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 INST# 25130
 TOWN OF SOUTH KINGSTOWN, RI



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT
 180 High Street
 Wakefield, RI 02879
 Tel (401) 789-9331 x1225

October 7, 2021

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on September 21, 2022 regarding the Petition of William MacDonald, 175 Twin Peninsula Avenue, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to replace a second story deck and stairs attached to the dwelling. The proposed deck will be enlarged and located 18.1' from the rear property line, 7.7' from the west side property line, and 13.1' from the east side property line. The required rear and side yard setbacks are 30' and 15' respectively. Relief of 11.9'(rear), 7.3' (west side), and 1.9' (east side) is requested. Additionally, the proposed lot coverage will become 24.9%. The maximum lot coverage permitted is 20%. Relief of 4.9% is requested. Lot size is .23 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record – Building Setback Requirements), Section 401 (Schedule of Dimensional Regulations), and Section 907 (Standards of Relief). Owner of the property is William E. MacDonald for premises located at 175 Twin Peninsula Avenue, South Kingstown, Assessor's Map 90-4, Lot 59 and is zoned R80.

The following individuals spoke as representatives of the applicant:

- James Callaghan, attorney
- William MacDonald, applicant
- James Caldarone, PLS

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 August 4, 2022; Owner Authorization signed and notarized August 4, 2022; Site Plan prepared and stamped by James T. Caldarone, PLS and dated July 10, 2022; Zoning Board of Review Decision dated July 7, 1997 and recorded in South Kingstown Land Evidence Book 0670 and Page 027
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Dennis and Carla Bowman, 183 Twin Peninsula Avenue

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 this is a legally non-conforming lot with an existing structure that is compatible with the surrounding area.
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 indicated during testimony that the residence will be used as a family home and not as a rental property.

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 surrounding area is primarily made up of second homes and the proposed changes to the outside of the structure and deck will keep in general character of the surrounding area.

4. The Board finds that the relief to be granted is the least relief necessary, because the deck is existing. When construction started the applicant was unaware that a variance was required to expand the deck and is now looking to legalize work that was previously started, and it would be unreasonable to request the deck to be removed.

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 relief were not granted the deck would need to be removed which would eliminate the main means of external egress to the dwelling.

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