

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the November 28, 2023 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
Dean Wagner, Vice-Chair
James King, Member
Jane Bentley, Member
John Shekarchi, 1st Alternate
James Sisson, 2nd Alternate
Robert Maccini, 3rd Alternate

Also present:

Wyatt Brochu, Counsel
Peter Medeiros, Zoning Officer
Brenda Hanna, Stenographer
Pat Westall, Clerk

MINUTES

Minutes of October 24, 2023

A motion was made by James King and seconded by Jane Bentley to accept the minutes of the October 24, 2023 meeting as presented.

The motion carried by a vote of 5 – 0.

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

James Sisson and Robert Maccini were not seated and Terence Livingston was absent.

CORRESPONDENCE

All correspondence was in reference to items on the agenda.

NEW BUSINESS

Gershenoff

A motion was made by James King and seconded by Jane Bentley to grant the request of LANCE GERSHENOFF and KATHARINE SMITH GERSHENOFF (GERSHENOFF IRREVOCABLE TRUST, OWNER) whose property is located at 15 Spanker Street, and further identified as Tax Assessor's Plat 15, Lot 50 for a Variance from Article 7, Section 82-705, Alteration of a Nonconforming Structure to allow an addition to a structure that is non-conforming as to dimensions (setbacks) in an R-40 zone where the front setback requirement is 30' and the side setback requirement is 10'.

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. All conditions/stipulations stated in Town of Jamestown Engineer's letter of November 6, 2023 shall apply.
2. 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 an R-40 zone and contains 14,400 square feet.
2. The project decreases lot coverage.
3. The Town Engineer has approved the plan.
4. Two neighbors wrote in favor of the plan and there were no objectors.

The motion carried by a vote of 5 – 0.

Dean Wagner, James King, Jane Bentley, John Shekarchi and James Sisson voted in favor of the motion.

Robert Maccini was not seated and Terence Livingston was absent.

Richard Boren left at 7:30 p.m.

Finkelman

A motion was made by John Shekarchi and seconded by James King to grant the request of Denise and Alex Finkelman whose property is located at 28 Bayberry Rd and further identified as Tax Assessor's Plat 12 Lot 63 for a Variance from Article 8, Section 302 & Article 82, Section 705 Direct Dimension Setback where the Front Setback is required 30 feet to 18 Feet to add an addition to the eastern side of the structure where the front will align with current end of existing porch.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600, Section 606, and Section 607, Paragraph 2.

` Dimensional variance of 12' to front setback is granted.

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 a R40 zone and contains 8000 square feet.
2. Testing has been submitted that demonstrates all burdens for said variance also known as a deviation under the relevant status and case law precedent have been met.

The motion carried by a vote of 5 – 0.

Dean Wagner, James King, Jane Bentley, John Shekarchi and James Sisson voted in favor of the motion.

Robert Maccini was not seated and Terence Livingston was absent.

Richard Boren left at 7:30 p.m.

Mendelsohn

A motion was made by Jane Bentley and seconded by Dean Wagner to grant the request of DANIEL & NADINE MENDELSON, whose property is located at 29 Marine Avenue, and further identified as Tax Assessor's Plat 9, Lot 442 for a dimensional variance from Article 3, Section 82-302 and Table 3-2. The property is located in the R-20 zoning district and contains approximately 9,000s.f. of area. Applicants propose to construct an accessory building 198s.f. in size, within the side-yard setback proposing 5.7' wherein 10' is required. An Accessory Structure (588s.f.) is also proposed within the front yard along Pierce Ave proposing a front yard setback of 16.7' wherein the building official determined 50' is required due to the lot having two front yards and no rear yard. Relief is also sought to allow accessory structures in the front yard to the extent deemed necessary.

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. Neither structure will be considered an accessory dwelling structure.
3. There will be no kitchen or cooking facilities.

4. There will be no renting of the new garage structure.
5. The garage bedroom will not be used for a rental.
6. Applicant is proposing a front yard setback of 16.7' wherein the Building Official deemed 50' required.
7. Applicant is requesting relief to construct an accessory structure in the front yard to extent relief necessary.

This motion is based on the following findings of fact:

1. The property is located in the R-20 zoning district and contains approximately 9,000 s.f. of area.
2. The property has two front yards and therefore has to follow stricter codes.
3. Construction of two accessory buildings in the rear of the principal structure will adhere to the restrictions set forth.
4. The applicant is proposing a side yard setback of 5.7' wherein 10 is required.
5. The applicant will comply with the stormwater mitigation plan as depicted in the plan submitted as an exhibit.
6. The applicant will implement a landscaping plan consistent with what is depicted in the renderings submitted with the application including a row of shrubs on the south property line.
7. A soil sedimentation plan will be included in the final plan.
8. An approved stormwater plan post construction will be done by the engineer of record.
9. The Planning Memorandum dated Sept. 21, 2023 is incorporated by reference.

The motion carried by a vote of 5 – 0.

Dean Wagner, James King, Jane Bentley, John Shekarchi and James Sisson voted in favor of the motion.

Robert Maccini was not seated and Terence Livingston was absent.

Richard Boren left at 7:30 p.m.

ADJOURNMENT

A motion was made and seconded to adjourn at 8:20 p.m.
The motion carried unanimously.