

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

Application for Exception or Variation under the Zoning Ordinance

Zoning Board of Review;

Jamestown, R. I.

Date 7/23/21

Gentlemen:

The undersigned hereby applies to the Zoning Board of Review for an exception or a variation in the application of the provisions or regulations of the zoning ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

Applicant SANDERSON CARNEY Address 3 SPIRNETING STREET

Owner SANDERSON CARNEY Address 3 SPIRNETING STREET

Lessee _____ Address _____

1. Location of premises: No. 3 SPIRNETING STREET Street
2. Assessor's Plat 5 Lot 404
3. Dimensions of lot: frontage 180 ft. depth 120 ft. Area 21600 sq. ft.
4. Zoning Districts in which premises are located: Use RES Area R-40 Height _____
5. How long have you owned above premises? 1 YEAR
6. Is there a building on the premises at present? YES
7. Size of existing building 1600 SQ
Size of proposed building or alteration N/A
8. Distance of proposed bldg. or alteration from lot lines:
front 40' rear 30' left side 20' right side 671'
9. Present use of premises: RESIDENTIAL
10. Proposed use of premises: RESIDENTIAL
Location of septic tank & well on lot SEE PLAN

11. Give extent of proposed alterations RELOCATE WESTERLY BOUNDARY OF LOT 404, PLATS EASTWARD TO ALLOW TRANSFER OF 41025 SF TO LOT 401, PLATS

12. Number of families for which building is to be arranged:

13. Have you submitted plans for above to Inspector of Buildings?

Has the Inspector of Buildings refused a permit?

14. Provision or regulation of Zoning Ordinance or State Enabling Act under which application for exception or variance is made:

ARTICLE 3 SECTION 82-300 C
ARTICLE 6 SECTION 82-606
ARTICLE 6 SECTION 82-607

15. State the grounds for exception or variation in this case:

OWNERS OF LOTS 401 & 404 PLATS AGREE TO MOVE THE LOT LINE BETWEEN THEIR LOTS TO ALLOW TRANSFER OF 41025 SF OWNED BY LOT 404 BUT UNKNOWINGLY OCCUPIED BY LOT 401. THIS TRANSFER WILL DECREASE LOT 401 FROM 24605 SF TO 17575 SF. LOT 401 WILL BE INCREASED FROM 24183 SF TO 25120 SF. BOTH LOTS CONFORM TO ALL DIMENSIONAL REQUIREMENTS OF R-20 ZONE.

Respectfully Submitted,

Signature Sanjiv H. Ch

Address 3 Spinkling St.
Jamestown, RI 02875

Telephone No. 401 924 1231

NOTE: A LOCATION PLAN AND SKETCH AND DRAWINGS NECESSARY TO GIVE FULL INFORMATION MUST BE FILED WITH THE APPLICATION.

SAMPLE ZONING ADVERTISEMENT
MUST BE FILLED OUT BY THE APPLICANT

Application of SANDERSON H. CARNEY whose
TRUSTEE

property is located at 3 SPIRITING STREET, and further

identified as Tax Assessor's Plat 5, Lot 404 for a Variance/~~Special Use Permit~~

from Article 3, Section 82, 300 C

ARTICLE 6 SECTION 82-606 ARTICLE 6 SECTION 607

to RELOCATE WESTERLY BOUNDARY

EASTWARD TO ALLOW TRANSFER OF

4,025 SF TO LOT 401, PLAT 5

Said property is located in a R-40 zone and contains 21,600 ~~acres~~ square feet.

.....
HOW TO WRITE YOUR AD:

Name of owner must be advertised exactly as it appears on the most recent deed for the property. If the applicant's name differs from the owner, the ad must read: "Application of John R. Smith et ux Mary, (Jane L. Doe, owner), whose property...etc." The exact street address must be included in the advertisement, as well as the Tax Assessor's Plat and Lot numbers. Cross out "Variance" or "Special Use Permit" if one does not apply to what you are seeking. List the exact Article(s) and Section(s) numbers from the Zoning Ordinance from which you are seeking relief, followed by the title of the section as it appears in the Ordinance. Then briefly describe what you wish to do: "to construct a tool shed five feet from the side lot line instead of the required ten feet". List what zone your property is in: R8, R20, R40, RR80, RR200, CL, CD, CW or OS. Finally, enter the total acreage or square footage of your lot, crossing out the term that does not apply: acres or square feet.



