

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

Application for Exception or Variation under the Zoning Ordinance

Zoning Board of Review;

Jamestown, R. I.

Date _____

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 George A. Zainyeh and Ann M. Zainyeh Address 433 Seaside Drive, Jamestown, RI

Owner George A. Zainyeh and Ann M. Zainyeh Address 433 Seaside Drive, Jamestown, RI

Lessee _____ Address _____

1. Location of premises: No. 433 Seaside Drive Street

2. Assessor's Plat 3 Lot 127

3. Dimensions of lot: frontage 75 ft. depth _____ ft. Area 15,262 sq. ft.

4. Zoning Districts in which premises are located: Use R-40 Area 40,000 Height _____

5. How long have you owned above premises? Since October 2000

6. Is there a building on the premises at present? Yes

7. Size of existing building 1,960 sf

Size of proposed building or alteration 169 SF Addition and
263 SF Partially Enclosed Covered Porch with Deck Above

8. Distance of proposed bldg. or alteration from lot lines:

front 38.5' rear 75.8' left side 16.3' right side 18.6'

9. Present use of premises: Residential

10. Proposed use of premises: Residential

Location of septic tank & well on lot Septic tank located in rear yard & well located front yard

11. Give extent of proposed alterations Construction of two small additions to the existing home.
As part of this work, the existing main house entry and rear porch/second story deck will be removed and an existing
impervious patio will be converted to a pervious patio. No increase in impervious coverage is proposed, however the
existing impervious coverage exceeds the 15% allowable impervious cover.

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

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

Has the Inspector of Buildings refused a permit? Yes

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

Zoning Ordinance, Article 3, Section 82-314, High Groundwater Table and Impervious Overlay District, Sub District B
limits impervious coverage to 15%. The existing impervious area is 3,938 sf and the allowable impervious area is 2,218 SF.
The proposed impervious area is 3,935 SF.

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

An existing impervious patio is being converted to a pervious patio to offset the impervious area associated with the
proposed additions. There is a net decrease in impervious area of 3 square feet.

Respectfully Submitted,

Signature George A Zangh

Address 433 Seaside Dr
Jamestown, RI

Telephone No. 401 560 0061

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 George A. Zainyeh and Ann M. Zainyeh whose

property is located at 433 Seaside Drive, Jamestown, RI, and further

identified as Tax Assessor's Plat 3, Lot 127 for a Variance/~~Special Use Permit~~

from Article 3, Section 82-314, High Groundwater Table and Impervious Overlay District

Sub District B

to construct two small additions to the existing home. As part of this work, the existing main house entry and rear porch/second story deck will be removed and an existing impervious patio will be converted to a pervious patio. No increase in impervious coverage is proposed, however the existing impervious coverage exceeds the 15% allowable impervious cover and a variance is required.

Said property is located in a R-40 zone and contains 15,262 ~~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.

6. Soil testing indicates that the site falls under Sub-district B of the HGWT Ordinance (25" SHWT and 66" to Category 9 soils);
7. The **existing impervious cover on the site is 3,938 sf (26.6%)**; Sub-district B allows 15% impervious cover;
8. The property is within the jurisdiction of CRMC;
9. The applicant's representatives Joseph Shekarchi, Esq., of Shekarchi Law and Jason Clough, PE, of DiPrete Engineering, was accepted as an expert witness, at the Planning Commission meeting and present at the Planning Commission on May 17, 2023;
10. The patio converted from impervious to pervious as shown on the plans;

Proposed Site Conditions:

11. The property owners propose to convert the existing patio (260 sf) to a pervious patio and remove the existing house landing (56 sf). A small addition (169 sf) and landing (57 sf) will be added;
12. The proposed impervious cover on the site is **3,935 sf (26.6%)**;
13. There is a 3-sf reduction in impervious coverage on the lot (the overall percentage is unchanged). No stormwater mitigation is required; however, the proposed pervious patio will provide a reservoir for stormwater infiltration;
14. A reduction in overall impervious area of 3 sf is proposed;
15. **The project exceeds the 15% allowable impervious cover** but otherwise complies with the requirements of the HGWT;
16. Jamestown Engineer Jean Lambert provided correspondence to the Building File and Lisa Bryer, Town Planner dated May 3, 2023 regarding the application (attached).
17. The site conditions are improved by a slight reduction of impervious cover and the patio replacement to pervious pavers with gravel under for stormwater storage;

