REVISED
TOWN OF SOUTH KINGSTOWN
ZONING BOARD OF REVIEW APPLICATION

1. APPLICANT INFORMATION:
Applicant Name: Davitt Properties, Inc. Name of Primary Contact if Organization: Kevin Flynn
Applicant Address: 4 Frank Avenue, Suite 1A, West Kingston, RI 02892
Applicant Phone: 401-792-3393 Applicant Email: kflynn@davittinc.com

2. OWNER INFORMATION:
Owner Name: same Owner Phone: same
Owner Address: same

3. PROJECT INFORMATION:
Physical Address: 175 Middlebridge Road Assessor's Plat: 43-4
Assessors' Lot: 4 Frag Zoning District: R20
Required Zoning Setbacks: Front yard 25' Rear Yard 30' Side Yard Right 12' Side Yard Left 12' Corner Side Yard 25'

4. APPLICATION FOR:
Special Use Permit Dimensional Variance X Use Variance Dimensional Modification by Zoning Officer

5. LOT SPECIFICATIONS:
Lot Frontage: 78' ft. Lot Depth: 77.28' (avg) ft. Lot Area: 6,335 sq. ft.

6. USE OF PREMISES:
Present Use: Residential # of families: one (1) Proposed Use: Residential # of families: one (1)

7. EXISTING STRUCTURES:
Number of Existing Buildings or Structures Present: three (3)
Size of Existing Structures: 993.5 sf; 326.4 sf; 76.4 sf; 22 sf
Distance from Property Lines of Existing Structures:

<table>
<thead>
<tr>
<th>Structure 1</th>
<th>Structure 2</th>
<th>Structure 3</th>
<th>Structure 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard: 11 ft;</td>
<td>11 ft;</td>
<td>67.8 ft;</td>
<td>___ ft;</td>
</tr>
<tr>
<td>Rear Yard: 30.4 ft;</td>
<td>26.3 ft;</td>
<td>-2.8 ft;</td>
<td>___ ft;</td>
</tr>
<tr>
<td>Side Yard Right: 29.33 ft;</td>
<td>62.3 ft;</td>
<td>53.8 ft;</td>
<td>___ ft;</td>
</tr>
<tr>
<td>Side Yard Left: 17.7 ft;</td>
<td>4.3 ft;</td>
<td>14 ft;</td>
<td>___ ft;</td>
</tr>
<tr>
<td>Corner Side Yard: ___ ft;</td>
<td>___ ft;</td>
<td>___ ft;</td>
<td>___ ft;</td>
</tr>
</tbody>
</table>

8. WATER AND SOLID WASTE
Water: Town Water x Well Other
Waste: Town Sewer x Septic Other
9. SIZE OF PROPOSED BUILDINGS/ADDITIONS:
Height Above Grade: 35 ft. Number of Stories: three (3)

10. IF DIMENSIONAL RELIEF IS SOUGHT INDICATE THE DISTANCE REQUESTED:
Side Yard Left: 3.3 ft. Corner Side Yard: 0 ft. Height: 0 ft.

11. PROVISION OF THE ZONING ORDINANCE FROM WHICH RELIEF IS SOUGHT:
Section 2.7, setbacks for nonconforming lots of record; Section 601 and Section 601.7, Development Standards and Dimensional Requirements MDA and GFA.

12. DESCRIBE THE EXTENT OF PROPOSED ALTERATIONS, STATE REASONS WHY YOU ARE REQUESTING RELIEF:
The applicant is seeking to demolish the existing house, garage and shed and construct a three-story dwelling from the front property line (Middlebridge Road) (house is 10.8 ft from front yard set back). The required front and corner-side setback is 25 ft, the required left side setback is 12 ft and the required rear set back is 30 ft. Relief of 14.2 ft (front) and of 3.3 ft (left side) is requested. The premises is located in the Special Flood Hazard Area (SFHA) and any replacement dwelling is defined as a development project. The gross floor area (GFA) is limited to .30 of the parcel area. The premise is 6,335 sq ft in area with a GFA limit of 1,900 sq ft. Applicant is seeking a GFA of 2,385 sq ft requiring relief of 485 sq ft.

