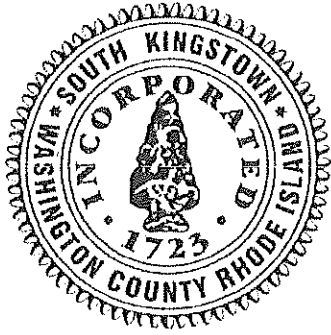




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 INST# 2915
 TOWN OF SOUTH KINGSTOWN, RI



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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

Date June 30, 2020

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Bernardo and duly seconded by Mr. Mark
 Vote Passed unanimously 5-0

J. Bernardo-Aye, W. Mark-Aye, R. Cagnetta-Aye, T. Daniels-Aye, R. Jurczak-Aye

At a meeting held on June 17, 2020 regarding the petition of Petition of Donna Martone, 126 Pershing Avenue, Locust Valley, NY for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to construct two additions onto the existing single family dwelling. The lot is legally non-conforming, which allows for reduced setbacks. The two story addition on the front requires side yard relief only. The ordinance allows the front of the house to align with abutting structures by right. The required side yard setback is 10'. The addition along the right side will be 7.75' from the property line. Relief of 2.25' is required. The rear yard setback is 30'. The addition in the rear of the dwelling will be 16' from the rear property line. Relief of 14' is required. The same side yard relief of 2.25' is needed for the rear addition also. The maximum lot coverage of 25% will also be exceeded. It currently is at 27.6% and will increase to 36.8%. Overall relief of 11.8%, or an additional 459.5 square feet overall is requested. Lot size is .09 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 Donna M. Martone for premises located at 8 Pine Court, Assessor's Map 43-4, Lot 41 and zoned R 20.

The following individuals spoke as representatives of the applicant:

- Terri Gentes, PE

The following materials were entered into the record:

- Application Package: Application signed and dated April 23, 2020; Signed and Notarized Owner Authorization Form dated May, 13, 2020; Project Narrative Prepared by Jeffrey J. Campopiano PE dated May 1, 2020; Site Plan by Jeffrey J. Campopiano PE dated March 29, 2020; Preliminary Addition/Renovations plans by Jeffrey J. Campopiano PE dated April 24, 2020; Abutters List and 200' Radius Map
- Legal Notice, Certified Mail Receipts 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 applicant is simply trying to address some of the issues that are lacking in this property and an allowance to accommodate the resources of the people who will be occupying the property as a year round residence given their new station in life as upcoming retirees.

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 hardship results from the placement of the existing dwelling on an undersized lot.

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 this Zoning Board Member, John Bernardo, has been out to the property and is familiar with the area and sees nothing in the petition that would make this proposal incongruous to the other properties in the surrounding area.

4. The Board finds that the relief to be granted is the least relief necessary, based on the previous put forth facts.

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, this member, John Bernardo, has taken into consideration that the addition to the North of the property squares off the property and because of this, he is not concerned about additional lot coverage in squaring off the structure, as he sees it, the only new lot coverage is the addition to the back which as previously stated is needed to create the space and new resources for the property owners. Also the removal of two entry-ways on the front of the property creates a more natural look to the property.

Approval is subject to the following conditions: There are no conditions on this approval.

Yours Truly,



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