Recommended Conditions of Approval

1. The existing site exceeds the allowable impervious surface area. The existing impervious area is 3,938 sf and the allowable impervious area is 2,218 sf. A variance from the Zoning Board will be required;
2. No additional bedrooms allowed;
3. Erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained;
4. Maintenance and inspection of the existing OWTS shall continue as required by the Town Onsite Wastewater Management Ordinance;

6. Soil testing indicates that the site falls under Sub-district B of the HGWT Ordinance (25" SHWT and 66" to Category 9 soils);
7. The **existing impervious cover on the site is 3,938 sf (26.6%)**; Sub-district B allows 15% impervious cover;
8. The property is within the jurisdiction of CRMC;
9. The applicant's representatives Joseph Shekarchi, Esq., of Shekarchi Law and Jason Clough, PE, of DiPrete Engineering, was accepted as an expert witness, at the Planning Commission meeting and present at the Planning Commission on May 17, 2023;
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13. There is a 3-sf reduction in impervious coverage on the lot (the overall percentage is unchanged). No stormwater mitigation is required; however, the proposed pervious patio will provide a reservoir for stormwater infiltration;
14. A reduction in overall impervious area of 3 sf is proposed;
15. **The project exceeds the 15% allowable impervious cover** but otherwise complies with the requirements of the HGWT;
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2. No additional bedrooms allowed;
3. Erosion and sediment controls must be installed at the down gradient limits of site disturbance and maintained until stabilization of the site is attained;
4. Maintenance and inspection of the existing OWTS shall continue as required by the Town Onsite Wastewater Management Ordinance;

5. Any future site work that increases the area of impervious coverage will require a review following the requirements of the High Groundwater Ordinance;
6. When driveway needs to be replaced, it will become a pervious surface.

Attachments: 1) Memo from Jean Lambert, PE dated May 3, 2023

C: Building Official/ZEO
George and Ann Zainyeh, Applicant
Jason Clough, PE, DiPrete Engineering
Joseph Shekarchi, Esq., Shekarchi Law



Town of Jamestown, Rhode Island

Engineering/GIS Office

93 Narragansett Ave ♦ Jamestown, RI 02835 – 1509

Date: May 3, 2023

To: Building File
Lisa Bryer, Town Planner

From: Jean Lambert, P.E.

RE: Zoning Ordinance Section 82-314: High Groundwater Table and Impervious Overlay District
George Zainyeh, 433 Seaside Drive, AP 3, Lot 127, Jamestown, RI **SUB-DISTRICT B**

I have reviewed the supporting material and site plan entitled, "Site Layout Plan, 433 Seaside Drive, AP 3, Lot 127, Jamestown RI" dated 4/24/23, prepared by DiPrete Engineering for the above referenced property. The property owner of 433 Seaside Drive proposes to reconstruct an existing porch, replace an existing patio with pervious pavers, and construct an addition with an entry landing. An application for a building permit will be submitted. **There is a 3-sf reduction in impervious coverage proposed for this project.**

Existing Site:

The existing site is 15,262 sf (14,791 without wetland area). The Tax Assessor shows that it is a 3-bedroom house. The property has an existing OWTS permit from RIDEM (#0015-2497) for three bedrooms. The OWTS has been maintained per Town Ordinance. The last inspection occurred 3/2022.

Soil testing indicates that the site falls under Sub-district B of the HGWT Ordinance (25" SHWT and 66" to Category 9 soils). The existing impervious cover on the site is 3,938 sf (26.6%); Sub-district B allows 15% impervious cover.

Proposed Site:

The property owner proposes to convert the existing patio (260 sf) to a pervious patio and remove the existing house landing (56 sf). A small addition (169 sf) and landing (57 sf) will be added. The proposed impervious cover on the site is 3,935 sf (26.6%).

Stormwater Mitigation:

There is a 3-sf reduction in impervious coverage on the lot (the overall percentage is unchanged). No stormwater mitigation is required; however, the proposed pervious patio will provide a reservoir for stormwater infiltration.

