

Zoning Advertisement

Application of David Clancy and Jennifer Clancy whose property is located at 382 North Main Road, Jamestown, Rhode Island, and further identified as Tax Assessor's Plat 7, Lot 22 for a variance from Article 3, Section 82-302 entitled "District Dimensional Regulations", Table 3-2 and Article 6, Section 82-605 entitled "Variances Authorized By This Ordinance" to construct an addition to an existing dwelling which adds storage space, a bedroom and bath 2.2 feet from the westerly property line along North Main Road (fifty feet required) and 36.4 feet from the southerly property line (40 feet required).

Said property is located in a R200 zone and contains 65,340 square feet.

TOWN OF JAMESTOWN  
ZONING BOARD OF REVIEW

Application for Exception or Variation under the Zoning Ordinance

Zoning Board of Review;

Jamestown, R. I.

Date Aug 20 2022

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.

Applicant David & Jennifer Clancy Address 382 North Main Road, Jamestown RI 02835

Owner Same Address \_\_\_\_\_

Lessee N/A Address \_\_\_\_\_

1. Location of premises: No. 382 North Main Road Street

2. Assessor's Plat 7 Lot 22

3. Dimensions of lot: frontage ± 330 ft. depth ± 154, ± 230 ft. Area 65,340 sq. ft.

4. Zoning Districts in which premises are located: Use RR200 Area 200,000 sqft Height 35

5. How long have you owned above premises? Since 1996

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

Existing House : 878 sqft, Existing Garage : 410 sqft

7. Size of existing building Existing Accessory Studio 600 sqft

Size of proposed building or alteration 737 sqft

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

front 2 rear 186' left side 249' right side 38'

Existing House : 2'-6" from Front, Existing Garage 83' from Rear & 3' from Right

9. Present use of premises: Residential Single Family With Glass Blowing Studio

10. Proposed use of premises: Residential Single Family With Glass Blowing Studio

Location of septic tank & well on lot Well On The East & Septic On The North Side Of The Existing House

11. Give extent of proposed alterations to Construct A New Storage Area With A Bedroom & A Bathroom Above. There Will Be A Passage Way Connecting The Existing House To The New Structure

12. Number of families for which building is to be arranged: One

13. Have you submitted plans for above to Inspector of Buildings? Yes

Has the Inspector of Buildings refused a permit? \_\_\_\_\_

14. Provision or regulation of Zoning Ordinance or State Enabling Act under which application for exception or variance is made:

Applicants Seek A Variance From Section 82-300 Entitled "Regulations Of Structures And Land", Table 3-2


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

As grounds for a dimensional variance under section 82-300, the applicants state that there is no reasonable alternative to situate the new proposed addition within the required setback on the west side (front) of the property line. The positioning of the proposed addition is constrained by the location of the existing house which is located 2'-6" from the front lot line.

please see attached...

