

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the January 29, 2008 Meeting

A regular meeting of the Jamestown Zoning Board of Review was held at the Jamestown Town Hall, 93 Narragansett Avenue. The Chairman called the meeting to order at 7:03 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: Cindy Tangney, Stenographer
Pat Westall, Zoning Clerk
Fred Brown, Zoning Officer
Wyatt Brochu, Counsel

Zoning Board of Review

Planning Board of Appeal

Windridge

Their attorney Donald J. Packer withdrew the appeal of Windridge Properties.

Zoning Board of Review

MINUTES

Minutes of the November 27, 2007 meeting.

A motion was made by Thomas Ginnerty and seconded by Don Wineberg to accept the minutes of the November 27, 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.

NEW BUSINESS

Windridge

A motion was made by Richard Boren and seconded by Don Wineberg to grant the request of Windridge Properties, LLC whose property is located at 14 Clinton Ave., and further identified as Tax Assessor's Plat 9, Lot 201 for a Special Use Permit from Article 12, Section 82-1205 Shared Parking to be allowed to utilize extra parking spaces on the abutting property (Hammett Court) to provide the 21 spaces needed for parking.

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

This Special Use Permit is granted with the following restriction/condition(s):

1. This project must be constructed in strict accordance with the site and building plans duly approved by this Board.
2. Before the termination of any lease, amendment or extension the applicant has the burden of notifying the Town and the Building Official of any new lease extension. If the agreement is not in place, the special use permit is null and void.
3. Any lease, lease amendment, or extension must be recorded in the land evidence records prior to any expiration.

This motion is based on the following findings of fact:

1. Said property is located in a CD zone and contains 12,605 sq. ft.
2. The applicant cannot meet the parking standards of this ordinance on the property where the use is proposed.
3. The proposed shared use will not interfere with the parking required of the existing uses currently served by the parking area.
4. The shared use will not create traffic circulation problems or a safety hazard to pedestrians.

5. The Planning Board has recommended approval of the modifications and has recommended approval to the Zoning Board provided the applicant satisfactorily demonstrates that additional parking spaces required to accommodate the building as modified are available per the intent of the Zoning Ordinance.
6. The applicant has testified he has 18 required spaces.
7. There has been factual testimony and legal opinion that 21 spaces are required.
8. Mr. Brittain has made arrangements to share 3 spaces from Hammett Court abutting his property.
9. A lease agreement has been executed between Windridge and Hammett providing for 3 specific spaces on the Hammett Court property.
10. The lease agreement provides that the termination of the lease will not be effective until the landlords provide notice to the Town.
11. There has been testimony that Hammett needs 27 spaces.
12. There has been testimony from Jack Brittain and an Exhibit that Hammett has 48 spaces.
13. Jack Brittain has testified that the only tenant at this time will be his company, Jack's Electric.
14. The intent is to maintain one tenant.
15. Jack Brittain testified that Jack's Electric maintains 6 vehicles for company use. He also testified he has 8 employees, all of whom drive to work. In addition, Jack stated that both he and his wife drive their personal vehicles to work.
16. Jack Brittain testified that the Jack's Electric vehicles would be deployed to various job sites during the day.
17. Out of the 18 Windridge spaces, only 10 may be utilized at any time.
18. Fred Brown, the Building Official, has testified that the Hammett Court lot has never been filled.
19. There has been testimony that the Hammett Court lot is sufficient to meet the shared parking space requirement.
20. Based upon all of the testimony and the exhibits the applicant has met the burden of proof.
21. There was substantial argument by counsel for 2 objectors, but little substantive testimony disproving the applicant's prima facia case for a special use permit.
22. The testimony and photographs introduced by Magdalena Andres was not probative.
23. Magdalena Andres also testified that she has never seen the Hammett lot filled.
24. The Planning Board decision of January 3, 2008 is incorporated by reference.

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 9:29 p.m.

The motion carried unanimously.