Recommendations/Conclusions:

- The existing site exceeds the allowable impervious surface area. The existing impervious area is 3,938 sf and the allowable impervious area is 2,218 sf. A variance from the Zoning Board will be required.
- No additional bedrooms allowed.
- The future addition of any impervious surfaces on the subject site will require an application for a special use permit under the High Groundwater Table Ordinance.
- Maintenance and inspection of the existing OWTS shall continue as required by the Town Onsite Wastewater Management Ordinance.



Application Form
Jamestown Zoning Section 314
High Ground Water Table and
Impervious Layer Overlay District

SECTION I: GENERAL INFORMATION

PROPERTY OWNER: George A Zainyeh ET & Ann M Zainyeh TELEPHONE: (401) 447-4633

MAILING ADDRESS: 433 Seaside Drive, Jamestown, RI 02835

SITE LOCATION: 433 Seaside Drive, Jamestown, RI 02835 (STREET)

PLAT: 3 LOT: 127 LOT AREA: 15,262 SF

PROJECT DESCRIPTION: Existing porch with 2nd story deck to be reconstructed/partially enclosed and window replacement. Removal of existing patio & replace with new pervious patio. House addition and entry landing.

SECTION II: SOIL INFORMATION

CLASS IV SOIL EVALUATOR:

NAME: Timothy Twohig RIDEM LICENSE #: D-4073 TELEPHONE: 401-943-1000

NUMBER OF SOIL EVALUATIONS: 1 (ATTACH ALL SOIL EVALUATIONS)

DEPTH TO SEASONAL HIGH GROUNDWATER TABLE (IN INCHES): 25"

DEPTH TO CATEGORY 9 SOILS (IN INCHES): 66"

OFFICE ONLY: SUB-DISTRICT CLASSIFICATION: A or B

SECTION III: OWTS INFORMATION

TYPE OF OWTS: Eljen (Existing to Remain) RIDEM PERMIT #: 0015-2497

DISTANCE BETWEEN THE WELL AND LEACHFIELD: >100' (Existing Well and OWTS to Remain)

OWTS AND WELL LOCATED ON THE SAME LOT AS THE STRUCTURE IT SERVES? Y OR N

SECTION IV: SITE INFORMATION

TYPE OF STORMWATER CONTROL SYSTEM: N/A - No Increase in Impervious

TOTAL BUILDABLE AREA (TOTAL LOT AREA - WETLAND AREA): 14,791 SF sf

PROPOSED IMPERVIOUS AREA: 3,935 SF sf (Existing impervious area = 3,938 SF)

% IMPERVIOUS COVERAGE ALLOWED: 15% (26.6% Existing)

% IMPERVIOUS COVERAGE PROPOSED: 26.6% (No increase in impervious area)
(AREA IMPERVIOUS / TOTAL BUILDABLE AREA)



April 11, 2023

Ms. Jean Z. Lambert, PE, CFM
Town of Jamestown
93 Narragansett Avenue
Jamestown, RI 02835

**RE: 433 Seaside Drive
Jamestown, Rhode Island
Project #:2303-001**

Dear Ms. Lambert:

A High Ground Water Table and Impervious Overlay District application is being submitted for 433 Seaside Drive in Jamestown, Rhode Island. The subject property is designated as Assessor's Plat 3 Lot 127 and is located on the west side of Seaside Drive and directly abuts Narragansett Bay. The lot is an existing non-conforming lot of record. There is an existing three-bedroom single-family home, Onsite Wastewater Treatment System (OWTS), well, driveway and patio on the property. The total existing impervious coverage on the lot is 3,938 square feet or 26.6 percent of the buildable lot area.

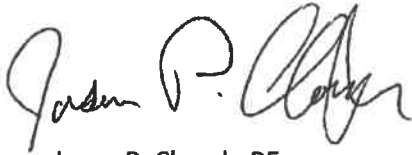
A soil evaluation was completed on the property to confirm the seasonal high groundwater table and impervious layer depth. The soil evaluation indicates a water table depth of **55 inches below the existing grade and 25 inches below the bottom of the imported fill** and an impervious layer depth of 66 inches below the bottom of the imported fill. Based on these results the lot is qualified as being within the High Groundwater Table and Impervious Layer Overlay Subdistrict "B." It should be noted that the site was previously stripped, and fill placed, and the actual depth of the seasonal high groundwater table and the impervious layer below existing grade is 55 inches and 96 inches, respectively. Since it is not possible for us to determine now where the original ground surface was prior to the lot being stripped and filled, we are conservatively using 25 inches as the depth to ground water. Being within Subdistrict "B" the permitted impervious lot coverage is 15 percent of the buildable lot area. As noted above the existing impervious lot coverage is 26.6 percent which is greater than the 15 percent allowed however this is a previously existing and vested condition.

