

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the October 28, 2003 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Library, 26 North Road. The meeting was called to order by the Chairman at 7:02 p.m. The clerk called the roll and noted the following members present:

Richard Allphin  
Thomas Ginnerty  
Don Wineberg  
Raymond Iannetta  
Richard Boren  
Joseph Logan  
Kathleen Managhan  
David Nardolillo

Also present: Brenda Hanna, Stenographer  
Pat Westall, Zoning Clerk  
Fred Brown, Zoning Officer  
Carly Iafrate, Counsel

MINUTES

Minutes of the September 23 2003 meeting.

A motion was made by Thomas Ginnerty and seconded by Richard Boren to accept the minutes of the September 23, 2003 meeting as presented.

The motion carried by a vote of 5 – 0.

CORRESPONDENCE

CRMC Coastal Features Volume 11, Issue 4 Summer, 2003

Seated on all matters: Richard A., Thomas, Don, Raymond, and Richard B.

NEW BUSINESS

### Hitt/O'Grady

A motion was made by Richard Boren and seconded by Kathleen Managhan to continue the request of Richard Hitt/Helen O'Grady to the November 18, 2003 meeting at the request of the applicant, to allow time for the applicant to submit more detailed plans or change the plans and request a modification.

The motion carried by a vote of 5 – 0.

### Post

A motion was made by Richard Boren and seconded by Raymond Iannetta to grant the request of Gary & Susanna Post, whose property is located at 108 Bayview Dr., and further identified as Tax Assessor's Plat 8, Lot 599 for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct a detached 34 x 24' garage with 6 x 16' roofed wood storage area, which will be 5' from the northerly property line instead of the required 15'.

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 restrictions:

1. The detached garage shall be no less than 11 feet, 3 inches from the northerly property line rather than the 5' requested.
2. The detached garage shall be no greater than 34 feet by 24 feet.
3. If there is a second level, it shall be used solely for storage and not for any residential use.

This motion is based on the following findings of fact:

1. Said property is located in an R40 zone and contains 54,450 sq. ft.
2. Although the lot contains 54,450 feet, the width is only 100 feet.

### Post cont.

3. There is a shed on the property for agricultural purposes: i.e. sheep.
4. To locate the garage in another location, will affect the overview of the sheep.
5. The present location of the driveway is conducive to the proposed location of the garage.
6. There were no objectors and there were abutters in favor of the application.

The motion carried by a vote of 4 – 1.

Thomas Ginnerty voted against the motion.

Richard Allphin, Don Wineberg, Raymond Iannetta, and Richard Boren voted in favor of the motion.

Joseph Logan, Kathleen Managhan, and David Nardolillo were not seated.

### Hammett Court

A motion was made by Thomas Ginnerty and seconded by Richard Allphin to grant the request of Hammett Court Properties Inc., whose property is located at 2 Hammett Court, and further identified as Tax Assessor's Plat 9, Lot 183 for a special use permit from Article 3, Table 3-1 VII-B Personal Services, to convert approximately 800 square feet of space within the existing building to an exercise facility for women.

This Board has determined that this application does satisfy the requirements of Article 6, Section 600 and 602.

This Special Use Permit is granted with the following restrictions:

1. That the facility shall not operate before 7 a.m. or after 7 p.m. daily.
2. That the facility shall have no more than the proposed 8 machine units or similar replacement units.
3. That the facility shall be occupied by no more than 16 customers at any time.

### Hammett Court cont.

4. That the applicant shall line and designate parking spaces in the communal parking area.
5. That the facility shall not contain shower facilities for the use of customers.

This motion is based on the following findings of fact:

1. Said property is located in a CD zone and contains 34,003 sq. ft. The area of use for this applicant is 800 sq. ft.
2. That there are up to 40 parking spaces in communal parking area, where 4 are required by the ordinance.
3. That the operation of the business is as an exercise facility that involves solely the use of exercise machines indoors.
4. That the proposed use is compatible with uses in the abutting areas.

The motion carried by a vote of 5 – 0.

Richard Allphin, Thomas Ginnerty, Don Wineberg, Raymond Iannetta,  
And Richard Boren voted in favor of the motion.

Joseph Logan, Kathleen Managhan, and David Nardolillo were not seated.

Lundy

A motion was made by Don Wineberg and seconded by Raymond Iannetta to grant the request of Barbara Lundy, whose property is located at 36-38 Southwest Ave., and further identified as Tax Assessor's Plat 9, Lot 23 for a special use permit for a mixed use from Article 3, Table 3-1, I. Residential no.10, a special use permit from Article 3, Table 3-1 VII – B Personal Services, to construct two one bedroom apartments and a health club in the same building, for a variance from Article 3, Table 3-2, District Dimensional Regulations, to construct a building which will be 22'6" from both the northerly and southerly side lot lines, instead of the required 30', a variance from Article 12, Section 1202 to allow parking at the front of the building, and a variance from Article 12, Section 1206 from the loading zone requirement.

Lundy cont.

Regarding this request, this Board has determined that this application does satisfy the requirements of Article 6, Section 600.

Regarding the request for Variances, this Board has determined that this application does satisfy the requirements of Article 6, Section 606, Paragraphs 1 through4, and Section 607, Paragraph 2.

Regarding the request for a Special Use Permit, this Board has determined that this application does satisfy the requirements of Article 6, Section 602.

This variance is granted with the restriction that the construction and maintenance of the property shall comply with the October 20, 2003 approval of the Jamestown Planning Commission.

This motion is based on the following findings of fact:

1. Said property is located in a CL zone and contains 20,635 sq. ft.
2. The plans for the project provide detailed specifications of materials, design, landscaping, and lighting that demonstrate the project will be constructed in a manner that is consistent with the Comprehensive Town Plan.
3. Placing the parking completely in the rear would make the mass of the building unappealingly large from the street, increase exposure of the wetlands to overflow of car fluids, and require construction of a ramp for handicapped access when one would not be required with parking in front.
4. There were four letters in support of the project and none opposed.

The motion carried by a vote of 5 – 0.

Richard Allphin, Thomas Ginnerty, Don Wineberg, Raymond Iannetta,  
And Richard Boren voted in favor of the motion.

Joseph Logan, Kathleen Managhan, and David Nardolillo were not seated.

ADJOURNMENT

A motion was made and seconded to adjourn at 10:15 p.m.

The motion carried unanimously.