

Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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

August 2, 2022

Harlan Rich and Beverly Waldman Rich
86 Taber Avenue
Providence, RI 02906

At a meeting of the Zoning Board of Review held July 20, 2022, your petition for a Dimensional Variance was granted for premises located at 22 Tomahawk Trail South, South Kingstown, Tax Assessor's Map 34-2, Lot 113.

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:1837/Pgs 400 - 401; (2 pgs)
 INST# 24079
 TOWN OF SOUTH KINGSTOWN, RI



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August 2, 2021

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on July 20, 2022 regarding the Petition of Harlan and Beverly Waldman Rich, 86 Taber Avenue, Providence, RI 02906 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to demolish a 10' x 13' deck and reconstruct a 12'4" x 17' deck attached to the existing single-family dwelling. The proposed deck will be located 10'6" from the front property line and 9'4" from the side property line. The required front and side yard setbacks are 35' and 11', respectively. Relief of 24'6" and 1'8" is requested. Lot size is .39 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 Rich Beverly Waldman Trust 2016 for premises located at 22 Tomahawk Trail South, South Kingstown, Assessor's Map 34-2, Lot 113 and is zoned R20.

The following individuals spoke as representatives of the applicant:

- Harlan Rich, applicant

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 with cover letter signed and dated June 1, 2022; Owner Authorization Form signed and notarized June 1, 2022; Proposed Site Plan (1 page) prepared by Christopher Glenn Palmer, PLS and dated May 24, 2022; Construction documents (A-1.0 & A-2.0) prepared by Fluent Home Designs and dated May 4, 2022 with revisions on May 29, 2022
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings, Notarized Affidavit of Mailing

Findings of Fact:

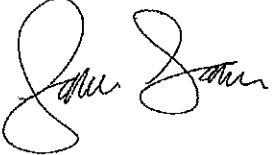
1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because the applicant is looking to replace an existing deck with a slightly larger deck to better accommodate their needs. Additionally, the lot is unique in shape and character which limits other potential deck locations.
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 applicants are simply looking to replace a deteriorating outdated deck and use the outside deck space as originally intended.
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 the applicants are proposing only a minor deck expansion and the proposed deck will fit in well within the surrounding neighborhood.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicants are requesting minimal relief to replace and slightly expand an existing deck on a lot that has many restrictions due to its unique characteristics.
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 existing deck is in poor condition and needs to be replaced due to safety concerns as well as better utilization of the space for practical purposes.

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". The signature is written in a cursive, flowing style with a large initial "J".

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