

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW

Application for Exception or Variation under the Zoning Ordinance

Zoning Board of Review;

Jamestown, R. I.

Date: December 11, 2021

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.

c/o John & Shannon Brito

Applicant JB's On The Water, LLC Address 2 Sweet Briar Court Warwick, R.I. 02888

Owner 150 Canonicus Avenue, LLC Address P.O. Box 415 - North Kingstown, R.I. 02852

Lessee JB's On The Water LLC Address Same as above

1. Location of premises: No. 150 Caninicus Avenue & Bay Voyage Inn & Restaurant

2. Assessor's Plat 8 Lot 258

3. Dimensions of lot: frontage 397.25' ft. depth 175'+ ft. Area 49,504+ sq. ft.

4. Zoning Districts in which premises are located: R-20 Use Restaurant Area 20,000 SF Height 35.0'

(Exist. 10,390+S.F. *EL.52.7' @ Base of Spire
Footprint Only Top Main Roof =36.5'
Decks, steps incl.) above El. =16.3' AEG
Prop. 1167.±S.F. Prop. Deck Canopy= 25'±

5. How long have you owned above premises? 5 Mos (C-1 & C-2 Unit)

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

7. Size of existing building Main (40'.x.177') / GFA = 25,632+SF / Tax Card / GFA = 29,425+S.F.(*)

(*) Incl. Basmt, Porch & Deck Areas

Size of proposed building or alteration New South Deck with Steps =1,167.±SF
New Steps to West = 58.±S.F.; A.D.A. Ramp = 230.±S.F.

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

front 0.0' steps rear _____ left side n/a right side 18.0' (Bay View Dr. / 2nd Front)

9. Present use of premises: Restaurant & Inn & Residential

10. Proposed use of premises: Restaurant & Inn & Residential

Location of septic tank & well on lot Municipal Water & Sewer

11. Give extent of proposed alterations A Proposed Deck Expansion to the South & East of the Restaurant portion of the building. New steps & ADA Ramp area to west & Front Facing, Canonicus Avenue Side of the building.

12. Number of families for which building is to be arranged: N/A

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:

"See Exhibit" Attached.

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

The Lessees, John & Shannon Brito, owners of J.B'S On The Water having worked in the Restaurant industry for many years & especially a restaurant with a the high season being the summertime, when people can enjoy the outdoors and especially with recent experience running a restaurant during this Covid-19 Pandemic. A restaurant struggles to survive if they cannot provide an adequate outside seating areas. The addition to the already existing deck area, will allow the business to thrive turning the high season and in-turn will help to maintain the business during the off season.

Respectfully Yours,

Applicant Signature: [Signature]

Address: 2 SWIFT BRIM CT

WATNICK P.I. 02888

Phone: 401 526-0784 email: TNAETORINO@HOTMAIL.COM

Owners Signature: [Signature]

Owner Signature: _____

Address: PO Box 412

Address: _____

NORTH KIMASTOWN RI 02852

Phone: 401-440-2290 email: jeffcammarano@gmail.com

Phone: _____ email: _____

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

EXHIBIT

JB's On The Water – Request for Relief from the Jamestown Zoning Board Of Review

1. This application seeks relief from Article 3, APPLICATION OF DISTRICT REGULATIONS, Table 3-1, District Development Regulations, VI C 3 Lunchroom or Restaurant (alcoholic beverages).

2. This application seeks relief for Article 3, APPLICATION OF DISTRICT REGULATIONS, Table 3-2 for the Village Special Development District Zones R-8, R-20, CL and CD (for R-20, Front Setback 30' min, and Private Frontages See Table 11-3) to construct a handicap access ramp and deck area within the required Front Setback.

3. This application seeks relief from Article 11, JAMESTOWN VILLAGE SPECIAL DEVELOPMENT DISTRICT, Section 82-1107. Per Section 82-1107 BUILDING PLACEMENT, the Jamestown Technical Review Committee (TRC), will review the proposal prior to the Zoning Board meeting.

Mark Liberati, Esq.

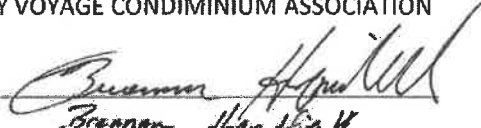
57 Narragansett Avenue
Jamestown, RI 02835
401-447-5021
mark@lp.legal

I hereby permit an application to the Town of Jamestown Zoning Board of Review, Planning Commission & Building Department for by JB on the Water, LLC, Applicant, 150 Conanicus Ave LLC, owner. To allow the Expansion of Bay View Condominium - Unit C-1-L.C.E, with the understanding, the Bay Voyage Condominium Declaration & Documents shall be amended as necessary to reflect any modifications & approvals granted.

Location of Premises: 150 Conanicus Avenue, Jamestown, Rhode Island

The undersigned is an additional signatory to the Application:

BAY VOYAGE CONDIMINIUM ASSOCIATION

BY: 
Brennan Hanlon, Its President

Date: December 22-2021



Office of the Town Planner
MEMORANDUM

TO: Zoning Board of Review
FROM: Lisa Bryer, AICP, Town Planner
RE: Application of 150 Conanicus Ave., Bay Voyage Restaurant, Plat 8 Lot 258, Development Plan Review in the Jamestown Village Special Development District, Jamestown Zoning Ordinance Article 11, Development Plan Discussion, Review and Approval and Recommendation to Zoning Board on variances and Special Use Permit
DATE: January 4, 2021

The application of John and Shannon Brito DBA J.B.'s On The Water, and Owner 150 Conanicus LLC and The Bay Voyage Condominium association, located at 150 Conanicus Avenue was reviewed by the Planning Commission on December 15, 2021 and the Planning Commission hereby grants Development Plan approval and endorses amending the Special use Permit previously approved by the Jamestown Zoning Board of Review on 11/26/85 and 12/3/85 based on the following finding of fact and subject to the following conditions of approval:

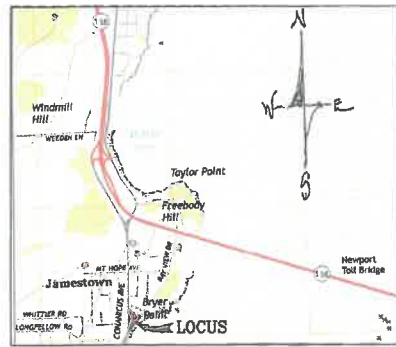
Findings of Fact:

1. The application was reviewed under the standards of Zoning Article 11 as an alteration of the building façade as well as street frontage;
2. The existing Bay Voyage Hotel was built in 1900 and is non-conforming by setback on the west side where the hotel is set back approximately 10 feet off the Conanicus Avenue right-of-way and the existing stairs to Conanicus Avenue are set back only one foot from the edge of the right-of-way. The proposed handicap ramp and stairs is proposed to be within that 10' setback.;
3. This applicant testified that the application will need both a setback variance on Conanicus Avenue for the deck, and the stairs, as well as an amendment to the special use permit;
4. This application has been reviewed by the TRC on 12-13-21 and by the Planning Commission on 12-15-21;
5. The applicant was represented by Amy Sonder, PLS, Easterbrooks and Associates and applicants John and Shannon Brito.;
6. The following information has been provided for the current application:
 - a) Site Plan for Renovations to Bay Voyage Inn and Restaurant/JBs on the Water, prepared by Easterbrooks and Associates, LLC dated November 14, 2021 revised Dec. 15, 2021
 - b) Plans JB on the Water, Handicap Ramp and Deck Addition, 150 Conanicut Avenue, Jamestown RO by LDL Studio, Inc, Providence, RI:
 - 1) Proposed Partial Floor Plan A1.00 dated 12/15/2021
 - 2) Proposed West Building Elevation, SD2.0 dated 12/15/2021
 - 3) Proposed South Building Elevation, SD2.1 dated 12/15/2021

