



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1224
Fax (401) 789-9792

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 February 16, 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. 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.

All the documents were entered into record.

Thomas Rock was present and sworn in.

Mr. Rock testified that he was previously before the Board and at that point he was unaware of the 4' right of way requirement. Since then, he has provided an updated site plan showing the 4' right of way being accounted for.

Mr. Gorman clarified that the revised site plan does not show the advertised 8' from the property line.

Mr. Rock stated that he did have an updated site plan which shows an 8'3" setback from the front property line. He then screen shared the updated site plan.

Mr. Rock submitted Applicant's Exhibit #1, updated site plan.

Mr. Rock showed that the distance to the front line was shown at 8.39'. He explained the location of the proposed addition and that it is replacing an existing deck. The existing deck was a wraparound deck and will now only be street side. There is a fence along the property line and once the proposed stairway is constructed there will be the necessary required 4' right of way. There is a separate area for trash storage on the property.

Board questions ensued regarding the proposed addition.

Mr. Rock explained that the purpose of the addition is to create a handicap accessible bathroom to accommodate elderly relatives. There will be no additional bedrooms added.

Mr. Daniels confirmed with Mr. Rock that there are no additional bedrooms being created. He also wanted to address the concerns brought up in an anonymous correspondence addressing the OWTS that stated “no new construction is allowed under this approval” from the RI DEM assent granted on August 20, 2007.

Mr. Rock noted that they did relocate a septic system from the beach side to the street side following a storm. Additionally, the house has been moved since then and Zoning approval was required. He was not sure of the exact dates without looking at his records.

Mr. Brown stated that he is familiar with the situation and that the storms came in and damaged the septic system that was existing in front of the house. The house itself was underwater to some degree and CRMC advised that they would like residents to move their houses and septic systems as far back from the ocean as possible and locate both up against the road. This was considered an OWTS repair and under RI DEM regulations and they could only move the existing house and put in for a repair of the OWTS. If they were to construct a new house, they would need to go back to RIDEM for approval of a new septic. So basically, they would have been allowed to build an addition under that approval but could not build an entirely new house.

Mr. Daniels was concerned because none of that documentation was submitted.

Mr. Gorman agreed with Mr. Brown statements regarding the relocation of the septic system. He could research the previous decisions recorded in Land Evidence.

Ms. Goins advised that any restrictions on the septic system would be imposed by RI DEM; the Board could grant the relief if they feel it’s appropriate because ultimately it would still need RI DEM approval which should be noted in any decision.

Mr. Rock mentioned that he shared the site plan with his neighbor, Mark and Janice Roth, who had the previously addressed concerns about the right of way and they responded back thank you.

Mr. Cagnetta read into record the (2) two anonymous correspondences.

Mr. Rock addressed the concerns brought forth in the correspondence.

Mr. Cagnetta read into record the correspondence from Mark and Janice Roth.

Mr. Rock emailed a copy of the revised plan to the Roth’s and followed up with a text. He stated he felt that there is no longer an issue and that their concerns were addressed with the revised site plan.

Mr. Rosen enquired about the right of way mentioned in the Roth’s trustees deed which talks about lot 8 and 8A on the east side of the applicant’s lot. Additionally, he wanted to make sure that there would be no impediment on the west side during construction.

There were no further questions.

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

Board discussion ensued.

Ms. Goins advised the applicant that because he is before the Board without Counsel that the application must be approved by 4 out of 5 members and based on what has been stated tonight it is looking like it may not be approved. He could choose to go forward to a vote, or he could request a continuation. In the interim he could meet with the Building Official and get some of the documents that the Board is looking for which may increase his chance of approval.

Mr. Rock stated that he is aware of the RI DEM conditions that would be part of the granting of this petition but that it would not be an issue to continue the petition one month to gather the requested documentation.

Ms. Goins advised that it may make some of the Board members more comfortable to be able to review some of the previous documentation from RI DEM and previous Zoning Board decisions.

Mr. Daniels stated that he would like to see approvals and correspondence from 2007 forward from RI DEM regarding the repaired OWTS, as well as the original Zoning Board decision that approved the relocation of the building.

Ms. Walsh indicated that she would also like to see the updated survey.

Attendance was taken and the necessary quorum would be present.

Whereas a motion was made.

