

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

Application for Exception or Variation under the Zoning Ordinance

Zoning Board of Review;

Jamestown, R.I.

Date: June 16, 2023

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 RIKHI J. D'SOUZA Address 973 North Main Road, Jamestown, RI 02835

Owner Same Address _____

Lessee NA Address NA

1. Location of premises: No. 973 North Main Road

2. Assessor's Plat 3 Lot 235

3. Dimensions of lot: frontage 242.91 depth 169+ Area 34,280 S.F.

4. Zoning Districts in which premises are located: Use R-40 Area 40,000 sq.ft.
Height 35ft

5. How long have you owned above premises? House lot since 6/26/85, vacant lot to be conveyed since 8/20/93.

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

7. Size of existing building: Existing one story house apprx. 25 ft. X 70 ft.

Size of proposed building or alteration See Plan (convey parcel to north of 991 North Main Road and add to 991 North Main Road).

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

Existing house Front: 49.8' Rear: 40' ft. Left-side: 40' Right-side: 41.9'

9. Present use of premises: Residential

10. Proposed use of premises: Residential

Location of septic tank & well on lot: shown on Plan

11. Give extent of proposed alterations: To convey 6,579 S.F. to owners of 991 North Main Road

12. Number of families for which building is to be arranged: 1

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:

A dimensional variance is requested under Article 3, Section Table 3-2 which requires a minimum lot size in an R 40 zone of 40,000 square feet, and under Article 6, Section 82-606 entitled "Conditions for granting a variance" and Section 82-607 entitled "Variances-Additional Restrictions".

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

The Application concerns a lot which is comprised of four Jamestown Shores lots, for a total of 34,280 square feet. The lot is horseshoe shaped, and the lot which is located at 991 North Main Road comprises the void in the horseshoe. The Applicant seeks to convey the vacant lot which is the north leg of the horseshoe to the owners of 991 North Main Road. No new construction is proposed and the granting of the application will allow 991 North Main Road to become more conforming to the minimum dimensional requirements in an R 40 zone.

Respectfully submitted:



RIKHI J. D'SOUZA

Address: 973 North Road, Jamestown, RI 02835

Telephone Number: 401-824-9206

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

D'Souza Zoning Advertisement

Application of Rikhi J. D'Souza who owns property located at 973 North Main Road and further identified as Assessor's Plat 3, Lot 235 for a dimensional variance from Article 3, Section Table 3-2 which requires a minimum lot size in an R 40 zone of 40,000 square feet, and under Article 6, Section 82-606 entitled "Conditions for granting a variance" and Section 82-607 entitled "Variances-Additional Restrictions". Applicant is seeking permission to reduce his lot size from 34,280 S.F. to 27,701 S.F. and to add 6,579 S.F. to the abutting property located at 991 North Main Road resulting in an increase in the lot size of 991 North Main Road from 7,875 S.F. to 14,454 S.F.



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

June 14, 2023

Planning Office - 423-7210
Fax - 423-7226

Samuel A. Younts, Trustee
Natasha L. Younts, Trustee
11296 Glen Oaks Court, Apt. 24C
North Palm Beach, FL 33408

Rikhi J. D'Souza
973 North Main Road
Jamestown, RI 02835

Re: Administrative Subdivision, A.P. 3 Lots 51 and 235

Dear Ms. Younts, Mr. Younts and Mr. D'Souza:

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 The Younts Living Trust and Rikhi J. D'Souza, Plat 3 Lots 51 and 235, 973 and 991 North Main Road**; prepared by **Darvequ Land Surveying, Inc. P.O. Box 7918, Cumberland, RI 02864**; dated **May 30, 2023**, based on the following Findings of Fact and subject to the following Conditions of Approval:

A. Findings of Fact

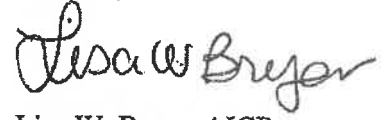
1. The subdivision satisfactorily addresses the issues in the Comprehensive Plan where there may be inconsistencies;
2. Neither lot in the subdivision conforms to the standards and provisions of the Jamestown Zoning Ordinance. Both lots are existing, non-conforming lots by size and Lot 51 is non-conforming by frontage. Lot 51 will become more conforming by frontage. The frontage will remain compliant with the RR-80 Zoning District for Lot 235 after this subdivision;
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. The OWTS for Lot 235 is up to date on inspections and pumping and the OWTS for Lot 51 is overdue in terms compliance with the Town wastewater management inspecting and pumping 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, North Road and Capstan 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 both lots will be subject to applicable town and state regulations and lot 51 will be subject to applicable regulations of 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.