Respectfully Submitted,

Signature



Address

382 North Main Road,

Jamestown RI 02835

Telephone No. 401.423.1697

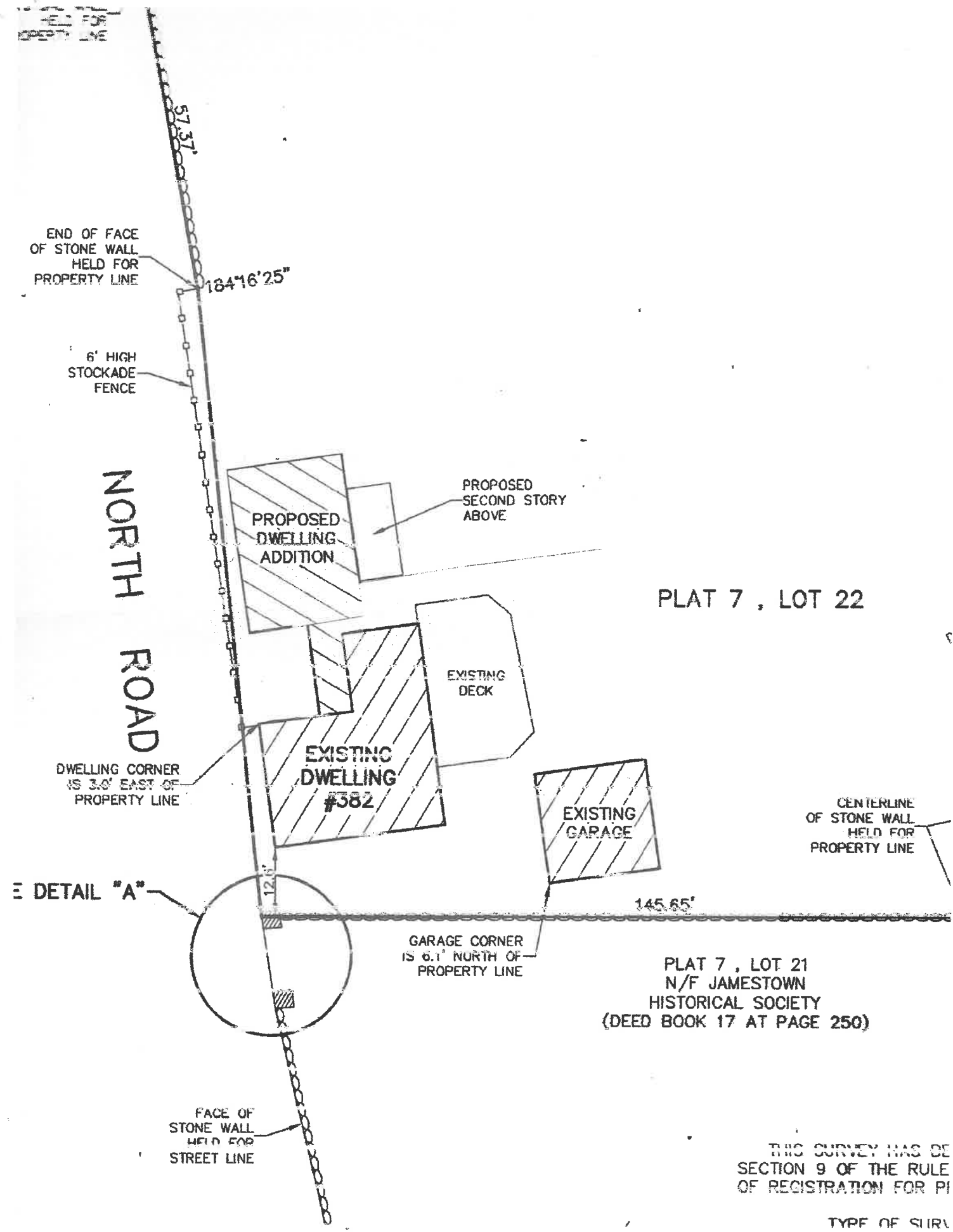
**NOTE: A LOCATION PLAN AND SKETCH AND DRAWINGS NECESSARY TO GIVE FULL INFORMATION MUST BE FILED WITH THE APPLICATION.**

Our property is in Jamestown Zone RR200 with a 50 foot setback from the front and rear lot lines and 40 foot setback from the side lot lines. The house and the detached garage were both built before any zoning regulations were established and consequently both structures are situated entirely within the established setbacks. Therefore, any additions or alterations to these structures would require an appearance before the Jamestown Zoning Board of Review for a dimensional variance.

Our existing home is a small one. It only has one bedroom on the 2<sup>nd</sup> floor and one bathroom on the 1<sup>st</sup> floor. Our young daughter sleeps in an open area tucked in the eaves. An open laundry area separates her corner from our bedroom. There is no basement or attic space and therefore practically no storage area. The oil tank, water tank and other utilities are located in or next to the existing garage.

We're proposing to build an addition to the north of the existing house. The ground floor will be used for utilities, storing tractor, lawn and garden equipment and general storage. The second floor will be a bedroom and a bathroom. There will be some additional storage space under the eaves. The ground floor foot print of the new structure will be 737 sqft. with a roof height of ±23'-6".

Given the existing condition of the site, which was created long before our ownership of the property, we believe the proposed design will require the least relief necessary for the improvements that are needed for our living condition.



THIS SURVEY WAS DONE  
 SECTION 9 OF THE RULE  
 OF REGISTRATION FOR PL

TYPE OF SURV



ZONING BOARD OF REVIEW  
**Town of Jamestown**

93 Narragansett Avenue  
401-423-7200

Jamestown, Rhode Island

DOC: 20210000060876  
Bk: 998 Ps: 203  
June 22, 2021

DOC: 20210000060876  
Bk: 998 Ps: 203

David Clancy  
Et Jennifer  
382 North Road  
Jamestown, RI 02835

Dear Mr. & Ms. Clancy,

The following is the decision on your Petition heard by the Town of Jamestown Zoning Board of Review on May 25, & June 29, 2021.

