

# Town of South Kingstown, Rhode Island

## BUILDING AND ZONING DEPARTMENT

180 High Street  
Wakefield, RI 02879  
Tel (401) 789-9331 x1224  
Fax (401) 789-9792

### ZONING BOARD OF REVIEW

Raymond Dionne  
74 Thomas Leighton Blvd.  
Cumberland, RI 02864

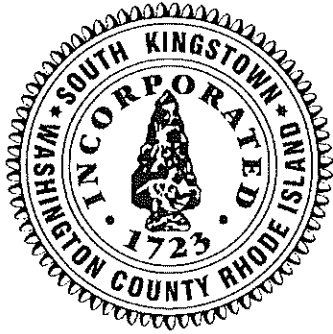
May 13, 2020

Dear Mr. Dionne,

At a meeting of the Zoning Board of Review held April 29, 2020, your petition was **Granted** for a **Dimensional Variance** under the Zoning Ordinance as follows: The applicant is seeking is seeking to construct additions onto the existing single family dwelling. The lot is a legally non-conforming, which allows for reduced setbacks. The side yard setback on the right side is 11'. The addition along the right side will be 8' from the property line. Relief of 3' is required. The rear yard setback is 30'. The addition in the rear of the dwelling will be 27' from the rear property line. Relief of 3' is required. Lot size is .15 acres. **A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations Table) and Section 907 (Standards of Relief).** Owner of the property is Raymond Dionne for premises located at 33 Washington Street, Assessor's Map 86-3, Lot 115 and zoned R 20.

Yours truly,

Wayne Pimental, Clerk  
Zoning Board of Review  
Town of South Kingstown



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May 13, 2020

### ZONING BOARD OF REVIEW NOTICE OF DECISION

#### Decision – Grant of Dimensional Variance

Petition of Raymond Dionne, 74 Thomas Leighton Blvd., Cumberland, R 02864, for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct additions onto the existing single-family dwelling. The lot is legally non-conforming, which allows for reduced setbacks. The side yard setback on the right side is 11'. The addition along the right side will be 8' from the property line. Relief of 3' is required. The rear yard setback is 30'. The addition in the rear of the dwelling will be 27' from the rear property line. Relief of 3' is required. Lot size is .15 acres. A Dimensional Variance is required per Zoning Ordinance Section 401 (Schedule of Dimensional Regulations Table) and Section 907 (Standards of Relief). Owner of the property is Raymond Dionne for premises located at 33 Washington Street, Assessor's Map 86-3, Lot 115 and zoned R 20.

The above-captioned matter came before the Town of South Kingstown Zoning Board of Review (the "Board") at a duly-noticed public hearing held on April 29, 2020. The Board heard testimony from the Applicant, who explained that the planned addition was planned to increase additional living space. The Board noted for the record that an objection letter dated March 27, 2020, was received from Stephen J. Macomber and Diana Macomber. No objectors attended the meeting to comment on the application. Pursuant to Sec. 907(A)(1), the Board hereby finds as follows:

- a. 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 not due to a physical or economic disability of the applicant, except where necessary to provide reasonable accommodation to applicants with physical disabilities addressed in the Rhode Island Fair Housing Practices Act, the United States Fair Housing Amendments Act of 1988 (FHAA), the Rhode Island Civil Rights of Individuals with Handicaps Act, and the Americans with Disabilities Act of 1990 (ADA);
  - The lot is legally non-conforming, as it is undersized. The lot is approximately 6,500 sf, where the minimum lot size is 20,000 square feet for a single-family dwelling. Additionally, the existing single-story dwelling is a 2-bedroom dwelling with 768 square feet of living space. The hardship thus results from the existing size of the land and the existing size of the structure, which are both small in comparison to other lots and structures in the surrounding area.
- b. That said 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;
  - The hardship of the undersized lot was not caused by the applicant, who purchased the property in 2010. The planned addition will allow the applicant to make greater use of the dwelling. The existing dwelling is a one-story, two-bedroom dwelling

with 768 square feet of living space. The planned addition will add 564 square feet of living space, for a total of 1,332 square feet.

- c. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan of the Town;
  - The proposed addition will not alter the general character of the surrounding area and will not conflict with the intent or purpose of the Zoning Ordinance. The dwelling with the proposed addition will be in character with the surrounding area. It will be of a modest size and remain a one-story dwelling.
- d. That the relief to be granted is the least relief necessary;
  - The relief of 3 feet on the side and 3 feet on the rear is the minimum relief necessary to enable the proposed construction. The variance for the rear setback will allow stairs for a deck and a bump-out for a fireplace. The side yard variance will allow a bulkhead for access to a new basement storage area. This relief will alleviate the hardship and allow the applicant to construct a reasonably-sized addition.
- e. In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. The fact that a use may be more profitable, or that a structure may be more valuable after the relief is granted, shall not be grounds for relief.
  - The applicant intends to make the home his year-round retirement residence. This addition will make the dwelling more comfortable for him and his family. Denying the variance would mean that the applicant could not construct the proposed addition, which would amount to more than a mere inconvenience because there is no other way to add additional living space to the home while still keeping it a one-story dwelling, which is the applicant's preference due to his medical conditions.

Record of Vote

Motion to approve the petition granting the dimensional variance made by Mr. Cagnetta, seconded by Mr. Mark.

Members voting in favor: Cagnetta, Mark, Bernardo, Daniels, Jurczak  
Members voting against: None

The motion carried **5-0** and the decision was approved, granting the application.



Wayne Pimental, Clerk  
Zoning Board of Review, Town of South Kingstown

*For expiration of Variances and Special Use Permits, please refer to  
Section 910 of the Town of South Kingstown Zoning Ordinance*