Parkwood Drive Neighborhood Petition
to the South Kingstown Zoning Board of Review

We, the undersigned abutters, and residents neighboring lot 93 in the Parkwood Plat, ask the Zoning Board of Review to deny the petition for a dimensional variance for Lot 93.

Lot 93 is one of several lots in the Parkwood Plat that have remained undeveloped since the creation of the neighborhood in 1968. Those lots remained undeveloped as they are “wet”, largely wooded swamp, freshwater wetlands protected by R. I. Department of Environmental Management (RIDEM) and Coastal Resources Council (CRMC) regulations.

The R-20 Zoning standard requires 35 feet distance from the front of the lot — and the petitioners’ seek to have relief to 23 feet from the property line. The undersigned neighbors and abutters ask the Zoning Board to uphold the R-20 standard, as the petitioners’ request is out of character with our neighborhood, will interfere with the enjoyment of our properties, and will decrease our property values as outlined in Rationales 1 & 2 below.

Rationale 1 - Section 907 Standards for Relief

We encourage the Board to strictly rely on the Section 907 Standards for Relief, which if followed, direct the denial of the request for Dimensional Variance request. The standards for approval of a variance include:

1(a) 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.

Fact: Much of Lot 93 is part of an extensive wetland encompassing most of the adjacent platted lots. The hardship results from the petitioner’s decision to purchase this lot for $5,000 in 2020, even though the lot is well-known in the neighborhood to be too wet for development. In other words, the hardship is due to the general characteristics of the surrounding area.

1(b) 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.

Fact: The hardship is the direct result of the applicants’ decision to purchase the lot for $5,000 in 2020. They subsequently listed it for sale for $255,000 on 8/4/2021 and listed it again for $195,000 on 2/22/2022. It is clear that the applicants’ desire is to realize significant financial gain of $190,000 on their initial investment of $5,000.

1(c) 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.

Fact: Parkwood Drive is a loop of roughly 1/3 mile with access to Potter Wood. Most properties are separated by woods or stone walls, backing either to Potter Wood or
South Kingstown Land Trust. Parkwood Drive is heavily used by pedestrians from Parkwood, Mark Glen Court, Little Rest, and South Road for walking dogs and getting exercise.

Parkwood Drive is zoned R-20 and houses are generally located near the center of the lots, consistent with zoning requirements and providing privacy to all residents. If the applicants’ petition is approved, their proposal would alter the characteristics of the area in these ways:

1) The dwelling will be much closer to the street than the neighborhood standard, and due to the unusual location close to the property side line, the dwelling would be located nearly in front of the left neighboring home and block that home from the street from the eastward direction,
2) The proposal requires demolition of an old stone wall that is part of neighborhood charm, and
3) Above-ground components of a septic system would be placed merely 10 feet from the front property line.

The above particulars are grossly inconsistent with the intent of R-20 zoning and would adversely alter the character with the neighborhood.

1(e – Part One) The subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Zoning Ordinance.

Fact: Due to the narrow space between the wetlands and the R-20 setback, it is not practical to build a home on the subject property in compliance with R-20 Zoning; therefore, it should conform to the R-20 Zoning with 35-foot setback.

1(e - Part Two) Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered grounds for granting a use variance.

Application of Standard: The petitioners’ application argues that since another home on Parkwood was built closer than 35 feet from the road, that the current application should be approved as well. As directed by the Standards, nonconforming use of neighboring land or structures shall not be considered grounds for granting a variance.

**Rationale 2 – Restrictions and Conditions for the Establishment of Parkwood Plat**

Finally, we wish to bring to the Board’s attention, that the proposed relief is inconsistent with the original **Restrictions, Easements, and Conditions for the establishment of Parkwood Plat** as submitted to the South Kingstown Town Clerk on January 18, 1966. Item 3 in the list of restrictions reads:

"Building Location. No building shall be located on any lot herein nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on
the recorded plat and in any event, no building shall be located on any lot nearer than 35 feet to the front lot line or nearer than 30 feet to any side street line.”

With a single exception, all the homes in the Parkwood Plat have conformed to these restrictions for 56 years. Ignoring this key restriction at this time would be unfair to the entire neighborhood.

Summary

It is not practical to build a home on Lot 93 in conformance with Zone R-20. As the applicants’ proposal (1) does not satisfy the Section 907 Standards for Relief, and (2) their proposal is in violation of the original Conditions for the Establishment of Parkwood Plat, the Parkwood neighborhood residents below ask that the applicants’ request for relief be denied. If the applicants are unable to develop and sell the property as a house lot, the applicants, who live on Parkwood Drive, may continue to enjoy the natural beauty and environmental benefits of the undeveloped lot and/or they could donate it to the South Kingstown Land Trust to join the adjacent SKLT properties, thereby gaining tax benefit from the donation.

Respectfully submitted,
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<td>Tim Ritchie</td>
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<td>Wendy Luciet</td>
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