

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the June 25, 2002 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Library, 26 North Rd. The meeting was called to order by the Chairman at 7:07 p.m. The clerk called the roll and noted the following members present:

Richard Allphin
Thomas Ginnerty
Dennis Grieco
Don Wineberg
Raymond Iannetta
Richard Boren
Joseph Logan
Kathleen Managhan

Also present: Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk
Fred Brown, Zoning Officer
Bruce Leach, Counsel

Seated: Richard A., Thomas, Dennis, Don, and Ray.

MINUTES

Minutes of the June 4, 2002 meeting.

A motion was made by Thomas Ginnerty and seconded by Raymond Iannetta to accept the minutes of the June 4, 2002 meeting as presented.

The motion carried by a vote of 5 - 0.

CORRESPONDENCE

A letter from Bernard Jackvony, attorney for Jamestown Place, (re: Narragansett Ave.) requests that the application on the agenda for the June 24, 2002 special meeting be continued to July 23, 2002.

John Murphy, attorney for Jamestown Place, (re: Knowles Ct.) requested that the application on the agenda for tonight's meeting be continued to the July 23, 2002 meeting.

A new application (lots combined) has been submitted for the July 23, 2002 meeting and the above applications may become mute.

A motion was made by Don Wineberg and seconded by Dennis Grieco to continue the applications of Jamestown Place to the July 23, 2002 meeting as requested by their attorneys.

The motion carried by a vote of 5 - 0.

NEW BUSINESS

Hanners

As there was no one at the meeting representing the applicant a motion was made by Dennis Grieco and seconded by Richard Allphin to continue the application of Michael R. & Frances A. Hanners to the July 23, 2002 meeting.

The motion carried by a vote of 5 - 0.

McIntyre

A motion was made by Richard Allphin and seconded by Don Wineberg to grant the request of J. Patrick McIntyre Jr., whose property is located at 27 Bryer Ave., and further identified as Tax Assessor's Plat 8, Lot 215 for a variance from Article 3, Section 302, (District Dimensional Regulations) and Article 7, Section 705 (Alteration of a Nonconforming Structure) to construct a 12'-0" x 24'-0" attached garage and make other alterations to a 7'-0" x 12'-0" section of existing porch which is non conforming. The new garage will be five ft. from the property line on the west side instead of 10'-0" and 17'-4" from the property line on the north side instead of 30'-0" as shown on plans submitted.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600; Section 606, Paragraphs 1 through 4; and Section 607, Paragraph 2.

This motion is based on the following findings of fact:

1. Said property is located in a R20 zone and contains 15,000 sq. ft.
2. There is no garage on the property now.
3. The proposed garage is on the west side which puts it further away from the adjacent abutters house than if the east side were used.
4. There were no objectors.
5. Both adjacent abutters supported the request.
6. The proposed garage is in keeping with other houses in the neighborhood.
7. The existing hedge on the west side will screen the garage.

The motion carried by a vote of 4 - 1.

Thomas Ginnerty voted against the motion.

Kolman Ventrone

A motion was made by Raymond Iannetta and seconded by Dennis Grieco to grant the request of Nancy Kolman Ventrone, whose property is located at 77 Reservoir Circle, and further identified as Tax Assessor's Plat 4, Lot 68 for a Variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct a one car garage which will be 10 ft. from the easterly lot line instead of the required 20 ft. as shown on plans submitted.

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

This motion is based on the following findings of fact:

1. Said property is located in the RR80 zone and contains 18,200 sq. ft.
2. The current home of 970 sq. ft. will be enlarged to 1,350 sq. ft. The enlarged home will be more in keeping with the existing neighborhood.
3. The existing home as well as proposed home has no basement or storage other than in the proposed garage.
4. The proposed 18' wide garage is needed for mechanicals (heating, hot water, etc.)and storage.
5. Mr. Kelly an abutter spoke in favor of the applicant.
6. No abutters spoke against.
7. Moving the garage to the west would infringe on the well and would require cutting mature trees.

The motion did not carry by a vote of 1 - 4.

Raymond Iannetta voted in favor of the motion.

Richard Allphin, Thomas Ginnerty, Dennis Grieco, and Don Wineberg voted against the motion.

Piccoli

Seated: Richard A., Thomas, Dennis, Don, and Richard B.

Raymond was recused.

A motion was made by Richard Boren and seconded by Dennis Grieco to grant the request of David L. Piccoli II, whose property is located at 584 East Shore Rd., and further identified at Tax Assessor's Plat 2, Lot 84 for a Variance from Article 3, Section 302 and Table 3-2 (District Dimensional Regulations) to construct an addition to existing house, 11 feet from south lot line, and 9 feet 4 inches from north lot line as shown on plans submitted.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600; Section 606, Paragraphs 1 through 4; and Section 607, Paragraph 2. In particular reference to Article 6, Section 606.

