Lot 4, Sections 207, 601 & 907.

Nathan Holloway explained that the owner was in a car accident and could not be present this evening.

Mr. O'Hara spoke to the owner yesterday and he did state that Mr. Holloway would be here this evening.

Nathan Holloway, builder, was sworn and explained the petition.

The applicant has a single story home and proposed is a deck on the roof.

There was no one in opposition present.

Mr. Toth moved that the petition of John Melling for a special use permit and variance to construct a 24 foot by 24 foot roof top open deck and stairs to grade closer to a front line, 40 feet required, 13 feet requested, than permitted in an R-80/HFD Zone. Premises located at 184 Green Hill Ocean Drive, South Kingstown. Mr. Nathan Holloway, the builder for the project, testified before the Board stating the reasons for the roof top addition. As to the special use permit, we're here because it is an HFD Zone and, actually, by constructing the deck on top of the existing footprint, it keeps the dwelling a safe distance from the coastal features. The addition would hinge on that feature. And as to the variance, actually, it does the same thing. He's not really expanding the footprint of the

existing home and it keeps the improvements a safe distance from the coastal features. So as to the special use permit, the special use is specifically authorized by this Ordinance. The special use meets all of the criteria set forth in the Ordinance. The 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. We've also looked at ingress and egress, off-street parking is adequate, and the other items trash, storage, utilities, et cetera are all adequate. I would move that we tie the addition and the improvements to the applicant's site plan that he submitted to the Board. And as to the variance, the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure. In this case it's the subject land being in an HFD Zone, there's additional requirements and, also, it's a substandard lot of record, it's only a 15,000 sq. ft. lot in an 80,000 sq. ft. district. The said 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. The granting of this requested variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan of the Town. The relief granted is the least relief necessary. The hardship that would be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience.

Mr. Cagnetta seconded the motion.

VOTE: Toth, Aye; Cagnetta, Aye; Osborn, Aye; Bates, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Mr. George read the third petition.

Petition of Richard & Lori Kollmeyer, 16 Goodwin Circle, Hartford, CT for a **Variance** to construct a 4' x 8' open deck with 4' wide stairs closer to a front line than permitted (35' required – 16' requested) in an R-20 Zone. Premises located at 61 Ocean Avenue, South Kingstown, RI, Assessor's Plat 93-1, Lot 171, Sections 207 and 907.

Attorney John Kenyon was present on behalf of the applicant.

The Chair read a letter dated May 4, 2010 from John & Deborah Deion in support of the applicant.

Mr. Kenyon called his 1st witness.

Richard Kollmeyer was sworn.

Mr. Kenyon explained that the property is at 61 Ocean Avenue, 1/3 of an acre in an R-20 Zone. It is an existing single family dwelling.

The applicant is proposing to replace the platform and stairs and have them go straight out to give them more room.

Mr. Kollmeyer explained the existing conditions on the lot to Board members.

The steps are steep and somewhat narrow and they are looking to replace them.

Russ Denelle prepared the site plan. It was noted that Mr. Denelle was in the audience.

There was no one in opposition present.

Mrs. Osborn made a motion that we move to pass the petition of Richard & Lori Kollmeyer of 16 Goodwin Circle, Hartford, Connecticut, for a variance to construct a 4 foot by 8 foot open deck with 4 foot wide stairs closer to the front line than permitted, 35 feet required, 16 feet requested in an R-20 Zone. Premises located at 61 Ocean Avenue, South Kingstown, Rhode Island, Assessor's Plat 93-1, Lot 171. Mr. Kenyon and Mr. Kollmeyer are here this evening and explained where the relocation of the steps will be. Instead of coming out the front door turning to the side, they'd like to come straight out because the prior steps were very narrow and steep, and this will certainly help with that condition and straighten the steps forward out the front. And this is a variance, so it would be a hardship if the applicant could not seek relief due to the unique character of the subject land or structure and not the general character of the surrounding area, and not due to the physical or economic disability of the applicant. So, I would move that we certainly grant the petition.

Mr. George seconded the motion.

VOTE: Osborn, Aye; George, Aye; Cagnetta, Aye; Bates, Aye; Toth, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Mr. George read the fourth petition.

Petition of Clifton A. Moore, 24 Fern Drive, Rumford, RI for a **Variance** to construct an 8' x 10' storage shed closer to a side line than permitted (6' required – 3' requested) in an R-80 Zone. Premises located at 3 Tupelo Road, South Kingstown, RI, Assessor's Plat 83-3, Lot 1, Section 208 and 907.

Clifton Moore was sworn and explained his petition.

Mr. Moore's property is on 1.5 acres, 50' by 130' lot size.

Mr. Bates questioned where the driveway was located. In response, Mr. Moore stated that it was a dirt driveway in front of the house.

