

Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street

Wakefield, RI 02879

Tel (401) 789-9331 x1225

July 1, 2021

Phillip Courten
95 Billington Avenue
Wakefield, RI 02879

At a meeting of the Zoning Board of Review held June 16, 2021, your petition for a Dimensional Variance was granted for premises located at 95 Billington Avenue, South Kingstown, Tax Assessor's Map 69-2, Lot 28.

Please be further advised that there is a Two-year Expiration on this Dimensional Variance with the right to extend, if necessary, per South Kingstown Zoning Ordinance Section 908.

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:1797/Pgs 731 - 732 (2 pgs)
INST# 16165
 TOWN OF SOUTH KINGSTOWN, RI



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

At a meeting held on June 16, 2021 regarding the Petition of Phillip Courten, 95 Billington Avenue, South Kingstown, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing dwelling and storage shed and construct a new dwelling and detached garage. The dwelling will be located 8.4' from the front property line and the detached garage will be located 18.2' from the front property line. The required front yard setback is 25'. Relief of 16.6' for the dwelling and 6.8' for the garage is requested. The detached garage will also be located 3' from the left side property line. The required side yard setback is 10'. Relief of 7' is requested. Lot size is 25,200 square feet. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements), 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 Phillip B Courten for premises located at 95 Billington Avenue, South Kingstown, 02879, Assessor's Map 69-2, Lot 28 and is zoned R 40.

The following individuals spoke as representatives of the applicant:

- Attorney John Kenyon
- Phillip Courten, applicant
- Jeffrey Balch, PLS
- Laura Krekorian, AIA

The following materials were entered into the record:

- Application with cover letter and narrative signed and dated May 7, 2021; Owner Authorization's signed and notarized May 6, 2021; Vision Appraisal Field Card Map 69-2 Lot 28 (3 pages);
- Correspondence:
 - Attorney John Kenyon dated June 1, 2021
- Exhibits
 - Applicant's Exhibit 1 – Soil Erosion, Runoff & Sediment Plan (2 pages) prepared and stamped Jeffrey K Balch PLS of Frisella Balch & Associates & Carolyn J Doyle PE dated March 24, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

There was no one 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 lot is located in a flood zone and the building area is further limited due to the proximity of wetlands on the property, the location of an existing OWTS system on the property and restrictions imposed by CRMC to maintain a required coastal buffer setback.
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 original property was built in 1944 and would not meet today's

current Building Code and FEMA standards. The applicant is simply looking to build a new structure, similar in size and scope to the existing structure, which will be now be Building Code and FEMA compliant.

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 area itself is beautiful in nature and the applicant has worked closely with CRMC in maintaining the environmental wetlands and coastal features.

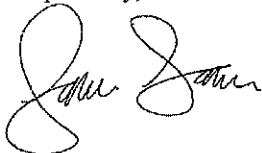
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant has worked diligently with the design of the new structure to keep it within the confines of the lot while still meeting the CRMC setback requirements.

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 if not granted the applicant would need to go back before CRMC to try and obtain further relief. Additionally if the relief were not granted the applicant may not be able to construct a new structure and would not have the benefit of a FEMA compliant home.

Approval is subject to the following conditions:

- The decision is a Conditional Zoning Approval and is conditioned upon any, if necessary, further CRMC approvals and will have a two-year expiration from the recorded date per Section 908 of the Zoning Ordinance with the right to extend if necessary.

Respectfully,



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