City/Town of: Jamestown, R.I.

ZONING BOARD OF REVIEW

Date: 05.23.2022

Gentlemen:

The undersigned hereby appeals the following action of the Zoning Ordinance (check one box only):

1. (X) Denial of a Zoning Permit.
2. ( ) Issuance of a Zoning Permit.
3. ( ) Other alleged error in enforcement of the Zoning Ordinance.

I hereby submit the following information in support of this APPEAL.

Appellant Name (Typed): LAURA CARLSON

Appellant Signature: [Signature]

Appellant Address: 20 Brook St. (Jamestown) R.I.

Tel. No. 401-487-5100 02835

I. PREMISES INVOLVED IN THE APPEAL

1. Location: Street No. 5 Street Name Clarke St.

2. Assessor's Plat Location: Plat No. 9 Lot No(s): 108

3. General Lot Dimensions: Area 39,455 square feet
Frontage 220 feet
Average Depth 149 feet

4. Zoning District of Premises: C.D.

5. Existing Structures on Premises:
   - Ground Floor Area 14,009 sq. ft.
   - Number of Floors 1
   - Structure Height _______ ft.

6. Current Use of Structure(s) and Site:
   - Residence ( ), No. of Units
   - Commercial ( ), Type Market/Rest
   - Industrial ( ), Type
   - Other ( ), Specify

7. Accessory Uses on Premises:
   - Parking _______ sq. ft. Spaces _______
   - Loading _______ sq. ft. Bays _______
   - Other (describe)

8. Ownership:
   - Name of Owner: Michael McGraw
   - Address of Owner: 106 Main St., Westerly, R.I. 02891

   - Name of Lessee:
   - Address of Lessee:

   - Duration of Present Ownership: _______ years.

   [Red text: no change to existing structure or parking]
II. NATURE OF THE APPEAL

1. If APPEAL is of the denial of a zoning permit, complete the following:
   A. Date of Application for Permit     4-20-22
   B. Date of Denial of Permit          5-14-22
   C. Reason for Denial (Attach copy of notification)
      see attached
   D. Basis for APPEAL (Cite applicable ordinance provisions)
      see attached

2. If APPEAL is of the issuance of a zoning permit, complete the following:
   A. Date of Issuance of Permit
   B. Basis for APPEAL (Cite applicable provisions of the ordinance)

   

3. If APPEAL is of another alleged error in enforcement of the Zoning Ordinance, complete the following:
   A. Date of Alleged Error
   B. Nature of the Alleged Error (Cite applicable ordinance provisions and other data in support of your allegation of error)

III. REQUIRED ACCOMPANYING MATERIAL

1. A scale drawing of the subject premises with a minimum size of 8½"x11" and a minimum scale of 1"=100 ft. showing all lot lines, street lines and zoning district boundary lines within 200 feet of the subject premises with appropriate dimensions, scale and north arrow. In addition, all existing and proposed buildings and structures on the premises shall be accurately shown on this plan with appropriate dimensions.
2. A list of all owners of real property lying wholly or partly within 200 ft. of the subject premises.
3. A check for the filing fee of $____ payable to the City/Town of ________.

Complete this form in triplicate and file one copy with the enforcing officer, submit one copy to the Zoning Board of Review and retain one copy for your records. Copies of any additional material shall be attached to all copies.
Application of Laura Carlson (Lessee) 
Michael McQuade (Owner), whose property is located at 5 Clarke St., and further identified as Tax Assessor's Plat 9, Lot 105 for a Variance/Special Exception from Article 3, Section 82-301 use Table 3-1 to operate a grooming salon. 

Said property is located in a CD zone and contains 39,455 acres/square feet.

If the town believes it is necessary to advertise:

Laura J. Carlson (Michael McQuade, owner) appeals the decision of the Jamestown Zoning Enforcement Officer to deny her proposal to operate a grooming salon in the McQuades Marketplace at 5 Clarke St., Jamestown, RI.

McQuades Marketplace is in Plat 9, Lot 105. The location is in the CD Zone.

Laura J. Carlson (Michael McQuade, owner) seeks relief from Article 3, Section 82-301, Use Table 3-1 to operate a grooming salon, which is not on the list of approved Uses.

Ms. Carlson believes grooming is a similar use to beautician, barber or shoe repair.
TOWN OF JAMESTOWN
93 Narragansett Avenue, Jamestown RI, 02835
William L Moore, Building & Zoning Official
401-423-9803, wmoore@jamestownri.net

ZONING DETERMINATION

Date: 5/16/2022
To: Planning Commission
Property location: 5 Clarke Street, Jamestown RI
Assessor plat, 9 Lot, 105
Owner: McQuades Jamestown LLC / Laura Carlson
Zoning District: Commercial Downtown
Existing Lot size: .91 acres +-.
Current Use: Residential Use: Vacant Laundry Mat unit
SEWER/SEPTIC: Sewer
WATER SUPPLY: Town Water

Remarks: The Property currently has a vacant unit in between an existing Grocery Store and Pizza Restaurant. The Lessee has presented a proposal to open the vacant unit as a Dog Grooming Business. I cannot approve that use as the Zoning Enforcement Officer. In Jamestown Zoning use tables Article 3, section 82-301, use table 3-1. There is no mention of dog grooming. Section VII, B,6 is the closest, Beautician, barber, shoe repair, and similar. However, I do not believe Dog grooming is a like business.