TOWN OF JAMESTOWN
P.O. Box 377
93 Narragansett Ave.
JAMESTOWN, RHODE ISLAND 02835

Planning Office - 423-7210
Fax - 423-7226

July 22, 2021

Gerard E. Brissette Trustee
96 Beacon Avenue
Jamestown, RI 02835

Sanderson H. Carney, Trustee
3 Spirketing Street
Jamestown, RI 02835

Re: Administrative Subdivision, A.P. 5 Lots 401 and 404

Dear Mr. Brissette and Ms. Carney:

This letter hereby grants conditional Administrative Subdivision approval in accordance with the Town of Jamestown Subdivision Regulations, RIGL 45-23-37 and the plans entitled **Administrative Subdivision Plan for Gerard E. Brissette Trustee and Sanderson H. Carney, Trustee, Plat 5 Lots 401 and 404, 96 Beacon Avenue and 3 Spirketing Street, Jamestown, Rhode Island**; prepared by **RC Cournoyer Enterprises, Inc. P.O. Box 176, Jamestown RI 02835, Phone 401-439-8029**; dated **June 21, 2021**, based on the following Findings of Fact and subject to the following Conditions of Approval:

A. Findings of Fact

1. The subdivision satisfactorily addresses the issues in the Comprehensive Plan where there may be inconsistencies:
2. Neither lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance. Both lots are existing, non-conforming lots by size and frontage. Lot 401 will become more conforming by size. Lot 404 will become more non-conforming by size. The frontage will remain compliant with the R-40 Zoning District after this subdivision. The setbacks for Lot 404 will shift from R-40 requirements to R-20 requirements per Zoning Ordinance Table 3-2 (R-40) since the lot will be reduced to under 20,000 square feet;
3. Both existing structures utilize existing OWTS. No building lot is designed and located in such a manner as to require relief from Article 3, Section 308 of the Zoning Ordinance as long as any new OWTS is located greater than 150 feet from

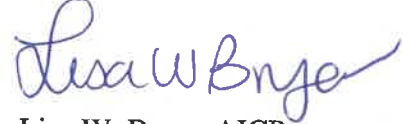
- a freshwater wetland. Both existing OWTS is up to date on inspections and pumping with the Town wastewater management program;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, since no further development is proposed as part of this subdivision;
 5. The subdivision as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and buildings standards would be impracticable as both lots are currently developed;
 6. All subdivision lots have adequate and permanent physical access to a public street, namely, Beacon Avenue and Spirketing Street. Lot frontage on a public street without physical access shall not be considered compliant with this requirement;
 7. This subdivision will not negatively impact circulation safety of pedestrians and vehicular traffic safety, surface water runoff, preservation of natural, historical, or cultural features that contribute to the attractiveness of the community with all conditions of approval;
 8. The design and location of building lots, drainage improvements, and other improvements in the subdivision minimize flooding and soil erosion to the greatest extent possible. Any future development of each lot will be subject to applicable town and state regulations including the Jamestown High Groundwater and Impervious Layer Overlay District;
 9. All lots in the subdivision have access to sufficient potable water for the intended use. Both structures utilize private wells. The wells and the OWTS will remain on their respective lots subsequent to the subdivision.
 10. The Technical Review Committee reviewed this application on July 22, 2021 and unanimously recommended approval to the Zoning Board.

B. Conditions of Approval

1. This subdivision is for the purpose of transferring 4,025 square feet from AP 5 Lot 404 to AP 5 Lot 401;
2. The location of the OWTSs and wells shall be shown on the Zoning application plan.
3. Payment of a fee in-lieu-of land dedication shall not be required for this subdivision as required by Article IIID of the Jamestown Subdivision Regulations because no new lots are being created;
4. Zoning Board of Review approval shall be granted for the requested variance(s) prior to final subdivision approval;
5. Final Approval will be granted by the Administrative Officer;
6. Granite monuments, or where granite monuments are not suitable, other suitable survey markers, other than concrete, shall be placed at all corner points at the new property line;

7. This approval shall be recorded with the Town Clerk contemporaneously with the Final Plat; and,
8. This approval shall expire ninety days from the date of approval unless the Final Plat is signed by the Administrative Officer and recorded in the office of the Town Clerk of the Town of Jamestown.

Sincerely,



Lisa W. Bryer, AICP
Town Planner

C: Jamestown Zoning Board
Jamestown Planning Commission
Robert Cournoyer, PLS



Office of the Town Planner
MEMORANDUM

TO: Zoning Board of Review
FROM: Technical Review Committee
On behalf of the Technical Review Committee
RE: Application of Gerard Brissette, Trustee/Sanderson Carney, Trustee
– 96 Beacon Ave., 3 Spirketing, Plat 5 Lots 401 & 404, Jamestown
RI 02835 – Administrative Subdivision - TRC recommendation to
the Zoning Board per 82-300 C
DATE: July 22, 2021

The meeting was called to order at 9:00 am.