Mr. Moore spoke to a neighbor who lives on the left side of his lot and he is fine with the proposal.

There was no one in opposition present.

Mr. Toth moved that the petition of Clifton A Moore for a variance to construct an 8 foot by 10 foot storage shed closer to a side line than permitted, 6 feet required, 3 feet requested in an R-80 Zone be granted. Premises located at 3 Tupelo Road, South Kingstown. Mr. Moore testified before the Board, and I would move that we approve his plan in accordance with the plans that he submitted to the Board, and in this case, under Section 907 Variance, the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land. In this case it's a substandard lot of record or nonconforming lot of record. He has three front lines and also the location of the septic system prohibits him from locating the shed in another location, and anywhere on the property that he wants to construct a shed, he would need a variance. Also, the hardship is not the result of any prior application of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. The granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan of the Town. It's the least relief necessary, and the hardship that would be suffered by the owner of the subject property if a dimensional variance is not granted shall amount to more than a mere inconvenience.

Mrs. Osborn seconded the motion.

VOTE: Toth, Aye; Osborn, Aye; Cagnetta, Aye; Bates, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Mr. George read the fifth petition.

Petition of Patrick & Bethany Fay, for a ***Dimensional Variance*** to construct an attached garage on Ministerial Road scenic highway with the doors facing Ministerial Road in an R-80 Zone. Premises located at 2143 Ministerial Road, South Kingstown, Rhode Island, Assessor's Map 46, Lot 61, Section 505-6-F and 907.

Bethany Fay was sworn.

The existing house is located uphill from the road and is 175' off the property line. They will put plantings on the turn so that it will obscure the view of the garage.

There was no one in opposition present.

Mr. Cagnetta made a motion to approve the petition of Patrick and Bethany Fay for a dimensional variance to construct an attached garage on Ministerial Road scenic highway with doors facing Ministerial Road in an R-80 Zone. Premises located at 2143 Ministerial Road, South Kingstown, Rhode Island, Assessor's Map 46, Lot 51. The applicants were here tonight presenting before us. They presented the site plan which talks about moving the driveway, sort of rounds the house a bit more so you can actually get into the new garage, and the concerns of having the garage doors visible from the street, one is the proximity to the frontage of the property would be about 150 feet, plus landscaping would certainly suffice in preventing it from being viewed from the street. This is a variance. The standard for relief will not alter the general characteristic of the surrounding area or impair the intent or purpose of the Ordinance. And certainly by permitting the landscaping, it will do that, so I'd like to make that motion.

Mrs. Osborn seconded the motion.

VOTE: Cagnetta, Aye; Osborn, Aye; Bates, Aye; Toth, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Mr. George read the sixth petition.

Petition of Thomas Brophy, for a ***Special Use Permit*** to modify the footprint granted in a special use permit granted by the Zoning Board of Review on February 18, 2009 from 36.44' x 39' to 30' x 55' in an R-80/HFD Zone. Premises located at Pole #63 Charlestown Beach Road, South Kingstown, RI, Assessor's Map 95-4, Lot 25, Section 907C.

Attorney Margaret Laurence was present on behalf of the applicant.

It was noted that the Brophy's now own the property.

The D'Antonio's were before the Board in 2009. They are here to modify the site plan attached to that decision.

Minor changes have been made to the location of the house. They are not here for the septic system.

Mickey Andrews was sworn. She explained that this is a modification to the shape. It will be less of a box and now more of a square. There is a slight increase in square footage.

There was no one in opposition present.

Mrs. Osborn moved that we pass the petition of Thomas Brophy for the special use permit to modify the footprint granted in a special use permit granted by the Zoning Board of Review on February 18th 2009 from 36.44 feet by 39 feet to 30 feet by 55 feet, in an R-80/HFD Zone. Premises are located at Pole #63, Charlestown Beach Road, South Kingstown, Rhode Island, Assessor's Map 95-4, Lot 25. I would like to take the document of a decision by the Zoning Board of Review for February 23rd 2009 and modify that decision to the site plan that they presented this evening; the site plan is April 2010 by Environmental Planning and Surveying Incorporated. It is a special use permit that they're asking for to request this change, and I would attach it, also, to the site plan of the modifications.

Mr. Cagnetta seconded the motion.

VOTE: Osborn, Aye; Cagnetta, Aye; Bates, Aye; Toth, Aye; George, Aye.

IT WAS THE UNANIMOUS DECISION OF THE BOARD TO GRANT THE PETITION.

Minutes

The minutes of the March 17, 2010, April 21, 2010 and April 27, 2010 meetings were approved as written.

Adjournment

As there was no further business the meeting adjourned at 8:43 p.m.