September 29, 2023

NOTICE OF DECISION
SOUTH KINGSTOWN ZONING BOARD OF REVIEW

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

At a meeting held on September 20, 2023 regarding the Petition of Glenn and Joanna Forrest, 51 Slope Avenue South Kingstown, RI 02879 a Dimensional Variance was granted under the Zoning Ordinance as follows: The applicant is seeking to construct a 6’ x 8’ porch with stairs to grade on the north side of the existing single-family dwelling. The porch will be located 30’ from the front property line. The required front yard setback is 40’, therefore relief of 10’ is requested. Lot size is .47 acres. A Dimensional Variance is required per Zoning Ordinance Section 207 (Nonconforming Lots of Record-Building Setback Requirements) and Section 907 (Standards of Relief).

Owners of the property are Glenn & Joanna Forrest for premises located at 51 Slope Avenue, South Kingstown, Assessor’s Map 90-1, Lot 54 and is zoned R30.

The following individuals spoke as representatives of the applicant:
• Joanna Forrest, applicant
• Heidi Howard, ESHI Builders LLC

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 August 9, 2023; Elevations and Framing Plan (2 pages) prepared by CR Design and Planning dated February 1, 2023; Site Plan (1 page) prepared by Environmental Planning & Surveying and stamped by Robert C. Schultz Jr., PLS and dated July 3, 2023 with edits on July 31, 2023
• Supplemental Materials:
  o 2 Page letter with photos from Heidi H. Howard, ESHI Builders LLC
  • 200’ Abutter’s List; Legal Notices; Proof of Certified Mailings 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 existing house and side stairs are already encroaching into the setbacks.

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, the applicant is simply looking to replace an existing non-compliant landing and steps with a slightly larger covered porch that will be built to current building code standards and will offer the applicants 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 the applicant is performing an extensive remodel on the existing home and they are simply looking to replace already existing substandard stairs with a covered side porch that will fit in well within the surrounding area.

4. The Board finds that the relief to be granted is the least relief necessary, because the existing stairs are already non-conforming and the proposed stairs are only minimally larger and will be constructed to building code. Additionally, the door where these stairs are located cannot be moved and this is the primary entry point for the house.

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 the applicant would not be able to build the covered entry way to protect them from the elements.

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