

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the March 22, 2022 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 7:05 p.m. The clerk called the roll and noted the following members present:

Richard Boren, Chair
Dean Wagner, Vice-chair
Terence Livingston, Member
James King, Member
Jane Bentley, Member
Judith Bell, 1st Alternate
John Shekarchi, 2nd Alternate
Alex Finkelman, 3rd Alternate

Also present: Jamie Hainsworth, Town Administrator
Wyatt Brochu, Counsel
William L. Moore, Zoning Officer
Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk

MINUTES

Minutes of Feb. 22, 2022

Jane Bentley stated that page 6 needed to be amended to change the date from March 26, to March 22.

A motion was made by Dean Wagner and seconded by Terence Livingston to accept the minutes of the February 22, 2022 meeting as amended.

The motion carried by a vote of 5 -0.

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

Judith Bell, John Shekarchi and Alex Finkelman were not seated.

CORRESPONDENCE

A request from 5A Builders and Emily Bowab to continue their case.

5A Builders/Mowab

A motion was made by Richard Boren and seconded by Jane Bentley to continue the application of 5A Builders and Emily Bowab to the April 26, 2022 meeting.

The motion carried by a vote of 5 -0.

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

Judith Bell, John Shekarchi and Alex Finkelman were not seated.

OLD BUSINESS

JB's On the Water

A motion was made by Terence Livingston and seconded by Richard Boren to grant the request of JB ON THE WATER, LLC with regard to property located at 150 Conanicus Avenue, and is further identified as Tax Assessor's Plat 8, Lot 258 for a Variance from Article 3, Section 82-301 entitled "District Development Regulations", Section 82-302 entitled "District Dimensional Regulations", Table 3-2 for the Village Special Development District Zones R-8, R-20, CL and CD authorized by this Ordinance, Article 11 entitled Jamestown Village Development District, Section 82-1107, a Special Use Permit from Article 7, NONCONFORMING USES, Section 82-704. - ALTERATION OF A NONCONFORMING USE, and Article 6, Section 82-601 entitled "Special Use Permits Authorized by this Ordinance" and Section 82-605 entitled "Variances Authorized by this Ordinance" to add a handicap access ramp and outdoor deck with awning to the existing restaurant space. Pursuant to Article 3, Table 3-1 a Restaurant serving alcoholic beverages is not permitted. Pursuant to Article 3, Table 3-2 a front setback of 30' is required. Pursuant to Article 11, Section 82-1107, the building placement must be reviewed by the Planning Commission. Pursuant to Article 7, Section 82-704, a Special Use Permit is required to alter a nonconforming use.

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. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. And the conditions of approval paragraphs 2-5 of the Planning Board memorandum dated January 4, 2021 (which should be 1-4-2022).
3. The site improvements shall be built in strict accordance with the amended plans.

This motion is based on the following findings of fact:

1. Said property is located in a R20 zone and contains 49,504 sq. ft.
2. The matter was originally heard at the zoning board on January 25, 2022
3. At the January 25, 2022 hearing certain objections were made to the application.
4. The matter was continued from the January 25, 2022 meeting to the meeting held on February 22, 2022.
5. Subsequent to the January 25, 2022 meeting and prior to the February 22, 2022 zoning board meeting, the applicant and his team including his attorney met with the neighbors who objected to the project.
6. The applicant after listening to the concerns of the objectors/neighbors, Elliott Richmond, 10 Bryer Avenue Jamestown, Rick and Betty Edie, Bryer avenue Jamestown and John Andrews, owner 10 Bryer Avenue Jamestown amended their application to address the objectors' / neighbors' concerns.
7. The applicant's amended their application as follows;
 - (a) The width of the southern deck, which goes almost up to Canonicus Avenue, was reduced from 11.6 feet to 8.4 feet,
 - (b) Construct a bench seat at the west end of the deck to keep people's backs to the west and lattice also to obstruct the view of patrons toward the westerly neighbors and vice versa.
- © Relocate the steps facing Canonicus Avenue to access from the south side and the lawn area. And this shall reduce visibility from Bryer and Conanicus Avenue. It alleviates congestion on the sidewalks along Canonicus Avenue as well.
 - (d) The applicant will maintain a 4-foot-high hedge area as to help buffer anybody on the lawn but not obstruct the views of the people across the street.
 - (e) JB On the Water will encourage patrons to enter off Bay View Drive with landscaping in a foot path. They will be landscaping and trying to establish more of an entrance off of Bay View to eliminate people from gathering on the Canonicus side.
 - (f) The applicant is adding a JB On the Water sign on the Bay View side.

(g) The applicants are keeping the steps leading to the bar and deck but introduced tables on the south side to alleviate concerns of patrons using it as a bar rail. The applicant will shift the bar as far north as possible to locate it in line with the existing building and to help absorb sound being emitted from the easterly deck area. So, the deck and bar has been shifted north as close to the pool areas as we could get it, but they still do need to maintain the service steps and delivery.

(h) The original objectors/neighbors, Elliott Richmond, 10 Bryer Avenue Jamestown, Rick and Betty Edie, Bryer Avenue Jamestown and John Andrews, owner 10 Breyer Avenue Jamestown have withdrawn their objection to the application and are satisfied with the changes as proposed in paragraph 7 subparagraphs a-h above.

