August 25, 2023

NOTICE OF DECISION
SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Rosen and duly seconded by Mr. Diamond
Motion passed unanimously: Vote 5-0 in favor
(Mr. Rosen-Aye, Mr. Diamond-Aye, R. Cagnetta-Aye, T. Daniels-Aye, A. Hicks-Aye)

At a meeting held on August 16, 2023 regarding the Petition of 19 Potter Road LLC, 91 Pantigo Road, East Hampton, NY 11937 a Dimensional Variance was granted under the Zoning Ordinance as follows: The applicant is seeking to construct a 15’9” x 15’7” front porch and a 29’3” x 17’ deck attached to the existing dwelling. Both the porch and deck will be located 11.18’ from the corner-side property line. The required corner-side yard setback is 40’, therefore relief of 28.82’ is requested. Lot size is .41 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 19 Potter Road LLC for premises located at 19 Potter Road, South Kingstown, Assessor’s Map 87-2, Lot 120 and is zoned R80.

The following individuals spoke as representatives of the applicant:
- Davis Zeledon

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:
- Application signed and dated July 11, 2023; Owner Authorization Forms signed and notarized July 10, 2023; Site Plan (1 page) prepared by Robert C. Schultz Jr., PLS stamped on June 15, 2023 and dated January 2023 with revisions on May 15th, 25th and 30th 2023; Proposed Expansion and Elevations (5 pages)
- 200’ Radius Map and Abutter’s List; Legal Notices; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Correspondence
  - Rebecca and Charles Donnell, 46 Potter Road

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 this is a small existing house that is located entirely within the setbacks and almost any expansion would require relief.

2. The Board finds 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 indicated that they are simply trying to replace and improve the general use and aesthetics of existing deteriorated decks that are built within the property setbacks.

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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 proposal before the Board will be a general improvement to the current conditions and will be a benefit to the neighborhood.

4. The Board finds that the relief to be granted is the least relief necessary, because any work performed on this house will require relief due to the entire house being located within the setbacks.

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 without relief the applicant could not replace the deteriorated decks.

Approval is conditional subject to the following conditions:
- There are no conditions upon this approval.

Respectfully,

[Signature]

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