The owner is now proposing two small additions to the existing home. The first addition is located on the western side of the existing home and will consist of an enclosed area, covered porch and second story deck. This modification to the existing structure will replace an existing porch and second story deck. The second addition is located on the south side of the existing home and will consist of a small addition to the home at the main house entry and a landing area. This addition will replace the existing main entry and landing.

As part of the proposed modifications to the site, the existing impervious patio located at the rear of the home is proposed to be converted to a pervious patio to offset the increase in impervious area. With the

conversion of the patio to a pervious configuration, the total proposed impervious coverage is 3,935 square feet or 26.6 percent of the buildable lot area and is slightly less than existing conditions. This is a minor expansion of an existing single-family home with no net increase in impervious area. Once completed, the proposed property will remain consistent with surrounding properties and the Town of Jamestown's Comprehensive Plan. If you have any further questions on this matter, please feel free to contact me.

Sincerely,
DiPrete Engineering Associates, Inc.

A handwritten signature in black ink, appearing to read "Jason P. Clough". The signature is fluid and cursive, with the first name "Jason" being the most prominent.

Jason P. Clough, PE
Project Manager
jclough@diprete-eng.com



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Environmental Management
Office of Water Resources
Onsite Wastewater Treatment Systems Program



Site Evaluation Form
Part A - Soil Profile Description Application Number

Property Owner: Ann and George Zainyeh

Property Location: 433 Shore Drive, Jamestown

Date of Test Hole: 3/8/2023

Soil Evaluator: Tim Twohig License Number: D-4073

Weather: Sunny, 40s Shaded: Yes No Time: 1:00

Table with 11 columns: TH Horizon, Depth, Horizon Boundaries (Dist, Topo), Soil Colors (Matrix, Re-Dox Features), Re-Dox (Ab., S., Contr.), Texture, Structure, Consistence, Soil Category. Contains data for horizons HTM, Bw, and 2Cd.

TH 1 Soil Class Fill/Dense till Total Depth 96" Impervious/Limiting Layer Depth (og) GW Seepage Depth SHWT 25" (og)

TH Soil Class Total Depth Impervious/Limiting Layer Depth (og) GW Seepage Depth SHWT (og)

Comm TH1 - SHWT 55" from existing grade.



DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
INDIVIDUAL SEWAGE DISPOSAL SYSTEM APPLICATION



FOR DEM USE ONLY

APPLICATION No. 0015-2497 DATE RECEIVED 4/16/01 AMOUNT RECEIVED \$ 80 CHECK # 264 COST CODE 014

TYPE OF APPLICATION NEW BUILDING CONSTRUCTION ALTERATION REPAIR TRANSFER

TYPE OF SYSTEM A TECHNOLOGY VARIANCE

SITE INFORMATION
NO. STREET 433 SEASIDE DRIVE CITY/TOWN JAMES TOWN POLE # _____
PLAT NUMBER 3A LOT NUMBER 127 SUBDIVISION LOT NUMBER _____
LOT SIZE 15000 SQUARE FEET _____
SUBDIVISION NAME N/A
PRELIMINARY SUBDIVISION SUITABILITY # N/A

OWNER INFORMATION
LAST NAME ZAINYEH FIRST NAME GEORGE M.I. _____
433 SEASIDE CITY/TOWN JAMES TOWN ZIP CODE _____
NO. STREET _____

DEM APPLICATION HISTORY
PREVIOUS WATER TABLE/ISDS # YES NO APPLICATION # 0015-2497
DEPTH TO VERIFIED WATER TABLE 5'-2" How Determined WET. SOUNDS
TEST HOLE # 1 DATE EXCAVATED 10/10/00 WETLANDS: within 200' of ISDS YES NO
WETLAND PERMIT YES NO PERMIT # _____ DATE OF APPROVAL 1/1/01
Groundwater Quality Certification attached? YES NO (Required for a system \geq 10,000 gpd.)