The following members were present:

Lisa Bryer – Town Planner, William Moore – Building and Zoning Officer, Michael Gray – Public Works Director, Michael Smith - Planning Commissioner

Also present – Cinthia Reppe Planning Assistant, Bob Cournoyer, Gerard Bissette

Ms. Bryer said this is an administrative subdivision of 2 non-conforming lots where one lot is becoming more non-conforming which is why it needs to go to the zoning board. This will be given a conditional administrative approval if it is approved today and then go to the Zoning Board for the variance for lot size

Mr. Brissette said that his lot and house Plat 5 Lot 401 and the house on lot 404 was built recently and he asked the neighbor he if he can buy part of the lot since he was unknowingly encroaching on it, and she agreed.

The lot just developed went through the high groundwater process and it was exempt. Both septic systems are all up to date with town inspection and pumping.

It will be going to zoning board because they will be making lot 404 more non-conforming. There will be less setbacks now because lot 404 will be under 20,000 square feet and therefore can follow the R-20 zoning district setbacks. Do we think they should still maintain the R40 setbacks? TRC members noted that no, and it does not need to be a condition of approval.

The sheds will now become conforming not. Bob Cournoyer will change the plan to show the neighbors septic and well when he applies to zoning. This is going to zoning just for a variance to 82-300 C lot size being not conforming. Bill Moore will make sure that is the article before it goes to zoning.

A motion to recommend approval of this application to the Zoning Board was made by Mike Smith and Mike Gray seconded. So unanimously voted.

Parcel ID: 15-298
GORDON, WALTER V JR ET UX
GORDAN, MARGARET MARY
116 BEACON AVENUE
JAMESTOWN RI 02835

Parcel ID: 15-306
VOLPE, JEAN D. & DAVID Z.
8 SPIRKETING STREET
JAMESTOWN RI 02835

Parcel ID: 5-404
CARNEY, SANDERSON H TRUSTEE
3 SPIRKETING STREET
JAMESTOWN RI 02835

Parcel ID: 5-45
GABRIELE, ANTHONY F TRUSTEE
16 FERRY STREET
JAMESTOWN RI 02835

Parcel ID: 5-452
THOMAS BENJAMIN H
15 KEEL AVENUE
JAMESTOWN RI 02835

Parcel ID: 5-47
TAYLOR, JOHN C &
TAYLOR, ELIZABETH M TRUSTEES
PO BOX 1477
CLARKSVILLE VA 23927

Parcel ID: 5-49
NEWMAN, GEORGE J ET UX
PATRICIA P
2 FERRY STREET
JAMESTOWN RI 02835

Parcel ID: 5-73
BOND, RONALD R & CHRISTINE A TE
9 FERRY STREET
JAMESTOWN RI 02835

Parcel ID: 15-301
FITZHARRIS, LEO JAMES III
5 SPAR STREET
JAMESTOWN, RI 02835

Parcel ID: 15-307
SISSON, DONNA L ET
SISSON, JEFFREY R TRUSTEES
29 KEEL AVE
JAMESTOWN RI 02835

Parcel ID: 5-407
DAUPHINEE, DONALD D.
1 SPIRKETING ST
JAMESTOWN RI 02835

Parcel ID: 5-450
SISSON, JEFFREY R ET
SISSON, DONNA L TRUSTEES
29 KEEL AVENUE
JAMESTOWN RI 02835

Parcel ID: 5-453
JENNINGS, DEAN J & KATHRYN TE
7 KEEL AVENUE
JAMESTOWN RI 02835

Parcel ID: 5-479
DENNIS, MARILYN G
37 KEEL AVENUE
JAMESTOWN RI 02835

Parcel ID: 5-69
LEPORE, LISA ELOISE
82 BEACON AVENUE
JAMESTOWN RI 02835

Parcel ID: 5-74
TOWN OF JAMESTOWN
44 SOUTHWEST AVE
JAMESTOWN RI 02835

Parcel ID: 15-304
MACINTOSH, STEPHEN & MARY
TRUSTEE
MACINTOSH FAMILY REVOCABLE
TRUST
14 SPIRKETING STREET
JAMESTOWN RI 02835