As per Article 5, section 82- 503 A. any aggrieved person may appeal this decision.

William L. Moore
Jamestown Building and Zoning Enforcement Officer
In re: Carlson

15. This is an appeal of a decision of the Building Official refusing to grant a permit to operate a dog grooming business in a CD zone. The appeal is taken pursuant to Section 82-501 of the Zoning Code.

16. The grounds for this appeal are as follows:

A. Applicant seeks to open a dog grooming business. The business will operate much like a beauty salon where a single dog will be serviced by appointment. The business will not involve boarding or sitting. Once the dog is serviced, the dog is removed from the premises by the owner.

The use code most like the proposed use is found under Article 3, Section 820-302, Table 3-1, VII COMMERCIAL SERVICES (6). That use code provides that Beautician, barber, shoe repair, and similar services are allowed in a CD zone. Applicant argues that a dog grooming business is a similar service to that offered by a beautician or barber.

Merriam Webster definition of a beautician is “a person licensed to provide cosmetic treatments to the hair, skin, and nails”.

New Oxford American Dictionary defines a beautician as “a person whose job is to do hair styling, manicures, and other beauty treatments”.

Merriam Webster definition of a barber is “one whose business is cutting and dressing hair, shaving and trimming beards, and performing related services”.
Town of Jamestown
Application for Development Plan Review

Applicant
Name  LAURA CARLSON  GOOD GRACES GROOMING
Address  20 BROOK ST.
City  JAMESTOWN  State  RI  Zip Code  02835
Phone  401-487-5160  Email  laura.tailtoeteach@gmail.com

Owner (if different than above)
Name  MICHAEL McDUADE
Address  106 MAIN ST.
City  WESTERLY  State  RI  Zip Code  02891
Phone  401-596-2054  Email

Engineer / Surveyor
Name
Address
Phone
Email

Attorney
Name  CHRISTIAN INFANTIINO (Applicant Attorney)
Address  77 NARRAGANSETT AVE  Jamestown, RI 02835
Phone  401-423-6450  Email  info@jamestownlawyer.com

Other Professional
Name
Address
Phone
Email

Assessor’s Plat(s)  9  Lot(s)  105
Street Address  5 CLARKE ST. Jamestown, RI 02835
Zoning District  CD
Date Property Purchased
Dimensions of Lot (ft)  149 Frontage  220 Width  195 Depth  39,455 Lot Size (sq ft)
Existing Buildings on Property  Yes  No
If Yes, Size of Existing Buildings (sq ft)  14,009
Previous Development Plan Approval received for this property  Yes  No
(If yes date and application name)  1999 expansion of market
Purpose of Proposed Development

✓ Commercial       Residential

Zoning Board Relief Requested ✓ Yes   No

If Yes, Please Specify Relief

✓ Special Use Permit       Dimensional Variance   Use Variance

Other:

Brief Description of Proposed Development and Zoning Relief
The plan is to utilize the first 600 SF of the old MacAuley Laundry (Jony's) as an appointment only fear-free dog grooming shop. Dogs will be booked for a specific "tub time" and those will be staggered throughout the day with dogs being picked up as soon as they are finished. Parking needs will be minimal. All possible water conservation measures will be implemented to keep our water usage as low as possible. Since Jamestown doesn't have a specific designation for groomers, we would most likely be classified somewhere between a human hair salon and a veterinarian's office, both of which have operated on the island for decades.

Application Submission Date 04-20-22

ZBR Meeting Date (if applicable) 

Application Fee(s) (refer to Planning Department Fee Schedule)

Attest: The information provided on this application is true and accurate

Applicant's Signature [Signature] Date 04.20.22

Owner's Signature   Date 

(notarized from required if applicant is not the owner)
Town of Jamestown
OWNER AUTHORIZATION FORM
FOR SUBDIVISION

APPLICANTS FOR SUBDIVISION: Fill out only (1) below if property owner is same as applicant. Fill out (1) and (2) below if applicant is other than property owner.

(1) I, Michael McQuade, hereby certify that I am the owner of property, designated as Plat 9, Lot 105, as shown on the Town of Jamestown Tax Assessor’s Maps.

(2) I hereby authorize the application for subdivision by Laura Carlson (name of applicant or agent) to be submitted to the Planning Department of the Town of Jamestown for review and decision by the Planning Board.

WITNESS its name this 19 day of April 2002

BY: Michael D. McQuade
Signature of owner

STATE OF RHODE ISLAND
County of Washington

In __________________________ on the 19th day of April 2002 before me personally appeared Michael McQuade (name) to me known and known by me to the party executing the foregoing instrument and acknowledged said instrument, by him executed, to be his free act and deed, individually and as a partner and the free act and deed of said Corporation.

[Notary Public Stamp]