

JAMESTOWN ZONING BOARD OF REVIEW

Minutes of the October 28, 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 7:01 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

MINUTES

Minutes of September 23, 2008

A motion was made by Thomas Ginnerty and seconded by Joseph Logan to accept the minutes of the September 23, 2008 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

There was correspondence that pertained to the applicants and would be put with the applications.

NEW BUSINESS

Dalrymple

A motion was made by Richard Boren and seconded by Don Wineberg to mark the letter from the Lanzas dated June 24, 2008, as an exhibit subject to cross-examination by Mr. Brockmann.

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.

A motion was made by Richard Boren and seconded by Thomas Ginnerty to **deny** the request of David Dalrymple, whose property is located at East Shore Rd., and further identified as Tax Assessor's Plat 1, Lot 165 for a variance from Article 3, Table 3-2, (District Dimensional Regulations) to construct a single-family dwelling which will be 34.5 ft. from the front (easterly) lot line, 40 ft. being required, 10.4 ft. from the side (northerly) lot line, 30 ft. being required, 13 ft. from the corner side (southerly) lot line, 40 ft. being required, and 25 ft. from the side (westerly) lot line, 30 ft. being required.

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, PARAGRAPHS 3 & 4.

This motion is based on the following findings of fact:

1. Said property is located in a RR80 zone and contains 4,886 sq. ft.
2. The applicant through his witnesses did not meet his burden of proof, particularly with respect to Section 606, Paragraphs 3 and 4.
3. The affidavit of the applicant was conclusory in nature and not factually sufficient to meet his burden under Section 606, Paragraph 4 (least relief necessary).
4. The applicant's real estate agent's testimony was insufficient to satisfy the burden of proof.

5. The size of the proposed dwelling footprint i.e. 30 x 24 requires a dimensional variance on all four sides and is too large for the lot.
6. The abutting neighbor, Alan McKibben, whose lot is substantially larger, testified that his house is 15 feet wide, 9 feet narrower than the proposed dwelling.
7. The requested variance will alter the general character of the surrounding area which is a historic area.
8. Four neighbors testified against the proposal.
9. There were 2 letters and a petition in opposition to the application.

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.

Moody

A motion was made by Don Wineberg and seconded by Thomas Ginnerty to grant the request of Richard & Mary Moody, whose property is located at 11 Cole St., and further identified as Tax Assessor's Plat 9, Lot 170 for a variance from Article 3, Section 82-302, Table 3-2 (District Dimensional Regulations) to build an addition to an existing house which is 1 & 2/3 feet from the north side lot line (7 feet required) and 4 feet 9 inches from the rear lot line (30 feet 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 restriction/condition:

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 R8 zone and contains 13,800 sq. ft.

2. The proposed garage addition moves the structure away from the lot line compared to the existing garage, thereby reducing the incursion into the rear set back.
3. The proposed garage structure preserves the attractive large front set back of the house.

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.

Solicitor's Report

Nothing at this time.

EXECUTIVE SESSION

Nothing at this time.

ADJOURNMENT

A motion was made and seconded to adjourn at 10:03 p.m.

The motion carried unanimously.