Parcel ID: 5-401
BRISSETTE, GERARD E, TRUSTEE
96 BEACON AVENUE
JAMESTOWN RI 02835

Parcel ID: 5-43
GABRIELE, ANTHONY F.
16 FERRY STREET
JAMESTOWN RI 02835

Parcel ID: 5-451
CLARKE, MATTHEW F & SUSANNE
H.M.
23 KEEL AVENUE
JAMESTOWN, RI 02835

Parcel ID: 5-46
CONTI, NORMA
C/O BARBARA PLACIDO
87 BAKEWELL COURT
CRANSTON RI 02921

Parcel ID: 5-48
BOTELHO, WILLIAM P
6 FERRY ST
JAMESTOWN, RI 02835

Parcel ID: 5-71
BERETTA, DAVID T B ET
VEHLIES, KELLIE M TE
17 FERRY STREET
JAMESTOWN RI 02835

Parcel ID: 5-75
CIRELLA, STEPHEN M
CIRELLA, LORI ANN
1 FERRY ST
JAMESTOWN RI 02835



Sanderson Carney
3 Spirketing Street
Jamestown, RI 02835

William L. Moore
Jamestown Zoning Officer
93 Narragansett Ave.
Jamestown, RI 02835

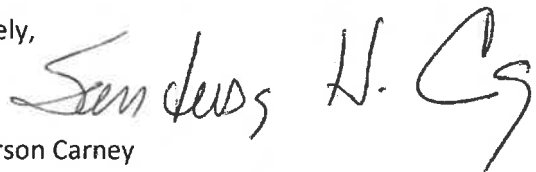
Dear Mr. Moore

This letter is authorizing Mr. Robert C. Cournoyer to represent me in my Zoning Variance request at the upcoming August 24, 2021 Zoning Board meeting.

I will be out of country then and will be unable to join you. However, Mr. Cournoyer has been adequately informed of all the important things which I wish to bring up in the meeting.

Thank you for your understanding.

Sincerely,

A handwritten signature in black ink that reads "Sanderson H. Carney". The signature is written in a cursive style with a large, stylized initial "S" and "H".