The Motion is as Follows:

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

II. Petition of Home Away from Home, LLC, c/o Robert Marucci 4 Rosebriar Avenue, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to demolish an 80 square foot attached screened porch and construct a new sunroom in the same location. The proposed sunroom will be located 9.7' from the side property line. The required side yard setback is 10'. Relief of .3' is requested. Although no increase in lot coverage is proposed, the lot coverage will be 1,722 square feet. The maximum lot coverage allowed is 1,500 square feet (20%). Relief of 222 square feet is requested. Lot size is .17 acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements), Section 401 (Schedule of Dimensional Regulations), and Section 907 (Standards of Relief).** Owner of the property is Home Away from Home LLC, for premises located at 4 Rosebriar Avenue, South Kingstown, Assessor's Map 96-1, Lot 54 and zoned R30.

All documents were entered into record.

Robert Marucci was present and sworn in.
Iolanda Marucci was present and sworn in.

Mr. Marucci testified that they are looking to repair and enhance the existing front porch which was in rough shape. The existing screen porch is already out of conformance.

Ms. Goins advised that they are before the Board tonight because they want to enclose the area that was previously occupied by the screen porch which would therefore be an intensification of an existing non-conformity.

Mr. Marucci advised that the porch was already enclosed that they want to replace windows and roof.

Ms. Goins stated that because they are choosing to voluntarily demolish the existing screen porch, which was non-conforming, they would require setback relief because the dimensions are out of conformance.

Board questions ensued.

Mr. Marucci indicated that the previous screen porch had already been demolished and that the overall footprint for the entire house, including the 3-season room had not changed. The 3-season room will not be heated.

The Board had no further questions.

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 February 16, 2022 regarding the Petition of Home Away from Home, LLC, c/o Robert Marucci, 4 Rosebriar Avenue, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to demolish an 80 square foot attached screened porch and construct a new sunroom in the same location. The proposed sunroom will be located 9.7' from the side property line. The required side yard setback is 10'. Relief of .3' is requested. Although no increase in lot coverage is proposed, the lot coverage will be 1,722 square feet. The maximum lot coverage allowed is 1,500 square feet (20%). Relief of 222 square feet is requested. Lot size is .17 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements), Section 401 (Schedule of Dimensional Regulations), and Section 907 (Standards of Relief). Owner of the property is Home Away from Home LLC, for premises located at 4 Rosebriar Avenue, South Kingstown, Assessor's Map 96-1, Lot 54 and zoned R30.

The following individuals spoke as representatives of the applicant:

- Robert Marucci
- Iolanda Marucci

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

The following materials were entered into the record:

- Application signed and dated December 29, 2021; Owner Authorization signed and notarized January 6, 2022; Elevations (2 pages); Site Plan (2 pages) prepared by Dowdell Engineering Associates LLC and stamped by Richard Couchon, PLS dated November 11, 2021 with a revision of December 20, 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 rebuild an already non-conforming screened porch/sunroom that was in disrepair with a new, unheated screened porch/sunroom on the same footprint.
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 seeking to replace what was in disrepair with a new structure on the same footprint and for the same use.
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 they are rebuilding on the same footprint that was there and the proposed structure will be a visual improvement to the neighborhood.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is seeking a minor relief of .3'.
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 approval they would not be able to replace the already demolished screen porch/sunroom.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

III. Petition of William Dolan, 54 Autumn Lane, South Kingstown, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a two-family dwelling with vehicle parking in front of the structure. The existing lot frontage is 65.68'. The CN zoning district requires 70' of frontage to establish a two-family dwelling. Relief of 4.32' is requested. Relief is required for the parking of vehicles between the structure and the front lot line. Lot size is .41 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations), Section 402 Note 6 (Notes to Schedule of Dimensional Regulations) and Section 907 (Standards of Relief)**. Owner of the property is Scot Hallberg, for premises located at 25 Columbia Street, South Kingstown, Assessor's Map 57-1, Lot 176 and zoned CN (Commercial Neighborhood).

All documents were entered into record.

William Dolan was present and sworn in.

Mr. Dolan testified that there was previously a duplex on this lot which burnt down and was demolished. He is looking to construct a new duplex on this lot. The lot is narrow but very deep, the duplex is pushed back 116' from the road for privacy, he intends to put up arborvitae and fencing to maintain privacy. If the parking had to be in the back, there is only 10' on either side of the structure so it would be very difficult to put in driveway access on such a narrow lot. He is hoping that the screening would be enough to grant relief for the parking to be located in front between the street and the house.

Board questions ensued.

Mr. Gorman advised that he assumes at the time of the adoption the intent of the Ordinance was to keep parking lots from being in front of structures and to keep front yards open in this district.

