



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

November 4, 2020

Robert Haxton
483 Bittersweet Farm Way
South Kingstown, RI 02879

At a meeting of the Zoning Board of Review held October 21, 2020, your petition for a dimensional variance was granted for premises 483 Bittersweet Farm Way, South Kingstown, RI, Assessor's Map 55, Lot 15.

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,
Interim Building Official & Zoning Clerk
Town of South Kingstown



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INST# 10040
TOWN OF SOUTH KINGSTOWN, RI



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Date November 4, 2020

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on October 21, 2020 regarding the Petition of Robert Haxton, 483 Bittersweet Farm Way, South Kingstown, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a detached garage with a one bedroom Accessory Apartment on the second floor. The living area size of the accessory apartment structure will be 750 square feet, the maximum allowed. The proposed building height will be 24'. The maximum height allowed for an accessory structure is 20'. Relief of 4' is requested. The Lot size is 4.52 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is Robert & Dana Haxton for premises located at 483 Bittersweet Farm Way, South Kingstown, RI, Assessor's Map 55, Lot 15 and is zoned R80.

The following individuals spoke as representatives of the applicant:

- Robert Haxton, applicant
- Frank Karpowicz, AIA

The following materials were entered into the record:

- Application signed and dated August 21, 2020; Owner Authorization Form signed and notarized August 21, 2020; Plot Plan prepared by Dowdell Engineering, Inc. dated August 11; Architectural Drawings (A1.1, A1.2, A2.1) prepared by Frank Karpowicz Architects Inc. dated June 24, 2020 & August 17, 2020
- Exterior Rendering received October 20, 2020
- Radius Map, 200' Abutter's List, Legal Notice and Certified Mailing Receipts with Affidavit of Mailing

No one present spoke in support of or opposition to the petition.

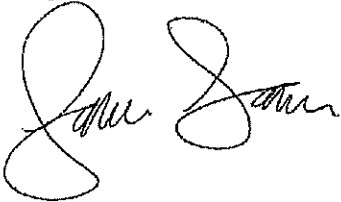
Findings of Fact:

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 seeking to make the proposed garage and accessory apartment architecturally compatible with the existing home which requires a 4' of additional height relief, as well as being able to accommodate an elevator for a disabled family member.
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 add a garage onto his property and with that an accessory apartment for his in-laws to use.

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 architectural drawings submitted show a structure that will fit very well into the surrounding area, as well as the fact that the proposed structure is located on the lot in a location that is not visible to any neighbors.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is only asking for 4' relief to meet the necessary headroom required for the accessory apartment and also be architecturally compatible with the existing home.
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 without the relief they will not be able to install the necessary elevator and the proposed structure would not be compatible with the existing home. In addition, there is no public purpose to deny this application and no one present spoke in opposition of the application.

Approval is subject to the following conditions: There are no conditions of approval.

Respectfully,

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

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