DESIGN INFORMATION
BUILDING USE: Residential Commercial Other _____
WATER SUPPLY: public water public well private well
OF DESIGN UNITS 3
UNIT DESIGN FLOW 150 gallons per _____ (unit) TOTAL DAILY FLOW 450 gallons
TANK SIZE 1000 gallons DESIGN PERCOLATION RATE 10 minutes/mch
MINIMUM REQUIRED LEACHFIELD AREA 495 square feet
LEACHFIELD TYPE 5202
TOTAL AREA OF LEACHFIELD PROVIDED 504 SQUARE FEET

CERTIFICATION

I, Charles R. Edwards (print) the undersigned licensed ISDS designer, certify that I prepared this application and accompanying forms, submitted plans and specifications in accordance with the rules and regulations of the Rhode Island Department of Environmental Management pertaining to individual sewage disposal systems and that all the information provided on this application and accompanying forms, specifications, plans and drawings is true and accurate.
Signature of Designer: [Signature] APR 16 2001
Designer License Number D3005 Phone # 789 6805
Business/Company Name CHARLES R. EDWARDS ENGINEERING S.C. IN.

Owner(s) Signature [Signature] Phone Number 401-200-7345

PERMIT APPROVAL SECTION
TO BE COMPLETED BY A DEM OFFICIAL. DO NOT WRITE BELOW THIS LINE
Based upon the representations of the owner, and the owner's agents, including the representatives of the engineer, licensed ISDS designer, this application for an individual sewage disposal system is hereby approved based upon the truth and accuracy of all information submitted. The Department of Environmental Management assumes no responsibility or liability for the future safe operation or maintenance of the disposal system, or the fitness or suitability of this system to the site, nor does it assume any responsibility for the accuracy and truth of the owner's, or the owner's agents' representations. This approval is subject to future suspension and revocation in the event that subsequent examination reveals any data misstated on any application, form, submitted plan or sketch to be incorrect, or not in compliance with the regulations or any conditions of the site, are such that the approved design is not in accordance with the regulations, or in the event that the system discharges sewage on or to the ground surface, or on or to any watercourse or falls to operate satisfactorily in any other manner.

IMPORTANT: Please note the circled additional terms of approval
A. Designer of record must witness and inspect all stages of construction and must submit a certificate of construction in accordance with SDZ7.00
B. Designer of record must contact DEM 24 hours before start of construction.
C. Bottom of leaching area excavation must be inspected by the DEM prior to placement of any gravel or stone.
D. System installation must be inspected by DEM prior to covering any component of the system with backfill.
E. Approved per variance, decision dated _____, all requirements, conditions and stipulations of which shall be strictly adhered to.
F. IA Technology, additional specific installation, operation, or maintenance requirements may apply (see DEM IA Technology certification for this system type)
G. Proper erosion and sedimentation controls must be installed prior to the start of construction.
H) Other _____

Note to Applicant: Proposed construction falls within "Circled Zone" Criteria. CHANG OVER SEWER COMMISSION VARIANCE FORMS PERMITTED THROUGH APRIL 30, 2001 (207-2470) 13005 UNRECORDED COPY SUBSTITUTION

Signature of Department of Environmental Management Official [Signature]
Date of Approval 6/7/01 Date of Expiration 6/4/06