This motion is based on the following findings of fact:

1. Said property is located in a R80 zone and contains 61,820 sq. ft.
2. The proposed house renovation is approximately 400 feet from East Shore Road and cannot be viewed from East Shore Road.
3. The dimensional variance sought of 11 feet from the property line instead of the required 30 feet from the south line is the least required and is only 1 foot greater than the present structure and is in fact less intrusive than the present deck.
4. The applicant has modified his application to have all rooflines within the 35-foot height requirement.
5. No one spoke in opposition to the application.

The motion carried by a vote of 5 - 0.

Balloch

Seated: Richard A., Thomas, Dennis, Don, and Richard B.

Raymond was recused.

Request of the Board to Reconsider its action on April 23, 2002.

Richard Allphin, Chairman, asked the other 4 members who sat on the application if there were any objections to hearing it. After some discussion he asked if all were in favor. Thomas Ginnerty was opposed. The vote to reconsider was 4 - 1.

A motion was made by Richard Allphin and seconded by Joseph Logan to grant the request of Hugh and Susan Balloch (applicants), and Altamira Limited Partnership (owner) whose property is located at Racquet Rd., and further identified as Tax Assessor's Plat 10, Lot 100 to have the Board reconsider its action on April 23, 2002 regarding a variance from Article 3, Section 311 (Maximum Size of Accessory Structures) to retain a 5000 sq. ft. carriage house which will exceed the size limitations of Section 311. The applicants seek to have said action modified by the elimination of the second condition imposed, namely "That the carriage house shall not be used for habitation once the main residence is completed and occupied."

This Board has determined that this application does satisfy the requirements of Article 6, Section 600; Section 606, Paragraphs 1 through 4; and Section 607, Paragraph 2.

This motion is based on the following findings of fact:

1. Said property is situated in the RR80 zone, and contains 2.01 acres.

2. The April 23, 2002 decision was made without a clear understanding of the size of the house that the Ballochs would build.
3. The Ballochs have now made it clear that the new house will not exceed 5,500 sq. ft. as stated in an AFFIDAVIT signed May 3, 2002.
4. With a 5,500 sq. ft. house it is reasonable to allow the applicant to use 3 bedrooms in the carriage house for guests.
5. Therefore the #2 restriction section of the April decision is hereby deleted.
6. A new restriction #2 is that the new house cannot exceed 5,500 sq. ft.

The motion carried by a vote of 5 - 0.

Haas

Seated: Richard A., Thomas, Dennis, Don, and Raymond.

A motion was made by Don Wineberg and seconded by Dennis Grieco to grant the request of Richard A. and Pamela Haas, whose property is located at 405 Seaside Dr., and further identified as Tax Assessor's Plat 16, Lot 231 for a variance from Article 3, Section 302 Table 3-2 (Front and Side setbacks) to allow for the establishment of a new garage on the property, side & front setback variance requested, 9'6" on right side and 12' from front setback as shown on plans submitted.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600; Section 606, Paragraphs 1 through 4; and Section 607, Paragraph 2.

This variance is granted with the following restrictions:

1. Subject to CRMC and DEM-ISDS approvals for the structure as proposed in the application.
2. The height of the house and rooflines shall not exceed those indicated on the plans submitted.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 13,000 sq. ft.
2. One neighbor supported the application and no one opposed.
3. The footprint of the existing house is not being expanded substantially, except by the garage.
4. Building the garage below the house would have resulted in a higher roofline and therefore larger massing from the street and blocked views for neighbors.
5. The careful design fits well into the architectural vernacular of the neighborhood.
6. The size of the garage is not excessive.
7. There is a pattern of protruding garages among the neighboring houses.

The motion carried by a vote of 4 - 1.

Thomas voted against the motion.

Sullivan

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to continue the application of Suzanne B. Sullivan to the July 23, 2002 meeting at the request of the applicant.

The motion carried by a vote of 5 - 0.

Comerford

A motion was made by Thomas Ginnerty and seconded by Richard Allphin to grant the request of Edward Comerford, whose property is located at 12 Green Lane, and further identified as Tax Assessor's Plat 9, Lot 244 for a variance from Article 3, Section 306,D. (Authorized Departures from Yard Regulations) to replace 6' fence with 8' fence on back lot line.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600; Section 606, Paragraphs 1 through 4; and Section 607, Paragraph 2.

This motion is based on the following findings of fact:

- 1 Said property is located in a CD zone and contains 4,500 sq. ft.
- 2 That the abutting property to the rear is commercial car repair business and commercial condominiums and the immediate area is used for car storage.
- 3 That the screening provided by the 8 ft. fence will create buffering to his residential use.
- 4 There were no objectors.

The motion carried by a vote of 5 - 0.

ADJOURNMENT

A motion was made by Dennis and seconded by Richard A. to adjourn at 10:05 p.m.

The motion carried 5 - 0.