

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the October 22, 2024 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 7:07 p.m. The clerk called the roll and noted the following members present:

Richard Boren, Chair

James King, Member

Jane Bentley, Member

John Shekarchi, 1st Alternate

James Sisson, 2nd Alternate

Robert Maccini, 3rd Alternate

Also present:

Wyatt Brochu, Counsel

Dennis Begin, Zoning Officer

Brenda Hanna, Stenographer

Pat Westall, Zoning Clerk

MINUTES

Minutes of August 27, , 2024

A motion was made by Jane Bentley and seconded by James Sisson to accept the minutes of the August 27, 2024 meeting as presented.

The motion carried by a vote of 5 – 0.

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

Robert Maccini was not seated and Dean Wagner & Terence Livingston were absent.

CORRESPONDENCE

Nothing at this time.

NEW BUSINESS

Brooks

A motion was made by John Shekarchi and seconded by Richard Boren to grant the request of Brook William Matthews Trustee whose property is located at 16 Walnut Street, and is further identified as Assessor's Plat 10, Lot 46 for a variance from Article 6, Application of District Regulations, Section 82-600, Table 6-2 to approve the location of a single-family home generator.

In particular reference to Article 6, Section 82-305.

This motion is based on the following findings of fact:

1. Said property is located in an RR80 zone and contains 99,270 sq. ft.
2. The petitioner has satisfied the standards for the dimensional variance in the Board's opinion.
3. The approval is subject to the condition that
 - A) A plot plan is entered into the record which demonstrates the location of the generator (which has been provided).
 - B) That there is adequate planting between the generator and the street line resulting in the generator to not be visible from the street.

The motion carried by a vote of 4 – 1.

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

James King voted against the motion.

Robert Maccini was not seated and Dean Wagner & Terence Livingston were absent.

Mitchell

A motion was made by Richard Boren and seconded by James King to grant the request of Glenn and Numi Mitchell whose property is located at 67 Howland Avenue, and further identified as Tax Assessor's Plat 9, Lot 191, for a variance from Article 3, Section 82.302 - District Dimensional Regulations to renovate an existing bathroom to 5 feet 2 inches from the lot line instead of the required 7 feet.

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

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 an R8 zone and contain ½ acre.
2. The residence located on the property was constructed in or around 1939.
3. The residence is 1228 sq. ft.
4. The lot is 21,545 sq. ft.
5. The lot is large for the R8 zone, but the residence sits on the south set back of 7 feet.
6. Although correspondence from an attorney for an abutter, questioned that the current set back was closer to the property line of 7 feet, Exhibit 3 is a Class 1, Surveyed Certification, that establishes the current set back of 7 feet, 7 inches.
7. The applicants have owned the property for 29 years.
8. The master bedroom is located on the south side of the house at the 7 foot set back.
9. The master bathroom (there is only one full bathroom) is located immediately to the east of the master bedroom and is currently approximately 7 feet from the property line.
10. The master bathroom has a sink, toilet and an old steal bathtub smaller than today's standard bathtub. The old bathtub also serves as a shower.
11. The master bathroom is approximately 4 feet, 4 ½ inches by 11 feet, 3 inches.
12. The current bathroom will not accommodate both a separate shower and tub.
13. The antiquated bath tub currently serves as a shower.
14. The master bedroom is 12 feet, 10 inches by 13 feet, 4 inches and not large enough to add a bathroom.
15. Currently, the master bathroom cannot be extended into the house as there is a large masonry fireplace.
16. Currently, the master bathroom is also adjacent to the kitchen which is only 7 feet by 10 feet and is not large enough to accommodate an expansion of the bathroom.
17. The half-bathroom cannot be extended, which is currently 6 feet, 10 inches by 2 feet, 7 ½ inches and abuts a basement stairway.
18. In summary, the master bathroom cannot be extended north, east, or west. The only possible extension is to the south into the 7 foot set back.
19. The proposed set back per Exhibit 5, Bath floor plan, is to extend the bathroom by moving the south wall 5 feet, 2 inches from the property line.
20. Shahin Barzin, architect, credibly testified that the only way of making the bathroom suitable for modern living conditions is to extend the master bath south so that a bath and a shower may be built.
21. It is noted that currently a 3 foot, 8 inch antiquated tub is in a 4 foot, 4 inch bathroom.

22. Mr. Barzin, credibly testified that there is no other way to reconfigure the bathroom and no other reasonable location.
23. Mr. Barzin credibly testified that the hardship is due to the unique characteristics of the structure and its location; the residence was built in 1939 and the applicants didn't create the need for a variance; the general character of the surrounding area is residential and the general character of the surrounding area will not be altered.

CONCLUSION

It would appear that the Mitchell application was filed after the zoning amendment to the state enabling act, RIGL-45-24-41 et seq took effect on January 1, 2024 and the hearing itself occurred after the Jamestown Town Council amended its Zoning Ordinance to incorporate RIGL 45-24-41.

However, whether the application is governed by the present or pre-existing Jamestown zoning code and State Enabling Act, the Mitchells have met their burden.

It is further noted that new section 82-309 entitled Modification Granted by Building Official, provides inter alia, that the Zoning Enforcement Officer shall be permitted to grant modification from lateral dimensional requirements of the zoning ordinance up to 25 percent. If written objection is received, the request shall be denied by the Zoning Officer and be considered by the Zoning Board as a request for a variance.

Here, based upon the application and the exhibits, the modification sought is less than 25 per cent. The written objector appeared at the hearing, objected, but presented no testimony.

The motion carried by a vote of 5 – 0.

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

Robert Maccini was not seated and Dean Wagner & Terence Livingston were absent.

Guerin

A motion was made by James King and seconded by John Shekarchi to grant the request of Zachary, Hunter, and Jake Guerin whose property is located at 40 Narragansett Ave and is further identified as Tax Assessor's Plat 8, Lot 471 in application for a special use permit from Article 3 of Sections 82-300 82-303 82-304 expiration and extension of special use permit to grant a liquor license for a new restaurant with the same seating and parking. In accordance with A-K and no changes shall be made.

This Board has determined that this application does satisfy the requirements of Article 3, Sections 300 and 302.

This Special Use Permit is granted with the following restriction/condition(s):

The Liquor license has to be granted by the Town Council.

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 CD zone and contains 1,920 sq. ft.
2. The property has been a bar/restaurant for the past 50 years.
3. No one objected to the continued use as a restaurant.

The motion carried by a vote of 5 – 0.

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

Robert Maccini was not seated and Dean Wagner & Terence Livingston were absent.

ADJOURNMENT

A motion was made and seconded to adjourn at 7:50 p.m.

The motion carried unanimously.