DEM SEE INSTRUCTIONS ON REVERSE SIDE

February 2023

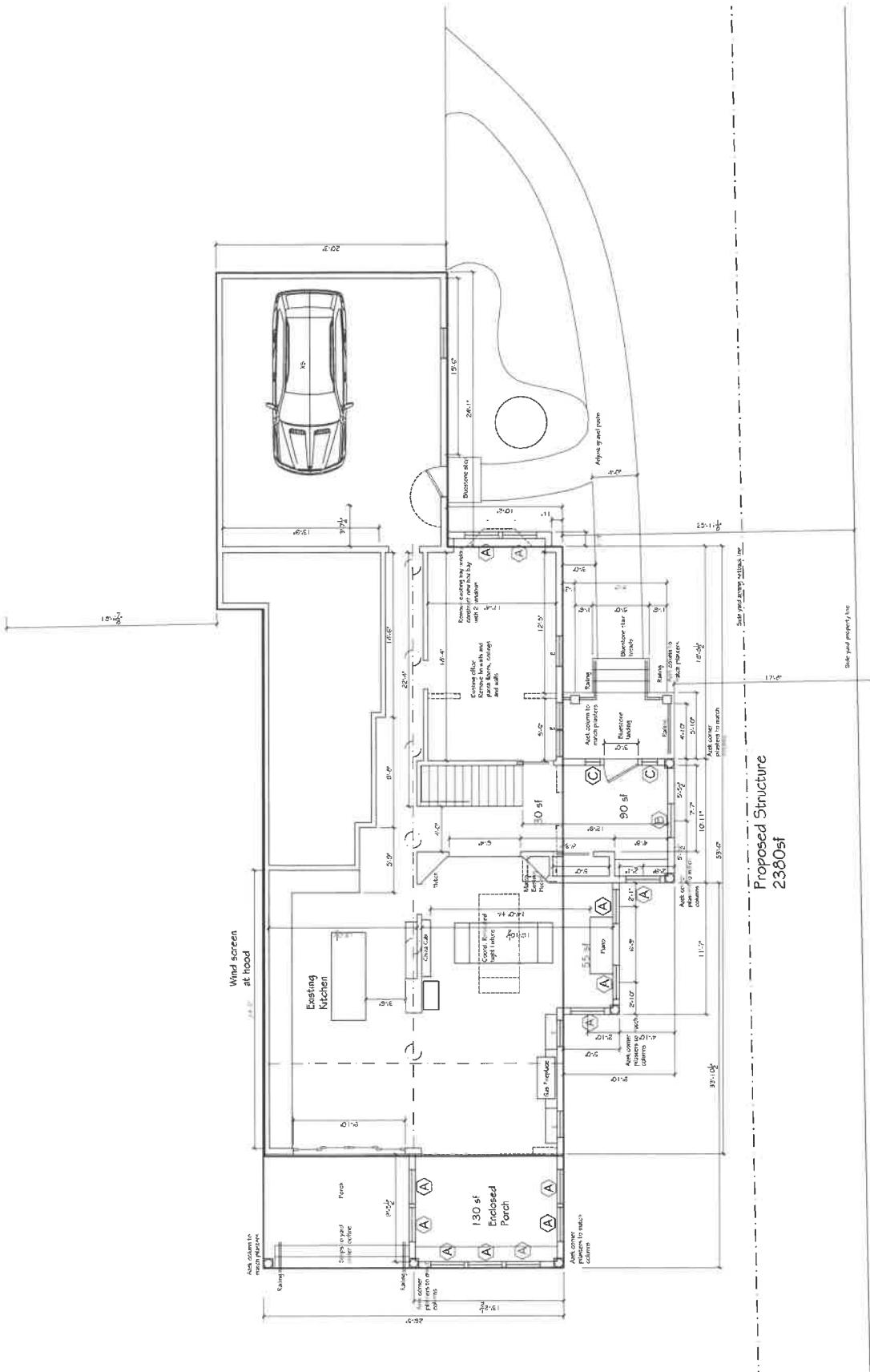
Zahyeh Residence
433 Seaside Drive
Jamestown, Rhode Island 02835