Mr. Brown indicated that he recalled that the reasoning behind the Ordinance was to keep the front yards open and not be able to create a parking lot type of area. Even though this was zoned commercial by having the parking in the rear of the building it would prevent that commercial parking lot look.

Board questions ensued.

Mr. Dolan noted that each unit would have a one-car garage and one proposed parking space towards the front. The curb cut is existing and appears to be slightly larger than a normal single driveway opening, roughly 14' wide. The site plan indicates an arborvitae screening in the front, and he will continue the fencing along the north side of the lot. Additionally, the parking lot for the Columbia Theater uses the parking lot right up to the street. The fence will be angled and dropped down towards the front to roughly 4' in height.

Discussion ensued regarding screening along the front.

Mr. Cagnetta asked if Mr. Dolan would have any objection to imposing conditional screening in the front.

Mr. Dolan explained that he would comply with any conditions the Board sees fit.

Board questions ensued.

Mr. Dolan indicated that the proposed duplex would be set back further than the neighboring building, he will be setting it back roughly 114' from the road. It will be a 2-story building roughly 27' high. Mr. Dolan indicated that likely his son will live on one side and that he would rent the other side.

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

At a meeting held on February 16, 2022 regarding the Petition of William Dolan, 54 Autumn Lane, South Kingstown, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a two-family dwelling with vehicle parking in front of the structure. The existing lot frontage is 65.68'. The CN zoning district requires 70' of frontage to establish a two-family dwelling. Relief of 4.32' is requested. Relief is required for the parking of vehicles between the structure and the front lot line. Lot size is .41 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations), Section 402 Note 6 (Notes to Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is Scot Hallberg, for premises located at 25 Columbia Street, South Kingstown, Assessor's Map 57-1, Lot 176 and zoned CN (Commercial Neighborhood).

The following individuals spoke as representatives of the applicant:

- William Dolan

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

The following materials were entered into the record:

- Application signed and dated January 3, 2022; Owner Authorization signed and notarized January 7, 2022; Elevations (2 pages); Site Locus (1 page) prepared by Principe Company, Inc Engineering Division and dated September 15, 2021; House Plans (5 pages) prepared by Bruinier & Associates, Inc. dated October 2017.
- 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 lot itself is a long narrow constricted lot which presented challenges in regards to house and driveway placement.

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 lot is currently vacant and located on a busy street; the proposed use will fit in well within the surrounding area.

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 proposal before the Board will improve the general character of the surrounding area by developing an otherwise vacant lot in the CN district.

4. The Board finds that the relief to be granted is the least relief necessary, because it is obvious that the design has considered the need for parking as well as providing an aesthetically pleasing buffer to surround the property.

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 entire project would need to be re-designed to accommodate moving the parking to the rear of the property due to the lot's narrow constraints.

Approval is conditional subject to the following conditions:

- Screening shall be tied to the plan that was submitted and shall be located between at least 6' to 10' back from the front property line to allow a clear line of sight for ingress and egress to the lot.

IV. Petition of Glenn and Gretel McCrory, 200 Lavan Street, Unit 1, Warwick, RI 02888 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a five (5) unit multi-family residential dwelling. The proposed structure will be separate from the existing three (3) unit residential structure. Relief is required for establishing more than one principal residential structure on a lot. Relief is required for locating dwelling units on the first floor in the CD district. The proposed structure will be located 11.67' from the rear property line. The required rear yard setback is 30'. Relief of 18.33' is requested. The Zoning Board previously granted the requested relief on June 19, 2019, but the approval has since expired. Lot size is .36 acres. **A Dimensional Variance is required per Zoning Ordinance Section 402 Notes 4 & 9 (Notes to Dimensional Table), Section 501.1 (Supplementary Use Regulations) and Section 907 (Standards of Relief).** Owner of the property is Glenn & Gretel McCrory for premises located at 507-509 High Street, South Kingstown, Assessor's Map 48-3, Lot 150 and is zoned CN (Commercial Neighborhood).

Zoning Board member and abutter Susan Walsh has recused from this petition.

All documents were entered into record.

Attorney James Callaghan was present for the applicants.

