



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1225
Fax (401) 789-9792

February 18, 2021

RCM Builders
4 Ann Street, #2
Westerly, RI 02891

At a meeting of the Zoning Board of Review held January 27, 2021, your petition for a Dimensional Variance was granted for premises located at 133 Browning Street, South Kingstown, Tax Assessor's Map 96-2, Lot 32.

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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 TOWN OF SOUTH KINGSTOWN, RI



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

At a meeting held on January 27, 2021 regarding the Petition of Robert and Constance Booth c/o RCM Builders, 4 Ann Street, #2, Westerly, RI 02897 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is proposing to demolish the existing garage and construct a 30' x 25' detached garage with storage room above. The garage will be located 16' from the front property line. The required front yard setback is 25'. Relief of 9' is requested. The proposed lot coverage will be 21%. The maximum lot coverage allowed is 20%. Relief of 1% is requested. The structure will meet the height requirement of 20'. Lot size is 12,365 square feet. A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming lots of record-Accessory building setback requirements), Section 401 (Schedule of Dimensional Regulations) and Section 907 (Standards of Relief). Owner of the property is Robert W. and Constance M. Booth for premises located at 133 Browning Street, Assessor's Map 96-2, Lot 32 and zoned R 30.

The following individuals spoke as representatives of the applicant:

- Mark Viens, representing RCM Builders

The following materials were entered into the record:

- Application with Exhibit A Narrative, signed and dated December 20, 2020; Owner Authorization Form signed and notarized; 200' Radius Map and Abutter's List; 1 page of Elevation drawings; Site Plan prepared by Pinch Land Surveying, Steven M. Pinch, PLS dated December 21, 2020; Photograph of existing garage
- Legal Notice, Proof of Certified Mailings and Notarized Affidavit of Mailing

There was no one present who spoke in favor 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 no other viable options to locate the garage on the property. In addition, the applicant is replacing a substandard garage within basically the same footprint as the existing garage and is only requesting a slight 1% change in lot coverage and overall footprint.
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 property is used as summer residence and it was indicated that the owner of the property has no intention to sell the property for any financial gain. The proposed garage will only add to the character of the property in that, it will be an improvement over the existing garage which is a knockdown and does not allow for adequate parking and storage.
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 once again there is an

existing substandard garage on the property and the proposed garage will be a substantial upgrade and be similar to other garages in the neighborhood.

4. The Board finds that the relief to be granted is the least relief necessary, because there is no other location on the property to place a new garage. As well as, the proposed location is consistent with an existing driveway for easy vehicle access.

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 current garage is substandard and does not allow for adequate storage and parking of vehicles and therefore limits the owner's beneficial use of the property.

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