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INST# 5874
 TOWN OF SOUTH KINGSTOWN, RI



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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ZONING BOARD OF REVIEW NOTICE OF DECISION *Amended Date of Hearing*

May 13, 2020

At a meeting of the Zoning Board of Review held **April 22, 2020**, your petition was **Granted** for a **Dimensional Variances** under the Zoning Ordinance as follows: : The applicant is proposing to construct a 10' X 14' detached storage shed and stairs to the existing deck. The lot is a non-conforming lot of record. The proposed shed will be located 5' from the right side property line. The required side yard setback is 20'. Relief of 15' is requested. The stairs will be located 15' from the right side property line. The required side yard setback for the stair is 40'. Relief of 25' is requested. Lot size is .46 acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements) and Section 907 (Standards of Relief).** The owners are John & Gabriela Spier for premises located at 177 Indian Trail South, South Kingstown, RI, Assessor's Map 34-4, Lot 20 and is zoned R-80.

The Decision of the Board is as follows:

Mr. Cagnetta made a motion to approve the petition of Mr. John and Gabriela Spier of 177 Indian Trail South, Wakefield for a dimensional variance under the Zoning Ordinance. Mr. Spier presented plans of the building and the location of the building on his property. This is a 14 by 10 shed that has a set of stairs leading from an existing second floor deck and those stairs are going down to a hard scape where there are also two propane tanks on top of it that are enclosed with lattice and the shed is proposed to be five feet from the property line. The applicant also submitted the site plan, the elevations and the floor plan were also presented to the board with a variety of photographs of the site. Mr. Spier had purchased the property and there were some unique design aspects of the existing house, the second floor deck was isolated and the existing propane tanks were oddly placed on the property. Mr. Spier's goal was to reposition the tanks in a better position to line up to the shed. So it's aesthetically works with the placement of the building. And obviously did not encroach on to the neighbor's property to the point of where maintenance would have to be done from the neighbor's property. The five feet would allow for that. He was the only one to speak for his application. There was an objector. And I'm sorry I don't have her name but her concerns were mainly, if basically, that anyone can claim a hardship if they can't fit something onto their property. This particular property, though, does have restrictions. Based on the amount of buildable area on the lot due to wetlands. It also has restrictions, based on the existing structure and the placement of that structure on the property. The building right now is only 10 feet away from the property line, and the zoning required the shed to be 15 feet away so it would have been oddly placed if he had met all those zoning criteria. So, the findings of fact is that we did find that the hardship, from which the applicant is seeking relief was due to the unique characteristics of the structure and will not deter from the general characteristics of the surrounding area and is not due to any physical or economic disability of the applicant. And this is because as I said that the structure was sort of uniquely placed on the property and the placement of the shed, this seemed to be the most logical. We do not find that the hardship was due to any prior action of the applicant and will not result in the desire of the applicant to realize a greater financial gain because they're mainly trying to store goods used for maintenance for the property in a protected area. We find that this variance will not alter the general character of the surrounding area or impair the entire purpose of the Zoning Ordinance and will not affect the Comprehensive Plan. This is because to have the shed closer to the property line, it's not out of character for the area and its placement is logical for the building. We will find that the hardship

suffered by the owner would, would be more than a mere inconvenience and this is because again the safe storage of maintenance materials, is sort of appreciated by neighbors as well as safety of others. There are no conditions. So with that, I will make a motion to approve.

Richard Jurczak, Chairman: Mr. Cagnetta would you consider amending your motion, just to make note that we are not approving the 10 foot by 10 foot deck. As noted on the plan.

Robert Cagnetta, Vice-Chair: Yes, I did mention that the stairs will go down to a hard scape, so the intent was that the new deck as identified on the plan will be a hard scape not a wooden deck.

Richard Jurczak, Chairman: Okay motion made by Cagnetta with someone like the second?

Tom Daniels, Member: Second, Tom Daniels.

Richard Jurczak, Chairman: Okay, second by Mr. Daniels, any discussion.

Discussion ensued

Whereupon a Roll-Call Vote was Taken: Cagnetta-Aye, Daniels-Aye, Bernardo-Aye, Mark-Aye, Jurczak-Aye
Motion Granted, Vote 5-0 in Favor, Petition Passed Unanimously



Wayne Pimental, Clerk
Zoning Board of Review
Town of South Kingstown

*For expiration of Variances and Special Use Permits, please refer to
Section 910 of the Town of South Kingstown Zoning Ordinance*