NOTICE OF DECISION
SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Rosen, and duly seconded by Ms. Hicks
The Motion passed unanimously: Vote 5-0 in favor

At a meeting held on September 20, 2023 regarding the Petition of David and Saipin Favre, 28 Cherry Road, Kingston, RI 02881 a Dimensional Variance was granted under the Zoning Ordinance as follows: The applicant is seeking to construct a 21’ x 23’ detached garage located 25’ from the front property line and 8.8’ from the side property line. The required front and side yard setback is 35’ and 6’ respectively, therefore relief of 25’ and 1.2’ is requested. Lot size is .36 acres. A Dimensional Variance is required per Zoning Ordinance Section 208 (Nonconforming Lots of Record – Accessory Building Setback Requirements), Section 503.1 (Accessory Structures), and Section 907 (Standards of Relief).

Owners of the property are David & Saipin Favre for premises located at 28 Cherry Road, South Kingstown, Assessor’s Map 31-2, Lot 30 and zoned R20.

The following individuals spoke as representatives of the applicant:
- David Favre, applicant
- Saipin Favre, applicant

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

The following materials were entered into the record:
- Application signed and dated July 31, 2023; Owner Authorization Form signed and notarized July 31, 2023; Drawings and Elevations (9 pages) prepared by Chapman Design Service LLC dated July 26, 2023; Proposed Garage Site Plan (1 page) prepared by Fontaine Land Surveying LLC and stamped by Michael A. Fontaine, PLS and dated July 31, 2023
- 200’ Abutter’s List; Legal Notices; Proof of Certified Mailings and Notarized Affidavit of Mailing
- Applicant’s Exhibit 1-3 photos

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 previous owner had a garage on the property which they converted into living space and the current owners would like to have a garage to store their vehicles and this location is the only feasible location to build a new garage.

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 this is the applicant’s retirement home and they need a garage to make their lives easier and offer some protection from the elements.
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 many of the other homes in the area have similar garages and the proposed garage will not change the overall character of the neighborhood.

4. The Board finds that the relief to be granted is the least relief necessary, because the applicants have designed a modest garage to suit their basic needs of vehicle storage.

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 the variance being granted there is no other reasonable location to place the garage and still be beneficial to the applicants.

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