Cover

DRAWING LIST

ARCHITECTURAL

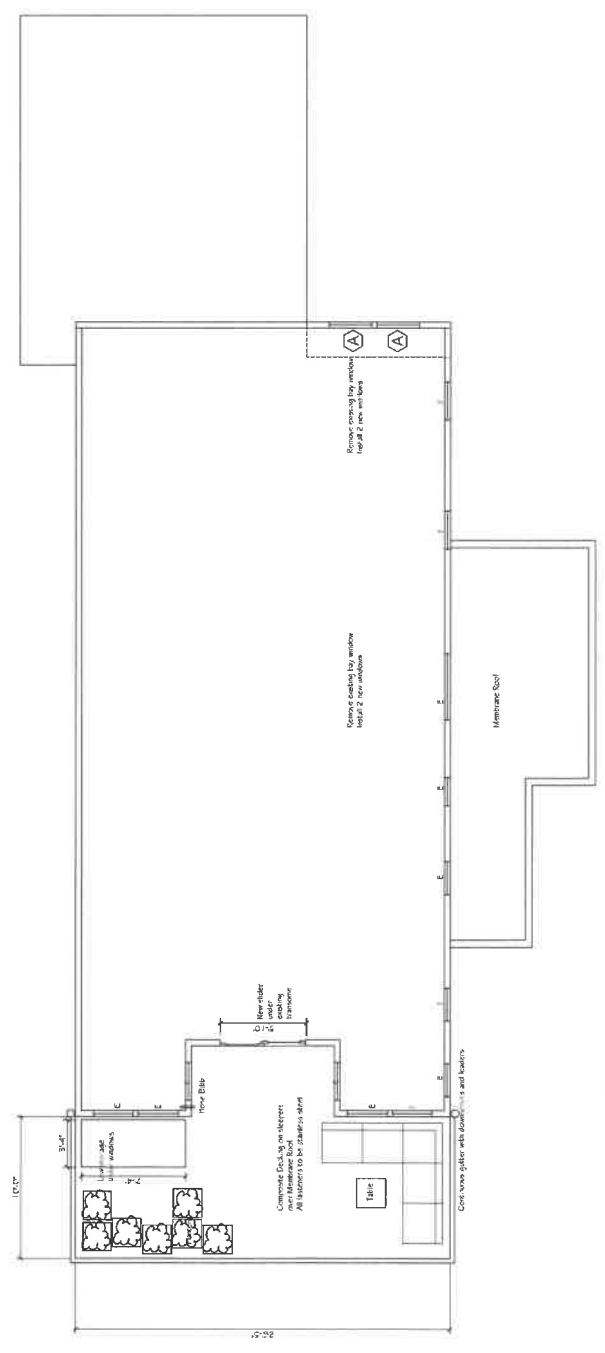
- A-1 FOUNDATION PLAN
- A-2 FIRST FLOOR PLAN
- A-3 SECOND FLOOR PLAN
- A-4 STREET ELEVATION
- A-5 WATER ELEVATION
- A-6 SIDE ELEVATION
- A-7 DOORS AND WINDOWS

