



**SOUTH KINGSTOWN PLANNING DEPARTMENT  
PROJECT REVIEW MEMO**

**George  
Administrative Subdivision with Unified Development Review (UDR)  
August 27, 2024**

Project Type:	<b>Administrative Subdivision with UDR</b>		
Review Stage:	<b>N/A</b>		
Address:	<b>181 Peninsula Road &amp; 45 Ninigret Ave</b>		
Plat:	<b>93-1</b>	Lot:	<b>127 &amp; 116</b>
Parcel Size:	<b>26,572 square feet</b>	Zoning District:	<b>R20</b>
Applicant:	William E. George Paula T. George 181 Peninsula Road Wakefield, RI 02879	Owner:	Same

**Property Characteristics**

The Subject consists of Lot 127 and Lot 116 on Assessor’s Plat 93-1. Lot 127 consists of one (1) legal substandard lot of record previously identified by the Tax Assessor as Lot 164. Lot 127 is approximately 5,227 square feet in area and is occupied by an existing single-family dwelling and associated improvements.

Lot 116 consists of four (4) legal substandard lots of record previously identified by the Tax Assessor as Lots 165, 166, 180, and 181. Combined these lots total approximately 21,345 square feet in area and have been ‘merged by zoning’ into what is now referred to as Lot 116 which is also occupied by an existing single-family dwelling and associated site improvements.

**Project Description**

The applicant is proposing to reassign and reallocate the five (5) legal substandard lots of record previously identified by the Tax Assessor between the two (2) subject parcels by conveying legal lots 165 and 166 to Lot 127.

**Table 1: Existing Conditions**

Parcel	Legal Lots of Record	Size (in square feet)	R20 Requirement
Lot 116	165, 166, 180, and 181	21,345	20,000 square feet
Lot 127	164	5,227	

**Table 2: Proposed Conditions**

Parcel	Legal Lots of Record	Size (in square feet)	R20 Requirement	Relief Required
Lot 116	180 and 181	10,890	20,000 square feet	9,110 square feet
Lot 127	164, 165, and 166	15,682		4,318 square feet

Currently the property is reflective of a conforming lot (Lot 116) and a legal substandard nonconforming lot (Lot 127). Although the proposal will result in both lots being substandard in area, the resulting

configuration is more evenly distributed between the two parcels and is more representative of existing parcel sizes and configurations in the immediately surrounding neighborhood.

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### Waivers and/or Relief Required

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The reallocation of these lots require lot area variances, specifically an estimated 9,110 square foot lot area variance for Lot 116 and an estimated 4,318 square foot lot area variance for Lot 127.

The applicant is also asking for a waiver of the checklist requirement for a property survey. The applicant states that *"The lots as originally laid out by the 1925 Matunuck Point Plat Plan include dimensions of the lots in question. Legal descriptions in two new deeds may be relied upon, based on these records, and prior deeds."*

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### Review to Date

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The TRC reviewed this application on July 24, 2024 and rendered a favorable advisory...

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### Decision Deadline

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The Planning Board must render a decision on this application within sixty-five (65) days of the date the application is certified complete.

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### Required Findings

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In accordance with RIGL §45-24-41, Sections (d) & (e) and in consideration of the relief to be considered under Unified Development Review (UDR):

*(d) In granting a variance, the zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission, shall require that evidence to the satisfaction of the following standards is entered into the record of the proceedings:*

- (1) 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(a)(16);*
- (2) That the hardship is not the result of any prior action of the applicant; and*
- (3) 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.*

*(e) The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission, shall, in addition to the above standards, require that evidence is entered into the record of the proceedings showing that:*

- (1) In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and*
- (2) In granting a dimensional variance, 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, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission has the power to grant dimensional variances where the use is permitted by special-use permit.*

In accordance with RIGL §45-23-60 and in consideration of a decision on the subdivision application request:

*(a) All local regulations shall require that for all administrative, minor, and major development applications the approving authorities responsible for land development and subdivision review and approval shall address each of the general purposes stated in § 45-23-30 and make positive findings on the following standard provisions, as part of the proposed project's record prior to approval:*

