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INST# 18268  
TOWN OF SOUTH KINGSTOWN, RI



## Town of South Kingstown, Rhode Island

**BUILDING AND ZONING DEPARTMENT**  
180 High Street  
Wakefield, RI 02879  
Tel (401) 789-9331 x1225

October 7, 2021

### NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on September 15, 2021 regarding the Petition of Andrew and Sarah Bicknell, 47 Happy Valley Road, Westerly, RI 02891 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 14' x 18' deck attached to the existing dwelling. The deck will be located 17' from the rear property line. The required rear yard setback is 30'. Relief of 13' is requested. The deck will also be located 6.4' from side property line. The required side yard setback is 10'. Relief of 3.6' is requested. Lot size is 5,925 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). Owners of the property are Andrew J and Sarah E Bicknell for premises located at 104 Wild Goose Road, South Kingstown, Assessor's Map 90-4, Lot 105 and is zoned R 80.

The following individuals spoke as representatives of the applicant:

- Andrew Bicknell

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

The following materials were entered into the record:

- Application signed and dated August 10, 2021; Owner Authorization signed and notarized August 10, 2021; CRMC Preliminary Determination Request Form Signed and Dated December 29, 2020; Avizinis Environmental Services, Inc. correspondence to CRMC (4 pages) signed by Edward Avizinis, CPSS, PWS dated January 4, 2021; CRMC Preliminary Determination (3 pages) performed by Tracy Silvia and dated March 16, 2021; Photograph (3 pages); Site Plan and (1 page) prepared and stamped by William Dowdell, PE and dated May 14, 2021; Existing Conditions Plan (1 page) prepared by William Dowdell, PE and dated January 22, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

#### 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 entire lot falls within a coastal feature and any type of construction would require prior approvals.

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 when the applicant purchased the property it was already in violation and the applicant is simply trying to rectify the current situation.

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 correct the present situation by removing both existing decks and constructing one smaller deck that would be compliant with both the Ordinance and CRMC.


4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is moving the deck further away from the coastal feature and is eliminating one existing deck entirely.

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 purchased the property that had existing violations regarding the existing decks and they are simply attempting to rectify the current situation by replacing the illegal, deteriorating decks with one smaller more conforming deck.

**Approval is subject to the following conditions:**

- The decision is a Conditional Zoning Approval and is conditioned upon any, if necessary, CRMC 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,

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

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