



Town of South Kingstown, Rhode Island

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

June 3, 2021

Marshall Votta
77 Kimberley Drive
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held May 19, 2021, your petition for a Dimensional Variance was granted for premises located at 77 Kimberley Drive, South Kingstown, Tax Assessor's Map 58-1, Lot 18.

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

At a meeting held on May 19, 2021 regarding the Petition of Marshall Votta, 77 Kimberley Drive, Wakefield, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct an addition to the attached north side deck. The deck will be located 10'4" from the side property line. The required side yard setback is 15'. Relief of 4'8" is requested. Lot size is .62 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 Marshall S & Jamie H Votta for premises located at 77 Kimberley Drive, South Kingstown, Assessor's Map 58-1, Lot 18 and is zoned R 80.

The following individuals spoke as representatives of the applicant:

- Marshall Votta, applicant
- Ryan Cahill

The following materials were entered into the record:

- Application signed and dated April 15, 2021, Owner Authorization signed and notarized April 16, 2021; Site Plan (1 page) prepared by Principe Company, Inc. Engineering Division, Thomas J. Principe III PE dated December 23, 2020; Floor Plans and Aerials (A1.2, A0.2) prepared by Newport Renewables dated April 12, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Bruce Ward, 70 Kimberley Drive
 - Ken Feroldi, 67 Kimberley Drive

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 the applicant has performed his due diligence in respect to the necessary renovations for the existing structure; the applicant is only seeking to square off a small portion of an existing deck which would better utilize the space and be more aesthetically pleasing.
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 recently purchased the house and later determined that there was considerable pre-existing damage to the existing structure; as part of the extensive renovations the applicant thought it would work best to square up the corner of the deck to be in alignment with the existing deck.
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 this property is located in a private area and is buffered to the rear by a designated US Wildlife area.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is simply asking to square the deck off by expanding just the northeast corner of the deck.
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 has done extensive work on the house and this request is just a minor alteration that needs to be taken care of so the restoration of the structure can be completed and the applicant can begin residing on-site.

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