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SURVEYING & ENGINEERING

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August 5, 2025

Dear Planning Board Members,

Our office was retained by the applicant and family to review ordinances and consult with Town staff on the feasibility of performing an Administrative Subdivision between two properties held in trust and estate. Our office provided the client with several different options that included condominium units, exclusive easements, and administrative subdivisions. Our office also sought a professional opinion from the South Kingstown Planning Department looking for the best remedy. After much consideration, the applicant requests an Administrative Subdivision with Zoning Relief under a Unified Development Review process since one of the lots is non-conforming.

The family is considering selling one or both properties as part of the estate but before doing such wanted to see if there was a way to provide for more room on the easterly side of the house on Lot 33 and more room on the westerly side of the house on Lot 34. The idea was to have the existing uses (i.e. yards, drives, etc.) that coincide with each dwelling be on their respective lot.

There is an existing garage on the easterly side and under the house on Lot 33 which sits roughly 12' from the side line. The hope was to add sufficient land to the side of the house so one could properly backout of the garage without "trespassing". The applicant also felt it beneficial to have that portion of the existing drive have rights only for Lot 33 and provide for more privacy not knowing future owners desires for the back yard area of Lot 34. Existing yard space is also in this general vicinity that occupants regularly utilize due to convenient access to the garage and deck from this side of the house. By moving the lot line further easterly by roughly 20 ft, a car may now back-out of the garage and turn without having to "trespass". The applicant had wished to gain the entire width to Rte. 1 but realized zoning conformity is required. The existing house does not meet the building setback in the existing configuration but upon approval of the administrative subdivision this side of the house would become conforming to sideline setback.

The house on Lot 34 is rather close to the westerly side line and does not conform to the existing building setback thereby not providing for future expansion potential

CHAREE M. JACKSON, PE, PLS
DONALD W. JACKSON, PLS (Desc. Founder)



and proper use of yard and access. Furthermore, the occupants utilize drive for access to the garage doors on the rear of the structure. The applicants felt it was wise to “square” up the lot around the structure. By moving the line further west by 25 feet, more or less; the structure would become conforming to the sideline setback.

Currently, the majority of the drive sits on Lot 33 but both properties use the front portion which Lot 33 only uses the rear portion of the drive. The clients realized sharing a portion of the existing driveway provided for a better use of the properties. Therefore, a shared access easement is being proposed over Parcel A as shown on the plan set. The easement gives Lot 33 access to Narragansett Ave without having to create a new curb cut and gives Lot 34 room and sufficient access to the rear of the structure.

The design of the re-configured lots takes into account the existing non-conformities and either maintains existing non-conformity (area), swaps the non-conformity (frontage) between the two parcels or becomes conforming. Below is a table that outlines such.

LOT & DESCRIPTION	REQUIRED	EXISTING	PROPOSED	DESIGN TYPE
33 – Frontage	100	81.03	55.11	Swap
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34 – Area	20,000	14,163	14,163	Maintain
33 – West Sideline	15	14.5	14.5	Maintain
33 – East Sideline	15	12.1	31.6	Conform
34 – West Sideline	10	1.4	27.0	Conform
34 – Front Line	25	24.3	24.3	Maintain

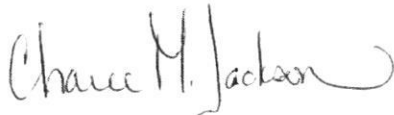
Due to the swap of non-conformity, the project requires zoning relief for the frontage of both lots. During an administrative subdivision, rules and ordinances do not allow a parcel, structure or use to become more non-conforming. Although Lot 34 is becoming more conforming by increasing frontage, Lot 33 is becoming less conforming by decreasing frontage. Therefore, the applicant respectfully requests relief from Zoning Section 401 – Schedule of Dimensional Regulations for Minimum Frontage. A 44.89 ft relief is required for Lot 33. A 18.97 ft. relief is required for Lot 34.

The lots are considered non-conforming pre-existing lots of record. Lot 34 was reduced in size and width in the 1960’s when US Rte. 1 was constructed and a taking occurred. Lot 34 prior to US Rte. 1 was platted as an 80 foot wide lot. Being the

properties were used by family a blur of the lines and uses between the properties existed for decades. For these reasons the hardship is due to the unique characteristic of the subject land and is not the result of any prior action of the applicant. The granting of the requested variance will not alter the general character of the surrounding neighborhood or impair the intent of the zoning ordinance since the lots have been using the same amount of frontage since the creation of the parcels and taking. The relief is minimal for the reasonable enjoyment of the property. The proposed layout will provide more room around each structure, provide more privacy from potential new structures or uses, and reduces the number of encumbrances for access between the lots then would have been required to achieve the same results with easements and deed restrictions. The proposed layout allows for ownership under the land for which it is intended to be used.

Thank you for your time and consideration on this matter. We look forward to hearing from you at the meeting and having an opportunity to discuss further.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Charee M. Jackson". The signature is written in black ink and is positioned above the typed name.

Charee M. Jackson, PE, PLS