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INST# 25501
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 28, 2021

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on October 19, 2022 regarding the Petition of Keith Briggs, 4 Frank Avenue, West Kingstown, RI 02892 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 917 square foot deck with screened porch attached to the existing dwelling. The deck will be located 9.4' from the side property line. The required side yard setback is 15'. Relief of 5.6' is requested. Lot size is .49 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 Peter J. & Melissa B. Cummings for premises located at 40 Summer Street, South Kingstown, Assessor's Map 88-1, Lot 72 and is zoned R20.

The following individuals spoke as representatives of the applicant:

- Keith Briggs, 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 September 14, 2022; Owner Authorization signed and notarized September 14, 2022; Site Plan (1 page) prepared and stamped by Richard L. Couchon, PLS and dated February 21, 2014 and revised September 8, 2022
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Applicant's Exhibit #1, revised drawings (A1, A3) prepared by Davitt and dated October 19, 2022
- Notice of Recusal from Thomas Daniels

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 house is in place and the proposal will simply fill in the open corner by adding a small deck.
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 this proposal is Phase II of a long-term renovation to the property which will best utilize the space.
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 proposal before the Board tonight will fit in well with the area. Additionally, the deck is not visible from the street or from the applicant's nearest neighbors as there is mature vegetation separating the lots.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicants have scaled down the scope of the relief originally being sought.

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 as noted through testimony this proposed addition has been in the works for several years and is Phase II of a long-term home renovation.

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 fluid and cursive, with the first name "James" and last name "Gorman" clearly distinguishable.

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