- 4) Proposed East Building Elevation, SD2.2 dated 12/15/2021
 - 5) Exterior Rendering – View 1, dated 12/15/2021
 - 6) Conanicut Avenue View, dated 12/15/2021
 - 7) Exterior Rendering View 2 dated 12/15/2021
- c) The Bay Voyage Condominium Survey Plan Recorded in Jamestown Land Evidence HPF 42A 1986
7. This property is located in the R-20 Zoning District. Restaurant, and Hotel are not permitted by right and a special use permit has been issued by the Zoning Board for changes to the building over the years.
 8. The restaurant, as shown on the plans comply with parking based on that the number of seats in the restaurant and are not proposed to change. This includes a 186 seat restaurant and a total requirement of 69 parking spaces. The Zoning Certificate, dated 6-8-2021 by Jamestown Building and Zoning Official William L. Moore notes that the site is approved for 20 Lounge seats, 46 Bay Room seats, 34 Tavern seats, 20 Veranda seats, 30 deck seats and 36 lawn seats. This seating requires a total of 69 parking spaces;
 9. The site plan shows a total of 55 on site spaces and 26 adjacent public off-site spaces available to patrons of the Bay View Hotel and restaurant;
 10. The applicant testified that the new handicap ramp at the front/west side of the building makes the building more compliant with regards to accessibility and requires no variance by state law;
 11. John Britto testified that the condominium association is as invested in the success of the restaurant as he is and the condominium board has approved the proposed changes;
 12. Construction of the new deck requires approval from CRMC because it is within 200' of their jurisdictional area;
 13. The trash receptacle for the entire facility, including the restaurant, is located at the Northwest corner of the property

Conditions of Approval:

1. The site improvements shall be built in strict accordance with the plans referenced above;
2. Approval is required by the Zoning Board of Review for zoning ordinance variances and amendment to the special use permit prior to issuance of a building permit;
3. The new sign for the restaurant shall be administratively approved by the Town Planner;
4. The Solicitor clarified that the applicant should provide the modified documentation of authorization of the Condominium Association as well as providing the signature of the unit owner on the application; and,
5. Final Development Plan Approval shall be granted administratively when all conditions of approval are satisfied and the variances and Special Use Permit has been granted by the Zoning Board of Review.

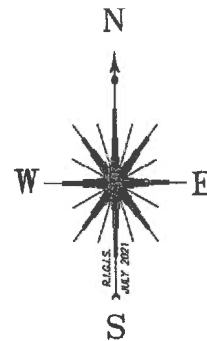


LOCATION MAP
(Not To Scale)

N/F
STEVEN G. BOIS
A.P. 8 / LOT 249

REFERENCE PLAT:

1. PLAN ENTITLED: "PROPERTY LINE SURVEY FOR BAY VOYAGE COMPANY. A CONNECTICUT PARTNERSHIP, IN JAMESTOWN, R.I. PREPARED BY STANLEY ENGINEERING INC. SCALE 1"=40, FEBRUARY, 1986." ON FILE IN THE TOWN CLERKS OFFICE IN THE TOWN OF JAMESTOWN, R.I.
2. PLAN ENTITLED: "PLAT SHOWING LAND IN JAMESTOWN TAKEN ON BEHALF OF THE STATE OF RHODE ISLAND BY VOTE AND ORDER OF PUBLIC WORKS ON THE 3rd DAY OF MARCH 1952 PLAT No.852."
3. R.J.D.O.T. FIELD BOOK 1962 - APRIL 23, 1951.



N/F
RICHARD & ELIZABETH EDIE,
A.P. 8 / LOT 247

BRYER AVENUE

N/F
BETTE A DIDONATO, TRUSTEE
A.P. 8 / LOT 211

EXISTING DWELLING

CONANICUS

DRIVE

N/F
ROACH LLC
A.P. 8 / LOT 579

N/F
DONNA ET PECKHAM
A.P. 8 / LOT 611

N/F
MARY LOU SANBORN
A.P. 8 / LOT 519

BAY VOYAGE INN RESIDENCE (32) UNITS

MAIN ENTRE & LOBBY RESTAURANT & PUB (TOTAL SEAT=186)

PROPOSED NEW DECK & STAIRWAY AREA=1,167±S.F.

LAWN AREA OUTSIDE SEATING (36 SEATS)

GRAPHIC SCALE



NOTE: TO OBTAIN METERS, MULTIPLY FEET BY 0.3048.

ZONING DISTRICT: R-20

SUBJECT PARCEL AREA=49,504±Sq.Ft.

MINIMUM BUILDING SETBACKS:

FRONT YARD.....30 FEET / 15 FT. (BAY VIEW DR.)
SIDE YARD.....10 FEET (10' ACCESSORY)
REAR YARD.....30 FEET (10' ACCESSORY)

MAXIMUM BUILDING HT. PRIMARY=35 FT. ACSRY=25' (2 STORY MAX)

MAXIMUM BUILDING AREA = 12,376.S.F. or 25.0%

EXISTING BUILDING AREA = 10,400±S.F. or 20.01%

PROPOSED BUILDING AREA = 11,850±S.F. or 24.0%

A PORTION OF THE PARCEL SITUATED IN THE COASTAL RESOURCE 200' JURISDICTIONAL AREA

FEMA FLOOD ZONE-X & ZONE AE-12

ALL ITEMS ABOVE SUBJECT TO CHANGE PER ORDINANCE, REGULATIONS, BUILDING CODES, ETC. ITEMS TO BE VERIFIED PRIOR TO FINAL DESIGN

EXISTING CONDOMINIUM UNITS= 32 UNITS

(1) SPACE PER (1) UNIT = (32) REQUIRED PARKING SPACES

EXISTING & PROPOSED REST. SEATING = 186 SEATS

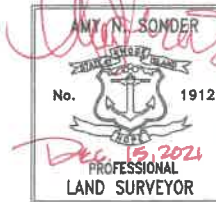
(1) SPACE PER (5) SEATS = (37) REQUIRED PARKING SPACES

REQUIRED PARKING SPACES = 69 SPACES

EXISTING PARKING SPACES: 81 SPACES

PARKING SPACES ON-SITE = 55 SPACES

PARKING SPACES OFF-SITE = 26 SPACES



EASTERBROOKS & ASSOCIATES LLC
L.S.C.O.A. No.715
VALID ONLY WITH CONTRASTING SIGNATURE & DATE

SURVEYOR'S CERTIFICATION:

THIS SURVEY HAS BEEN CONDUCTED & 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 NOV. 25, 2015.