B. Conditions of Approval

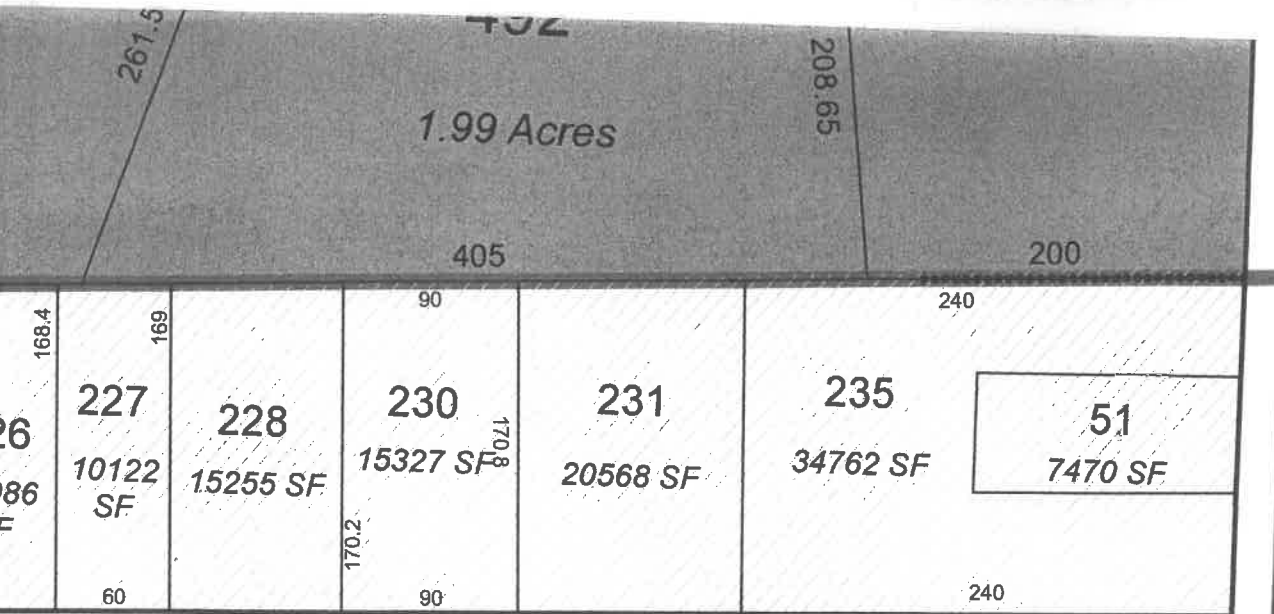
1. This subdivision is for the purpose of transferring 6,579 square feet from AP 3 Lot 235 and AP 3 Lot 51;
2. Payment of a fee in-lieu-of land dedication shall not be required for this subdivision as required by Article IIID of the Jamestown Subdivision Regulations because no new lots are being created;
3. The subdivision shall receive Zoning Board approval for Plat 3 Lot 235 becoming more non-conforming in terms of size prior to final Administrative Subdivision approval;
4. The OWTS for Lot 51 shall become compliant with the Town wastewater management inspecting and pumping program prior to final approval;
5. 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;
6. This approval shall be recorded with the Town Clerk contemporaneously with the Final Plat; and,
7. 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,

A handwritten signature in cursive script that reads "Lisa W. Bryer".

