



Town of South Kingstown, Rhode Island

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

January 9, 2023

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, T. Daniels-Aye, K. Diamond-Aye, R. Cagnetta-Aye)

At a meeting held on December 21, 2022, regarding the Petition of DiStefano Brothers Construction, 433 Main Street, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a two-story addition on the single-family dwelling. The addition will be located 13' from the corner-side property line. The required corner-side yard setback is 40'. Relief of 27' is requested. The Lot size is .26 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 Peter & Kristen Clay for premises located at 74 Bayberry Avenue, South Kingstown, Assessor's Map 90-3, Lot 65 and is zoned R30.

The following individuals spoke as representatives of the applicant:

- Corey Jackson, DiStefano Brothers Construction

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 November 14, 2022; Owner Authorization signed and notarized November 3, 2022; Construction Plan Set (Page #'s 2, 3, 7) prepared by DiStefano Brothers Construction, Inc. and dated November 11, 2022; Tax Assessor's Field Card (3 pages); Project Construction Documents Overview (G1.0, G1.1, C1.0, D1.0, D1.1, A0.0, A1.0, A1.1, A1.2, A1.3, A2.0, A2.1, A3.0, A3.1, A6.0, A6.1, P1.0, L1.0, L1.1, L1.2) prepared by DiStefano Brothers and dated November 4, 2022
- OWTS Documentation
 - Proposed OWTS prepared and stamped by William D. Dowdell, PE and dated October 17, 2019
 - RI DEM Certificate of Conformance dated December 20, 2019
 - Operation and Maintenance Agreement recorded December 12, 2019 in South Kingstown Land Evidence Book 1726 and Page 5541
 - RI DEM OWTS Inspection Reports dated December 3, 2019, December 19, 2019, September 27, 2019
 - RI DEM OWTS Construction Permit dated October 29, 2019;
 - RI DEM OWTS Site Evaluation Form dated October 18, 2019; October 4, 2019
 - RIDEM OWTS Application Submission Checklist (2 pages) dated October 18, 2019;
 - RIDEM OWTS Soil Testing Application Form (7 page) dated September 11, 2019
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Kerry Sullivan Nino, 176B Browning Street & 9 Green Hill Avenue

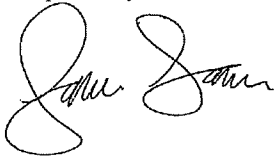
Findings of Fact:

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 the existing house is already non-conforming and the applicant's are simply looking to add a second-floor addition on the existing footprint.
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 applicants are looking to create a safer environment for their growing family by replacing a spiral staircase and creating a more useable second floor area that has proper height clearance.
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 is similar in design and size with other homes in the neighborhood.
4. The Board finds that the relief to be granted is the least relief necessary, because the design of the proposed addition stays in line with the existing non-conformance and not infringing any closer to the property lines.
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 of the safety and livability concerns stated through testimony.

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