



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

February 4, 2021

Vincent Babak
195 Tunxis Hill Road
Suite 203
Fairfield, CT 06825

At a meeting of the Zoning Board of Review held January 20, 2021, your petition for a Dimensional Variance was granted for premises located at 69 Rosebriar Avenue, South Kingstown, Tax Assessor's Map 96-1, Lot 43.

Please be further advised that this is a Conditional Zoning Approval and is conditioned upon any necessary CRMC and RI DEM approvals and will have a two year expiration from the recorded date per Section 908 of the Zoning Ordinance with the right to extend if necessary.

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,
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 by Mr. Mark and duly seconded by Mr. Charkowick

Motion passed unanimously: Vote 5-0

(W. Mark-Aye, C. Charkowick-Aye, T. Daniels-Aye, W. Rosen-Aye, R. Cagnetta-Aye)

At a meeting held on January 20, 2021 regarding the Amended Petition of Peter and Christine Naktensis c/o Vincent Babak, 195 Tunxis Hill Road, Suite 203, Fairfield, CT 06825 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is proposing to construct a three story addition on the front of the existing single family dwelling and a 10' x 10' attached deck at the rear. The proposed addition will be located 35' from the front property line. The required setback is 40'. Relief of 5' is requested. The proposed additions will make the total Lot area coverage 24.5%. The maximum lot area coverage allowed in an R-30 zone is 20%. Relief of 4.5% is requested. Lot size is 7,500 square feet. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming lots of record-Building setback requirements) and Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is Peter A. and Christine M. Naktensis for premises located at 69 Rosebriar Avenue, Assessor's Map 96-1, Lot 43 and zoned R-30.

The following individuals spoke as representatives of the applicant:

- Edward Diamond
- Peter Naktensis
- Christine Naktensis

The following materials were entered into the record:

- Original Application signed and dated October 16, 2020; Owner Authorization Form signed and notarized October 16, 2020; Plan of Land prepared by South County Survey, James T. Caldaroni PLS dated July 29, 2020; Existing and Proposed Architectural Drawings prepared by Vincent Babak, AIA dated October 16, 2020
- Radius Map, 200' Abutter's List, Original Legal Notice and Certified Mailing Receipts with Affidavit of Mailing
- Correspondence
 - Bert Hess, 59 Rosebriar Avenue, received November 11, 2020, to Zoning Board of Review, 2 pages
 - Bert Hess, 59 Rosebriar Avenue, received January 14, 2021 to Zoning Board of Review
 - Bert Hess, 59 Rosebriar Avenue, received January 15, 2021 to Zoning Board of Review
 - Bert Hess, 59 Rosebriar Avenue, received January 20, 2021 to Zoning Board of Review
- Amended Application signed and dated December 21, 2020; Owner Authorization Form signed and notarized October 16, 2020; Plan of Land prepared by South County Survey, James T. Caldaroni PLS dated July 29, 2020; Lot Area Calculations Site Plan; Existing and Proposed Architectural Drawings prepared by Vincent Babak, AIA dated October 16, 2020
- Amended Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing

The following spoke either in favor of or opposition to the petition.

- Bert Hess, 59 Rosebriar Avenue, in opposition
- Rich Reda, 73 Rosebriar Avenue, in support

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 in this case the proposed addition is in the front of the property and is away from the wetlands. The applicants have shown due diligence in trying to conform to regulations while still be cognizant of the wetlands located on the property.
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 simply looking to make this their permanent year round home.
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 in looking at the surrounding area, what the applicants are proposing to build is consistent with other homes in the neighborhood, many being 3-story dwellings with three to four bedrooms.
4. The Board finds that the relief to be granted is the least relief necessary, because they are asking for minimal lot coverage relief of 4.5% and the proposed increase from the current one-bedroom to a possible three-bedroom septic is not excessive.
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 applicants have faced many obstacles due to COVID restrictions that are in place. The Board is not here to add additional hurdles for items that do not fall under the Zoning Board's purview. Prior to any building permits being issued, RI DEM and other agencies will need to review and approve the application.

Approval is subject to the following conditions:

- The decision is a Conditional Zoning Approval and is conditioned upon any necessary CRMC and RI DEM approvals and will have a two year expiration from the recorded date per Section 908 of the Zoning Ordinance with the right to extend if necessary.

Respectfully,



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