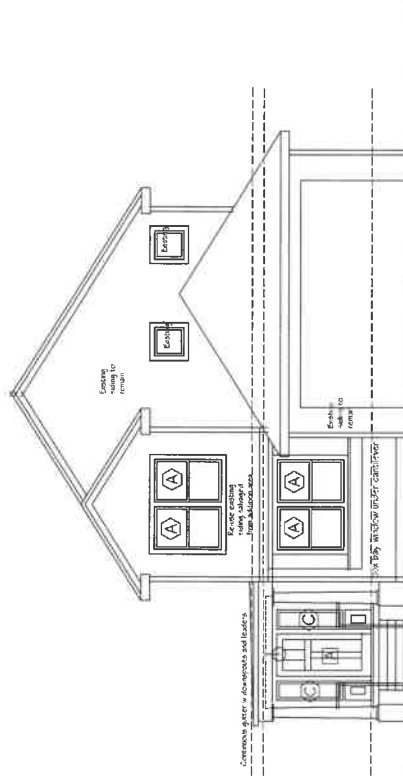


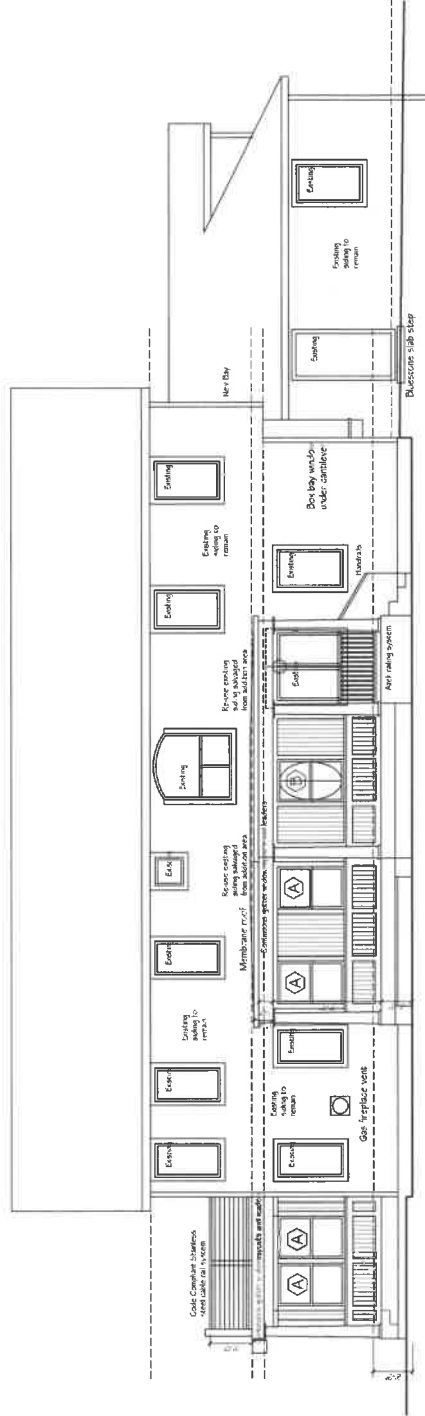
Proposed Structure
2380sf

Side yard property line

Side yard property line



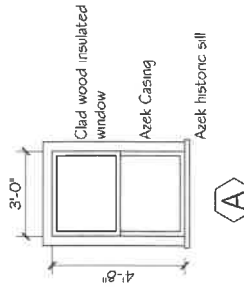
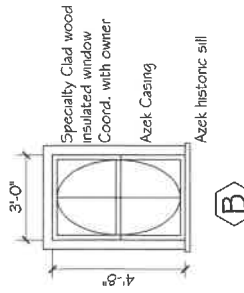
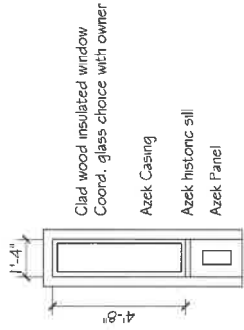




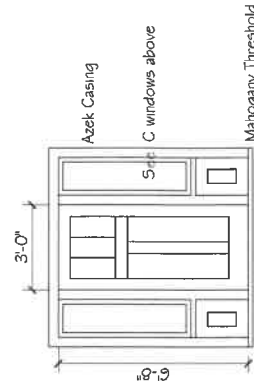
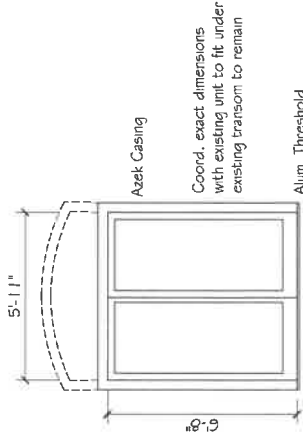
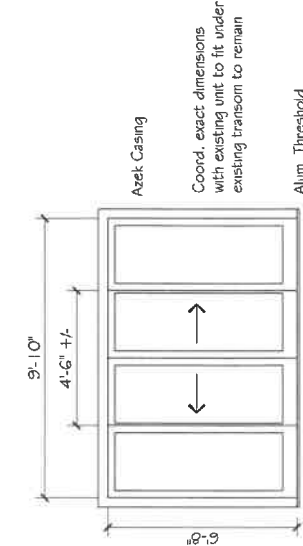
Windows

NOTES

1. Wrap all door and windows with self adhered flashing (Vycor).
2. Fabricate and install metal drip caps at all doors and windows.
3. Interior trim to be paint grade clear pine or poplar, exterior trim to be Azek or Boral Profiles as selected.
4. Provide and install metal or composite sill pans at all doors and windows. Coordinate with door and window manufacturers.
5. All door casings to be factory primed fir.
6. Windows to have simulated historic sills.
7. Trim at grouped windows and door similar.
8. All door and window hardware to be Brushed Nickel.
9. Exterior glass doors to have colored alum. exterior and unfinished pine interior.
10. Exterior wood doors to be stain grade factory finished mahogany as manufactured by captive.
11. Windows to be Kolbe or Pella Architects series double hung, awning and matching fixed units. White clad exterior, unfinished white interior. 7/8" full divided light interior and exterior bonded grilles with spacer bar/Pure Profile exterior, Ogee Profile interior. Brushed Nickel hardware, low E glass, 1/2" screens on DH units.
12. Units to have tempered glass as required by code.



Exterior Doors



A

Inswing, with outswing full view storm

B

C