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INST# 19347
TOWN OF SOUTH KINGSTOWN, RI



Town of South Kingstown, Rhode Island

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

November 30, 2021

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on November 17, 2021 regarding the Petition of Robert Fitzpatrick c/o Daniel P. Carter, 222 Jefferson Blvd., Warwick RI for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 10' x 34' deck attached to the single-family dwelling. The deck will be located 9.34' from the front property line. The required front yard setback is 25'. Relief of 15.66' is requested. The Lot size is .21 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 Robert F. Fitzpatrick for premises located at 39 West Street, South Kingstown, Assessor's Map 87-2, Lot 65 and is zoned R20.

The following individuals spoke as representatives of the applicant:

- Daniel Carter, Attorney
- Robert Fitzpatrick, Applicant

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

The following materials were entered into the record:

- Application signed and dated October 6, 2021; Owner Authorization signed and notarized October 6, 2021; Site Plan (1 pages) prepared by Environmental Planning & Surveying, Inc, stamped by Wesley Grant III, PLS and dated September 21, 2021.
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - Karla Kelly & Joe Prigmore, 33 West Street

Findings of Fact:

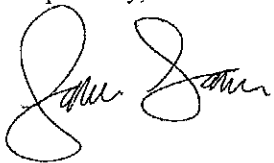
1. The Board finds that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(16), because the applicant is simply looking to replace an old deck and concrete stairs. The proposed construction will not encroach any further into the front yard setback than currently exists.
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 make overall general improvements to his property, including new code compliant stairs and deck. Additionally, the proposed deck will not encroach any further into the front yard setback than the existing deck which was built prior to the applicants owing of the 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 improvements will be more aesthetically pleasing and fit in well within the neighborhood.
4. The Board finds that the relief to be granted is the least relief necessary, because the proposed deck is not extending any further into the front yard setback than the existing deck and therefore will not increase the setback encroachment.
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 granting the approval there would be no way for the applicant to rebuild the front deck so that it would not be located within the front yard setbacks. Additionally, if the Board denied the petition the applicant would not be able to enjoy the full beneficial use of the property.

The decision 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", written in a cursive style.

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