(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; and not due to a physical or economic disability of the applicant,

(b) 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;

(c) That the 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;

(d) That the relief to be granted is the least relief necessary to fully enjoy the use of the premises as a single family dwelling overlooking Narrow River;

(e) The hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience.

ZONING BOARD OF REVIEW RULES OF PROCEDURE ITEM K: "Reports from expert witnesses should be submitted with the application or ten (10) days prior to the hearing to give the Zoning Board sufficient review time. If a report is submitted at the time of the hearing, the Chairman may rule on whether the Zoning Board will continue to another meeting to give the Zoning Board time to review the report."

Preparation of this Application and all necessary documentation is the sole responsibility of the Applicant. Town Staff's help in preparations of any facet of this application, including abutter's list is for assistance only. The staff cannot give the applicant advice on the merits of the application nor can they render legal opinions.

The undersigned declares that the information given herein is a true statement to the best of his/her knowledge and belief.

Applicant Signature(s) ______________________
Applicant(s) Printed Name David Whitney Date: 9/15/23

Attorney / Other (If applicable) ______________________
Kevin Flynn PM Davis Design Date: 9/15/23

Received By: Payment Amt. Check # Legal Notice Mailed: Cert. Receipts Received: _____
OWNER/AUTHORIZED AGENT AUTHORIZATION FORM

The Owner/Authorized Agent Authorization Form must be completed in full and returned to the Office of the Building and Zoning Official for the Town of South Kingstown along with the Zoning Board of Review Application. Failure to submit this form will delay your application being processed.

I, David Whitney, hereby certify that I am the owner/authorized agent of the property designated as Plat 43-4, Lot 4, as shown on the Town of South Kingstown Tax Assessor Maps. I further certify that I am the owner/authorized agent of the developmental rights for this property.

I hereby authorize and am in agreement with the application signed by David Whitney (applicant), for the requested relief or use of the subject property. Said application is to be submitted to the Office of the Building and Zoning Official of the Town of South Kingstown for review and decision by the Zoning Board of Review. By signing this application, the Applicant(s) and Land Owner(s) give permission to the Town of South Kingstown staff and members of the Zoning Board to enter the property individually or as a group for purposes of a site inspection.

Witness its name this 15th day of September, 2023.

By: [Signature]

Signature of Owner/Authorized Agent
David Whitney

STATE OF RHODE ISLAND
County of Washington

In South Kingstown, on the 15th day of September, 2023, before me personally appeared David Whitney, (name) to me known and known by me to the party executing the foregoing instrument and acknowledged said instrument, by him/her executed to be his/her free act and deed, as [authorized agent of David Properties, Inc. (individual, corporation, trustee, partnership, non-profit, etc.)]

Notary Public: [Signature]

My Commission Expires: 12/12/24

Notary Seal:

Town of South Kingstown Zoning Board of Review
43-4.56
Location: MIDDLEBRIDGE ROAD
Holly L. Smith
PO BOX A
PEACE DALE, RI 02833-0393

43-4.59
Location: 19 LAFAYETTE AVENUE
Edna S. Wolles
378 WILTON RD WEST
WAKEFIELD, RI 02879

43-4.66
Location: 1 LAFAYETTE AVENUE
Amy L. Tourangelle
175 ROBINSON ST
WAKEFIELD, RI 02879

43-4.79
Location: 196 MIDDLEBRIDGE ROAD
Town of South Kingstown
180 HIGH ST
WAKEFIELD, RI 02879

43-4.3
Location: 167 MIDDLEBRIDGE ROAD
Brian E. Roy
153 MIDDLEBRIDGE RD
WAKEFIELD, RI 02879

43-4.1
Location: MIDDLEBRIDGE ROAD
Narrow River Land Trust Inc.
PO BOX 65
SAUNDERSTOWN, RI 02874

43-4.15
Location: 235 MIDDLEBRIDGE ROAD
Timothy P. O'Neill
Kirsten O'Neill
235 MIDDLEBRIDGE RD
WAKEFIELD, RI 02879

43-4.8
Location: 13 LAFAYETTE AVENUE
Robert W. Chilie
Lisa A. Chilie
29 COLE DR
NORTH KINGSTOWN, RI 02852

43-4.78
Location: 200 MIDDLEBRIDGE ROAD
Jo Ann Fitzpatrick
5718 CAMPO WALK
LONG BEACH, CA 90803

