

## **The Middletown Zoning Board of Review October 28,2008**

**The Middletown Zoning Board of Review held it's regular monthly meeting on October 28,2008 at 7:00 p.m.. Present at this meeting were Chairman- Tom Silveira. Vice chair- Peter Van Steeden, Secretary Lucy Levada, Tom Newman, Richard Cambra, Melissa Roderiques alternate-Steve MacGilivary Town Solicitor Turner Scott and Zoning Officer Jack Kane, GregSchultz was absent.**

**A motion was made by Richard Cambra and second by Peter Van Steeden to accept the secretary's minutes of September 23,2008.Motion carried 5-0**

### **CONTINUANCES/WITHDRAWALS**

- 1. Petition Of : Bancroft Partners LLC-----November 28,2008**
- 2. Petition of: Theresa Kalil (2)was withdrawn without prejudice**

### **New Cases:**

- 1. Petition of: Michael Souza-179 Fayal Ln. Middletown, R.I.(- Regatta Car was (owner )-for a Variance from sections 603,& 701- to construct a 32'x32' two story garage with a west side yard setback of 15' where**

**30' is required. Said real estate is located at 179 Fayal Ln. And further identified as lot 34 on Tax Assessor's Plat 124.**

**A Motion was made by Peter Van Steeden and second by Melissa Roderiques to grant the petition with the condition that it will not be used as a dwelling unit. Petition granted 5-0.**

**2. Petitions of Thersa M. Kalil (2) a Special use and a Variance to be withdrawn without prejudice.**

**A Motion was made by Melissa Roderiques and second by Tom Newman to grant the request. Motion carried 5-0**

**3. Petition of Christopher & Theresa Kalil / Nunes family-373 Wyatt Rd.-Middletown R.I.- Attorney Brian Bardoff -for a variance applying to the Nunes historic Nunes family farm on 373 Wyatt Rd. Seeking the conversion and renovation ( rather than demolition of the historic barn for use as a family dwelling house, separate from the existing farm house, to be used exclusively by family members, including elderly parents. The premises will not be rented or used by anyone other than family members and the style will still have a barn affect.**

**Attorney Brian Bardoff presented #Exhibit A Plat Plan of the Nunes property and #Exhibit B A photo of the Nunes property. Theresa Kalil was sworn in and testified that her father is Larry Nunes and agreed to the conditions**

**A motion was made by Lucy Levada and second by Melissa Roderiques to grant the petition with the conditions that were stated in the letter by Attorney Brian Bardoff to Zoning Chairman Tom Silveira dated October 8,2008. Petition Granted -**

**5-0**

**4. Superior Court Case # 2008-233 Submission to the Board of Review of Finding of Facts and Conclusion of Law Related to the petition of Thomas and Barbara Moloney for the property located at 221 Tuckerman Ave. Middletown R.I. and further identified as Lot 33 on Tax Assessor's Plat 116 SE.**

**Attorney Turner Scott stated that There are 2 minor changes and the Board can talk and decide which one to accept.**

**A motion was made BY Melissa Roderiques and second by Peter Van Steeden to go with the Finding of Facts. Motion carried 5-0**

**Alternate Richard Cambra will be a voting member for the rest of the petitions as melissa Roderiques had to leave.**

**5. Entry of Stipulation and withdrawal of a Special Use Permit issued by the Middletown Zoning Board of Review on May 27,2008 to St Columba's The Berkeley Memorial Chapel owner and Kinderart Inc. Applicant for the property located at 55 Vauclose Ave. And further**

**identified as Lot 69 on Tax Assessor's Plat 129.**

**Representing St Columba's was attorney Greg Claber and stating to dismiss with prejudice as to Kinderart and dismiss without prejudice as to St Columba Chapel and allowing them to re-apply to the Zoning Board .**

**A motion was made by by Tom Newman and second by Peter Van Steeden that the**

**appeal should be dismissed and to accept the stipulation. Motion granted 5-0.**

**6. Petition of: Alice M Abelheira- 4 Francisco Dr. Middletown, R.I. (Owner) for a variance from sections 603,701,& 803G- replace the existing 7'x7' deck with a 10'x26' with rear yard setback of 14'6" where 50' is required and allow 25.6%**

**lot coverage where 20% is allowed. Said real estate is located at 4 Francisco Dr.and further identified as Lot 57 on Tax Assessor's plat 112.**

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

**7. Petition of -Kenneth J. Alves-644 Thames St. Newport, R.I.-(owner)- Regatta Car Wash, Inc.-POBox1363-Newport, R.I.(applicant)- by their attorney Peter Brent Regan Esq.-130 Bellevue Ave.-Newport, R.I. for an extension from 1106-to grant Page 3**

**an extension for a period of 6 months, Said real estate is located at 763 and 773 West Main Rd. And further identified as Lot 17, on Tax Assessor's plat 107 NE**

**A motion was made by Peter Van Steeden and second by Richard Cambra. Motion carried 5-0**

**Meeting adjourned 8:30P.M.**

**Respectfully Submitted**

**Lucy R. Levada**

**Secretary**