

APPEAL

City/Town of Jamesstown, RI

File No. _____

ZONING BOARD OF REVIEW

Date: 05.23.2022

Gentlemen:

The undersigned hereby appeals the following action of Bill Moore in the administration and enforcement of the Zoning Ordinance (check one box only):

- 1. Denial of a Zoning Permit.
- 2. Issuance of a Zoning Permit.
- 3. Other alleged error in enforcement of the Zoning Ordinance.

I hereby submit the following information in support of this APPEAL.

Appellant Name (Typed) LAURA CARLSON

Appellant Signature Laura Carlson

Appellant Address 20 Brook St. Jamesstown RI

Tel. No. 401-487-5100

02835

I. PREMISES INVOLVED IN THE APPEAL

1. Location: Street No. 5 Street Name Clarke St.

2. Assessor's Plat Location: Plat No. 9 Lot No(s) 108

3. General Lot Dimensions: Area 39,455 square feet
 Frontage 149 feet
 Average Depth 195 feet

4. Zoning District of Premises: CD

5. Existing Structures on Premises: Ground Floor Area 14,009 sq. ft.
 Number of Floors 1
 Structure Height _____ ft.

6. Current Use of Structure(s) and Site: Residence (), No. of Units _____
 Commercial () Type Market/Rest
 Industrial (), Type _____
 Other (), Specify _____

7. Accessory Uses on Premises: Parking _____ sq. ft. Spaces _____
 Loading _____ sq. ft. Bays _____
 Other (describe) _____

8. Ownership: Name of Owner Michael McGuade
 Address of Owner 106 Main St. Westerly RI 02891
 Name of Lessee _____
 Address of Lessee _____
 Duration of Present Ownership _____ years.

no change to existing structure or parking

II. NATURE OF THE APPEAL

1. If APPEAL is of the denial of a zoning permit, complete the following:

A. Date of Application for Permit 4-20-22

B. Date of Denial of Permit 5-16-22

C. Reason for Denial (Attach copy of notification) _____
see attached

D. Basis for APPEAL (Cite applicable ordinance provisions) _____
see attached

2. If APPEAL is of the issuance of a zoning permit, complete the following:

A. Date of Issuance of Permit _____

B. Basis for APPEAL (Cite applicable provisions of the ordinance) _____

3. If APPEAL is of another alleged error in enforcement of the Zoning Ordinance, complete the following:

A. Date of Alleged Error _____

B. Nature of the Alleged Error (Cite applicable ordinance provisions and other data in support of your allegation of error) _____

III. REQUIRED ACCOMPANYING MATERIAL

1. A scale drawing of the subject premises with a minimum size of 8½"x11" and a minimum scale of 1"=100 ft. showing all lot lines, street lines and zoning district boundary lines within 200 feet of the subject premises with appropriate dimensions, scale and north arrow. In addition, all existing and proposed buildings and structures on the premises shall be accurately shown on this plan with appropriate dimensions.
2. A list of all owners of real property lying wholly or partly within 200 ft. of the subject premises.
3. A check for the filing fee of \$_____, payable to the City/Town of _____.

Complete this form in triplicate and file one copy with the enforcing officer, submit one copy to the Zoning Board of Review and retain one copy for your records. Copies of any additional material shall be attached to all copies.

Application of Laura Carlson (lessee)
Michael McQuade (owner), whose

property is located at 5 Clarke St., and further

identified as Tax Assessor's Plat 9, Lot 105 for a

~~Variance/Special Exception~~ from Article 3, Section 82-301

use Table 3-1

to operate

a grooming salon

Said property is located in a

CD Zone and contains 39,455 acres/square feet.

If the town believes it is necessary to advertise:

Laura J. Carlson (Michael McQuade, owner) appeals the decision of the Jamestown Zoning Enforcement Officer to deny her proposal to operate a grooming salon in the McQuades Marketplace at 5 Clarke St., Jamestown, RI.

McQuades Marketplace is in Plat 9, Lot 105. The location is in the CD Zone.

clarification of

Laura J. Carlson (Michael McQuade, owner) seeks ~~relief from~~ Article 3, Section 82-301, Use Table 3-1 to operate a grooming salon, which is not on the list of approved Uses.

Ms. Carlson believes grooming is a similar use to beautician, barber or shoe repair.



Laura Carlson 5 Clarke St. Plat 9 Lot 105, CD ZONE
Appeal of zoning officer determination Article 3, Section 82-301 use table
3-1 Section VII B. (c) does not apply to dog grooming, and article 5
Section 82-503(A) Appeal of zoning enforcement officer



TOWN OF JAMESTOWN

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

ZONING DETERMINATION

Date: 5/16/2022

To: Planning Commission

Property location: 5 Clarke Street, Jamestown RI

Assessor plat, 9 Lot, 105

Owner: McQuades Jamestown LLC / Laura Carlson

Zoning District: Commercial Downtown

Existing Lot size: .91 acres +/-

Current Use: Residential Use: Vacant Laundry Mat unit

SEWER/SEPTIC: Sewer

WATER SUPPLY: Town Water

Remarks: The Property currently has a vacant unit in between an existing Grocery Store and Pizza Restaurant. The Lessee has presented a proposal to open the vacant unit as a Dog Grooming Business. I cannot approve that use as the Zoning Enforcement Officer. In Jamestown Zoning use tables Article 3, section 82-301, use table 3-1. There is no mention of dog grooming. Section VII, B,6 is the closest, Beautician, barber, shoe repair, and similar. However, I do not believe Dog grooming is a like business.

As per Article 5, section 82- 503 A. any aggrieved person may appeal this decision.