Mr. Callaghan stated that this petition has a long history. This is in the CD zone and the former owners of the property previously appeared before the Planning Board and were approved on July 13, 2005 for an 8-unit multi-household with detached structure development which was for (3) three current units and (5) five proposed units in a detached structure to the rear of the lot. In that decision, the property received waivers from the subdivision regulations to place more than one residential structure on a single lot and waivers of the rear setback requirements and as a condition had to go before the Zoning Board for additional approvals which were also granted. The previously granted zoning approvals were for 1) second principal structure on the lot, 2) first floor residential use which is a garage and 3) less than the required rear yard transition setback abutting a RM zone. This project has been before this Board multiple times in the past (17) seventeen years and most recently received approvals back in June 2019 but it took longer than anticipated to obtain RI DEM approvals and the dimensional variance expired which is why they are back before the Board tonight.

Glenn McCrory was present and sworn in.

Mr. McCrory stated they purchased the property in January 2019. There is currently a 3-family residential unit on-site. They are proposing to build a 5-unit structure behind the existing units, the same exact dimensions that has been previously approved. They were before the Board in June 2019 and received approval. RI DEM approval took over (16) sixteen months to obtain due to COVID as well as some personal business reasons. Unfortunately, time went by faster than anticipated and the previously granted Dimensional Variance expired before they had a chance to request an extension. They are requesting a variance to put (2) two residential structures on one site and are also looking to place garage units on the first floor, there will be no dwelling units on the first floor, only parking. The lot that abuts to the rear has multiple units on-site, upwards of (50) fifty units. They have received the Insignificant Alteration Permit from RI DEM, additionally they are looking to begin this project as soon as possible. They are looking

to bring additional aesthetically pleasing housing to the area. They have put a significant investment into the overall development of this project. There have been no changes to the plans since they were originally approved in 2019.

Board questions ensued regarding RI DEM approval.

Mr. McCrory stated that they were required to obtain an Insignificant Alteration Permit from RI DEM because the property is in a flood zone and that the site plan, as shown will not cause any significant changes to area.

Ms. Goins stated that to extend an approval it would need to be requested prior to expiration of the original approval. The Board should take into consideration what was granted in the original approval and what if anything has changed since the application was granted in 2019 and that can be considered in any decision.

Mr. McCrory stated that they intend to meet all (21) twenty-one conditions that RI DEM listed in the Insignificant Alteration Permit.

Mr. Daniels asked a procedural question about the validity of a 17-year-old Planning Decision and if it is still valid given the time that has passed with no action.

Ms. Goins stated that it was her understanding that the previous Planning decision was deemed still valid when the applicants went before the Board back in 2019. She stated she is not familiar with the actual times of this petition, but she explained typical vesting periods and the tolling statute that were in effect.

Mr. Callaghan noted that he reviewed Land Evidence and has not seen any further actions from the Planning Board since at least 2019.

Ms. Goins advised that the Comprehensive Plan has certainly changed over the last 17-year period, however vesting does carry with it the ability to move forward with a project under the Comprehensive Plan and Zoning Ordinance in effect at the time the original approval was issued and vested. The Board always has to consider the Comprehensive Plan's consistency as part of its general findings but that would be the effect of vesting. She does not have information in front of her currently to calculate the vesting period and tolling.

Mr. McCrory indicated that in 2019 there was no indication that there was an issue with the Planning Board decision vesting of this application.

Mr. McCrory indicated that the property abuts wetlands and that their property line goes right up to the river, this was all covered under the RI DEM Insignificant Alteration Permit.

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

Lisa Hollenbeck was present and sworn in.

Joel Hollenbeck was present and sworn in.

Ms. Hollenbeck indicated that they live right around the corner on Church Street and have questions regarding the parking for the front 3-unit structure, and the physical appearance of the existing 3-unit front building.

Mr. McCrory stated that there will be plenty of parking for the units on the property. The site plan shows (5) five additional parking spaces which would accommodate the parking for the front building. The plan is to finish the units in the back first and then revamp the building in the front which they agree needs some work.

Board questions ensued regarding parking.

Mr. McCrory indicated that the proposed new 5-unit dwelling will each have their own one-car garage and would also be able to park one car in front of the garage. There are also (5) five parking spots that will be designated for the front unit. Per RI DEM conditions all the parking area will be gravel with no impervious area. There will be a total of (15) fifteen parking spaces for the entire complex.

Mr. Gorman indicated that (8) eight parking spaces are required for this property which is located in the CD Zone. A 50% reduction in parking is authorized under the Ordinance for a CD Zone. The site plan is showing (15) fifteen parking spaces total, so they are in compliance for parking.

Board discussion ensued.