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 Boren and seconded by Edward Gromada to grant the request of David A. & Jennifer R. Clancy, whose property is located at 392 North Road, and further identified as Assessor's Plat 7, Lot 22 for a variance from Article 3, Section 82-302, district Dimensional Regulations, Table 3-2 and Article 6, Section 82-605, Variances Authorized by the Ordinance, to construct an addition to an existing dwelling which adds storage space, a bedroom and bath 5 feet from the Westerly property line along North Road (50 ft. required) and 38 feet from the southerly property line (40 ft. required).

This Board has determined that this application does satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

Section 82-606 provides – Conditions for Granting a Variance.

In granting a variance, the Zoning Board of Review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant;
2. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;

3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the ordinance [this chapter] or the comprehensive plan upon which the ordinance [this chapter] is based; and
4. That the relief to be granted is the least relief necessary.

**Section 82-607 – Variance -Additional Restrictions.**

The Zoning Board of Review shall, in addition to the above standards require that evidence be entered into the record of the proceedings showing that: (2) in granting a dimensional variance, the hardship that will suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. That fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

This Variance is granted with the following restriction/conditions:

1. The project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. The existing garage and shed will be razed and removed.
3. No structure will in the future be erected along the southerly property line except for a possible wood shed no more than 7 feet high.
4. The Existing Appeal of the Clancys pending in Newport Superior Court, C.A. No.: NC 2018-0188 will be dismissed with prejudice after the appeal period from the granting of this application expires.

This Motion is based upon the following findings of fact:

1. The Clancy property is located in an R200 zone and contains 65,340 square feet.
2. The subject property is in the Windmill Hill Historic District, which consists of six historic farmsteads, an 18<sup>th</sup> century burying ground, the meeting house, the windmill, and the miller's cottage.
3. The subject property is the miller's cottage, which dates from 1787.
4. The miller's cottage has a footprint of 878 square feet and is approximately 31 feet x 22 feet, and with a smaller attachment 11 feet x 14 feet.

5. The first floor consists of two different spaces. There is a staircase, a flue, wood burning stove, and a small storage area less than 24 inches deep, constituting one space. The 11 feet x 14 feet attachment is the kitchen/living space.
6. On the second floor, which is 22 feet x 31 feet, there is a single bedroom used by three people and a washer and dryer. Because of the eaves, not all of the 22 feet x 31 feet is usable.
7. The Clancy's daughter has a bed on the second floor that is separated from her parent's bedroom by a screen. The daughter's space is 4 feet x 8 feet.
8. The miller's cottage does not contain a basement or an attic.
9. The Clancy's have owned the miller's cottage for 25 years.
10. In April 2003, a Variance for the Clancy property was granted with the restriction that no addition may be made to the existing house which are wider (north to south) or higher than the present house.
11. In 2019, a decision of the Zoning Board of Review denied the Clancy's a dimensional variance to build an addition east of the miller's cottage partially based upon the objection of the Jamestown Historical Society which owns the adjacent property to the windmill.
12. Subject to the aforescribed restrictions in this decision, the Jamestown Historical Society does not object to the current application.
13. The current application seeks to build an addition to the miller's cottage north of the existing house. The ground floor will be used for utilities, storing tractor, lawn and garden equipment and general storage. The second floor will be a bedroom and bathroom. There will be some additional storage under the eaves. The ground floor footprint of the new structure will be 737 square feet with a roof height of approximately 23 feet 6 inches.
14. Shahin Barzin, a practicing and licensed architect for over 40 years, testified on behalf of the Clancys. Mr. Barzin described the neighborhood, the farmland, the windmill property, the existing home, and the significant distance to any other homes or farms.
15. Mr. Barzin testified that the miller's cottage is quite limited in living space and storage.
16. Mr. Barzin testified that the plan he designed is to create a barn-like addition to the north of the miller's cottage connected by a breezeway.



17. The addition will be completely within the set-back requirements.
18. Mr. Barzin presented photographic evidence and testimony that there was a barn in the past where the addition would be constructed.
19. When the vertical siding on the barn-like addition is weathered, it will be compatible with the miller's cottage.
20. Mr. Barzin testified that he was the Clancy architect for the prior application before the Zoning Board of Review and with this application he was attempting to address all of the prior concerns of the Zoning Board of Review.
21. In response to questioning, Mr. Barzin testified that the new application satisfied all of the conditions of 82-606 and 82-607, which the Board finds credible.
22. There were no objectors.

