



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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

March 30, 2022

Marcia Ryter
44 Middle Road
South Kingstown, RI 02879

At a meeting of the Zoning Board of Review held March 16, 2022, your petition for a Dimensional Variance was granted for premises located at 44 Middle Road, South Kingstown, Tax Assessor's Map 90-4, Lot 203.

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



RECORDED 03/30/2022 11:28:03 AM
 B/P:1825/Pgs 642 - 643; (2 pgs)
 INST# 21723
 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

March 30, 2021

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 March 16, 2022 regarding the Petition of Marcia Ryter, 44 Middle Road, South Kingstown, RI 02879 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to attach the existing garage to the single-family dwelling by constructing a 10' x 20' roofed connector. By way of connection, the garage will become the principal structure and will not comply with the required rear yard setback. The garage is located 10' from the rear property line. The required rear yard setback is 30'. Relief of 20' is requested. Lot size is .52 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Non-Conforming Lots of Record-Building Setback Requirements) and Section 907 (Standards of Relief). Owner of the property is Marcia E. Ryter for premises located at 44 Middle Road, South Kingstown, Assessor's Map 90-4, Lot 203 and zoned R30.

The following individuals spoke as representatives of the applicant:

- James Callaghan, attorney
- Marcia Ryter, applicant

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

The following materials were entered into the record:

- Application and cover letter signed and dated January 21 & 22, 2022; Owner Authorization signed and notarized January 21, 2022; Proposed elevation and floor plans (2 pages); Draft Location Plan (2 copies) prepared by Frisella-Balch & Associates dated December 20, 2021
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
 - 1. Dan Tanona, 36 Middle Road
 - 2. Bill Conley, 133 Carpenter Drive

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 many houses in the surrounding area have connected garages. It is the addition of this connector, from the garage to the house that change the setback requirements from accessory to principal, therefore requiring setback relief.

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 create a safe passageway from the garage to the house, which is the applicant's principal residence.

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 again there are many attached garages in the surrounding area.

4. The Board finds that the relief to be granted is the least relief necessary, because in looking at the property there is no other way to attach the garage to the principal residence.

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 the connection the owner would be forced to deal with inclement weather conditions when traversing between the residence and the garage.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

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