SURVEY TYPE: COMPREHENSIVE SURVEY PLAN (*)
(*) WITH LIMITED CONTENT

HORIZONTAL ACCURACY = CLASS I
TOPOGRAPHIC FEATURES = CLASS III

THE PURPOSE OF THIS SURVEY & SITE PLAN IS TO SHOW THE EXISTING CONDITIONS AND PROPOSED RENOVATIONS FOR A ZONING BOARD OF REVIEW & BUILDING PERMIT APPLICATION

BY: *[Signature]* DATE: *Dec 15, 2021*
AMY N. SONDER, P.L.S. 1912

SITE PLAN FOR RENOVATIONS TO BAY VOYAGE INN & RESTAURANT

TO BE KNOWN AS
J.B.'S ON THE WATER

ON LAND KNOWN AS
ASSESSOR'S PLAT 8 / LOTS 258

SITUATED @ 150 CONANICUS AVENUE IN THE TOWN OF
JAMESTOWN, RHODE ISLAND

DATE: NOV. 14, 2021; SCALE: 1"=30'

REVISED: DEC. 12, 2021; RENOVATION & UPDATE SURVEY EVIDENCE
DEC. 15, 2021; PARKING SPACES, TRASH AREA & UPDATE ZONING TABLE, ETC.

PREPARED BY:
EASTERBROOKS & ASSOCIATES, LLC
2497 BOSTON NECK ROAD SAUNDERSTOWN, R.I. 02874 TEL.401.667-7770

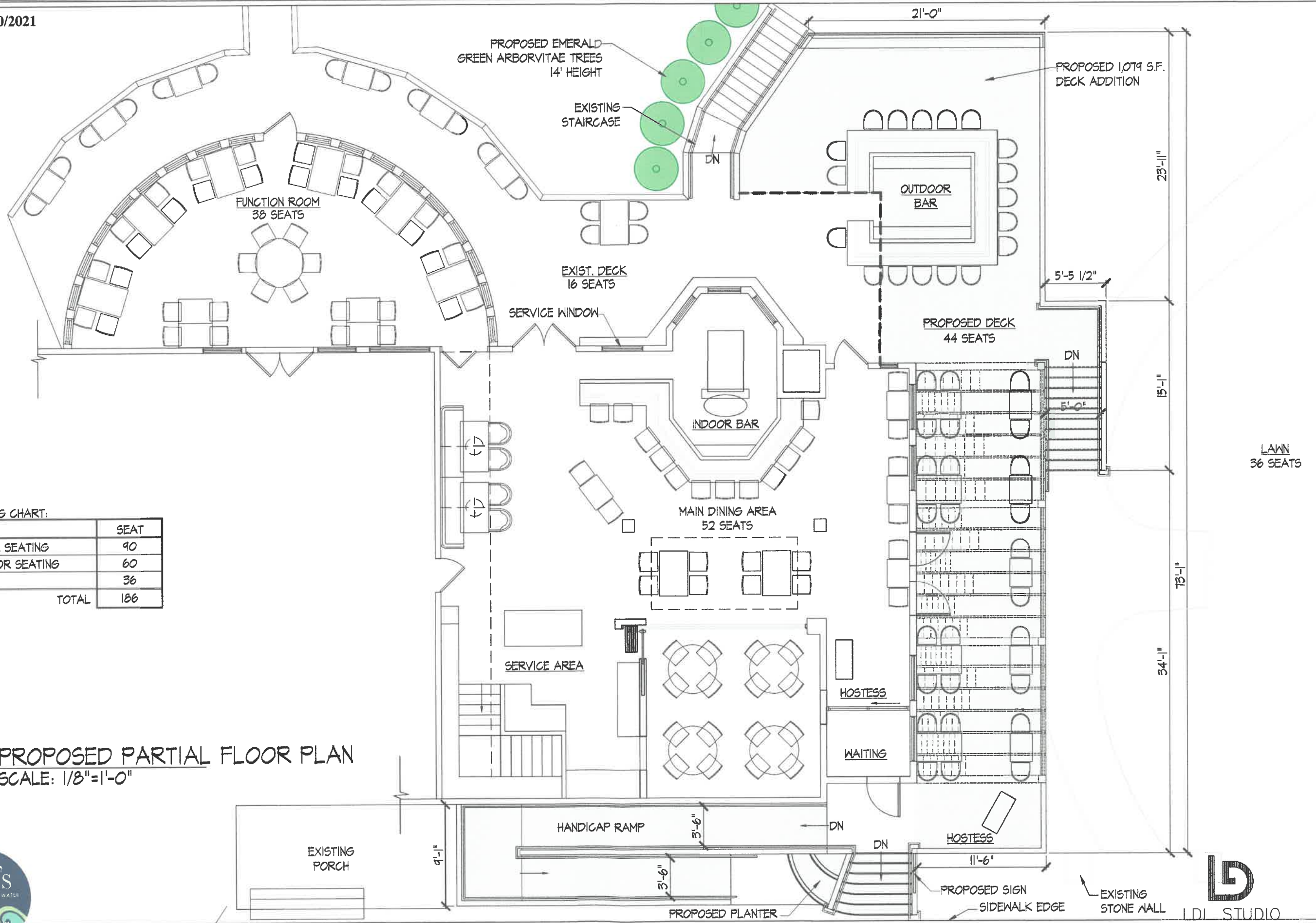


JB ON THE WATER
HANDICAP RAMP & DECK ADDITION
150 CONANICUS AVENUE
JAMESTOWN, RI 02835



LDL STUDIO
ARCHITECT / HOSPITALITY DESIGNER
106 Putman Street,
Providence, Rhode Island
USA 02909
Tel: 401.274.4516
Fax : 401.421.2631
www.ldlstudio.com

REV02 - 12/20/2021



SEATING CHART:

AREA	SEAT
INDOOR SEATING	90
OUTDOOR SEATING	60
LAWN	36
TOTAL	186

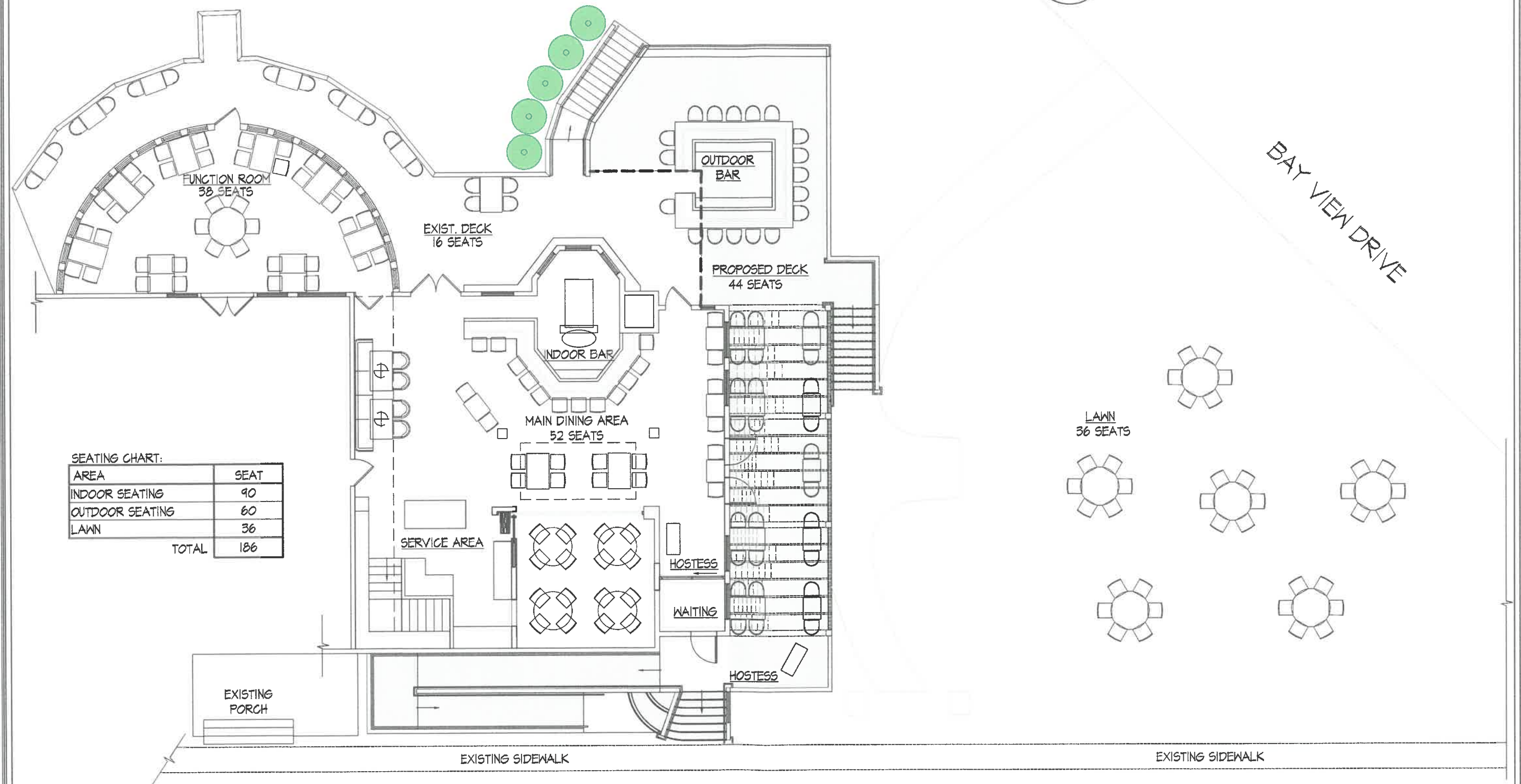
1 PROPOSED PARTIAL FLOOR PLAN
 SDI.00 SCALE: 1/8"=1'-0"



