

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the August 28, 2007 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Library, 26 North Road. The Chairman called the meeting to order at 7:04 p.m. The clerk called the roll and noted the following members present:

Thomas Ginnerty
Don Wineberg
Richard Boren
Joseph Logan
David Nardolillo
Dean Wagner
Richard Cribb
Richard Allphin

Also present: Brenda Hanna, Stenographer
Pat Westall, Zoning Clerk
Fred Brown, Zoning Officer
Wyatt Brochu, Counsel

Zoning Board of Appeal

Windridge

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to continue the Appeal and Special Use Permit requests of Windridge Properties at the request of Donald J. Packer, Esq. as the matters are still pending before the Planning Commission.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo voted in favor of the motion.

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

Zoning Board of Review

MINUTES

Minutes of June 26, 2007 meeting.

A motion was made by Don Wineberg to amend the minutes on page 6 to take out "and replace existing sign with a new 17½ sq. ft. sign" and accept the minutes as amended of June 26, 2007.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo voted in favor of the motion.

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

Minutes of the July 31, 2007 meeting.

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to accept the minutes of the July 31, 2007 meeting as presented.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo voted in favor of the motion.

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

CORRESPONDENCE

Clancy

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to reconsider the decision rendered April 27, 2005 of the special use permit application of David & Jennifer Clancy per Judge Gale's Order to the September 25, 2007 meeting at 6:00 p.m.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo voted in favor of the motion.

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

NEW BUSINESS

Randall

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to continue the Randall application to the September meeting at the request of John A. Murphy, Esq., as it is still before the Planning Commission.

Fernwood Builders

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to continue the application of Fernwood Builders to the September 25, 2007 meeting at 6:00 p.m. at the request of abutters who want to be heard.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo voted in favor of the motion.

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

Bresnan

A motion was made by Joseph Logan and seconded by Don Wineberg to grant the request of Donald C. Bresnan whose property is located at 10 Coronado St., and further identified as Tax Assessor's Plat 8, Lot 598 for a special use permit from Article 3, Table 3-1 (I) (II) to return the building to mixed use, converting the second floor to residential use, first floor remains as business office.

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

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 7,320 sq. ft.
2. This property has been in the past residential.

3. The property is adjacent to two residences.
4. There were no objectors.
5. The owner does not plan any external changes.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo voted in favor of the motion.

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

Smith

A motion was made by Thomas Ginnerty and seconded by David Nardolillo to continue the application of Beth Smith to the September 25, 2007 meeting to allow time to get a letter from Planning and see the plans from June 2007.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo voted in favor of the motion.

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

McDermott

A motion was made by Don Wineberg and seconded by Thomas Ginnerty to **deny** the request of Paul J. McDermott et, whose property is located at 57 Carr Lane and further identified as Tax Assessor's Plat 4, Lot 34 for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct an addition on the east side of the property 4 feet from the side lot line instead of the required 30 feet.

This Board has determined that this application does not satisfy the requirements of ARTICLE 6, SECTION 600, SECTION 606, and SECTION 607, PARAGRAPH 2.

In particular reference to ARTICLE 6, SECTION 606, PARAGRAPH 4, which requires that the relief granted be the least relief necessary.

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains 1.5 acres.
2. The house could be expanded forward or backward without zoning relief.
3. The owners of the property that would abut the proposed addition were strongly opposed.

The motion carried by a vote of 5 - 0.

Thomas Ginnerty, Don Wineberg, Richard Boren, Joseph Logan, and David Nardolillo voted in favor of the motion.

Dean Wagner, Richard Cribb, and Richard Allphin were not seated.

ADJOURNMENT

A motion was made and seconded to adjourn at 8:40 p.m.

The motion carried unanimously.