

## **The Middletown Zoning Board of Review Meeting June 24,2008**

**The Middletown Zoning Board held it's regular monthly meeting on June 24,2008 at 7:00p.m. Present at this meeting were Chairman- Tom Silveira, Vice chairman- Peter Van Steeden, Secretary- Lucy Levada, Melissa Massey, Tom Newman. Alternates- Richard Cambra. Steve MacGillivary and Greg Schultz. - Town Solicitor- Michael Miller and Building Officer Jack Kane.**

**A motion was made by Peter Van Steeden and second by Melissa Massey to approve the Secretary's minutes of May 27,2008 as read. Motion carried 5-0.**

### **Continuances/Withdrawals:**

- 1. John R.  
Gullison-----July 22,2008**
- 2. Bancroft  
Partners-----July 22,2008**
- 3. Stephen  
Bennett-----July 22,2008**

**APPEALS;- Petition of Karmik,LLC- 265 Prospect Ave. Middletown, R.I.(owner)- by their Attorney Joseph Palumbo Jr. For an appeal from Article 3, Section 319 and Article 9 section 901- to appeal the**

condition imposed by the Planning Board that “ the proposed building lots shall have access as depicted on sheet 3 of 4 of the approved subdivision plan set.” said real estate is located at Prospect Ave. Not to consider And further identified as lot 46 on Tax Assessor’s Plat 120.

# Exhibit A- Sheet 3 of Narragansett Engineering-Exhibit B-Plot Plan-Exhibit C.-Deed . Attorney Palumbo stated that this property since 1946 was used as a RV Park and Motel.and is a legal non-conforming use and right of way since 1946.

Abutters Donald & Donna McHenry are opposing the appeal of the Kamiik subdivision at 165 Prospect Ave. And are asking the Zoning Board to up hold the Planning Boards conditions placed on the approval granted , that the access road to the proposed subdivision remain as shown on the approved plans, and that the subdivision not be accessed by the right of way on the east side of their property. That recommendation was initially rendered by the Zoning Board to the Planning Board on June 27,2007. They ask that the Zoning Board maintain the recommendation that was made to the Planning Board on June 27,2007 stating not to consider that certain 20 foot right of way from Prospect Ave, across their property as a means of egress from proposed subdivision.

A motion was made by Tom Newman and second by Peter Van Steeden to deny the Appeal. Appeal denied 4-1

#### **CONTINUED CASES:**

1. Petition of Samantha & James Leduc- 272 Boulevard, Middletown, R.I.(owner)- for a variance from Section 603,701,&803G- to construct a

**22'x8"x21'1/2" addition to connect existing garage to existing dwelling with a side yard setback of 12' where 20' is required and construct a patio room with a 2nd floor deck and stairway with a side yard setback of 3' where 20' is required , Said real estate is located at 272 Boulevard and further identified as Lot 118A on Tax Assessor's Plat 108SE.**

**A motion was made by Peter Van Steeden to cut off 3' from back of structure. Amendment- stair way move everything forward 6' instead of 3'. Regular amendment to read reduce length and square off garage. Second by Tom Newman. Petition granted 5-0**

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**2. Petition of-Eben Roy-2 Chaplin Terr./ Middletown, R.I.-(owner)- for a Special Use Permit fom Article 16- to allow an accessory family dwelling unit. Said real estate is located at 2 Champlin terrace and further identified as Lot 67 on Tax Assessor's Plat 112.**

**A motion was made by Richard Cambra and second by Melissa Massey to grant the petition with the condition that they abide the Zoning Ordinance on in-law units. Petition granted 5-0**

**3, Stephan Bucolo- 168 Buser Dr.- Middletown, R.I..-(owner) WAMM inc./Anthony's seafood- 963 Aquidneck Ave.-Middletown, R.I.-(applicant)- for a special use permit from section 602,(table 6-1) to allow the expansion of the existing food and alcohol beverage service to the proposed patio (approximately 24 seats). Said real estate is located on lot 302 on Tax Assessor's plat 113.**

**Mr. William an abutter had a few condition to be added to this petition. (1).No outdoor amplified music and (2) Keep the deep frier order under controll.**

**A motion was made by Richard Cambra and second by melissa Massey to grant the petition with the conditions. Petition granted 5-0.**

**4. Petition of: Yolanda & William Heine- 8704 Blue Creek Cove- Austin Texas- (owner)- Richard W. Quinn FAIA (applicant) for a variance from Section 603,701,& 803g- to construct 3 small additions and a 2nd floor resulting in lot coverage of 30% where 25% is allowed. Said real estate is located at 489 Walcott Ave,and further identified as Lot 68 on Tax Assessor's Plat 116 se..**

**This has been a sub standard lot since 1930 and this will remain a single family dwelling.**

**A motion was made by Melissa Massey and Second by Peter Van Steeden to grant the petition. Petition granted 5-0**

## **NEW CASES\_**

**5. Petition of: Scott McLeish -2 Chestnut Hill Rd. -Middletown, R.I.- for a variance from Section 603 & 703c- to replace two existing sheds with one 12x20' shed with a side yard set back of 2' where 15' is required. Said real estate is located at 2 Chestnut Hill Rd. And further identified as Lot 87 on Tax Assessor's Plat 107 SE.**

**A motion was made by Lucy Levada and second by Melissa Massey to grant the petition . Petition granted 5-0**

**6. Petition of: Nicholas Pasyanos- 2 Toni Lynn Dr.- Middletown, R.I.- for a variance from section 709b- to allow outside storage for 2 boats. Said real estate is located at 2 toni-lynn Terr, and further identified as lot 112 on Tax Assessor's Plat 121NW.**

**Letters on file from abutters approving this petition. From May-October**

**A motion was made by Peter Van Steeden and Second by Tom Newman . Petition granted 4-1 with Melissa Massey voting against this petition.**

**7. Petition of; WM Hotel Group LLC- C/O Robert Kempenaar 11- 351 West Main Rd.- Middletown, R.I.- for a Special Use Permit from Section 1211 table 12-3 to allow the construction of a monument sign with a height of 10' where 4. is allowed. Said real estate is located at 317 West Main Rd. And further identified as lot 131 on Tax Assessor's Plat 108.**

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**Exhibit#A- View of the sign and stated that the existing sign is 10'in height and the contour of the land and the stone wall along the front of the property obscures the sign if kept at 4'**

**A motion was made by Lucy Levada and second by Melissa Massey to grant the petition with the condition to get rid of the van in front of**

**the hotel . Petition granted 5-0**

**8. Petition of 333 Valley Rd-LLC- 333 Valley Rd.-Middletown, R.I.- (owner)- Newport Animal Hospital .Inc.(applicant)- by their Attorney David Martland esq.- for a Special Use Permit from Section 602,- to permit the use and occupancy of an animal hospital including the indoor boarding of dogs, cats and other fur bearing animals.**

**Said real estate is located at 333 Valley Rd. And further identified as lot650 on Tax Assessor's Plat 114.**

**A motion was made by Peter Van Steeden and second by Tom Newman to grant the petition. Petition granted 5-0**

**A motion was made by Melissa Massey and second by Peter Van Steeden to adjourn**

**Meeting adjourned 9:50 PM**

**Respectfully Submitted**

**Lucy R.Levada**

**Secretary**