



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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

May 7, 2021

Maureen Morse
28 West View Drive
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held February 24, 2021, your petition for a Dimensional Variance was granted for premises located at 28 West View Drive, South Kingstown, Tax Assessor's Map 90-1, Lot 89.

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:1791/Pgs 32 - 33 (2 pgs)
 INST# 14789
 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. Jurczak
 Motion passed unanimously: Vote 5-0
 (T. Daniels-Aye, R. Jurczak-Aye, W. Rosen-Aye, C. Charkowick-Aye, R. Cagnetta-Aye)

At a meeting held on April 21, 2021 regarding the Petition of Maureen Morse, 28 West View Drive, Wakefield, RI 02879 for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking to construct a 10' x 14' shed within the front yard and side yard setback. The shed will be located 5' from the front property line. The required front yard setback is 40'. Relief of 35' is requested. The shed will also be located 3' from the side property line. The required side yard setback is 6'. Relief of 3' is requested. Lot size is .27 acres. A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming Lots of Record-Accessory Building Setback Requirements), Section 503.1 (Accessory Structures) and Section 907 (Standards of Relief). Owner of the property is Maureen A Morse for premises located at 28 West View Drive, South Kingstown, Assessor's Map 90-1, Lot 89 and is zoned R30.

The following individuals spoke as representatives of the applicant:

- Maureen Morse, applicant

The following materials were entered into the record:

- Application signed and dated February 16, 2021; Owner Authorization Form Notarized and Dated February 16, 2021; Site Plan prepared by Anderson Engineering and dated April 2006 (3 pages); Shed detail (1 page)
- 200 Radius Map, Abutter's List, Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - David and Donna Bennett, 34 West View Drive dated April 8, 2021
 - Jared and Bette Aaronson, 10 Carpenter Drive dated April 11, 2021
 - Antonio and Dianne Fonseca, 21 West View Drive dated April 18, 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 as the applicant presented to Board, the subject land has several unique characteristics, such as slope, water run-off, and the location of the septic and leach field, making this the only viable location to place the shed on the property. Also, even though this is considered the legal front yard, due to the location of the house on the property the area in question is utilized as a side yard.
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 requesting to build a shed for a workspace and additional storage on her property.
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 location of the shed is behind a 10' high fence and a mature hedge line it is not easily visible to the surrounding properties.

4. The Board finds that the relief to be granted is the least relief necessary, because due to the unique characteristics of the land there is no other viable location to locate the shed on the parcel.

5. The Board finds that that the hardship suffered by the owner of the subject property if the dimensional variance is not granted it amounts to more than a mere inconvenience, because the proposed location is the only reasonable, logical location to place the shed on the property, and if the request were denied the applicant would not be allowed the full benefit and utilization of the subject 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