Lisa W. Bryer, AICP
Town Planner

C: Jamestown Zoning Board
Mark Liberati, Esq.
Jamestown Planning Commission





LOCUS
NOT TO SCALE

GENERAL NOTES:

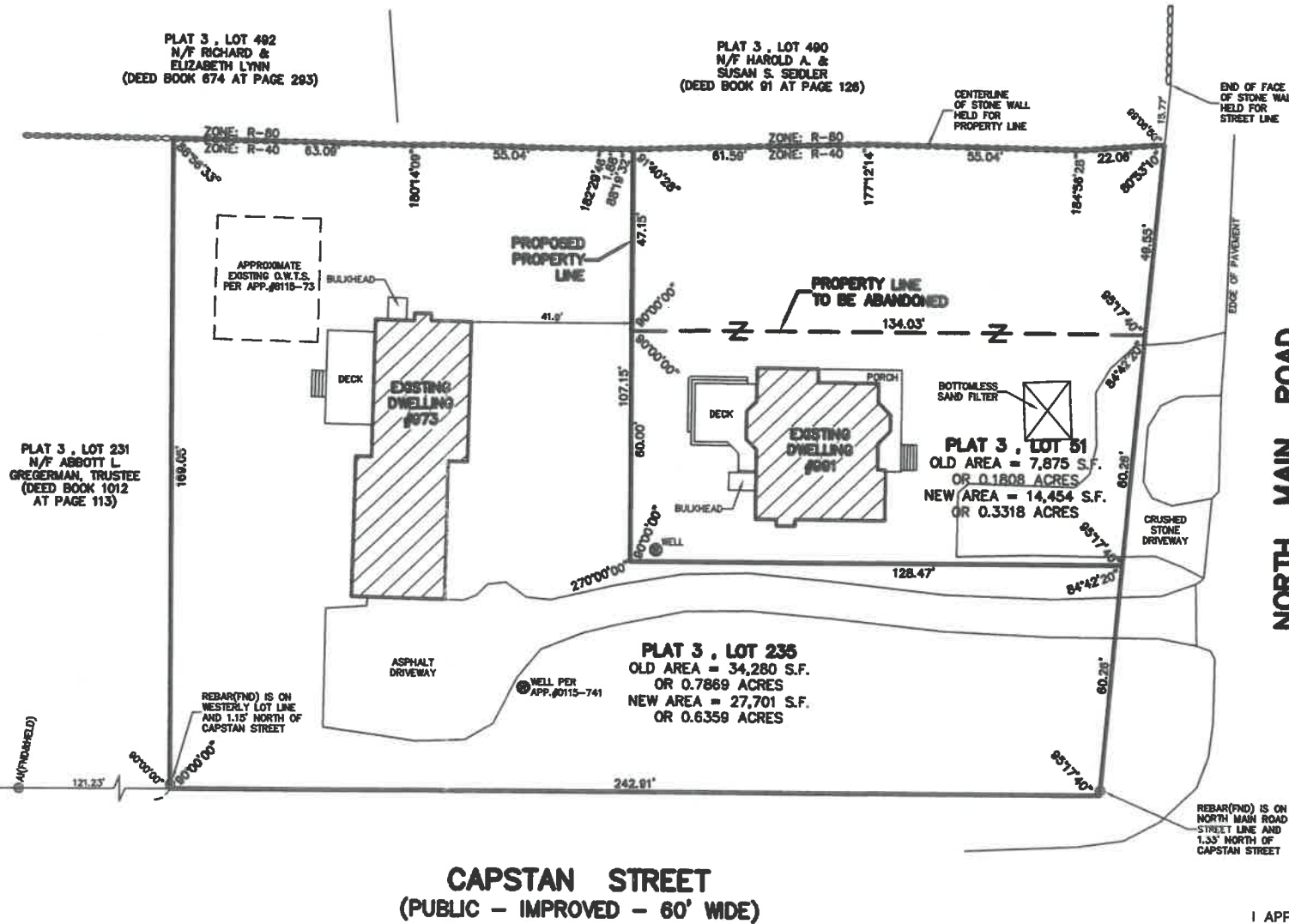
1. THE PARCELS ARE PLAT 3, LOTS 51 & 235.
2. THE TOTAL EXISTING AREA OF PLAT 3, LOT 51 IS 7,875 S.F. OR 0.1808 ACRES. THE TOTAL EXISTING AREA OF PLAT 3, LOT 235 IS 34,280 S.F. OR 0.7869 ACRES.
3. THE EXISTING DWELLING ADDRESS ON PLAT 3, LOT 51 IS 991 NORTH MAIN ROAD. THE EXISTING DWELLING ADDRESS ON PLAT 3, LOT 235 IS 973 NORTH MAIN ROAD.
4. THE PARCELS ARE ZONED: R-40.
5. THE PARCELS ARE SUBJECT TO AND/OR TOGETHER WITH ANY EASEMENTS, COVENANTS, AND/OR RIGHT-OF-WAYS OF RECORD.
6. THE PARCELS ARE LOCATED WITHIN THE HIGH GROUNDWATER OVERLAY DISTRICT.
7. THE PARCELS ARE LOCATED IN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON NATIONAL FLOOD INSURANCE RATE MAP 44005C0067J FOR THE TOWN OF JAMESTOWN, RHODE ISLAND, EFFECTIVE DATE: SEPTEMBER 4, 2013.
8. THERE WERE NO AREAS UNSUITABLE FOR DEVELOPMENT OR AREAS OF SECONDARY IMPORTANCE ON THE PARCELS OBSERVED AT THE TIME OF SURVEY.

