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**INST# 8518**  
 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 x1224  
 Fax (401) 789-9792

Date September 3, 2020

## NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion was made by Mr. Daniels and duly seconded by Mr. Mark  
 Motion passed unanimously: Vote 5-0  
 (T. Daniels-Aye, W. Mark-Aye, R. Jurczak-Aye, J. Bernardo-Aye, R.Cagnetta-Aye)

At a meeting held on August 19, 2020 regarding the petition Kristin Patterson, PO Box 589, Wakefield, RI, 02880 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is proposing to construct a 14' x 13'-8" two story addition onto the existing one-bedroom single family dwelling. The lot is nonconforming by dimension. The addition will be located 9.74' from the right side property line. The required side yard setback is 11'. Relief of 1.26' is requested. The front of the proposed addition will be in conformance with the front yard alignment per Section 402.3. The current lot coverage of the lot is 23.6%, which exceeds the lot coverage maximum of 20%. With the addition of the 187 square foot addition, the lot coverage will increase to 29.8%. Overall relief of 9.8% is requested, although the net increase is 6.1%. Lot size is 3,041 square feet. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements), Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is Kristin Patterson, TTE for premises located at 75 Billington Avenue, Assessor's Map 69-2, Lot 26 and zoned R 40.

**The following individuals spoke as representatives of the applicant:**

- Attorney John Kenyon
- Kristin Patterson, Applicant

**The following individuals spoke in opposition to the petition:**

- Lawrence Croce, 59 Billington Avenue
- Roberta Croce, 59 Billington Avenue

**The following materials were entered into the record:**

- Application signed and dated July 13, 2020 with Narrative; Signed and Notarized Owner Authorization Form dated July 9, 2020; Photographs of existing structure; Proposed elevation Phase I and II; Previous Zoning Decision recorded January 12, 2017; Adventex Maintenance Report dated June 12, 2020; RI DEM Certificate of Conformance dated June 27, 2008; RI DEM OWTS Permit Search; CRMC Letter regarding Maintenance Certification dated March 16, 2006; Declaration or Restriction recorded May 19, 2020; 200' Radius Map and Abutter's List; Site Plan dated June 2020 and prepared and stamped by Wesley Grant III P.L.S.; Construction Plans (A101, A102, A201, A202 & A203) prepared by Kara Babcock and dated May 28, 2020
- Legal Notice, Certified Mail Receipts and Notarized Affidavit of Mailing
- Correspondence
  - Paul and Pauline Boutiette dated August 7, 2020
  - William Sikov dated August 16, 2020

**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 has particular constraints; the lot is small in size and the existing dwelling is located between the seawall and the private roadway, due to these constraints the only viable location for the proposed addition is where indicated on the plans.
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 bedroom for relatives to visit and add additional storage 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 this is an area with very small lots and the proposed design is compatible with the characteristics of the surrounding homes and properties.
4. The Board finds that the relief to be granted is the least relief necessary, because there is nowhere else on this property where the proposed addition could be located due to the lot constraints.
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 lives full time at the subject property and needs more space for family to visit and increased storage.

**Approval is subject to the following conditions:** All construction vehicles associated with the granting of this Dimensional Variance must be parked only on the applicant's property, 75 Billington Avenue.

Respectfully,



Wayne Pimental, Clerk  
South Kingstown Zoning Board of Review