LDI STUDIO
 ARCHITECT / HOSPITALITY DESIGNER
 WWW.LDSTUDIO.COM

REV02 - 12/20/2021

1 PROPOSED PARTIAL FLOOR PLAN
SDI.01 SCALE: 3/32"=1'-0"



SEATING CHART:

AREA	SEAT
INDOOR SEATING	90
OUTDOOR SEATING	60
LAWN	36
TOTAL	186



CONANICUS AVENUE



REV02 - 12/20/2021

1
SD2.0 PROPOSED WEST BUILDING ELEVATION
SCALE: 3/16"=1'-0"



REV02 - 12/20/2021

PROPOSED SOUTH BUILDING ELEVATION
SD2.1 SCALE: 3/16"=1'-0"



PROPOSED DECK



LDL STUDIO
ARCHITECT / HOSPITALITY DESIGNER
WWW.LDLSTUDIO.COM





EXTERIOR RENDERING - VIEW 1



REV02 - 12/20/2021



EXTERIOR RENDERING - VIEW 2



LDL STUDIO
ARCHITECT / HOSPITALITY DESIGNER
WWW.LDLSTUDIO.COM



EXISTING CONDITIONS



CONANICUS AVENUE - VIEW



LDL STUDIO
ARCHITECT / HOSPITALITY DESIGNER
WWW.LDLSTUDIO.COM



TOWN OF JAMESTOWN

93 Narragansett Avenue, Jamestown RI, 02835
William L Moore, Building official & Zoning Enforcement Officer
401-423-9803, wmoore@jamestownri.net

Zoning Memorandum

Date: 1/3/2022

From: William L Moore, Jamestown Zoning Enforcement Officer

Subject Property location: 150 Conanicus Avenue, Assessor plat, 8 Lot, 258 Unit

Owner: 150 Conanicus Ave LLC / JB's on the water / Eastern Resorts Co LLC

Zoning District: R-20, Legal Non-Conforming Use, Non-conforming by dimension, Front setback

Existing Lot size: 49,504 square feet +-, **Existing Building:** 177'x40'+- with outdoor decks to the East.

SEWER/SEPTIC: Public **WATER SUPPLY:** Public

Flood Zone: AE-12 ends edge of parking lot **CRMC Jurisdiction:** yes

Remarks: JB's on the Water has applied for Variances and special permits to expand the outdoor deck by 1079 square feet, together with an outdoor bar, Front entrance and ramp, specifically for the Restaurant. The mixed-use building and grounds are configured to contain 32-time share units, a Restaurant, outdoor pool, storage shed, together with off street parking of at least 55 spaces.

Below I have included a short version of the Zoning History. Attached are documented Zoning Approvals; previous Zoning Officers findings; Jamestown Town Council records; The reason for all this information is to apprise the Jamestown Zoning Board members of the history and what has been approved in the past, by not only the Zoning Board, but other Permitting Authorities of the Town of Jamestown.

1. February 2, 1984, Approval of renovations, Front setback variance, Cupola on roof, statement of 55 parking spaces inclusive of 15 public parking spaces, Access from Conanicus Ave, and screening of adjacent properties.
2. November 26, 1985, Approval to enlarge non-conforming use, Hotel and Restaurant, demolish 2 existing buildings, Egress lot from Conanicus similar to 1984 approval.
3. December 16, 1985, Approvals similar to above decisions, 1984, 1985
4. October 23, 1991, Approval of variance and special exception, to Extension, Addition and enlargement, porch Restaurant and relocate stairway.
5. July 27, 2005, Approval of Alteration of non-conforming use, to construct 12'x15' Storage building.
6. June 27, 2007, Approval of variance to construct deck and Gazebo 12'10 1/2" from Bayview Drive, no music after 10PM; **Note this variance was not acted on, no construction commenced, and therefore approval has expired.**
7. April 17, 2014, Frederick Brown (past Zoning Enforcement Officer), opined in an email to, Andrew Nota (Past Administrator) on seating potential 225, 32-time share units, parking at 77 Spaces.
8. November 14, 2016, Three documents from the November 21st Town Council meeting packet. The documents involve, alcohol approval and conditions, seating approval, and parking plan, (hand drawn)



TOWN OF JAMESTOWN
JAMESTOWN, RHODE ISLAND 02835

Town Hall - 423-0200
Town Offices - 423-0444

February 2, 1984

Mr. Frederick R. Coleman
Bay Voyage Inn
Jamestown, Rhode Island

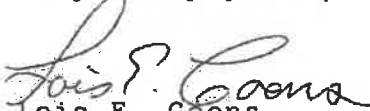
Dear Mr. Coleman,

At a meeting of the Zoning Board of review held on January 31, 1984 the following vote was passed to wit:

Motion by Bruce Bender and seconded by Vincent Toppi that the renovations, as set forth on the plans of the applicant, do not constitute demolition as set forth therein as applied to the reconstruction of the porch along the southerly and easterly portions of the building, the firestair tower and the connector building be granted. So voted 5 - 0.

Motion by Bruce Bender and seconded by Raymond E. Coons that the regulatory variance from the front set back requirement allowing the construction of a substitute front entry porch, the steps of which are two feet from the front line in accordance with Exhibit A, and the regulatory variance permitting the construction of a cupola on the roof of the structure which extends seven feet above the existing roof line be granted, under the condition that lots 590 and 771 of Plat 8, be restored to single ownership to provide total parking of not less than fifty-five (55) spaces inclusive of fifteen (15) parking places on Town property, in that denial of such relief would create more than a mere inconvenience. So voted 5 - 0.

