



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

November 3, 2020

John and Lee Chartier
43 Hahn Avenue
South Kingstown, RI 02879

Dear Mr. & Mrs. Chartier,

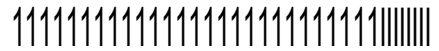
At a meeting of the Zoning Board of Review held October 28, 2020 your petition for a dimensional variance was granted for premises located at 43 Hahn Avenue, South Kingstown, RI, Assessor's Map 43-1 Lot 16.

Please be further advised that there is a One-Year Expiration. Any variance or special use permit shall expire one year after the date of the filing of the decision in the office of the Town Clerk, unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction, or obtain a certificate of occupancy when no legal building permit is required. If application is made prior to the expiration of the initial one-year period, the Board may, upon written request and for cause shown, renew the variance or special use permit for a second one-year period. Said request for an extension need not be advertised nor noticed per South Kingstown Zoning Ordinance Section 910.

If you have to apply for a building permit, this decision must be presented to the Building Official at the time you make application for your building permit.

Regards

James Gorman
Interim Building & Zoning Official
Town of South Kingstown



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Date November 3, 2020

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on October 28, 2020 regarding the Petition of John and Lee Chartier, 43 Hahn Avenue, South Kingstown, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is proposing to construct a 192 square feet second story deck, attached to the existing single family dwelling. The deck will be located along the rear property line on the southwest portion of the dwelling. The deck will be located 5' from the rear property line. The required rear setback is 30'. Relief of 25' is requested. The Lot size is 12,632. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 907 (Standards of Relief). Owner of the property is John and Lee Chartier for premises located at 43 Hahn Avenue, South Kingstown, RI, Assessor's Map 43-1, Lot 16 and is zoned R 20.

The following individuals spoke as representatives of the applicant:

- Jack Chartier, applicant
- Lee Chartier, applicant

The following materials were entered into the record:

- Application signed and dated September 16, 2020; Owner Authorization Form signed and notarized September 16, 2020; Photo Log with pictures 1, 2, 3 & 4; Site Plan (S1) prepared by Marcel Fontenault Jr. dated December 5, 2005
- Radius Map, 200' Abutter's List, Legal Notice and Certified Mailing Receipts with Affidavit of Mailing
- Correspondence
 - Helen DiDonato dated September 10, 2020
 - Nancie Moore dated September 15, 2020
 - Robert Warren dated September 11, 2020
 - Susan Eckel dated September 10, 2020

The following individuals spoke in favor of the petition.

- John Cardinal, 29 Cook 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 size of

the lot is very restricted, the applicant is limited to where they can expand their living space to meet the needs of their family.

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 expand the overall living area to accommodate family gatherings on a lot that has limited expansion possibilities due to zoning setbacks.

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 addition will only add to the aesthetic value of overall structure as well as to the surrounding area.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is only asking for minimal relief on an already non-conforming structure.

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 relief being granted the applicants could not expand which would make family gatherings difficult due to lack of space, especially during these COVID restricted times.

Approval is subject to the following conditions: There are no conditions of approval.

Respectfully,

A handwritten signature in black ink, appearing to read 'James Gorman', written in a cursive style.

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