

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the February 28, 2023 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Town Hall, 93 Narragansett Avenue. The Chairman called the meeting to order at 7:02 p.m. The clerk called the roll and noted the following members present:

Richard Boren, Chair
Dean Wagner, Vice-Chair
Jane Bentley, Member
James King, Member
Terence Livingston, Member
Judith Bell, 1st Alternate
John Shekarchi, 2nd Alternate

Also present: Wyatt Brochu, Counsel

Brenda Hanna, Stenographer
Denise Gamon, Clerk

Absent: Peter Medeiros, Zoning Officer

MINUTES

Minutes of January 24, 2023

A motion was made by James King and seconded by Jane Bentley to accept the minutes of the January 24, 2023 meeting as presented.

The motion carried by a vote of 5 – 0.

Richard Boren, Jane Bentley, James King, Terence Livingston and Dean Wagner voted in favor of the motion.

Judith Bell and John Shekarchi were not seated.

CORRESPONDENCE

HARVEY

An email from Christian Infantolino, attorney for the applicant, is asking to continue their application until the March 27, 2023 meeting as they are working on getting the site engineering plans complete per the TRC request.

All other correspondence was in reference to items on the agenda.

OLD BUSINESS

Harvey

A motion was made by Dean Wagner and seconded by Terence Livingston to continue the application of Wendy Harvey to the March 28, 2023 meeting.

The motion was carried by a vote of 5 - 0

Richard Boren, Jane Bentley, James King, Terence Livingston and Dean Wagner voted in favor of the motion.

Judith Bell and John Shekarchi were not seated.

Carney

Application of Sanderson H. Carney, Trustee of the Sanderson H. Carney Indenture of Trust, whose property is located at 3 Spirketing Street, and further identified as Tax Assessor's Plat 5, Lot 404 for a Variance granted under Article 6, Special Use Permits and Variances, Section 600 and 606. This application is made pursuant to the provisions of section 82-302, Table 3-2, District Dimensional Regulations for the R40 Zoning District of the zoning ordinance. The Applicant seeks Side Yard setback relief for an accessory structure of 3 feet where 15 feet is required in order to construct a 12 x 28 Carport with concrete pad. Said property is located in a R-40 zone and contains 17, 575 square feet.

Christian Infantolino, attorney for the applicant, requested the application be withdrawn.

A motion was made by Dean Wagner and seconded by Terence Livingston to approve the request to withdraw the application.

The motion was carried by a vote of 5 - 0

Richard Boren, Jane Bentley, James King, Terence Livingston and Dean Wagner voted in favor of the motion.

Judith Bell and John Shekarchi were not seated.

NEW BUSINESS

Roach LLC

A motion was made by Dean Wagner and seconded by Terence Livingston to grant the request of Roach LLC whose property is located at 170 Conanicus, and further identified as Tax Assessor's Plat 8, Lot 579 for a Variance granted under Article 6, Special Use Permits and Variances, Section 600 and 606. This application is made pursuant to the provisions of section 82-302, Table 3-2, District Dimensional Regulations for the R20 Zoning District of the zoning ordinance. The Applicant seeks front yard setback relief of 19' 7 5/16" where 30 feet is required and a secondary front yard setback of 4' 7 1/4" where 15' feet is required and the existing front yard setback is 19' 7 5/16" and the existing secondary front yard setback is 4' 7 1/4" in order to construct an addition to the existing structure. Said property is located in a R-20 zone and contains 16,290.9 square feet.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

This Variance is granted with the following restriction/condition (s):

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R-20 zone and contains 16,290.9 square feet.
2. The existing house is a very modest house that was built in 1942.
3. The proposed addition is very modest and is on the south side which abuts the parking lot of the Bay Voyage Inn.
4. Architect Bill Bergin's credibility testified to the appropriateness of the requested relief.
5. There will be no change in the setbacks.
6. There were no objections to the applications.

The motion was carried by a vote of 4 – 0.

Richard Boren, Jane Bentley, Terence Livingston and Dean Wagner voted in favor of the motion.

James King recused himself.

Judith Bell and John Shekarchi were not seated.

Mathew R. and Ashley M. Amsden

A motion was made by Terence Livingston and seconded by Dean Wagner to grant the request of MATTHEW R. and ASHLEY M. AMSDEN whose property is located at 29 Bayberry Road, and further identified as Tax Assessor's Plat 12, Lot 61, are seeking to construct a partial second floor addition of 1,046 sq. ft. onto the existing single story house footprint. Said property is located in a R40 zone and contains 27,452 sq. ft. The existing exterior walls of the living area will be extended to create the second floor addition; the existing garage structure on the east side of property will remain as is. The existing house was previously purchased as a legal, non-conforming structure. Referencing Article 3, Section 82-302 Table 3-2 and Article 6, Sections 82-606 and 82-607, the existing footprint is 13.2 ft. from front of lot instead of required 40 ft., a rear yard setback of 4.8 ft. where 30 ft. is required, and an east side yard setback of 9.6 ft. where 20 ft. is required. The highest point of the second floor design will be 27 ft. and does not exceed the 35 ft. maximum allowance of a principal structure.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

This Variance is granted with the following restriction/condition (s):

This project must be constructed in strict accordance with the site and building plans duly approved by this Board.

This motion is based on the following findings of fact:

1. Said property is located in a R-40 zone and contains 27,452 square feet.
2. Property is a nonconforming structure that was built in the 1950's
3. (4) people testified in favor, no one opposed
4. Turning one level into a two level structure. Of the 9 – 10 houses on Bayberry, this house and one other are one level.
5. Adding a second floor for an expanding family.
6. Applicant needs more space, will be adding bedroom and living space
7. There will be (4) bedrooms and (3) baths
8. The current home has (2) bedrooms and (1) bath
9. The home has a (4) bedroom OWTS that was installed in 2019
10. The structural engineer has already approved the plan

The motion was carried by a vote of 5 - 0

Richard Boren, Jane Bentley, James King, Terence Livingston and Dean Wagner voted in favor of the motion.

Judith Bell and John Shekarchi were not seated.

Knowles

A motion was made by Terence Livingston and seconded by Jane Bentley to continue the application of Alexander and Linda Knowles whose property is located at 108 Southwest Avenue, and further identified as Plat 9, Lot 26 seek to construct an outbuilding with a 20' 3" roof height. A height of 20' 3" meets the requirements of Article 3, Section 82-302, Table 3-2, of the Revised Code of Ordinances for the Town of Jamestown, as that ordinance applies to properties designated in R-20.

The motion was carried by a vote of 5 - 0

Richard Boren, Jane Bentley, James King, Terence Livingston and Dean Wagner voted in favor of the motion.

Judith Bell and John Shekarchi were not seated.

A motion was made by James King and seconded by Terence Livingston for the applicant to obtain a copy of the transcript from the June 28, 2022 Zoning Board of Review meeting.

The motion was carried by a vote of 5 - 0

Richard Boren, Jane Bentley, James King, Terence Livingston and Dean Wagner voted in favor of the motion.

Judith Bell and John Shekarchi were not seated.

ADJOURNMENT

A motion was made and seconded to adjourn at 8:22 p.m.
The motion carried unanimously.