Very truly yours,


Lois E. Coons
Town Clerk

cc: Building Inspector

December 16, 1985
Mr. Frederick R. Coleman

Page 2

3. To grant a special exception to extend or enlarge the existing structure in accordance with the plans submitted and to grant the regulatory variances required by such enlargement or extension as reflected on said plans, subject to the following conditions and limitations:

- (a) Destruction and demolition of the two subsidiary buildings on the premises prior to issuance of any certificate of occupancy, as the same is defined in the State Building Code.
- (b) Access to Conanicus Avenue from the parking lot as shown on the plans by egress only.
- (c) Screening of adjacent properties located north of the premises by way of an evergreen hedge.

Vote: 4 - 1

Very truly yours,

Lois E. Coons
Town Clerk

cc: Building Inspector
Arthur W. Murphy, Esq.

TOWN OF JAMESTOWN
ZONING BOARD OF REVIEW
DECISION

Re: Application of Frederick R. Coleman

This matter came before the Board on November 26, 1985, pursuant to the application of Frederick R. Coleman dated October 29, 1985. The application sought a special exception to extend and enlarge a non-conforming use, viz. a hotel and restaurant. The structure is now vacant and has been vacant for a period of time.

The Petitioner, through his architect, John Smyth, reviewed the overall concept of the renovation of the Bay Voyage Inn to create 32 luxury hotel suites in accordance with the plans placed on file with the application. Mr. Smyth presented the Board with some amendments to the plans on file which were marked as exhibits and made part of the record. The overall plan entailed the demolition of two buildings to the north of the hotel. Mr. Smyth also stated there would be appropriate plantings along the boundary lines so as to partially screen neighboring properties.

Paul Hogan, a real estate expert, testified that after his review of the plans and surrounding property, it was his opinion that the conversion of the now vacant hotel into a fully restored hotel would be an improvement to the neighborhood, and would enhance the value of surrounding

properties. He testified further that in his opinion the proposed renovation would be to the benefit of the public health and safety, as the existing hotel was a substantial fire hazard.

The Petitioner called Dennis M. Taber, recognized by the Board as a traffic expert. Mr. Taber explained the parking arrangements and noted that the parking spaces required by the zoning code had been met by the applicant. He further stated that ingress and egress on Bay View Drive would not create a traffic problem. The parking lot opening on Conanicus Avenue would be used solely for egress. Traffic would not be increased, as the proposed use is the same as now exists, but would be less intense.

Mr. Eugene Schavione testified that he had entered into a Purchase and Sale Agreement with Mr. Coleman to purchase the property, and that he intended to develop it as an interval ownership project. Mr. Schavione presented the Board with a letter indicating that he had made financing arrangements to complete the project, and testified that it would be a first-class project.

Mr. Coleman testified that he was the owner of the property and that he had operated the hotel. The maximum number of hotel rooms available was forty-four during the period of time he operated the hotel.

Three members of the public spoke in favor of the project. Nobody opposed the petition, nor did any member of the public speak against the petition. The Board took the

matter under consideration in executive session. After some discussion, the Board continued the executive session until Tuesday, December 3, 1985, at 8:00 p.m.

DECISION

The Board makes the following findings of fact:

- (1) That the premises are located in an R-20 use district.
- (2) That there are three (3) structures presently existing on the premises.
- (3) That the main structure measuring approximately 150' x 70' has been used for many years as a hotel and restaurant.
- (4) That the two subsidiary structures measuring 35'x 35' and 30'x 25', respectively, have been and are used as single family residences.
- (5) That the main structure is in disrepair, vacant and presently a fire hazard.
- (6) That the proposed alterations will not increase the extent of the existing traffic hazards.
- (7) That the proposed alterations will not cause a diminution in value to the neighborhood properties.

Applying the law to these facts, it was voted:

- (1) To grant a variance from the provision of the Ordinance (Section 403(A) of Article IV) requiring that a

non-conforming structure which is demolished to be rebuilt in accordance with all provisions of the Ordinance.

Vote: 5 - 0

(2) To grant a variance allowing the construction of a cupola forty-three (43') feet in height in accordance with the plans submitted. Vote: 5 - 0

(3) To grant a special exception to extend or enlarge the existing structure in accordance with the plans submitted and to grant the regulatory variances required by such enlargement or extension as reflected on said plans, subject to the following conditions and limitations:

- (a) Destruction and demolition of the two subsidiary buildings on the premises prior to issuance of any certificate of occupancy, as the same is defined in the State Building Code.
- (b) Access to Conanicus Avenue from the parking lot as shown on the plans by egress only.
- (c) Screening of adjacent properties located north of the premises by way of an evergreen hedge.

Vote: 4 - 1



Town of Jamestown

RHODE ISLAND

02885

TOWN CLERK

(401) 428-0200

December 16, 1985

Frederick R. Coleman
150 Conaicus Avenue
Jamestown, R.I.

Dear Mr. Coleman,

At a meeting of the Zoning Board of Review held on December 3, 1985 the following motion was passed.

FINDINGS OF FACT

1. That the premises are located in an R-20 use district.
2. That there are three (3) structures presently existing on the premises.
3. That the main structure measuring approximately 150' x 70' has been used for many years as a hotel and restaurant.
4. That the two subsidiary structures measuring 35' x 35' and 30' x 25', respectively, have been and are used as single family residences.
5. That the main structure is in disrepair, vacant and presently a fire hazard.
6. That the proposed alterations will not increase the extent of the existing traffic hazards.
7. That the proposed alterations will not cause a diminution in value to the neighborhood properties.

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Vote: 5 - 0

2. To grant a variance allowing the construction of a cupola forty-three (43') feet in height in accordance with the plans submitted.

Vote: 5 - 0

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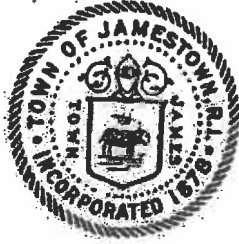
Vote: 5 - 0

(2) To grant a variance allowing the construction of a cupola forty-three (43') feet in height in accordance with the plans submitted. Vote: 5 - 0

(3) To grant a special exception to extend or enlarge the existing structure in accordance with the plans submitted and to grant the regulatory variances required by such enlargement or extension as reflected on said plans, subject to the following conditions and limitations:

- (a) Destruction and demolition of the two subsidiary buildings on the premises prior to issuance of any certificate of occupancy, as the same is defined in the State Building Code.
- (b) Access to Conanicus Avenue from the parking lot as shown on the plans by egress only.
- (c) Screening of adjacent properties located north of the premises by way of an evergreen hedge.

Vote: 4 - 1



Town of Jamestown

93 Narragansett Avenue

Jamestown, Rhode Island
02835

October 23, 1991

(401) 423-0200

Richard Winkler,
Inn Group Associates
P.O. Box 200
Newport, R.I. 02840

Dear Mr. Winkler:

At a meeting of the Jamestown Zoning Board of Review held on October 22, 1991 the following vote was passed:

A motion was made by Ginny Perry and seconded by Hope Potter to grant the request of Inn Group Associates whose property is located on Plat 8, Lot 250 for a variance from Article III, Section 320 (District Dimensional Regulations) and a special exception from Article 4, Section 405 (Extension, Addition or Enlargement), to enclose the porch and relocate the stairway in the restaurant portion of the property as shown on plans submitted.

