



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1225

March 8, 2021

Richard and Lucille Biele
141 Alder Road
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held February 24, 2021, your petition for a Dimensional Variance was granted for premises located at 141 Alder Road, South Kingstown, Tax Assessor's Map 83-2, Lot 259.

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,
Building Official & Zoning Clerk
Town of South Kingstown



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 B/P:1781/Pgs 272 - 273; (2 pgs)
 INST# 13007
 TOWN OF SOUTH KINGSTOWN, RI



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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on February 24, 2021 regarding the Petition of Richard and Lucille Biele, 141 Alder Road, South Kingstown, RI 02879 For a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is proposing to construct a 6' x 16' portico on the front of the dwelling. The portico will be located 10.4' from the right side property line. The required side yard setback is 15'. Relief of 4.6' is requested. The Lot size is 10,000 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 Richard and Lucille Biele for premises located at 141 Alder Road, South Kingstown, RI, Assessor's Map 83-2, Lot 259 and is zoned R 30.

The following individuals spoke as representatives of the applicant:

- Lucille Biele
- Steve Cleason

The following materials were entered into the record:

- Application, signed and dated January 12, 2021; Owner Authorization Form signed and notarized January 12, 2021; 200' Radius Map and Abutter's List; Proposed and Existing Elevations and Floor Plans (7 pages); Site Plan prepared by Jackson Surveying, Inc, Donald W Jackson, PLS
- Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing

There was no one present who spoke either in support 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 applicant is looking to make this their year round residence by adding a second story; the proposed location of the portico in the front of the house allows the applicant to keep an existing bay window which is the main light source for the downstairs area.
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 original house was built in 1970's predating the current Zoning Ordinance and setback regulations. The existing structure became a legal non-conforming structure with an 8' setback when the current Zoning Ordinance went into effect which necessitates the need for a dimensional variance.
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 applicant is simply looking to make the outside more aesthetically pleasing while increasing the inside living area to make the structure suitable as a permanent residence.
4. The Board finds that the relief to be granted is the least relief necessary, because if the portico's support beam were to be located in front of the bay window the applicant would lose the benefit of the light that the bay window provides into the living area.

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 would lose the existing use and value of the bay window currently in place.

Approval is subject to the following conditions:

- There are no conditions of approval on this decision.

Respectfully,

A handwritten signature in black ink, appearing to read "James Gorman". The signature is fluid and cursive, with the first and last names being clearly distinguishable.

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