



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

January 5, 2021

Joseph Pena
165 North Road
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held December 16, 2020, your petition for a Dimensional Variance was granted for premises located at 165 North Road, South Kingstown, RI, Assessor's Map 49-1, Lot 95.

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's office at the time you make application for your building permit.

Regards,

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



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 TOWN OF SOUTH KINGSTOWN, RI



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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on December 16, 2020 regarding the Petition of Joseph Pena, 165 North Road, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct an 8' x 21' covered deck closer to the front property line than allowed. The covered deck will be located on the first story and will be 9.2' from the front property line. The required front yard setback is 35'. Relief of 25.8' is requested. Lot size is 11,240 square feet. 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 Joseph Pena for premises located at 165 North Road, Assessor's Map 49-1, Lot 95 and is zoned R 20.

The following individuals spoke as representatives of the applicant:

- Lila Fortin-Pena
- Joseph Pena, applicant

The following materials were entered into the record:

- Application signed and dated November 13, 2020; Owner/Agent Authorization form signed and notarized November 13, 2020; 200' Radius Map and Abutter's List; Location Plan prepared by Steven Pinch PLS dated July 2004; Proposed Site Plan
- Legal Notice, Certified Mail Receipts and Notarized Affidavit of Mailing
- Correspondence
 - Joseph Pena dated December 16, 2020

There was no one who spoke in favor of or opposition to the petition.

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 front of the house where the proposed covered porch would be located is at the very front of a long narrow lot making dimensional relief necessary.

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 current owners are simply trying to make the best of an existing situation in regards to proximity of the house to the front property lines.
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 there are many other homes in the area that have front porches and this will only add to the neighborhood.
4. The Board finds that the relief to be granted is the least relief necessary, because they are only looking to add an 8' long porch along the front of their home.
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 if relief is not granted the applicant simply could not build the proposed porch that they desire for aesthetic reasons as well as for package delivery.

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

Respectfully,



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