This motion is based on the following findings of fact:

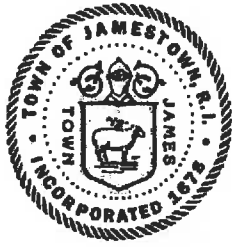
1. The property is located in a R20 zone and contains 49,652 sq. ft.
2. The granting of this variance and special exception does not effect the parking area.
3. There were no objectors.

The motion carried by a vote of 4 - 1.

This variance and special exception shall expire one year from the date of granting unless the applicant exercises the permission granted.

Very truly yours,

Martin S. Hellewell, Chairman
Jamestown Zoning Board of Review
MSH/pw



Town of Jamestown

93 Narragansett Avenue
401-423-7200

Jamestown, Rhode Island
02835-1199

July 27, 2005

Arthur Schindler
Fairfield Resorts
115 Long Wharf
Newport, RI 02840

Dear Mr. Schindler,

At a meeting of the Jamestown Zoning Board of Review held on July 26, 2005 the following vote was passed:

A motion was made by Don Wineberg and seconded by Thomas Ginnerty to grant the request of Bay Voyage Interval Owner's Association, whose property is located at 150 Conanicus Ave., and further identified as Tax Assessor's Plat 8, Lot 258 for a Special Use Permit from Article 7, Section 704, Alteration of a Non-Conforming Use, to construct a 12' x 15' storage building.

This Board has determined that this application does satisfy the requirements of Article 6, Sections 600 and 602.

This Special Use Permit is granted with the restriction that the applicant will extend the current hedge in front of the fence or otherwise integrate the storage building into the overall Bay Voyage landscape.

This motion is based on the following findings of fact:

1. Said property is located in an R20 zone and contains 32,807 sq. ft.
2. The proposed cedar shingle structure integrates well with the existing historical structure and grounds.
3. A neighbor was satisfied with the proposal.

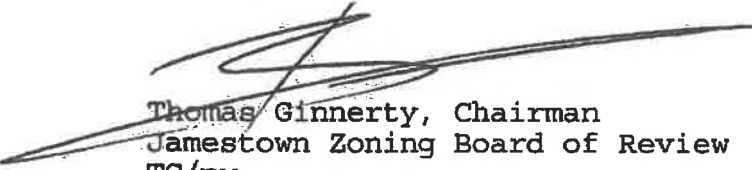
The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, Raymond Iannetta, Joseph Logan,
and David Nardolillo voted in favor of the motion.

Elizabeth Brazil and Dean Wagner were not seated and Richard
Boren was absent.

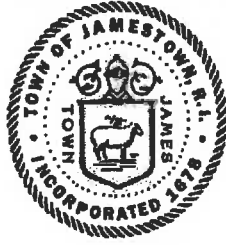
This special use permit shall expire one year from the date of
granting unless the applicant exercises the permission granted.

Very truly yours,



Thomas Ginnerty, Chairman
Jamestown Zoning Board of Review
TG/pw

RECEIVED FOR RECORD
08/01/2005 03:49:34PM
JAMESTOWN TOWN CLERK
ARLENE D. PETIT



Town of Jamestown

93 Narragansett Avenue
401-423-7200

Jamestown, Rhode Island
02835-1199

June 27, 2007

Eastern Resorts
C/o Quentin Anthony, Esq.
41 Long Wharf
Newport, RI 02840

Dear Mr. Anthony,

The following is the decision on your Petition heard by the Town of Jamestown Zoning Board of Review on June 26, 2007.

After testimony was completed at the public hearing for which due notice was given and a record kept, the Town of Jamestown Zoning Board of Review, after taking into consideration all of the testimony and exhibits at the public hearing, makes the following determination:

A motion was made by Richard Cribb and seconded by Richard Boren to grant the request of Eastern Resorts Co. LLC whose property is located at 150 Conanicus Ave., and further identified as Tax Assessor's Plat 8, Lot 258 for a variance from Article 7, Section 703, 704 to construct a new porch at 12' 10 1/2 " from Bay View Dr.

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):

1. The dumpsters will be moved inside the property line.
2. No portion of the deck or gazebo will be enclosed.
3. No outdoor music after 10 p.m.

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 R20 zone and contains 49, 652 sq. ft.
2. There were no abutters against the proposal and one in favor with some reservations.
3. The renovations will have no effect on the health, morals, and welfare to residents and citizens of the Town of Jamestown or the general character of the surrounding area.
4. The Planning Board unanimously recommended approval of this application.
5. The applicant has withdrawn the request for a new sign.

The motion carried by a vote of 4 - 1.

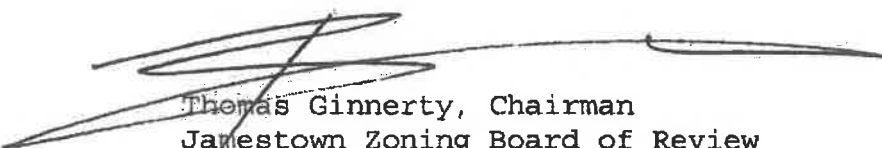
Thomas Ginnerty voted against the motion.

Richard Boren, David Nardolillo, Dean Wagner, and Richard Cribb voted in favor of the motion.

Richard Allphin was not seated and Don Wineberg and Joseph Logan were absent.

This variance will expire one year from the date of granting unless the applicant exercises the permission granted.

Very truly yours,

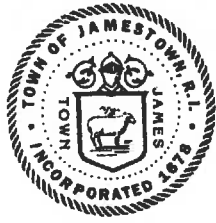

Thomas Ginnerty, Chairman
Jamestown Zoning Board of Review
TG/pw

RECEIVED FOR RECORD
- Aug 16, 2007 11:38:28A
- JAMESTOWN TOWN CLERK
- ARLENE D. PETIT

Fred Brown

From: Fred Brown <fbrown@jamestownri.net>
Sent: Thursday, April 17, 2014 9:44 AM
To: 'Andrew Nota'
Cc: 'cfernstrom@jamestownri.net'
Subject: Bay Voyage

Andy, I have further reviewed the building and zoning files for the Bay Voyage. The configuration of this time share, restaurant, inn with pool has evolved through time by way of four decisions of the zoning board: 1984, 1985, 1991, 2007. During the granting of these petitions no site plans were submitted showing premises seating or parking layout. No conditions or restrictions were imparted which would preclude where alcohol may be served, I therefore conclude that the jurisdiction of the current proposal lies entirely with the Council as the licensing authority. The Town Clerk has shown me premise seating arrangements from prior license applications which include the present proposal. The Clerk also informs me that the previously reported seating capacity for the restaurant is 101 seats. A building file document lists the capacity of the off street parking as 77. One parking space is required for each of the 32 time share/rental units. The current zoning parking requirement is one space per five restaurant seats. 77 spaces minus the 32 = 45 X 5 or a potential occupancy limit of 225 restaurant seats, well within the margin for error. Fred Brown



