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INST# 25125  
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 Ms. Walsh and duly seconded by Mr. Daniels  
Motion passed unanimously: Vote 5-0  
(S. Walsh-Aye, T. Daniels-Aye, W. Rosen-Aye, K. Diamond-Aye, R. Cagnetta-Aye)

At a meeting held on September 21, 2022 regarding the Petition of Mike Gleason, 1283 Broad Rock Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 10' x 14' deck attached to the existing dwelling. The proposed deck will be located 26'6" from the rear property line. The required rear yard setback is 30'. Relief of 3'6" is requested. Lot size is .23 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 Douglas J. & Aurora M. Costanza for premises located at 20 Jennifer Drive, South Kingstown, Assessor's Map 48-3, Lot 266 and is zoned R10.

The following individuals spoke as representatives of the applicant:

- Mike Gleason, 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 signed and dated August 3, 2022; Owner Authorization signed and notarized August 4, 2022; South Elevation (1 page); Site Plan prepared and stamped by Mark L. Dowdell, PE and dated March 24, 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 owners have built a permitted accessory dwelling unit above a new 2-car garage. The proposed deck will be located on the rear of the second story and will have no external stairs due to lot constraints.
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 second story deck to a permitted accessory dwelling unit.
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 proposed deck fits in well with the new garage and accessory apartment as well the homes in the surrounding area.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is only seeking to build a small second story deck.

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 without granting the variance the owner of the property would not be able to have a deck for outside enjoyment.

**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 style with a large initial "J" and "G".

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