Sanderson Carney



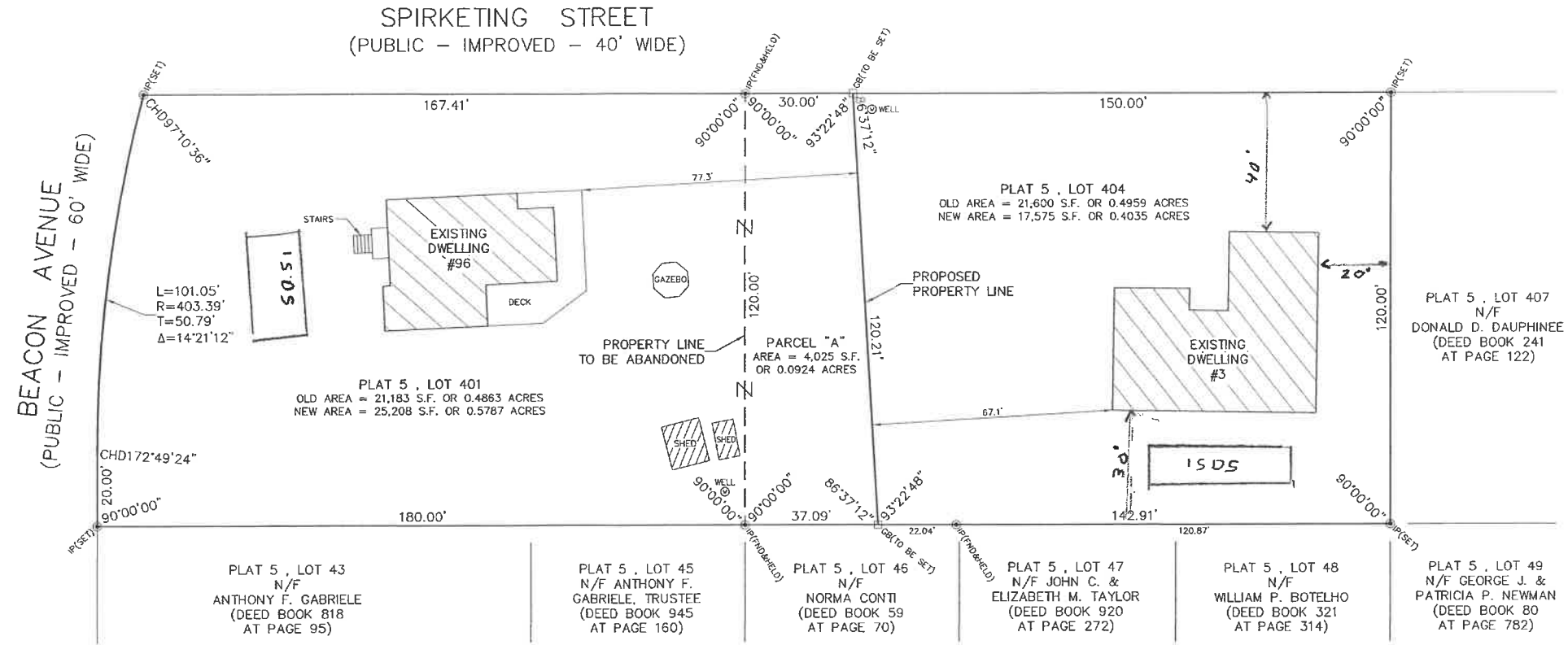
LEGEND

1" = 20' SCALE
 1.000' = 100.00 SQUARE FEET
 0.0000' = 0.0000 ACRES
 TANGENT DELTA

THE PURPOSE OF THIS PLAN IS TO DEED
 4,025 S.F. (PARCEL "A") OF LAND FROM
 PLAT 5, LOT 404 TO PLAT 5, LOT 401.

STREET INDEX
 BEACON AVENUE
 SPIRKETING STREET

LOCUS
 NOT TO SCALE



GENERAL NOTES:

1. THE PARCELS ARE PLAT 5, LOTS 401 & 404.
2. THE EXISTING DWELLING ADDRESS FOR PLAT 5, LOT 401 IS 96 BEACON AVENUE. THE EXISTING DWELLING ADDRESS FOR PLAT 5, LOT 404 IS 3 SPIRKETING STREET.
3. THE PARCELS ARE ZONED: R-40.
4. THE OWNER OF PLAT 5, LOT 401 IS:
 GERARD E. BRISSETTE, TRUSTEE
 96 BEACON AVENUE
 JAMESTOWN, RI 02835
5. THE OWNER OF PLAT 5, LOT 404 IS:
 SANDERSON H. CARNEY, TRUSTEE
 3 SPIRKETING STREET
 JAMESTOWN, RI 02835
6. THE BASIS OF BEARING IS A MAGNETIC READING TAKEN DURING FIELD WORK.

DEED REFERENCES:

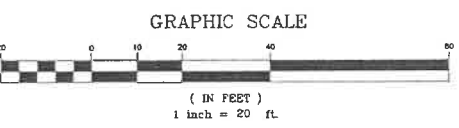
1. PLAT 5, LOT 401 - DEED BOOK 823 AT PAGE 175.
2. PLAT 5, LOT 404 - DEED BOOK 967 AT PAGE 257.

PLAN REFERENCE:

1. PLAN ENTITLED "JAMESTOWN SHORES PLAT NO. 1, JAMESTOWN, R.I., OWNED BY JAMES G. HEAD, SCALE: 1" = 100', DATED: MARCH 1947, BY E. NEWMAN, ENGR," WHICH IS RECORDED IN THE TOWN OF JAMESTOWN REGISTRY OF DEEDS ON HPF#1B.

RC COURNOYER ENTERPRISES, INC.
 P.O. BOX 176
 JAMESTOWN, R.I. 02835
 PHONE 401-439-8029

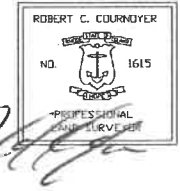
**ADMINISTRATIVE SUBDIVISION PLAN FOR
 GERARD E. BRISSETTE, TRUSTEE &
 SANDERSON H. CARNEY, TRUSTEE**
 PLAT 5, LOTS 401 & 404
 96 BEACON AVENUE & 3 SPIRKETING STREET
 JAMESTOWN, RHODE ISLAND



I APPROVE OF THE LOT LINE
 CHANGES AS SHOWN ON THIS PLAN.

BY: _____
 GERARD E. BRISSETTE

BY: _____
 SANDERSON H. CARNEY



THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 25, 2015, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: LIMITED CONTENT BOUNDARY SURVEY / DATA ACCUMULATION SURVEY
 MEASUREMENT SPECIFICATION: CLASS I / CLASS III

STATEMENT OF PURPOSE:
 THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:
 1) PREPARE AN ADMINISTRATIVE SUBDIVISION PLAN FOR PLAT 5, LOTS 401 & 404.

BY: _____ DATE: 7/23/21
 ROBERT C. COURNOYER, PLS#1615
 PRESIDENT, R.C. COURNOYER ENTERPRISES, INC. COA #A51

SCALE: 1" = 20'	DRAWN BY: R.C.C.
REVISED	DATE: JUNE 21, 2021
DRAWING NO: BEAC03	SHEET NO: 1 OF 1