43-4.5
Location: 185 MIDDLEBRIDGE ROAD
Lauren Daley
185 MIDDLEBRIDGE RD
WAKEFIELD, RI 02879

43-4.80
Location: 188 MIDDLEBRIDGE ROAD
Robert G. Paterson
Barbara S. Paterson
PO BOX 208
N KINGSTOWN, RI 02852

43-4.10
Location: 201 MIDDLEBRIDGE ROAD
Raymond Bert Reid, Jr.
211 INDIAN TRAIL SOUTH
WAKEFIELD, RI 02879

43-4.7
Location: 7 LAFAYETTE AVENUE
Andrew McMahon
Holly B. McMahon
7 LAFAYETTE AVE
WAKEFIELD, RI 02879

43-4.81
Location: 164 MIDDLEBRIDGE ROAD
Teresa M. Coletta, Trustee
164 MIDDLEBRIDGE RD
WAKEFIELD, RI 02879

43-4.4
Location: 175 MIDDLEBRIDGE ROAD
Davitt Properties, Inc.
175 MIDDLEBRIDGE RD
WAKEFIELD, RI 02879

43-4.2
Location: 153 MIDDLEBRIDGE ROAD
Brian Roy
Cindy A. Roy
153 MIDDLEBRIDGE RD
WAKEFIELD, RI 02879
ONE FAMILY DWELLING
175 MIDDLEBRIDGE ROAD, SOUTH KINGSTOWN, RI

DRAWING LIST

SITE PLAN UNDER SEPARATE COVER

A0.0 TITLE SHEET
A1.0 GROUND FLOOR PLAN AND 1ST FLOOR PLAN
A1.2 SECOND FLOOR PLAN
A2.1 EXTERIOR ELEVATIONS
A2.2 EXTERIOR ELEVATIONS
A3.1 BUILDING SECTION
S1.0 STRUCTURAL GENERAL NOTES
S1.1 FOUNDATION PLAN AND FOUNDATION DETAILS
S2.1 STRUCTURAL DETAILS
Hi Kevin,

Please see updated comments below (in red). I am in the office until 330 today if you still need to reach me by phone.

Thanks,
Tracy

Tracy A. Silvia
Sr. Environmental Scientist
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Rd, Suite 116
Wakefield, RI 02879
(401) 783-3370
www.crmc-ri.gov
tsilvia@crmc-ri.gov

From: Kevin Flynn <klfynn@davittinc.com>
Sent: Monday, September 11, 2023 2:55 PM
To: Tracy Silvia <tsilvia@crmc-ri.gov>
Subject: RE: 175 Middlebridge Rd, SK - Assent Application A2023-06-143

Tracy,

Can you call me to discuss when you have a chance? 644-3459

Thank you.

Kevin
Hi Kevin,

I reviewed the supplemental information and will be reviewing in-house with supervising staff this week or next.

I am not sure I will be able to support such a large increase into the 50' setback. Recognizing the site cannot support the full 50' construction setback, all CRMC proposals should be at least no further seaward encroachment. Staff will not support the current proposal administratively. While the overall SLC increase is only 2% (thank you for revising the calc table), the increase into the construction setback is almost 23%, going from approximately 6% of the existing SLC to 29% of the proposed SLC. Standard CRMC practice is to hold all additions within the setback to No Further Seaward (NFS) when the 50' can't be met.

My calcs indicate that the site went from approximately 6% encroachment to over 28% with the new proposal. I was quite surprised to see the local zoning approval pushing the project seaward, most zoning allow streetward expansion to help meet the coastal setback.

Please also indicate the owners. The Zoning Board approval does not seem like the same owners as the CRMC application. It appears that the wrong zoning decision was sent to CRMC, please update accordingly. The CHA has been noted, thank you.

Please revise your variance request that it is Section 1.1.9 construction setback, not coastal buffer zone. They are distinct requirements/sections.

Thanks, I will let you know CRMC's response as soon as I have it.

Minimization of variance request includes evaluating alternatives which will lessen the required variance. While staff notes that the application was revised from its original proposal in order to avoid a zoning denial and to reduce the variance at the local level, the current project is increasing the variance at the state level. Previous minimizations in the
May 31, 2023

Davitt Properties Inc.
4 Frank Avenue
West Kingston, RI 02892

At a meeting of the Zoning Board of Review held May 17, 2023 your petition for a Dimensional Variance was granted for premises located at 175 Middlebridge Road, South Kingstown, Tax Assessor’s Map 43-4, Lot 4 and is zoned R20.