- (1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;*
- (2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;*
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;*
- (4) The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and*
- (5) All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.*

*(b) Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted.*

As noted above, the Planning Board also must address each of the following general purposes of zoning found in RIGL §45-23-30:

- (1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (2) Promoting high quality and appropriate design and construction of land developments and subdivisions;
- (3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- (5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;
- (6) Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- (7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and

- (8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

**Draft Motions for Consideration**

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**MOTION I:**

“The South Kingstown Planning Board hereby grants a 9,110 square foot lot area variance associated with Lot 116 and a 4,318 square foot lot area variance associated with Lot 127, based on the proposed Administrative Subdivision request for the George Administrative Subdivision, Assessor’s Plat 93-1, Lots 116 & 127, located at 181 Peninsula Road & 45 Ninigret Avenue, William E. George & Paula T. George, *applicant/owner*. The granting of said relief is based on the following Findings of Fact:

***Findings of Fact***

- (A) 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(a)(16);
- (B) That the hardship is not the result of any prior action of the applicant; and
- (C) 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.
- (D) That the hardship suffered by the owner of the subject property, if these variances were not granted, amounts to more than a mere inconvenience and that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is to be devoted.

**MOTION II:**

“In consideration of the relief granted for minimum lot size associated with the proposed subdivision, the South Kingstown Planning Board hereby approves the George Administrative Subdivision to reallocate and reconfigure existing lots of record between the two (2) subject parcels identified as Assessor’s Plat 93-1, Lots 116 and 127, located at 181 Peninsula Road & 45 Ninigret Avenue, William E. George & Paula T. George, *applicant/owner*. This approval is based on the following Findings of Fact and Conditions of Approval:

***Findings of Fact, Waivers***

In accordance with Article VIII, Section B(1) of the Subdivision and Land Development Regulations with regard to waivers, the Planning Board hereby grants the following waiver:

<b><i>Waiver Request</i></b>
Administrative Subdivision Checklist – Section (A), Items 1 through 23
The applicant is also asking for a waiver of the checklist requirement for a property survey. The applicant states that <i>“The lots as originally laid out by the 1925 Matunuck Point Plat Plan include dimensions of the lots in question. Legal descriptions in two new deeds may be relied upon, based on these records, and prior deeds.”</i>

In doing so, the Planning Board finds that:

- A. The waiver or modification is reasonable and within the general purposes and intent of these regulations; and that

- B. Literal enforcement of the regulations is impracticable and will exact undue hardship because of the peculiar conditions pertaining to the land in question; or waiver or modification of the regulations is in the best interest of good planning practice or design (assuming conformance with conditions of approval) as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

***Findings of Fact***

- A. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- B. The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;
- C. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- D. The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and
- E. All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street, specifically Peninsula Road and Ninigret Avenue.

***Conditions of Approval***

- 1. This approval is limited to two (2) lots in total.
- 2. In accordance with this approval, the following record lots shall be merged as outlined below:
  - a. Record Lots 180 & 181 shall be formally merged into Tax Assessor's Lot 116 on Map 93-1; and
  - b. Record Lots 164, 165, and 166 shall be formally merged into Tax Assessor's Lot 127 on Map 93-1.

Corresponding deeds shall reflect the formal merger of these lots as referenced above.

- 3. Survey monumentation shall be installed at the intersections of all parcel boundaries on both parcels. Said monumentation shall be shown on the Final Plan and be installed in the field prior to recording. The type, number and location of the monuments shall be subject to the approval of the Administrative Officer as part of the final approval.
- 4. The applicant shall submit a Final Plan that includes notation of Conditions of Approval numbered one (#1) through four (#4), as listed above. The Final Plan shall be subject to review and approval by the Administrative Officer. Upon approval, and satisfaction of any applicable Conditions contained within the approval, the applicant shall submit the Final Plan on polyester film for endorsement by the Administrative Officer (AO) and shall record the same in the Town of South Kingstown Land Evidence Records.