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 INST# 25500
 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 Mr. Rosen and duly seconded by Ms. Walsh
 Motion passed unanimously: Vote 5-0
 (W. Rosen-Aye, S. Walsh-Aye, T. Daniels-Aye, K. Diamond-Aye, R. Cagnetta-Aye)

At a meeting held on October 19, 2022 regarding the Petition Thero-con Inc., 500 Shermantown Road, Saunderstown, RI 02874 of for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to remove the dwelling roof and construct a new roof system to establish a second story. The second story will be located 17' from the front property line and 10' from the corner-side property line. The required front and corner-side yard setback is 25'. Relief of 8' and 15' is requested. Lot size is .13 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 907 (Standards of Relief).

Owners of the property are Paul M. & Ruth F. Riemer for premises located at 89 Old Succotash Road, South Kingstown, Assessor's Map 81-3, Lot 118 and zoned R80.

The following individuals spoke as representatives of the applicant:

- Peter Theroux, applicant
- Ruth Riemer, property owner

The following spoke regarding the petition:

- Michael Andrews, neighbor

The following materials were entered into the record:

- Application signed and dated September 8, 2022; Owner Authorization signed and notarized September 12, 2022; Site Plan (1 page) prepared and stamped by David W. Fish, PE and dated August 30, 2022; Construction Documents (6 pages) prepared and stamped by David W. Fish, PE and dated August 30, 2022; System Suitability Determination (1 page) signed by RI DEM September 6, 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 lot itself is unique in that it is a corner lot with restrictive setbacks, additionally the proposed second floor expansion will remain on the same footprint as the existing house which already sits within the property line setbacks as it pre-dated zoning.

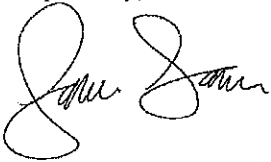
2. The Board finds that that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain, because the applicant is planning to use the house as a retirement home and is simply looking to create more headroom in the existing second floor 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 proposed expansion will improve the utilization of the interior space while still maintain the same Cape Cod style on the exterior which fits in well within the existing neighborhood.
4. The Board finds that the relief to be granted is the least relief necessary, because the existing footprint of the house will remain the same and the proposed addition will only create a higher pitched roof allowing for better utilization of the second floor.
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 the variance being granted the current second floor space has limited headroom which impacts the full utilization of the space.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

Respectfully,



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