



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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

June 3, 2021

John Savastano
20 Wildrose Court
Warwick, RI 02888

At a meeting of the Zoning Board of Review held May 19, 2021, your petition for a Dimensional Variance was granted for premises located at 191 Lake Avenue, South Kingstown, Tax Assessor's Map 87-4, Lot 39.

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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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Rosen and duly seconded by Mr. Charkowick

Motion passed unanimously: Vote 5-0

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

At a meeting held on May 19, 2021 regarding the Petition of John Savastano, 20 Wildrose Court, Warwick, RI 02888 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing garage and construct a new attached garage. The new garage will be located 24.7' from the front property line. The required front yard setback is 35'. Relief of 10.3' is requested. The applicant previously received approval for the dimensional variance, but has since revised the plan reconfiguring the proposed garage. Lot size is .93 Acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is John E & Michelle Savastano for premises located at 191 Lake Avenue, South Kingstown, Assessor's Map 87-4, Lot 39 and is zoned R 20.

The following individuals spoke as representatives of the applicant:

- Attorney John Kenyon
- John Savastano, applicant

The following materials were entered into the record:

- Application with Cover Letter and Narrative signed and dated March 31, 2021; Owner Authorization's signed and notarized March 31, 2021; Survey Plan (1 page) prepared by Flynn Surveys Inc., James G. Flynn PLS dated May 28, 2020 with revisions on June 7, 2020 & March 27, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Attorney John Kenyon dated May 7, 2021

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 re-designed proposed garage has been spun around on the property creating a better aesthetic which also better utilizes the lot and requires less relief than this Board previously granted on July 22, 2020.
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 has gone through great lengths to minimize the amount of zoning setback relief needed, including the hiring of a new architect who re-designed the proposed garage.
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 proposed completed structure will enhance the character of the surrounding area.
4. The Board finds that the relief to be granted is the least relief necessary, because as previously stated, the applicant has re-designed the garage and spun the location of the garage to create less relief now than was previously granted in July 22, 2020.

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 the Board were to deny this application, the applicant would have to construct the garage that was previously approved in July 22, 2020 which would not meet all of the applicant's needs for his property.

Approval is subject to the following conditions:

- There are no conditions upon this decision.

Respectfully,

A handwritten signature in black ink, appearing to read "James Gorman". The signature is fluid and cursive, with a large initial "J" and "G".

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