

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the May 20, 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 7:03 p.m. The clerk called the roll and noted the following members present:

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

Also present:

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

MINUTES

Minutes of the April 22, 2003 meeting.

A motion was made by Thomas Ginnerty and seconded by Kathleen Managhan to accept the minutes of the April 22, 2003 meeting as presented.

The motion carried by a vote of 5 – 0.

CORRESPONDENCE

A letter from James Donnelly, attorney for Michael & Elizabeth Perik, requesting the petition be withdrawn without prejudice.

OLD BUSINESS

Seated on all the applications: Richard A., Thomas, Richard B., Raymond, and Joseph

Central Baptist Church

A motion was made by Thomas Ginnerty and seconded by Richard Boren to continue the application of Central Baptist Church to the June 24, 2003 meeting as the applicant is still before the Planning Commission.

The motion carried by a vote of 5 – 0.

Dobbins

A motion was made by Joseph Logan and seconded by Raymond Iannetta to grant the request of Deborah E. Dobbins, whose property is located at 199 Capstan St., and further identified as Tax Assessor's Plat 3, Lot 236 for a variance from Article 3, Section 3-2, (District Dimensional Regulations) to construct an attached garage 22'2" from the northerly corner side property line (Capstan St.) wherein 30' is required, and 7'8" from the easterly side lot line, wherein 10' is required.

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 south side setback will be 15.3 feet as shown in the submitted plan (revised).
2. The pitch of the roofline on the south side of the new garage shall be such that it is at least 3 feet lower than the house roof at its lower extremity.

This motion is based on the following findings of fact:

1. Said property is located in a R40 zone and contains 7,200 sq. ft.
2. The house has no basement, no attic, and no garage at present.
3. Placement on the west side is not feasible due to the septic system location.
4. The neighbor to the south and east has agreed to this plan.
5. There were no objectors.

The motion carried by a vote of 4 – 1.

Thomas Ginnerty voted against the motion.

NEW BUSINESS

Wilkinson

A motion was made by Joseph Logan and seconded by Raymond Iannetta to accept the withdrawal without prejudice of Catherine Wilkinson and John Rader.

The motion carried by a vote of 5 – 0.

Perik

A motion was made by Thomas Ginnerty and seconded by Raymond Iannetta to accept the withdrawal without prejudice of Michael & Elizabeth Perik.

The motion carried by a vote of 5 – 0.

Kolman Ventrone

A motion was made by Raymond Iannetta and seconded by Joseph Logan 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, Lot68 for a variance from Article 3, Section 311(Maximum Size of Accessory Structure) to construct a garage wherein the total footage would result in 740 sq. ft., 600 being allowed by law.

Kolman Ventrone cont.

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 restriction that the existing, approximately 100 sq. ft. shed, be removed from the property.

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains 18,200 sq. ft.
2. The new home of 1106 sq. ft. will be one of the smallest homes in the neighborhood.

3. The new and existing home have no basement or storage area other than the existing 100 sq. ft. shed.
4. Three abutters spoke in favor of the application.
5. There was no opposition to the application.
6. The resultant building would be in keeping with the general character of the neighborhood.

The motion carried by a vote of 4 – 1.

Thomas Ginnerty voted against the motion.

Cohen

A motion was made by Thomas Ginnerty and seconded by Richard Boren to grant the request of Robert A. Cohen et Gretchen A. Conn, whose property is located at 61 Bay View Dr., and further identified as Tax Assessor's Plat 8, Lot 834 for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct an accessory building which will be 0' from the rear lot line where 10' is required.

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. That the applicant constructs a driveway from Bay View Dr.
2. That the applicant construct a barrier to prevent vehicle access to area F on his property from the north through area A from Mt. Hope Avenue.
3. That the applicant be responsible for any damage to sewer lines.

This motion is based on the following findings of fact:

1. Said property is located in a R20 zone and contains 31,060 sq. ft.
2. That the placement of the barn facilitates solar exposure for a passive solar system.
3. That the placement of the barn enables an unobstructed view to the bay from the dwelling.
4. That the applicant has a deed easement in and to adjacent property to the north of approximately 45,000 sq. ft. which is identified as area F.
5. That the area identified as are F is permanently removed from residential development by deed restrictions.
6. That there were no objectors.

The motion carried by a vote of 5 – 0.

Simmons

A motion was made by Richard Boren and seconded by Thomas Ginnerty to deny the request of James Simmons, whose property is located at 17 Maple Ave., and further identified as Tax Assessor's Plat 9, Lot 16 for a variance from Article 3, Section 302, Section 3-2 (District Dimensional Regulations) to build a front porch 20 feet from front boundary instead of the required 30 ft.

This Board has determined that this application does not 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 R20 zone and contains 22,600 sq. ft.
2. The house is not yet built, but is proposed to be on a 24' x 34' foundation.
3. The house will contain a first floor basement level and 1768 sq. ft. of living space on 2 levels.
4. The Simmons knew when they purchased the land that any building would be subject to CRMC jurisdiction.
5. CRMC has set forth the location of the house and has not yet authorized a front porch.
6. The front porch would extend the entire length of the house.
7. The front porch would extend 10' into the 30' set back request, which is 1/3 of the set back.
8. The Simmons presently will be able to enter the house from the side or build a front entrance, which would not need a dimensional variance.
9. The Simmons could build a sheltered entryway without a 10' porch running the length of the house.
10. The hardship created is by the Simmons house designer.
11. The hardship is self-created.
12. One neighbor objected primarily on the basis that the 10' relief requested would not be in keeping with the character of the street.
13. That by denying the application, the Simmons will not be deprived of beneficial use of the property as defined by the Rhode Island Supreme Court in its most recent decisions.

The motion was not voted upon.

The applicant requested to withdraw without prejudice.

A motion was made by Raymond Iannetta and seconded by Joseph Logan to accept the request of James Simmons to withdraw without prejudice.

The motion carried by a vote of 4 – 1.

Thomas Ginnerty voted against the motion.

ADJOURNMENT

A motion was made and seconded to adjourn at 10:13 p.m.

The motion carried unanimously.