

November 22, 2023

South Kingstown Planning Department
180 High Street
Wakefield, RI 02879

Attention: Jason Parker, Principal Planner

**RE: Waiver Requests - Development Plan Review (DPR) Application
Proposed Restaurant
60 Old Tower Hill Road
South Kingstown, RI**

Dear Mr. Parker:

Please see the below waivers and existing nonconformities being requested as part of the Development Plan Review (DPR) submission for 60 Old Tower Hill Road.

Waiver Requests:

- DPR Checklist item (D) 5 – RIDOT Physical Alteration Permit
 - o A Physical Alteration Permit (PAP) with Rhode Island Department of Transportation (RIDOT) is needed for this project as part of the DPR Checklist. The applicant is respectfully requesting a waiver from this requirement as driveway curb cuts already exist at the site today, and the applicant is simply proposing to slightly modify these existing curb cuts by reducing their widths. The applicant will be submitting the RIDOT PAP application within the coming weeks.
- Zoning Ordinance Article 4 Section 401
 - o The proposed development does not comply with the required forty (40) foot front yard setback as the building is within this required setback indicated in the Zoning Ordinance. The applicant is respectfully requesting a waiver from this requirement as the existing building is a non-conforming condition that is being maintained as part of the project. The front building setback is 24.6ft from the front property line.
- Zoning Ordinance Article 4 Section 402.1.2
 - o The proposed development is not in compliance with this section of the Zoning Ordinance listed above requiring there to be a ten (10) foot rear yard screening buffer and a thirty (30) foot side yard screening buffer as the lot is abutting a residential zone. The applicant is respectfully asking for a waiver from this requirement as the proposed development is improving an existing non-conforming condition. The rear yard buffer increases from 0.8 feet to 1.0 feet, and the side yard buffer increases from 1.5 feet to 3.5 feet. The proposed development is also enhancing the landscaping on site from the existing conditions as shown on the Landscape Plan included with the application.
- Zoning Ordinance Article 5 Section 505
 - o Any new use that requires Development Plan Review is subject to the required landscaping put forth in the Subdivision and Land Development Regulations and Zoning Ordinance. This includes transition yards as defined in Article 12 due to the abutting of the Residential Zone. For the reasons listed above, including the existing non-conformities on site, the applicant respectfully requests a waiver from the above regulation.



We look forward to discussing this project at the upcoming Planning Board meeting. Please do not hesitate to contact us at (508) 480-9900 should you have any questions or wish to discuss further.

Sincerely,

BOHLER

A blue ink signature of Randy Miron, consisting of stylized, cursive letters.

Randy Miron

A blue ink signature of Nick Dewhurst, consisting of stylized, cursive letters.

Nick Dewhurst