



## Town of South Kingstown, Rhode Island

### BUILDING AND ZONING DEPARTMENT

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

November 15, 2021

David & Dawn Kalach  
431 Winding Brook Farm Road  
Watertown, CT 06795

At a meeting of the Zoning Board of Review held October 27, 2021, your petition for a Dimensional Variance was granted for premises located at 110 Tupelo Road, South Kingstown, Tax Assessor's Map 89-2, Lot 103.

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. Daniels  
Motion passed unanimously: Vote 5-0  
(W. Rosen-Aye, T. Daniels-Aye, C. Charkowick-Aye, S. Walsh-Aye, R. Cagnetta-Aye)

At a meeting held on October 27, 2021 regarding the Petition of David and Dawn Kalach, 431 Winding Brook Farm Road, Watertown, CT 06795 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 5' x 17' deck attached to the existing dwelling. The deck will be located 17' from the front property line. The required front yard setback is 40'. Relief of 23' is requested. Lot size is .19 acres. 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 David P. and Dawn M. Kalach for premises located at 110 Tupelo Road, South Kingstown, Assessor's Map 89-2, Lot 103 and is zoned R80

The following individuals spoke as representatives of the applicant:

- Dawn Kalach

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 12, 2021; Owner Authorization signed and notarized August 12, 2021; Construction Detail (1 page); Site Plan prepared by Jackson Surveying Inc., stamped by Donald Jackson PLS and dated July 2021.
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
  - Anonymous correspondence from South Kingstown Resident

#### **Findings of Fact:**

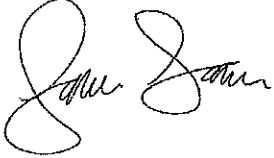
1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because the applicant is simply asking to replace an old steep stone stoop in front of her house with a reasonably sized new deck on a lot that is substantially substandard in size in relation to its R80 designation.
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 is simply looking to construct a safe front porch large enough to leave packages.
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 addition of the porch will be more aesthetic and will fit in well with the character of the neighborhood.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is simply looking to expand where an existing stoop was located and replace with a reasonably sized deck to meet their needs.
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 is spending more time at the property and the current front stoop is not is unsafe during inclement weather. Additionally if the porch were to be built smaller it would end in the center of the existing picture window looking out of place.

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

- There are no conditions upon this approval.

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