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To: South Kingstown Zoning Board

Re: Dimensional Variance request for Property located at 31 Sandy Bottom Shores.

This office represents an abutting property owner specifically the owner of property located at 29 Sandy Bottom Shores Road. At this time on behalf of the owners of 29 Sandy Bottom shores this office objects to the dimensional variance request submitted by the owners of 31 Sandy Bottom Shores Road.

In reviewing the application presented to the board on its face the application does not meet the criteria of your municipal regulations specifically section 907 subsections A through D and F .

Section A requires the hardship here to be due to the “*unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area*;”. Unfortunately for the applicant the hardship he suggests as the major motivation for the application before the board is the need more space for his commercial tools and to avoid storing his tools and staging in the driveway for his Commercial contracting business as well as an additional bedroom for his

children. As this is a residential dwelling with no commercial uses allowed the storage of the applicants commercial materials including staging and tools related to the applicants contracting business is not an allowed use per your zoning regulations. The storing of commercial tools and staging is not allowed on the site even if inside of a garage.

Further the current owner purchased the property in 2017 and appears to have made extensive modifications, and is now suggesting the variance is needed to allow for an additional bedroom. Unfortunately for the applicant this is not a condition created by the unique characteristics of the subject land or structure as is required by statute but instead by the personal; choices of the applicant. The applicant has also only owned this property since 2017 and was aware of the size and shape of the property at that time. Accordingly the application on its face does not state a claim for which relief can be granted under your ordinance.

Section B requires that ***“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”***. And as before the application on its face fails to show that the applicants actions did not create the hardship from which relief is granted. In fact the application suggests that the applicant in storing his commercial materials including staging and tools for his commercial contracting business at the residence has in fact created the hardship from which relief is sought. The applicant also in purchasing the home in 2017 was well aware of the number of bedrooms in the home and the lack of a garage and thus created the hardships now alleged, in that each child does not have an individual bedroom. Also the applicant’s plans show two additional bedrooms one of which is labeled master bedroom, and a master bath being constructed on the property yet the applicant

states that he only needs one additional bedroom for one additional child, this inconsistency is troubling.

Section C requires in “*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*”.

In doing a visual review of the neighborhood located along Sandy Bottom shore drive it is a planned neighborhood where-in the lots were all laid out at the same time. Since that time in the early 90s when the lots were laid out no other properties along Sandy Bottom Shore drive appear to have obtained variances. In fact it appears that only two houses on the road have a garage, and in both cases the garage is set back from the front of the home and in one case the garage is detached. No other home has an attached garage that is accessible from the front of the structure. Most importantly both garages appear to be within the building envelope of the respective lots.

Further each residence on Sand bottom Shore road appears to be centered on its respective lot to create a unified look in the neighborhood something that the application here would dramatically impact. To further maintain continuity in the neighborhood each of the structures is located 25 feet of the property line.

Adding a structure that is two stories tall and is 22ft by 30 feet to an existing home that is only 24 feet wide by 40 feet long is certainly more than the least amount of relief necessary, and will dramatically change the look of the structure by adding 22 feet to the 40 feet of structure currently at the site facing the road. The addition of the 22 feet of two story structure will certainly change the nature of a neighborhood that is located at the end of a Culd-de-sac.

Section D as mentioned above requires that “*the relief requested be the least amount of relief necessary*” be granted. Here the applicant is asking to increase the size of his residence by approximately 69 percent. Specifically, the application is proposing to increase the residence footprint from 960 square feet to 1620 square feet.

The applicant could construct a single car garage without a variance; the applicant could in fact construct a structure that is 19 feet long by 30 deep by right, without any relief needed, in substantially the same part of the lot. Further based upon the survey submitted the applicant could construct the proposed garage in the rear of the existing structure and remain inside of the building envelope. Currently no permits have been filed with the town to document that any other structures including but not limited to a pool are located in the building envelope at the rear of the property that would prevent this.

According to the application before the board does not meet the criteria of section D in that the relief requested is not the least relief necessary to allow the applicant to enjoy legally permitted use of one property.

In review the application that has been submitted has not shown that if the relief requested is not granted that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. As stated above there are many alternative available to the applicant that are legally permitted.

Thank you for taking the time to review this letter and I look forward to making a brief presentation to the board regarding this application

Very truly yours

Steven H Surdut

