



## Town of South Kingstown, Rhode Island

**BUILDING AND ZONING DEPARTMENT**

**180 High Street  
Wakefield, RI 02879  
Tel (401) 789-9331 x1225**

May 26, 2022

John Demers  
80 Bayfield Drive  
South Kingstown, RI 02879

At a meeting of the Zoning Board of Review held May 18, 2022, your petition for a Dimensional Variance was granted for premises located at 80 Bayfield Drive, South Kingstown, Tax Assessor's Map 75-3, Lot 18.

Please be further advised that there is a One-year Expiration. Any variance or special use permit shall expire one year after the date of the filing of the decision in the office of the Town Clerk, unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction, or obtain a certificate of occupancy when no legal building permit is required. If application is made prior to the expiration of the initial one-year period, the Board may, upon written request and for cause shown, renew the variance or special use permit for a second one-year period. Said request for an extension need not be advertised nor noticed, per South Kingstown Zoning Ordinance Section 910.

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,

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



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 B/P:1831/Pgs 496 - 497; (2 pgs)  
 INST# 22863  
 TOWN OF SOUTH KINGSTOWN, RI



## Town of South Kingstown, Rhode Island

**BUILDING AND ZONING DEPARTMENT**  
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May 26, 2022

### NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Ms. Walsh and duly seconded by Mr. Rosen  
 Motion passed unanimously: Vote 5-0  
 (S. Walsh-Aye, W. Rosen-Aye, K. Diamond-Aye, R. Brown-Aye, T. Daniels-Aye)

At a meeting held on May 18, 2022 regarding the Petition of John Demers, 80 Bayfield Drive, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 684 square foot deck attached to the existing dwelling. The deck will be located 14' from the rear property line. The required rear yard setback is 30'. Relief of 16' is requested. Lot size is .48 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record – Building Setback Requirements) and Section 907 (Standards of Relief). Owner of the property is John C. & Vitoria M. Demers for premises located at 80 Bayfield Drive, South Kingstown, Assessor's Map 75-3, Lot 18 and is zoned R40.

The following individuals spoke as representatives of the applicant:

- John Demers

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:

- Application signed and dated March 18, 2022; Owner Authorization signed and notarized March 18, 2022; Site Plan Proposed (1 page); Site Plan Existing (1 page) prepared by Flynn Surveys Inc., James G. Flynn PLS and dated October 12, 2021; Continuation Request dated April 11, 2022
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

#### 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 § 45-24-30(16), because the house is already legally non-conforming on the lot and the proposed location is the only option to build the proposed deck due to the proximity of the OWTS and leach field on the left side of the lot and a 4' drop off on the right side of the lot.
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 applicant is simply looking to add a deck to the rear of his existing home for his family's enjoyment.
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 this is a residential area and decks are commonplace.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has designed and located the proposed deck to allow for open green space between the deck and the nearest neighbor.

5. The Board finds that 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 applicant would not be able to fully utilize his property and enjoy his property with friends and family to its fullest extent.

**Approval is conditional subject to the following conditions:**

- There are no conditions upon this approval.

Respectfully,

A handwritten signature in black ink, appearing to read "James Gorman", written in a cursive style.

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