Office of Code Enforcement

Zoning
Building Codes
Minimum Housing
Property Maintenance

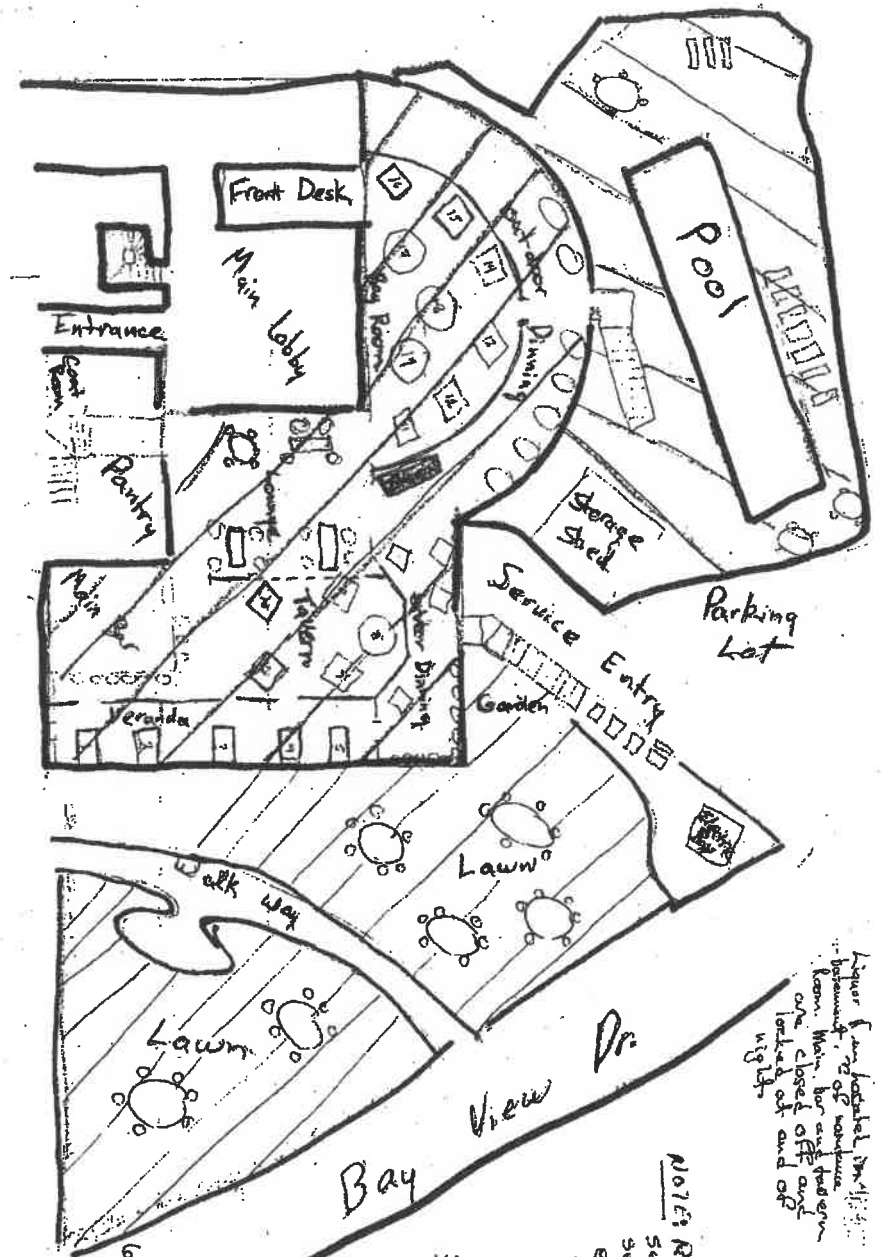
93 Narragansett Avenue
Jamestown, Rhode Island 02835-1199
401-423-9803
email: ccosta@jamestownri.net

TO: ANDREW E. NOTA, TOWN ADMINISTRATOR
FROM: CHRIS COSTA, BUILDING/ZONING OFFICIAL
SUBJECT: BAY VOYAGE SERVICE EXPANSION REQUEST
DATE: NOVEMBER 17, 2016

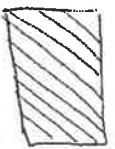
In review of all building and zoning files for the Bay Voyage, there appears to be no conditions or restrictions on where alcohol can be consumed or served on the property. The potential maximum parking increase to be generated from the expansion will not exceed the 77 spaces provided. The seating plan and calculations show 186 seats divide by 5 equals 37 plus one per 32 timeshare units to be 69 space required. The May 2, 2016 Town Council minutes reflect a granted of permission to consume alcohol on the designated grass area.

In my review, I do not feel that this application should be considered an expansion of use, requiring separate Zoning Board review. This application should fall under the jurisdiction of the Liquor Licensing Board for review and consideration.

Should you require any additional input on this matter, please let me know.



Lighter shaded area is
 - between 7:00 and 10:00
 - Main Bar will be open
 - one closed off and
 - locked off and off
 - lights



Service Area

NOTES Request to increase
 service area to lawn

Service area to lawn
 seating to tables w/ 6 seats
 each (total 36pmw),
 Seasonally from
 April 1st through
 October 31st

Seating Inside

1. Lounge = 20
2. Bay Room = 46
3. Toward = 34
4. Veranda = 20
5. Outdoor Dining = 30

Total = 150

6 LAWN AREA = 36

11/17/16 SLL

CHIEF MGR



Edward A. Mello
Chief of Police

JAMESTOWN POLICE DEPARTMENT

250 Conanicus Avenue, Jamestown, RI 02835
Tel: (401) 423-1212 Fax: (401) 423-3710
www.jamestownri.net/police



MEMORANDUM

TO: Licensing Board
FROM: Chief Edward A. Mello
DATE: November 17, 2016
SUBJECT: Bay Voyage 2017 License (outside service area added)

Regarding the 2017 liquor (BT) license application for the Bay Voyage to include alcohol service on the outside lawn area, I recommend the following conditions:

- 1) Alcohol service be allowed inside the restaurant area
- 2) Alcohol service be allowed on the deck area
- 3) Alcohol service be allowed in plastic ware in fenced pool area
- 4) Alcohol service be allowed on grass lawn area
- 5) Signage "NO ALCOHOL BEYOND THIS POINT" be installed at east end of sidewalk of front lawn.
- 6) No fixed or portable bar be permitted on the lawn area.
- 7) The number of tables on the lawn area shall be limited to six with six seats each.
- 8) The outside service be limited from April 1 through October 31.
- 9) The liquor board set an early end to outside service lawn area.
- 10) Applicant to provide a detailed floor/exterior plan indicating alcohol service area, proposed bars (permanent and temporary) and alcohol storage area.
- 11) Any outside special events i.e. wedding, music or entertainment would require a special event license.

MSL
21 Bay View Drive
Jamestown, RI 02835

January 11, 2022

Richard Boren
Chair, Jamestown Zoning Board of Review
93 Narragansett Avenue
Jamestown, RI 02835

Dear Mr Boren:

As an abutting property owner to the Bay Voyage, I received a notice of a public hearing from the Zoning Board of Review regarding proposed revisions to the exterior of the building requested by the owners of JB On The Water. I have spoken to and met with the Jamestown Zoning Office, Bill Moore, and also reviewed the proposed plans.

While I appreciate a restaurant opening in the Bay Voyage, I am strongly opposed to any of these revisions for the following reasons:

- several months ago when the owner of JB On the Water requested a liquor license transfer, the request was to serve alcoholic beverages from 8:00AM – 11:00PM. I opposed this request as this area is a residential neighborhood where many people walk and children ride bikes. For the same reason, I am opposing these building revisions. This is a residential area and the owner should respect the quiet and privacy of the neighborhood.**
- the plans call for an outdoor bar and additional seating. I believe the increase in this seating would exceed the parking ratio that is currently in place. Though there is public parking on Conanicus Avenue and to the east of the Bay Voyage, these parking spaces are not reserved for anyone's special use.**
- the Bay Voyage is set on a precarious piece of property. The proposed design would further add to the complications of the current piece of property and its abutting neighbors. The proposed outdoor bar would be visible from a main road. Also, the Bay Voyage is one of the few remaining historic buildings in Jamestown. Any changes to the outdoor character of the building would diminish the historic façade of the building and change its character.**
- if an outdoor bar and additional seating is allowed, this will most certainly lead to outdoor events being held there as well as a future request for outdoor music.**

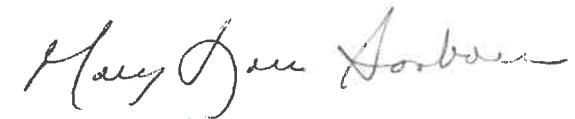
Once again, this is a residential neighborhood.....not Wickford, nor Newport.

