Evidence for 563 Allen Ave. Request for Height Variance

We have submitted a copy for the record of the approved Septic System Construction Permit from the RI Department of Environmental Management. We have also attached a copy of the DEM Approval Stamp on the OWTS design plan. Thank you to the Zoning Board member who suggested last week that we supply that documentation. Our understanding is that the local zoning regulations legally permit us to build a 1 bedroom 750 sq. ft. accessory unit on our property. There is an existing 864 sq. ft. garage on the property detached from the main house. We believe that it is not feasible to convert the existing garage to a dwelling therefore we hope to build above the garage.

Our original request was for a variance of 10 ft. above the current 15 ft. limit. We are modifying our height variance request to 7.5 ft. Here is the evidence satisfying Section 907 Standards for Relief in granting us this height variance.

1a. The hardship from which we seek relief is due to the unique characteristics of the existing garage structure and not due to the general characteristics of the surrounding area. Specifically, the garage walls consist of structural concrete blocks. These blocks cannot be removed to accommodate doors and/or windows without undermining the structural integrity of the walls. In addition, the outside of the walls on three sides of the building are covered with beautiful, large fieldstones that are approximately 4 inches thick. This stonework would have to be removed to accommodate windows and doors. Thus the practical solution is to build above the existing garage, however it is not feasible to construct a dwelling above the garage and still meet the 15 ft. height limitation. The structure must be at least 22.5 ft. high to satisfy local building code requirements. Due to the zoning height restriction of 15 ft. for an accessory unit, a height variance of 7.5 ft. is requested to allow the finished structure to be 22.5 feet high.

1b. The structural concrete walls and architectural stonework on the existing garage have been there for many years and the hardship associated with their presence is not the result of any prior action by us and does not result primarily from a desire on our part to realize greater financial gain.
1c. The granting of our requested height variance of 7.5 ft. above the allowed 15 ft. will not alter the general characteristic of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town. The existing garage is 128 ft. from the front yard, 180 ft. from the rear yard and 28 ft. from the closest side yard (to the east). A dwelling above the garage will not affect these setbacks. The garage is not easily visible from the street or from the adjacent property to the east. There are tall Arborvitae trees between the nearest property and the existing garage. There are also trees between the front yard (street) and the existing garage. It is not easy to see the garage from the street while driving because a driver’s focus is primarily on the road. There is also relatively little foot traffic at that location.

1d. The relief requested is the least relief necessary to allow a legally permitted accessory unit on the property. Our request for a height variance of 7.5 ft. over the allowed 15 ft. is the least relief necessary to allow a functional dwelling that satisfies the local building codes for door and ceiling heights.

1e. Not Applicable.

1f. The hardship that we will suffer if the dimensional variance is not granted will amount to more than a mere inconvenience. It is more than a mere inconvenience to destroy structural block concrete walls and architectural stonework on the outside of those walls. There is no reasonable alternative to enjoy a legally permitted beneficial use of our property (i.e., accessory dwelling) if the dimensional variance is not granted.

Thank you for your further consideration of our request.

Sincerely,

William and Pamela Bodnar
## DESIGN INFORMATION

<table>
<thead>
<tr>
<th>Wastes System</th>
<th>Treatment</th>
<th>Wetland Determination</th>
<th>No. of Wastes</th>
<th>Date Ta</th>
<th>Date Eval.</th>
<th>Depth To Approved Water Table</th>
<th>No. of FILE</th>
<th>Applicat. No.</th>
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<td>Yes</td>
<td>Yes</td>
<td>9/15/2022</td>
<td>11/15/2022</td>
<td>232-242</td>
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## RHEEM APPLICATION HISTORY

<table>
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<th>Date</th>
<th>Application No.</th>
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<tbody>
<tr>
<td>1/4/2023</td>
<td>232-242</td>
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</tbody>
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## OWNER INFORMATION

- **Name:**
  - Business Name: CONTINUOUS (SALES) LLC
  - License #: 32-133
  - Address: 650S35-74-23-4177
- **Subdivision:**
  - Name: SOUTH FERNDALE
  - Lot #: 32-99

## SITE INFORMATION

- **Location:**
  - Address: 110 W. MAIN ST.
  - Town: NORTH KINGSTON

## CERTIFICATION

- **Notes:**
  - Check # 40

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**ON-SITE WASTEWATER TREATMENT SYSTEM CONSTRUCTION PERMIT**

**Rhode Island Department of Environmental Management**

**Date:** 1/4/2023

**Application No.** 232-242

**FOR RHEEM USE ONLY**

www.deq.ri.gov/permit
SOIL EVALUATION

Minimum strength - 4,000 PSI @ 75°F.
Loading - Standard Units: 600 P.S.F.
Units: AASHO HS20-44
Reinforcement - ASTM A-615-75,
60,000 psi.
Moles and inspection manholes -
Ductile iron (see Flowdiffuser Leaching
Pipe Brochure)

Soil powers of soil supporting any
structures should be determined and equated to
loads to calculate the bearing area

per Chamber: 4.18 S.F.

R-20 Zone
Min. Frontage/Width: 100'
Min. Lot Size: 20,000 s.f.
Max. Building Coverage: 25%
Accessory
Min. Front Yard: 35'
Min. Side Yard: 10'
Min. Rear Yard: 10'
Max. Bldg. Height: 15'
* Please refer to Zoning Regs.

Street Index
Allen Avenue

Owner
William W. & Pamela Bodnar
818 Brookwood Way
Chico, CA 95926

Parcel Data
Deed Book 1696, Page 682
Lot Area: 50,979 s.f.±
or 1.17 Acres±

Zoning Data