Please be further advised that there is a Two-year Expiration on this Special Use Permit with the right to extend, if necessary, per South Kingstown Zoning Ordinance Section 908.

If you have to apply for a building permit, this Decision must be presented to the Building Official's office at the time you make application for your building permit.

Regards,

[Signature]

James Gorman,
Building Official & Zoning Clerk
Town of South Kingstown
May 31, 2023

NOTICE OF DECISION
SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Rosen and duly seconded by Ms. Hicks
Motion passed unanimously: Vote 4-0

At meetings held on April 19, 2023 and May 17, 2023 regarding the Petition of Davitt Properties, Inc. 4 Frank Avenue, West Kingston, RI 02892 a Dimensional Variance was granted on May 17, 2023 under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing single-family dwelling and construct a three-story dwelling located 0’ from the front property line (Middlebridge Road) and 16.7’ from the other front property line (Lafayette Avenue). The required front setback is 25’, therefore relief of 23’ and 8.3’ is requested. The dwelling will also be located 9.2’ from the west side property line. The required side yard setback is 12’, therefore relief of 2.8’ is requested. The proposed building lot coverage will be 34%, whereas the maximum allowed is 25%. Relief of 9% is requested. The proposed Gross Floor Area (GFA) of the dwelling will be 2,637 s.f. whereas the maximum allowed is 1,900 s.f. Relief of 737 sq. ft. is requested. The cumulative area of the proposed decks will be 582 s.f., whereas the Maximum Deck Area (MDA) allowed is 285 sq. ft. Relief of 297 sq. ft. is requested. The Lot size is .16 acre. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements), Section 481 (Schedule of Dimensional Regulations), Section 601 (Special Flood Hazard Area Overlay District) and Section 907 (Standards of Relief).

Owner of the property is Davitt Properties, Inc. for premises located at 175 Middlebridge Road, South Kingston, Assessor’s Map 43-4, Lot 4 and is zoned R20.

The following individuals spoke as representatives of the applicant:
- Jack McGree, attorney
- David Whitney, applicant

The following spoke in opposition to the petition:
- Laura and Reed Reed, 16 Lafayette Avenue
- Brian Roy, 153 Middlebridge Road
- Lauren and Joseph Daley, 185 Middlebridge Road
- Ted Munahen, 1 Lafayette Avenue

The following materials were entered into the record:
- Application with cover letter signed and dated March 3, 2023; Owner Authorization signed and notarized March 3, 2023; CRMC SEIRC Plan (1 page) prepared by Dowdell Engineering and stamped by Mark L. Dowdell, PE and dated January 5, 2022; Construction Documents (S1.0, A.1.0, A1.2, A2.2, A3.1, A3.2, A3.3) prepared by Davitt Design Build and dated December 21, 2022
- 200’ Radius Map and Abutter’s List; Legal Notices; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
- Narrow River Land Trust dated April 19, 2023
- Supplemental Materials

Davitt, Zoning Decision Page 1 of 2
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 § 45-24-38(10), because the applicant has addressed the concerns brought forth by the Board and the neighbors and has submitted a revised plan that has greatly reduced the amount of setback relief being requested.

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 house will be sold as a single-family dwelling and not necessarily be used as a rental investment.

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 all stormwater runoff will be contained on the property and not runoff into Narrow River.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicant addressed the Board's concerns and submitted a revised plan that greatly reduced the amount of relief being requested from what was originally proposed.

5. The Board finds 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 existing house will be torn down and without relief being granted the applicant would not be able to build a house that suits their needs. Additionally, this is an evolving area, and many neighboring houses are also elevated due to flood regulations.

Approval is conditional subject to the following conditions:

- The decision is a Conditional Zoning Approval and is conditioned upon any, if necessary, CRMC or RIDEM approvals and will have a two-year expiration from the recorded date per Section 908 of the Zoning Ordinance with the right to extend if necessary.

Respectfully,

[Signature]

James Corrigan,
Building Official & Zoning Clerk
Town of South Kingstown