



RECORDED 09/03/2020 10:59:34 AM  
 B/P:1756/Pgs 88 - 89; (2 pgs)  
 INST# 8519  
 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 September 3, 2020

### NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Jurczak and duly seconded by Mr. Daniels  
 Motion passed unanimously: Vote 5-0  
 (R. Jurczak-Aye, T. Daniels-Aye, W. Mark, J. Bernardo-Aye, R. Cagnetta-Aye)

At a meeting held on August 19, 2020 regarding the petition of David J. & Cheryl A. Kozak, 31 Hunters Ridge, Rocky Hill, CT, 06067 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is proposing to add a second floor dormer to the existing 1740 single family dwelling. The lot and building are both nonconforming by dimension. The proposed second floor dormer will be located along the front of the existing structure, which is within the front yard setback. The dormer will be located 11.3' from the front property line. The required front yard setback is 25'. Relief of 13.7' is requested. Lot size is .20 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 David J. & Cheryl A. Kozak for premises located at 18 Ocean Avenue, Assessor's Map 93-4, Lot 28 and zoned R 20.

**The following individuals spoke as representatives of the applicant:**

- Laura Krekorian, A.I.A.,
- David Kozak, Applicant

**The following materials were entered into the record:**

- Application signed and dated July 17, 2020; Signed and Notarized Owner Authorization Form dated July 17, 2020; Survey Plan prepared and stamped by Marcus Channell P.L.S. dated June 23, 2019; 200' Radius Map and Abutter's List; Construction Plans (A1, A2, A3 & A4) prepared by Laura Krekorian Architect dated July 15, 2020
- Legal Notice, Certified Mail Receipts and Notarized Affidavit of Mailing

**No one present spoke in support 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 location on the lot and the original construction of the house (circa 1740) predates all established zoning requirements and building standards.
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 seeking to expand the clear headroom on the second floor by adding dormers and maximize the existing layout while maintaining the historical attributes of the property.

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 the existing property has been meticulously maintained and the proposed plan is in line with surrounding homes in the area.
4. The Board finds that the relief to be granted is the least relief necessary, because the applicant is seeking minimal height relief to increase the clear headroom by adding dormers; in addition the applicant has gone through great lengths to maintain the historical nature of the home while addressing safety concerns.
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 low headroom on the second floor would not be taken care of potentially causing physical harm to the occupants.

**Approval is subject to the following conditions:** There are no conditions of approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Wayne R. Pimental". The signature is written in a cursive, flowing style with a large loop at the end.

Wayne Pimental, Clerk  
South Kingstown Zoning Board of Review