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INST# 25127
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. Diamond and duly seconded by Mr. Rosen
Motion passed unanimously: Vote 5-0
(K. Diamond-Aye, W. Rosen-Aye, T. Daniels-Aye, S. Walsh-Aye, R. Cagnetta-Aye)

At a meeting held on September 21, 2022 regarding the Petition of Grazyna Chylinska, 42 Aspen Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct an 8' x 10' deck with stairs attached to the dwelling, which will increase the lot coverage to 23.2%. The maximum allowed lot coverage is 20%. Relief of 3.2% is requested. Lot size is .11 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is Grazyna Chylinska for premises located at 42 Aspen Road, South Kingstown, Assessor's Map 83-3, Lot 41 and is zoned R80.

The following individuals spoke as representatives of the applicant:

- Grazyna Chylinska, 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 16, 2022; Owner Authorization signed and notarized August 12, 2022; Proposed Site Plan prepared and stamped by Christopher G. Palmer, PLS and dated August 11, 2022
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

Findings of Fact:

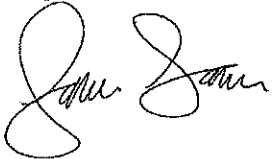
1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because the applicant's daughter has a physical disability which requires the creation of the proposed small deck and stairs which will allow for easier and safer accessibility.
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 create a space for her disabled daughter to be able to enjoy the outdoors and have safer, more accessible egress.
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 many houses in the neighborhood have similar back decks and the proposal will fit in well with 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 add on a small 8x10 deck and stairway on a substandard legally non-conforming lot of record.

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's disabled daughter would not have the benefit of her own private outdoor space which would improve her overall safety and wellbeing by creating a more accessible stairway for ingress and egress.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

Respectfully,

A handwritten signature in cursive script, appearing to read "James Gorman".

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