

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the March 25, 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
Richard Boren
Kathleen Managhan
David Nardolillo

Also present:

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

MINUTES

Minutes of the February 25, 2003 meeting.

A motion was made by Thomas Ginnerty and seconded by Richard Boren to accept the minutes of the February 25, 2003 meeting as presented.

The motion carried by a vote of 5 – 0.

OLD BUSINESS

Swett

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

A motion was made by Thomas Ginnerty and seconded by Richard Boren to continue the application of Bradford Swett as no one was present to present the case.

The motion carried by a vote of 5 – 0.

Bradley

Seated: Richard A., Thomas, Richard B., Kathleen, and David

A motion was made by Kathleen Managhan and seconded by Richard Boren to grant the request of Michael and Gretchen Bradley, whose property is located at 1 Capstan St., and further identified as Tax Assessor's Plat 3, Lot 425 for a variance from Article 3, Section 302, Table 3-2 (District Dimensional Regulations) to build a front door covered stairway 15 feet from the lot line instead of the required 20 ft.

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 a R40 zone and contains 9,000 sq. ft.
2. This variance request is for the purpose of installing necessary stairs to the applicant's front door.
3. There is no infringement upon abutters.
4. The porch width as proposed is necessary for handicap access purposes.

The motion carried by a vote of 4 – 1.

Thomas Ginnerty voted against the motion.

NEW BUSINESS

Dutton

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

A motion was made by Richard Boren and seconded by Don Wineberg to grant the request of Michael P. Dutton and Janice Ryng-Dutton, whose property is located at Union Avenue, and further identified as Tax Assessor's Plat 1, Lot 243 for a variance from Article 3, Section 302 to authorize an existing garage apartment on the premises.

Dutton cont.

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

In particular reference to Article 6, Sections 600, 601, 602, 606, and 607.

This variance is granted with the following restrictions:

1. The addendum attached to this application shall be incorporated by reference and be made specific restrictions to the granting of this application, and shall be marked as Exhibit A.
2. However, the two sheds shall be removed from lot 243 upon the granting of this application and not be dependent upon completion of a barn on lot 244.
3. The Superior Court appeal shall be dismissed with prejudice within 30 days.
4. The granting of this variance in allowing the apartment to continue to be used shall not run with the land but is personal to the applicants. If either lot 243 or 244 is sold, or otherwise transferred, the use of the apartment shall cease.

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains two acres.
2. There were no objectors to the application.
3. The granting of the application resolves the presently pending Superior Court Suit.
4. The frontage on lot 243 is 200 feet.
5. Lot 243 is contiguous to lot 244.
6. The applicants have agreed that if they ever seek to build a residence on lot 244 they will abandon the apartment on lot 243

The motion carried by a vote of 4 – 1.

Thomas Ginnerty voted against the motion

Liebhauser

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

A motion was made by Don Wineberg and seconded by Thomas Ginnerty to grant the request of Steven and Maria Liebhauser, whose property is located at 32 Narragansett Ave., and further identified as Tax Assessor's Plat 8, Lot 164 for an extension and enlargement of a special use permit as per Article 6, Section 603 to clarify the use of existing structures, allocation of parking, to add a 14 x 41 addition to the west, a covered porch to the front, a new handicap access ramp, and stairs and to maintain the existing off-street parking.

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

This special use permit is granted with the following restrictions:

1. There shall be no windows at the rail of the "New Covered Porch" identified as such on the plans submitted, however roll down plastic covers are permitted.

2. The maximum seating permitted by this special use permit is 61.
3. The applicants shall install a fire door in the rear of the addition.

This motion is based on the following findings of fact:

1. Said property is located in a CD zone and contains 7,500 sq. ft.
2. The Zoning Board and Comprehensive Plan acknowledge that most businesses in the commercial district will be unable to satisfy off-street parking requirements.
3. There was one letter supporting the plan and no correspondence or testimony in opposition.
4. The applicant has already received permission for the proposal from the Board of Water and Sewer Commissioners and the Panning Commission.
5. The applicant acknowledged their obligation to use heightened fire prevention construction techniques in order to construct the addition in such close proximity to other buildings.

The motion carried by a vote of 4 – 1.

Kathleen Managhan voted against the motion.

ADJOURNMENT

A motion was made and seconded to adjourn at 9:08 p.m.

The motion carried unanimously.