

approved 4/27/17-pw

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the June 13, 2017 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 7:00 p.m. The clerk called the roll and noted the following members present:

- Richard Boren, Chair
- Joseph Logan, Vice-Chair
- Dean Wagner, Member
- Richard Cribb, Member
- Edward Gromada, 1<sup>st</sup>. Alt.
- Marcy Coleman, 2<sup>nd</sup> Alt.
- Judith Bell, 3<sup>rd</sup> Alt.

Also present:

- Brenda Hanna, Stenographer
- Chris Costa, Zoning Officer
- Pat Westall, Zoning Clerk
- David Petrarca, Jr., Counsel

MINUTES

Minutes of May 23, 2017

A motion was made by Joseph Logan and seconded by Edward Gromada to accept the minutes of the May 23, 2017 meeting as presented.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Dean Wagner, Richard Cribb, and Edward Gromada voted in favor of the motion.

Marcy Coleman and Judith Bell were not seated and Terence Livingston was absent.

CORRESPONDENCE

An e-main from Terence Livingston informing the Board he could not make the meeting.

I. NEW BUSINESS

CONNOR and EARLEY

The applications of John Connors and Susan Earley will be on the June 27, 2017 agenda for a decision only.

MARSHALL

A motion was made by and seconded by to Dean Wagner and seconded by Joseph Logan to grant the request of Lucia & John Marshall, whose property is located at 32 Dumpling Dr., and further identified as Assessor's Plat 10, Lot 97 for a variance from Article 82, Section 302, (Dimensional Regulations) to (1) construct a main structure with a side yard setback of 22.4 ft. instead of 30 ft.; (2) construct an accessory structure to include a garage, pool & terrace with a side yard setback of 15 ft. instead of 20 ft.

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:

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 RR80 zone and contains 44,973 sq. ft.
2. The applicant initially sought to renovate the existing structure, but their builder recommended that they remove the existing foundation and start fresh.
3. The proposed structures are located on an a-typical shaped lot.
4. As a result of the location of wetlands on the lot and to minimize environmental impacts, the applicant requires 2 variances.

5. The applicant met with neighbors and came to an agreement on certain conditions that are set forth in Exhibit 2. Those conditions are incorporated into this approval.
6. The Planning Board unanimously recommends approval of the application.
7. There were no objectors.

The motion carried by a vote of 5 - 0.

Richard Boren, Joseph Logan, Dean Wagner, Richard Cribb, and Edward Gromada voted in favor of the motion.

Marcy Coleman and Judith Bell were not seated and Terence Livingston was absent.

#### HEMPHILL

A motion was made by Joseph Logan and seconded by Edward Gromada to grant the request Application of Mark & Donna Hemphill, whose property is located at 120 Garboard St., and further identified as Assessor's Plat 15, Lots 173 & 174 for a special use permit pursuant to Article 3, Section 82-314, High Groundwater Table & Impervious Overlay District, Sub-District A, and granted under Article 6, Section 82-600 & 82-602 to construct a 624 sq. ft. garage, and a variance from Article 3, Section 82-314(C)(4), Percent of Maximum Impervious Cover for Sub-District A, pursuant to Article 6, Sections 82-600 & 82-605, where the existing impervious lot coverage is 20.9% and the proposed impervious lot coverage is 14.8% and the allowable impervious lot coverage is 10%. The applicant is proposing to merge lot 173 & 174 and construct a 624 sq. ft. garage on the lot currently described as lot 174.

Regarding this request, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600

Regarding the request for a Variance, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 606, PARAGRAPHS 1 through 4, and SECTION 607, PARAGRAPH 2.

Regarding the request for a Special Use Permit, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 602.

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

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

This project shall follow the conditions of approval stated in the Planning Commission memorandum dated March 29, 2017.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and each lot contains 7,200 sq. ft. or a total of 14,400 sq. ft.
2. The merging of the two lots decreased the percentage of impervious cover from existing 20.9% to 14.8%.
3. The Planning Commission has recommended approval.
4. No one spoke in opposition.
5. There is no existing garage on the property.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Richard Cribb, Edward Gromada, and Marcy Coleman voted in favor of the motion.

Dean Wagner recused himself, Judith Bell was not seated and Terence Livingston was absent.

#### FLANAGAN

A motion was made by Richard Cribb and seconded by Dean Wagner to grant the request Application of Edward P. Flanagan, Jr., whose property is located at 49 Bay View Dr. North., and further identified as Assessor's Plat 1, Lot 217 for a variance/special use permit from Article 82, Section 601 & 314, (High Groundwater Table & Impervious Overlay District) and Section 302 (Dimensional Regulations); a variance from Article 82, Section 314(C) (Percent Maximum Impervious Cover); to remove the existing single family residence & garage structure & construct a single family residence & garage in the same location. The existing & proposed house is 22.6 ft. from the front lot line where 40 ft. is required. The proposed impervious cover is 10.6%, which exceeds the maximum allowable impervious coverage limit of 9%.

Regarding this request, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600

Regarding the request for a Variance, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 606, PARAGRAPHS 1 through 4, and SECTION 607, PARAGRAPH 2.

Regarding the request for a Special Use Permit, this Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 602.

In particular reference to ARTICLE 6, SECTION 607, PARAGRAPH 2.

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

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

The recommendations of the Planning Commission dated April 13, 2017 for conditions of approval are hereby incorporated in this approval.

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains 18,255 sq. ft.
2. Although the proposal exceeds lot coverage requirements, it is less than the current coverage.
3. The Planning Commission unanimously voted to approve the application.
4. There were no objectors to the application.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Dean Wagner, Richard Cribb, and Edward Gromada voted in favor of the motion.

Marcy Coleman and Judith Bell were not seated and Terence Livingston was absent.

WEST FERRY, LLC

A motion was made by Edward Gromada and seconded by Richard Cribb to grant request of Application of West Ferry, LLC, whose property is located at 44 Southwest Ave., and further identified as Assessor's Plat 9, Lot 22 for a variance pursuant to Article 6, Sections 82-600 & 82-605, from Article 3, Section 82-302, Table 3-

2 (District Dimensional Regulations) and a variance from Article 7, Section 82-705 (Alteration of a nonconforming structure) in order to construct a second story on an existing garage where the current garage is one & one half (1.5) stories and is located three (3) ft. from the property line where ten (10) ft. is required.

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH.

This Variance is granted with the following restriction:

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 CL zone and contains 63,162 sq. ft.
2. The addition to the existing garage extends only to the perimeter of the existing fence and paved area.
3. The second story height does not exceed 25' as identified in the plan.
4. The property possesses unique characteristics.
5. The granting of the requested variance will not alter the general characteristic of the surrounding area.
6. The relief is the least relief necessary.
7. No one spoke in opposition of this application.

The motion carried by a vote of 5 -0.

Richard Boren, Joseph Logan, Richard Cribb, Edward Gromada, and Marcy Coleman voted in favor of the motion.

Dean Wagner recused himself, Judith Bell was not seated and Terence Livingston was absent.

#### ADJOURNMENT

A motion was made and seconded to adjourn at 8:15 p.m.

The motion carried unanimously.