

Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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

April 6, 2021

William Bodnar
818 Brookwood Way
Chico, CA 95926

At a meeting of the Zoning Board of Review held March 24, 2021, your petition for a Dimensional Variance was granted for premises located at 563 Allen Avenue, South Kingstown, Tax Assessor's Map 47-3, Lot 7.

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:1785/Pgs 797 - 798; (2 pgs)
 INST# 13799
 TOWN OF SOUTH KINGSTOWN, RI



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NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on March 24, 2021 regarding the Petition of William Bodnar, 818 Brookwood Way, Chico, CA 95926 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct an Accessory Apartment above an existing detached garage. The living area within the accessory apartment will be 750 square feet, the maximum allowed. The proposed building height will be 25'. The maximum accessory building height permitted in an R-20 zone is 15'. Relief of 10' is requested. Lot size is 1.17 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 Pamela & William W Bodnar for premises located at 563 Allen Avenue, South Kingstown, Assessor's Map 47-3, Lot 7 and zoned R 20.

The following individuals spoke as representatives of the applicant:

- William Bodnar, applicant

The following materials were entered into the record:

- Application with Cover Letter & Narrative, signed and dated February 10, 2021; Owner Authorization Form signed and notarized February 10, 2021; 200' Radius Map and Abutter's List; New OWTS Design Plan (Sheet 1), Fontaine Land Surveying, Michael Fontaine PLS dated November 7, 2020; Existing and Proposed Elevations and Floor Plans (EX1,A1), prepared by Ocean State Drafting dated February 10, 2021
- Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Photos (1-2)
- Supplemental Material
 - Evidence Narrative (2 pages)
 - Google Maps, Street View
 - Google Maps, Aerial View
 - OWTS Construction Permit, dated January 20, 2021
 - Stamped section of OWTS plan
- Correspondence:
 - Gary and Theresa Nelson, 551 Allen Avenue dated March 12, 2021
 - Theresa Nelson, 551 Allen Avenue dated March 23, 2021

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

Findings of Fact:

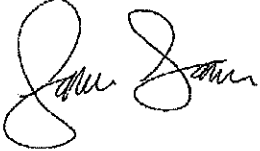
1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because there is an existing field stone garage, historic in nature, and the applicant wishes to add a second story 750 sf. accessory apartment above, which is allowed under the Zoning Ordinance in this district.

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 stated his intention is to live on site and that the accessory apartment will be used to accommodate family members.
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 structure will not be any higher than the main structure on the property, additionally there are other similar structures and properties in the immediate vicinity.
4. The Board finds that the relief to be granted is the least relief necessary, because if the height variance were not granted it would be impossible to construct an accessory apartment on the existing masonry foundation that would meet the required Building Codes for ceiling height clearance, additionally the applicant decreased the initial requested relief being sought from 10' to 7.5'.
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 there is no suitable appropriate way to accommodate an accessory apartment other than to build above the garage and utilize the existing garages foundation.

Approval is subject to the following conditions:

- There are no conditions upon this decision

Respectfully,



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