



## Town of South Kingstown, Rhode Island

### BUILDING AND ZONING DEPARTMENT

180 High Street  
Wakefield, RI 02879  
Tel (401) 789-9331 x1224  
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### ZONING BOARD OF REVIEW

Malachi & Bonnie O'Connor  
17 Border Avenue  
Wakefield, RI 02879

May 13, 2020

Dear Mr. & Mrs. O'Connor,

At a meeting of the Zoning Board of Review held April 29, 2020, your petition was **Granted** for a **Dimensional Variances** under the Zoning Ordinance as follows: : The applicant is proposing to construct a 16' X 32' detached accessory structure. The lot is a non-conforming lot of record and reduced setbacks are allowed. The proposed shed will be located 10' from the left side property line. The required side yard setback is 15'. Relief of 5' is requested. The accessory structure will be located 34' from the front property line. The required front yard setback is 40'. Relief of 6' is requested. The structure is also located within the front yard setback, which requires relief per Section 503.1. Lot size is .60 acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief).** The owners are Malachi & Bonnie O'Connor for premises located at 17 Border Avenue, South Kingstown, RI, Assessor's Map 90-3, Lot 56 and is zoned R-30.

Yours truly,

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



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### ZONING BOARD OF REVIEW NOTICE OF DECISION

May 13, 2020

At a meeting of the Zoning Board of Review held April 29, 2020, your petition was **Granted** for a **Dimensional Variances** under the Zoning Ordinance as follows: : The applicant is proposing to construct a 16' X 32' detached accessory structure. The lot is a non-conforming lot of record and reduced setbacks are allowed. The proposed shed will be located 10' from the left side property line. The required side yard setback is 15'. Relief of 5' is requested. The accessory structure will be located 34' from the front property line. The required front yard setback is 40'. Relief of 6' is requested. The structure is also located within the front yard setback, which requires relief per Section 503.1. Lot size is .60 acres. **A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief).** The owners are Malachi & Bonnie O'Connor for premises located at 17 Border Avenue, South Kingstown, RI, Assessor's Map 90-3, Lot 56 and is zoned R-30.

*The Decision of the Board is as follows:*

John Bernardo made a motion that we approve the petition of Malachai and Bonnie O'Connor, 17 Border Avenue, South Kingstown, Rhode Island for a dimensional variance under our Ordinance. The Applicant is proposing to construct a 16x32 square foot detached accessory structure. The lot is non-conforming and reduced setbacks are allowed. The proposed shed will be located 10 feet from the left side property line, the required side yard setback is 15 feet, and relief of 5 feet is requested. The accessory structure will be located 34 feet from the front property line, their required front yard setback is 40 feet therefore 6 feet relief requested. . The structure is also located within the front yard setback, which requires relief per Section 503.1. Lot size is .60 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief). The owners are Malachi & Bonnie O'Connor for premises located at 17 Border Avenue, South Kingstown.. The Petitioner, Malachai O'Connor testified that he has no garage. He has no basement and he's looking to construct an accessory structure that will serve both as a garage, as well as a workshop, he indicated that he is a woodworker, not by trade, because he and his wife are both retired. So he will use the shed to go in and do some busy work for projects around the house, to store bikes and other equipment and other things that he couldn't store in a basement or a garage. He indicated he would like to fit at least one car and there maybe two, if possible. The Applicant, Mr. O'Connor, indicated, the way I understood it, it was actually okay with positioning the shed within the side yard setback, which would be 15 feet from the property line. So I'm going to take the position that we don't have to discuss whether hardship is needed because he seemed to be okay with that. As far as the front set back he's looking for six feet of relief and I would find that this accessory structure is constrained by an existing driveway, which he wants to certainly use to drive his vehicle into, as well as an OWTS system to the north, some trees to the south and perhaps some rhododendrons to the west, so it makes sense where it is. The side seems to work to support both the garage and workshop. We did hear from a number of neighbors, some of them characterized themselves as objectors, others were character witnesses for Mr. O'Connor and his wife and spoke very highly of them. In fact a couple of them indicated that they were confident that Mr. O'Connor would make the right neighborly decisions in the use of this workshop which means to me that he will be cognizant of any noise or perhaps excessive smoke or other nuisance issues as they would affect his neighbor, so I

take that into consideration when I'm making this motion to approve. This is a variance, the hardship from which the Applicant seek relief is due to the unique characteristics of land and structure and not to general characteristics of the surrounding area. 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. The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Comprehensive Plan there are plenty of the houses in the area with shed and or garages. This would appear to be least relief necessary. And the way I'm reading it, it appears that the Applicant has already yielded one of his requests for relief anyway. And add to this dimensional variance the Applicant has proved that the hardship to be suffered by him absent granted to this relief would amount to more than a mere inconvenience. So I would move granting this petition subject to the drawings and renderings in the application.

Richard Jurczak, Chairman: Okay. Just, just to make it perfectly clear then your motion does not include the relief from the side yard.

John Bernardo, Member: No, because I'm taking the position that the Mr. O'Connor has yielded that request by indicating during his testimony that he had no problem putting it at the 15 feet so, I'm not sure if I'm doing the right thing but that's how I understood.

Richard Jurczak, Chairman: Amy, can you just give us some guidance on that.

Amy Goins, Special Legal Counsel: Yes that's fine.

Richard Jurczak, Chairman: Okay. Motion by Mr. Bernardo with someone like the second

Robert Cagnetta, Vice-Chair: Second

Richard Jurczak, Chairman: Okay, second by was that Mr. Cagnetta.

Richard Jurczak, Chairman: All right, this is there any discussion. All right, let's have a roll call.

Whereupon a Roll-Call Vote was Taken: Bernardo-Aye, Mark-Aye, Cagnetta-Aye, Daniels-Aye, Jurczak-Aye  
Motion Granted, Vote 5-0 in favor, petition passed



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