(i) Marylou Sanborn, and John Richardson, 20 Bay View Drive objected to the projected and testified they were not invited to the meeting that was subsequent to the January 25, 2022 hearing and prior to the February 22, 2022 zoning board hearing. Their objection amounted to the parking issues stating that they did not think the applicant had adequate parking. The Zoning Board's finds that issue is not before the board as the town had already determined that the applicant had enough parking for this project. In any event if the issue is properly before the Board, the board finds that the applicant has more than enough parking and satisfies the statutory parking requirements. The objectors were neighbors to the north who are the least affected by the project, they also complained about potential noise and congestion.

(j) the Bay Voyage hotel was built in 1900 and is non-conforming.

(k) The applicant testified due to pandemic condition testified they will suffer a financial hardship if not allowed to add additional outdoor seating and that 75% of his business is between Mother's Day and Columbus Day and the Board accepts this testimony as true.

(l) The applicant testified he cannot move the project to the east as it would encroach on the hotel pool. The Board accepts this fact as true and unworkable given the dimension of the hotel and the property

(m) The project will have two seat table setting outside, which takes up less space and reduces noise as only two people are conversing.

The motion carried by a vote of 5 -0.

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

Judith Bell, John Shekarchi and Alex Finkelman were not seated.

NEW BUSINESS

Wassel

A motion was made by Dean Wagner and seconded by Terence Livingston to grant the request of Ronald A. Sr. et Andrea M. Wassel, Trustees, whose property is located at 16 Emerson Rd., and further identified as Assessor's Plat 8, Lot 208 for a variance from Article 3, Section 82-302, Table 3-2, R20 Zoning District Regulations and Art. 6, Sec. 82-600, 605, 606 & 607 to rebuild in same existing footprint and to raise the height of the detached garage by 55 inches where the garage is located 3 ft. (10 ft. required) from the side property and 3 ft. (10 ft. required) from the rear property.

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. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. It is a condition of the approval that there be no plumbing in this structure. No bathrooms. No kitchen.

This motion is based on the following findings of fact:

1. Said property is located in a R20 zone and contains 21,454 sq. ft.
2. There is no increase to the building footprint.
3. The structure cannot be located further to the east due to a large tree.
4. The structure cannot be located further to the south due to the generator off set requirement to the house.
5. The existing structure is burdened by rot and an unstable foundation.
6. The relief requested would not alter the neighborhood.
7. There are no objections.

The motion carried by a vote of 5 -0.

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

Judith Bell, John Shekarchi and Alex Finkelman were not seated.

Town of Jamestown

A motion was made by James King and seconded by Dean Wagner to Grant the request of Town of Jamestown Rhode Island, whose property is located at 41 Conanicus Avenue, and further identified as Tax Assessors Plat 9, Lot 252 for a Variance from Article 3, section 82-302, table 3-2, Public Zoning District, Accessory Building, other, to replace an existing storage shed, in the same location 2'6" from sideline and 5'9" from other side line where 10' is required. Also, in compliance with Article 6, section 82-605, 606, and Article 7, section 82-705, non-conforming by dimension structure. The only change is size requested is 2'6" higher than the existing 8' high storage shed.

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 the Public Zoning District and contains 23,086 square feet of land.
2. Building is to be reconstructed within the same footprint as the existing structure.
3. Building will have no plumbing or power, but will be allowed power for light and safety.
4. Neighbors were in favor of the project and there were no objectors.

The motion carried by a vote of 5 -0.

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

Judith Bell, John Shekarchi and Alex Finkelman were not seated.

TPG Marinas

A motion was made by Terence Livingston and seconded by Dean Wagner to grant the request of TPG Marinas Conanicut, LLC, whose property is located at 1 and 3 Ferry Wharf Unit D and E. and further identified as Tax Assessor's Plat 9, Lot 791 (D) and (E) for a Modification to a Special Use Permit granted under Article 6, Special Use Permits and Variances, Section 600 and 602. This application is made pursuant to the provisions of section 82-302, Table 3-1, Permitted Uses of the zoning ordinance. The Applicant seeks to make interior modifications to the property and is requesting modifications to the service and operational hours, entertainment and service conditions from the approval granted September 25, 2013.

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 following restriction/condition(s):

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. The Board removes the restriction contained in paragraph 3 of the Sept. 25, 2013, the restriction section of the Board of Review decision.

This motion is based on the following findings of fact:

1. Said property is located in a CD zone and contains 12,060 square feet.
2. The applicant is requesting that the Board remove the restrictions of the Sept. 25, 2013 special use permit approved by the Zoning Board. The restrictions that the applicant request to be removed are contained in paragraph 3 of that decision.
3. The Board finds that allowing the applicant to remove the no entertainment and that alcohol terminated by 10:00 p.m. is reasonable.
4. The applicant will have a bar area and bar service and the Board finds that is reasonable.

5. The applicant wants to be able to serve alcohol after 10:00 p.m.
6. The applicant will have a full-service restaurant with 3 meals a day.
7. The restaurant currently has 68 seats and will continue to have 68 seats after approval.
8. It will be a sit-down restaurant with full service and an ice cream shop and rest room inside the restaurant.

The motion carried by a vote of 5 -0.

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

James King was recused and John Shekarchi and Alex Finkelman were not seated.

ADJOURNMENT

A motion was made and seconded to adjourn at 8:05 p.m.
The motion carried unanimously.