The motion carried by a vote of 5 -0.

Richard Boren, Dean Wagner, Edward Gromada, James King and Judith Bell voted in favor of the motion.

Alex Finkelman was not seated and Terence Livingston and John Shekarchi were absent

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

Very truly yours,



Richard Boren, Chairman  
Jamestown Zoning Board of Review  
RB/pw

Received For Record  
JAMESTON  
TOWN CLERK  
JAMESTOWN, R.I.  
JUL 02, 2021 11:27 AM  
Vol: 998 PG: 203

Key Plan



Rev Description Date

THIS DRAWING IS COPYRIGHTED

Construction Set

TITLE

Floor Plans

SCALE: 1/4" = 1'-0"

SEAL & SIGNATURE

PROJECT

Proposed New Addition  
 For

**David & Jennifer  
 Clancy  
 Residence**

382 North Main Road  
 Jamestown RI 02835  
 Plat 7, Lot 22

DATE: 08-24-2022

PROJECT No:

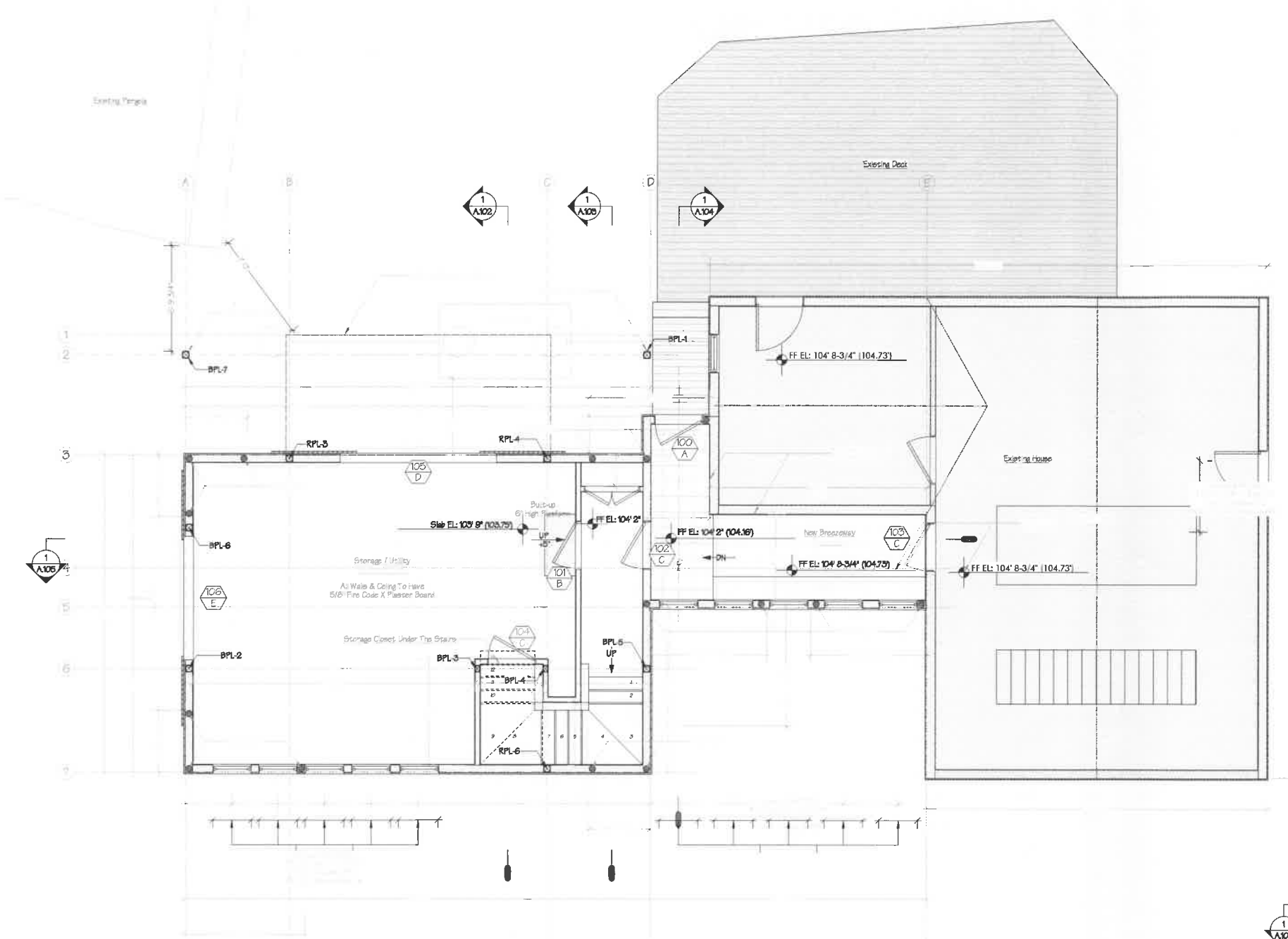
DRAWING BY: SB

CHK BY: SB

DRAWING No:

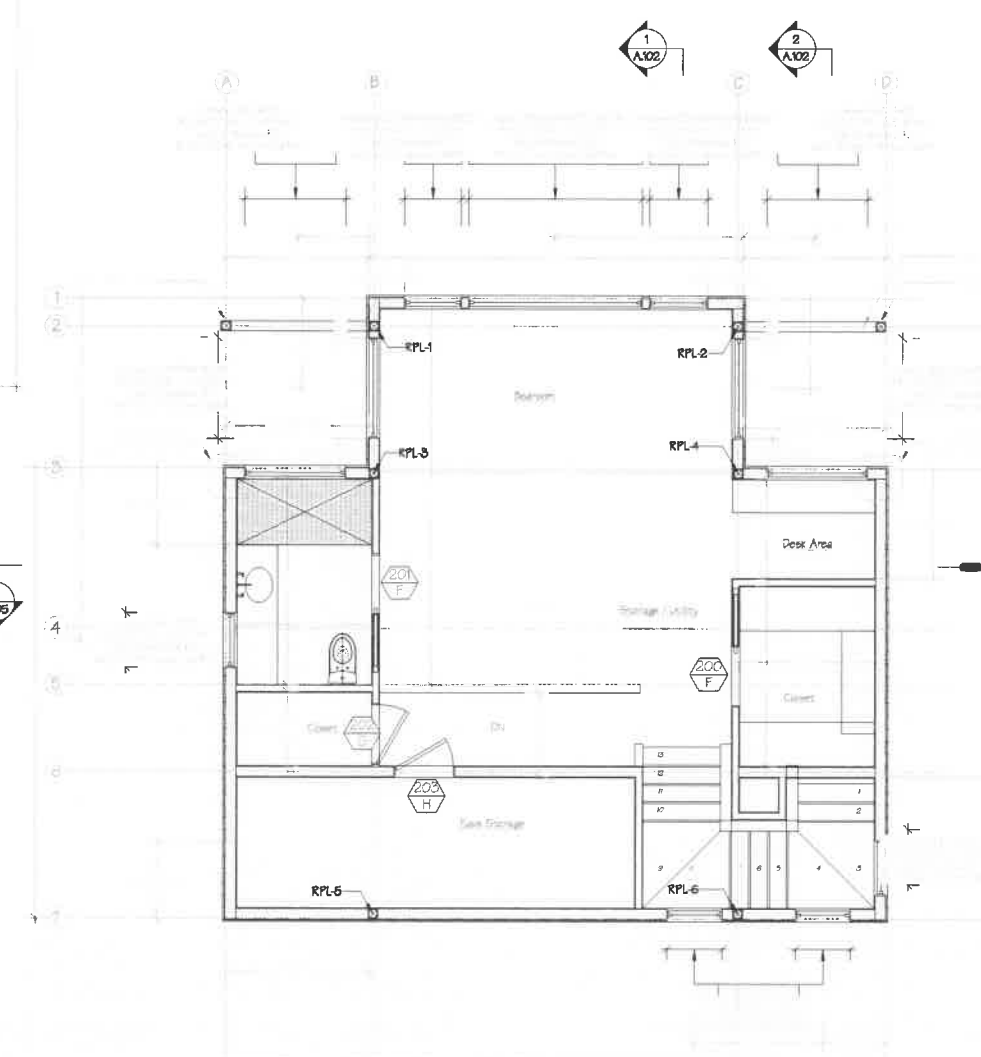
A-100

Page #:



1 1st Floor Plan  
 A-100

NOTE:  
 All Window Rough Openings Must Be Verified W/ The Manufacturers' Specs.



2 2nd Floor Plan  
 A-100