Ms. Goins advised that if the Zoning Board were to grant the application tonight and then someone filed an appeal, the Board would have to answer the question of the Planning Board vesting. Outside of an appeal and if the questions arose it would have to be answered. The Board could add a condition of approval that the Administrative Officer must determine that the previous Planning decision is still valid and if it had expired the applicant would have to go back before the Planning Board.

Mr. Callaghan indicated that they are confident that if the decision was challenged, they would be vested and that they could move forward with the previously granted Planning and Zoning Boards approvals. The project has not changed since 2019 and they feel they are on good grounds to proceed at this point.

Whereas a motion was made.

The Motion is as Follows:

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

Motion passed unanimously: Vote 5-0

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

At a meeting held on February 16, 2022 regarding the Petition of Glenn and Gretel McCrory, 200 Lavan Street, Unit 1, Warwick, RI 02888 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a five (5) unit multi-family residential dwelling. The proposed structure will be separate from the existing three (3) unit residential structure. Relief is required for establishing more than one principal residential structure on a lot. Relief is required for locating dwelling units on the first floor in the CD district. The proposed structure will be located 11.67' from the rear property line. The required rear yard setback is 30'. Relief of 18.33' is requested. The Zoning Board previously granted the requested relief on June 19, 2019, but the approval has since expired. Lot size is .36 acres. A Dimensional Variance is required per Zoning Ordinance Section 402 Notes 4 & 9 (Notes to Dimensional Table), Section 501.1 (Supplementary Use Regulations) and Section 907 (Standards of Relief). Owner of the property is Glenn & Gretel McCrory for premises located at 507-509 High Street, South Kingstown, Assessor's Map 48-3, Lot 150 and is zoned CN (Commercial Neighborhood).

The following individuals spoke as representatives of the applicant:

- Attorney James Callaghan
- Glenn McCrory, applicant

The following spoke in regard to the petition:

- Lisa and Joel Hollenbeck, Church Street

The following materials were entered into the record:

- Application signed and dated January 13, 2022; Owner Authorization signed and notarized January 14, 2022; Site Plan (1 page) prepared by Environmental Planning & Surveying, Inc. and stamped by Wesley Grant III, PE, Site Plan dated September 10, 2002 with multiple revisions; previous Zoning application (3 pages) received June 13, 2008; Elevation and Floor Plan (2 pages); Drawing List (cover, A0.1, A1.0, A1.1, A2.0, A3.0, A4.0, A5.0) prepared by Cordtsen Design Architecture dated November 19, 2021; Insignificant Alteration Permit (4 pages) from RI DEM dated February 22, 2021
- Zoning Decisions
 - Granted June 19, 2019 and recorded June 27, 2019 Land Evidence Book L1709 Page 345-346
 - Granted August 27, 2008 and recorded October 14, 2008 Land Evidence Book L1332 Page 713
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Notice of Recusal from Zoning Board Member and abutter, Susan Walsh

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 property is a very deep property with a lot of space to the rear. The addition of the 5-unit structure will not alter the appearance of the surrounding area and will in fact be a great benefit to the area by providing additional housing.

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 put forth a significant investment in the purchase and development of this property and the proposed 5-unit structure will support the need for housing within the surrounding area.

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 this proposal is helping to create more needed housing in the area as well as working towards improving the overall look of the lot.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has demonstrated that there will be adequate parking on site to accommodate all the units and that the lot is deep enough to sustain the additional building without impeding the surrounding area. Additionally, the applicant has gone before RI DEM and obtained an Insignificant Alteration Permit and will meet all the requirements set forth.

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 this is a fairly large, under-utilized lot and the proposed application will fit well within the surrounding community while also addressing housing needs.

Approval is conditional subject to the following conditions:

- The applicant must meet the (21) conditions set forth in the RI DEM Insignificant Alteration Permit dated February 22, 2021.
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D. OTHER BUSINESS:

- I. Approval of January 19, 2022 & January 26, 2022 Zoning Board of Review Minutes
 - Mr. Daniels made a motion to approve both sets of minutes with the correction to the January 26th minutes as noted. Whereas a voice vote was taken, and all members approved.
- II. Attendance for March 16, 2022 Zoning Board of Review
 - All members present tonight can attend if the meeting is held on Zoom, if the meeting is held in-person Susan Walsh will be absent.

E. ADJOURNMENT:

- I. Mr. Rosen made the motion to adjourn the meeting at 9:27 p.m. The motion carried by unanimous vote with no abstentions and the meeting was adjourned.