



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street

Wakefield, RI 02879

Tel (401) 789-9331 x1225

January 31, 2021

Edward Baxter
33 Atlantic Blvd.
North Providence, RI 02911

At a meeting of the Zoning Board of Review held on January 19, 2022, your petition for a Dimensional Variance was granted for premises located 186 Little Rest Road at South Kingstown, Tax Assessor's Map 23-3, Lot 10.

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. Daniels and duly seconded by Mr. Charkowick

Motion passed unanimously: Vote 5-0

(T. Daniels-Aye, C. Charkowick-Aye, S. Walsh-Aye, W. Rosen-Aye, R. Cagnetta-Aye)

At a meeting held on January 19, 2022 regarding the Petition of Edward Baxter, 33 Atlantic Blvd., North Providence, RI 02911 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct a 14' x 18' garage with a deck and breezeway attached to the single-family dwelling. The garage will be located 24' from the front property line. The required front yard setback is 35'. Relief of 11' is requested. The Lot size is .3 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 Lisbeth Pettengill for premises located at 186 Little Rest Road, South Kingstown, Assessor's Map 23-3, Lot 10 and is zoned R20.

The following individuals spoke as representatives of the applicant:

- Edward Baxter, applicant

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

The following materials were entered into the record:

- Application signed and dated November 8, 2021; Owner Authorization signed and notarized November 8, 2021; Plan of Survey prepared by Atlas Land Surveying, stamped by Marcus Channell, PLS and dated October 7, 2021 and revised November 1, 2021; Construction Documents (G6.1, A1.1, A1.2, A1.3, A3.1, A3.2, A2.1, A2.2, A2.3, A2.4, & A2.5) prepared by Design Plus, designer Dennis Sarkisian and dated July 14, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

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 elevation change between the rear of the house and the rear yard is very severe, therefore necessitating bringing the garage forward on the lot which will require setback relief. Also, the only reasonable opening from the home to the proposed breezeway is where an existing window on the front of the home is currently located
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 owner of the home is aging and needs a breezeway and garage for safe access to her car during inclement weather.
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 as the applicant testified, there is a similarly designed home and garage with breezeway across the street from the subject

property; the proposed addition before the Board tonight will certainly keep well within the character of the other surrounding homes in the area.

4. The Board finds that the relief to be granted is the least relief necessary, because there is no other reasonable alternative to place the garage and breezeway on the subject parcel without incurring the need for relief at the front of the property on this very tight small lot.
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 the relief sought was not granted the aging homeowner would not be able to construct, for her needed convenience and safety, the requested garage and breezeway.

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". The signature is fluid and cursive, with a large initial "J" and "G".

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