Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT
180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1225

February 23, 2023

NOTICE OF DECISION
SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Ms. Hicks and duly seconded by Mr. Diamond
Motion passed: Vote 3-2

At a meeting held on February 15, 2023 regarding the Petition of Bob and Joyce Bouchard, 4 Cider Lane, Greenville, RI 02828 for a Dimensional Variance under the Zoning Ordinance as follows: The applicant is seeking to demolish the existing manufactured home and construct a three-story dwelling located 23’ from the front property line (Middlebridge Road) and 16.9’ from the corner-side property line (Hahn Avenue). The required front and corner-side setback is 25’. Relief of 2’ and 8.1’ is requested. The proposed building lot coverage will be 28.9%, whereas the maximum allowed is 25%. Relief of 3.9% is requested. The proposed Gross Floor Area (GFA) of the dwelling will be 2,470 square feet, whereas the maximum allowed is 1,800 square feet. Relief of 670 square feet is requested. The cumulative area of the proposed decks will be 430 square feet, whereas the Maximum Deck Area (MDA) allowed is 270 square feet. Relief of 160 square feet is requested. Lot size is .14 acre. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements), Section 401 (Schedule of Dimensional Regulations), Section 601 (Special Flood Hazard Area Overlay District) and Section 907 (Standards of Relief).

Owners of the property are Robert K. & Joyce M. Bouchard for premises located at 4 Hahn Avenue, South Kingstown, Assessor’s Map 43-1, Lot 20 and is zoned R20.

The following individuals spoke as representatives of the applicant:
  • Paul DeMarco, attorney for the applicant
  • Robert Bouchard, applicant
  • Joyce Bouchard, applicant

The following spoke in opposition to the petition:
  • John Chartier, 43 Hahn Avenue
  • Robert Warren, 30 Hahn Avenue

The following materials were entered into the record:
  • Application signed and dated January 11, 2023; Addendum dated January 18, 2023; Owner Authorization signed and notarized December 15, 2022; Photographs (1 page); House Plans (A1, A2, A3 & A4) dated November 6, 2022; Plan of Survey (1 page) prepared and stamped by Daniel F. Harrington III, PLS and dated January 26, 2021; Proposed Site Plan (1 page) prepared and stamped by Daniel F. Harrington III, PLS and dated January 8, 2021
  • 200’ Radius Map and Abutter’s List; Legal Notices (2); Proof of Certified Mailings and Notarized Affidavit of Mailing
  • Correspondence
    o Frank and Robin Giordano, 15 Cook Avenue
    o Martha Balmat, 490 Middlebridge Road
    o Robert and Norreen Massicotte, 5 Cook Avenue

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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 lot is located in the flood plain and is a significantly substandard corner lot located in an R80 zone.

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 through the applicant’s testimony it was indicated that the proposed structure will be their retirement home and used as a family residence only.

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 is an evolving area in the community and there are several other houses in the immediate vicinity of similar size.

4. The Board finds that the relief to be granted is the least relief necessary, because if the applicants were to build a smaller house there would not be enough room to accommodate their entire large family as a whole family unit.

5. The Board finds 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 applicants have saved for many years to be able to construct this home in the necessary size and scale for it to suit their family’s needs and be their dream retirement home.

Approval is conditional subject to the following conditions:

- There are no conditions upon this approval.

Respectfully,

James Gorman,
Building Official & Zoning Clerk
Town of South Kingstown