William L Moore

Jamestown Building and Zoning Enforcement Officer

In re: Carlson

15. This is an appeal of a decision of the Building Official refusing to grant a permit to operate a dog grooming business in a CD zone. The appeal is taken pursuant to Section 82-501 of the Zoning Code.

16. The grounds for this appeal are as follows:

A. Applicant seeks to open a dog grooming business. The business will operate much like a beauty salon where a single dog will be serviced by appointment. The business will not involve boarding or sitting. Once the dog is serviced, the dog is removed from the premises by the owner.

The use code most like the proposed use is found under Article 3, Section 820-302, Table 3-1, VII COMMERCIAL SERVICES (6). That use code provides that Beautician, barber, shoe repair, and similar services are allowed in a CD zone. Applicant argues that a dog grooming business is a similar service to that offered by a beautician or barber.

[Merriam Webster definition of a beautician](#) is “a person licensed to provide cosmetic treatments to the hair, skin, and nails”.

New Oxford American Dictionary defines a beautician as “a person whose job is to do hair styling, manicures, and other beauty treatments”.

Merriam Webster definition of a barber is “one whose business is cutting and dressing hair, shaving and trimming beards, and performing related services

Town of Jamestown

Application for Development Plan Review

CONTACT INFORMATION	Applicant
	Name <u>LAURA CARLSON</u> <u>GOOD GRACES GROOMING</u>
	Address <u>20 BROOK ST.</u>
	City <u>JAMESTOWN</u> State <u>RI</u> Zip Code <u>02835</u>
	Phone <u>401-487-5100</u> Email <u>laura.tailstoteach@gmail.com</u>
	Owner (if different than above)
	Name <u>MICHAEL McQUADE</u>
	Address <u>106 MAIN ST.</u>
	City <u>WESTERLY</u> State <u>RI</u> Zip Code <u>02891</u>
	Phone <u>401-596-2054</u> Email _____
Engineer / Surveyor	
Name _____	
Address _____	
Phone _____ Email _____	
Attorney	
Name <u>CHRISTIAN INFANTINO - (Applicant Attorney)</u>	
Address <u>77 NARRAGANSETT AVE</u> <u>Jamestown, RI 02835</u>	
Phone <u>401-423-6400</u> Email <u>info@jamestownlawyer.com</u>	
Other Professional	
Name XXXXXXXXXX - XXXXXXXXXX <u>Mark Liberati</u>	
Address <u>57 Narragansett Ave</u>	
Phone 401-268 <u>401-447-5021</u> Email <u>mark@lplegal.com</u>	
PROPERTY INFORMATION	Assessor's Plat(s) <u>9</u> Lot(s) <u>105</u>
	Street Address <u>5 Clarke St. Jamestown, RI 02835</u>
	Zoning District <u>CD</u>
	Date Property Purchased _____
	Dimensions of Lot (ft) <u>149</u> Frontage <u>220</u> Width <u>195</u> Depth <u>39,455</u> Lot Size (sq ft) _____
	Existing Buildings on Property <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	If Yes, Size of Existing Buildings (sq ft) <u>14,009</u>
	Previous Development Plan Approval received for this property <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes date and application name) <u>1999 expansion of market</u>

PROPOSED DEVELOPMENT

Purpose of Proposed Development

Commercial Residential

Zoning Board Relief Requested Yes No

If Yes, Please Specify Relief

Special Use Permit Dimensional Variance Use Variance

Other _____

Brief Description of Proposed Development and Zoning Relief

The plan is to utilize the first 600 SF of the old McQuades Laundry (facing SW) as an appointment only fear-free dog grooming shop. Dogs will be booked for a specific "tub time" and those will be staggered throughout the day with dogs being picked up as soon as they are finished. Parking needs will be minimal. All possible water conservation measures will be implemented to keep our water usage as low as possible. Since Jamestown doesn't have a specific designation for groomers, we would most likely be classified somewhere between a human hair salon and a veterinarian's office, both of which have operated on the island for decades.

APPLICATION

Application Submission Date 04-20-22

ZBR Meeting Date (if applicable) _____

Application Fee(s) (refer to Planning Department Fee Schedule) _____

CERTIFICATION

Attest: The information provided on this application is true and accurate

Applicant's Signature Laurel Colv Date 04.20.22

Owner's Signature _____ Date _____

(notarized from required if applicant is not the owner)

SUBMIT

Town of Jamestown Planning Department
93 Narragansett Ave. • Jamestown • Rhode Island 02835
401-423-7210

Town of Jamestown
OWNER AUTHORIZATION FORM
FOR SUBDIVISION

APPLICANTS FOR SUBDIVISION: Fill out only (1) below if property owner is same as applicant. Fill out (1) and (2) below if applicant is other than property owner.

(1) I, Michael McQuade, hereby certify that I am the owner of property, designated as Plat 9, Lot 105, as shown on the Town of Jamestown Tax Assessor's Maps.

(2) I hereby authorize the application for subdivision by LAURA CARLSON (name of applicant or agent) to be submitted to the Planning Department of the Town of Jamestown for review and decision by the Planning Board.

WITNESS its name this 19 day of April 20022

→ BY: Michael A. McQuade
Signature of owner

STATE OF RHODE ISLAND
County of Washington

In _____ on the 19th day of April, ~~201~~²⁰²² before me personally appeared Michael McQuade (name) to me known and known by me to the party executing the foregoing instrument and acknowledged said instrument, by him executed, to be his free act and deed, individually and as a partner and the free act and deed of said Corporation.

Rayquana Butler
Notary Public