LEGEND

- | | |
|----------|-------------------------------------|
| IP | IRON PIPE |
| AI | ANGLE IRON |
| FND | FOUND |
| N/F | NOW OR FORMERLY |
| S.F. | SQUARE FEET |
| APP. | APPLICATION |
| O.W.T.S. | ON-SITE WASTEWATER TREATMENT SYSTEM |

THE PURPOSE OF THIS PLAN IS TO ADD 6,579 S.F. FROM PLAT 3, LOT 235 TO PLAT 3, LOT 51. NO NEW LOTS HAVE BEEN CREATED AS A RESULT OF THIS PLAN.

STREET INDEX
CAPSTAN STREET
NORTH MAIN ROAD



NORTH MAIN ROAD
(PUBLIC - IMPROVED - VARIABLE WIDTH)

CAPSTAN STREET
(PUBLIC - IMPROVED - 60' WIDE)

ADMINISTRATIVE SUBDIVISION PLAN FOR
THE YOUNTS LIVING TRUST
AND RIKHI J. D'SOUZA
PLAT 3, LOTS 51 & 235
973 & 991 NORTH MAIN ROAD
JAMESTOWN, RHODE ISLAND

DARVEAU LAND SURVEYING, INC.
P.O. BOX 7918
CUMBERLAND, R.I. 02864
PHONE 401-475-5700
E-MAIL: MIKE@DARVEAUSURVEY.COM

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

BY: SAMUEL A. YOUNTS

BY: NATASHA L. YOUNTS

BY: RIKHI J. D'SOUZA

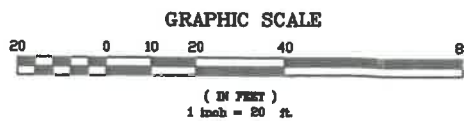
THE OWNER OF PLAT 3, LOT 51 IS:
THE YOUNTS LIVING TRUST
SAMUEL A. YOUNTS, TRUSTEE
NATASHA L. YOUNTS, TRUSTEE
11298 GLEN OAKS COURT, APT. 24C
NORTH PALM BEACH, FL 33408

THE OWNER OF PLAT 3, LOT 235 IS:
RIKHI J. D'SOUZA
973 NORTH MAIN ROAD
JAMESTOWN, RI 02835

- DEED REFERENCES:**
1. PLAT 3, LOT 51 - DEED BOOK 1028 AT PAGE 17
 2. PLAT 3, LOT 235 - DEED BOOK 530 AT PAGE 170
DEED BOOK 217 AT PAGE 50
DEED BOOK 88 AT PAGE 109

PLAN REFERENCES:

1. PLAN ENTITLED "JAMESTOWN SHORES PLAT NO. 4 IN JAMESTOWN, R.I., OWNED BY JAMES G. HEAD, SCALE: 1" = 100', DATED: APRIL 1947, BY E. NEWMAN, ENG'R," WHICH IS RECORDED IN THE TOWN OF JAMESTOWN REGISTRY OF DEEDS AT HPF#3A.



THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO 435-RICR-00-00-1.9 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 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.

BY: MICHAEL R. DARVEAU, PLS #1978
PRESIDENT, DARVEAU LAND SURVEYING, INC.

DATE: 5/30/23
COA #LS-A497

PROJECT NO: 2023_012
SHEET NO: 1 OF 1

SCALE: 1" = 20'
DRAWN BY: S.A.K.
DATE: MAY 30, 2023