I ask that we keep the outdoor venue at this location the same as it currently is.

Though I plan to attend to January 25th meeting via Zoom, I will be out of the country but hope the wifi connection will be dependable.

Thank you

Sincerely,

A handwritten signature in cursive script that reads "Mary Lou Sanborn".

Mary Lou Sanborn

cc: Bill Moore, Jamestown Zoning Officer ✓

CORRESPONDENCE

received
1-11-22 pm

11 January 2021
Town of Jamestown
Zoning Board of Review

Dear Board Members,

My name is Steven G. Bois and I am writing in response to your letter regarding the expansion of the Bay Voyage restaurant. I want to voice my strongest opposition to the installation of a 1200-foot deck space on the south side of building.

I live at 155 Conanicus Avenue, directly across the street from the Bay Voyage. My principal concerns include the noise I will experience especially during evening hours, the obstruction to my view in an area where I have a view easement with neighbors, and the overall negative impact to my quality of life. I am also objecting to this deck expansion because I strongly believe it will negatively impact my property value.

I see no need for the deck to be constructed on the south residential side of the building when there is already an existing deck on the eastern side. I also see plenty of space on that eastern side where that deck area could be expanded over the air conditioning condensers and the storage sheds. Expanding that deck area would have a lower impact to the majority of neighbors since there are fewer properties on that side of the building.

I am also concerned about the preservation of the historic building we take pride in here in the community. I do not believe additional deck space will have a positive impact on the external appearance of the building.

Although I am an advocate of sensible development, job creation and community support, I am also very concerned about maintaining the small-town atmosphere we have here in Jamestown. Please remember that the Bay Voyage is located in a residential community where we are raising our families. We are not located in the town area where this business would have a lower impact. Noise from evening diners sitting outside on the south side of the building will travel well into the homes all around the hotel.

Please consider my objection now and during the upcoming community hearing.

Sincerely

Steven G. Bois
Commander, US Navy (retired)
155 Conanicus Ave
Jamestown, RI 02835

CORRESPONDENCE



KAREN AUGERI BENSON

LAW OFFICE OF ALAN A. AMARAL

226 SOUTH MAIN STREET, SUITE 6, FALL RIVER, MASSACHUSETTS 02721 TELEPHONE (508) 676-0011 FAX (508) 674-3488

January 12, 2022

Jamestown Zoning Board
Attention: William L. Moore

**Re: Application for Special Use Permit
150 Conanicus Avenue**

Dear Mr. Chairman,

I represent Roach, LLC the owner of the property located at 170 Conanicus Avenue which is a direct abutter to the above referenced application.

My client supports the proposed handicapped access ramp planned for this location. They do, however have significant concerns regarding the requested outdoor deck and awning.

My client's property is a modest, one story bungalow. It does enjoy wonderful, unobstructed views of the Jamestown Harbor. As you are no doubt aware, apart from the Bay Voyage Inn and the Yacht Club, the entire neighborhood is residential. Preserving the quality of life in this part of our town is of paramount importance.

We ask the applicants be required to submit an analysis and drawings to ensure that the current view shed to the East and South East, including the harbor be preserved. Additionally, we request that this Board confirm that there will be adequate provisions for maintaining the peace and quiet of the neighborhood in light of the expansion of outdoor service, including the service of alcohol.

If this permit is granted, we request that the applicants be required to adhere to specific conditions to ensure that such service does not disrupt the residents at 170 Conanicus from enjoying their outdoor living spaces.

Thank you for your work on behalf of our community.

Very truly yours,

Karen Benson

Karen Augeri Benson

cc. Roach, LLC

www.kabensonattorney.com

LICENSED IN MASSACHUSETTS AND RHODE ISLAND

SATELLITE OFFICE: ONE COURTHOUSE SQUARE, NEWPORT, RI 02840 DIRECT ALL CORRESPONDENCE TO MASS OFFICE

CORRESPONDENCE

January 11, 2022

Town of Jamestown
Zoning Board of Review

Dear Board Members,

We are Betsy and Rick Edie, and we live at 2 Bryer Avenue, directly across from the Bay Voyage. We are writing to voice our opposition to the installation of a deck on the south side of the building.

We bought our house aware that there was view easement on the deed that prohibits us from building or planting anything on the east side of our house that would impede the view of Narragansett Bay for our neighbor, Stephen Bois of 155 Conanicus Ave. We are unable to gain any privacy from Conanicus Avenue or the Bay Voyage because we are prohibited from planting trees or shrubs in our yard that would grow larger than 3 feet, from putting an awning on our side deck, or erecting any kind of fence. We have **respected** this easement and refrained from seeking exemptions to it so that he may have a view of Jamestown Harbor. Granting Wickford on the Water an exemption to construct a deck **violates** the easement that we have abided by; a deck will certainly impact both of our views of the water that we have sought to preserve.

Additionally, as the Bay Voyage is situated in a residential area, we are concerned about the noise from patrons that will come to our house. We are located directly across from the southern end of the Bay Voyage, with no ability to create a barrier that will obstruct either the noise or the sight of the patrons. A restaurant/bar built on an outdoor deck in our residential neighborhood will irrevocably alter the quality of life in our home and yard.

We hope you take into consideration our concerns over the negative impact of this project on the neighborhood as you deliberate on this matter.

Sincerely,

Betsy and Rick Edie

received
1-12-22 pu

January 12th, 2022

Town of Jamestown – Zoning Board of Review

Dear Jamestown zoning board,

This letter is in response to a notice received 1/11/22 regarding a variance requested by 150 Conanicus Avenue. Upon review of the proposed alterations, it has become clear that they do not appear to be in harmony with the general purpose and intent or the zoning ordinance and comprehensive plan.

The property at 150 Conanicus Ave is located within the R-20 zoning district. It is a high density mixed-use building surrounded by single family residential neighborhoods. While this building predates modern zoning regulations it should not be exempt from attempting to fit in to its neighboring residential community. The addition of an outdoor deck and bar with 80 seats does not attempt to be "village-like in character". Unfortunately, the design of the space also contributes negatively to the harsh juxtaposition of two dramatically different uses. No attempt was made to shift the dense assembly use away from the residential street, or even at a minimum screen the residential use from the outdoor bar. The requested variance from the dimensional regulations would exacerbate an already ill-fitting use in a residential neighborhood.

In addition to the quality of life that would be affected by an outdoor bar in a residential neighborhood, the granting of this variance would also put an undue financial hardship on the neighboring low density residential structures. Extending the street elevation south along Conanicus Ave at the current building setback would impede the views of neighboring properties and have a negative impact on property values. The current building with its out of character height already does enough to block the views of the water that we all cherish so much in Jamestown. Adding to the already lengthy list of variances that this property has will only negatively impact the community.

Thank you for your consideration,

10 Bryer