



## Town of South Kingstown, Rhode Island

**BUILDING AND ZONING DEPARTMENT**

180 High Street

Wakefield, RI 02879

Tel (401) 789-9331 x1225

August 2, 2022

David Fish  
222 Chickadee Lane  
Wakefield, RI 02879

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 59 Cove Street, South Kingstown, Tax Assessor's Map 87-4, Lot 40.

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,

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



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 INST# 24078  
 TOWN OF SOUTH KINGSTOWN, RI



## Town of South Kingstown, Rhode Island

**BUILDING AND ZONING DEPARTMENT**  
 180 High Street  
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August 2, 2021

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

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

At a meeting held on July 20, 2022 regarding the Petition of David W. Fish, 222 Chickadee Lane, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 12' x 16' deck attached to the existing single-family dwelling. The proposed deck will be located 10'2" from the south side property line. The required side yard setback is 15'. Relief of 4'10" is requested. Lot size is .47 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owners of the property are Brett W. & Jody Cicchese for premises located at 59 Cove Street, South Kingstown, Assessor's Map 87-4, Lot 40 and is zoned R20.

The following individuals spoke as representatives of the applicant:

- David Fish, 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 April 25, 2022; Owner Authorization Form signed and notarized April 29, 2022; Deck Addition Plans (2 pages) prepared and stamped by Davis W. Fish Jr. PLS and dated March 28, 2022; CRMC Assent Drainage Plan (1 page) prepared by Environmental Planning & Surveying, Inc. and dated September 2015 with revisions on September 9, 2017, September 30, 2017 and November 20, 2017
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings, Notarized Affidavit of Mailing and Memorandum to Neighbors dated May 5, 2022

#### 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 as the applicant testified it is a small lot and to locate the deck with southerly exposure 4' of relief is needed.
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 owners of the subject property are simply looking to enjoy their property to its fullest extent.
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 similarly constructed decks are commonplace in this neighborhood.

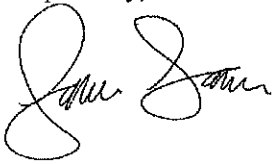
4. The Board finds that the relief to be granted is the least relief necessary, because the owners are simply looking for a slightly larger deck to accommodate furniture, furthermore a 12' deck is not overly large in this neighborhood.

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 if the variance were not granted the homeowners would not be able to utilize their property to its fullest extent by creating a larger deck area for outdoor furniture and allow for an outdoor living space with direct southern exposure as desired.

**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,

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