

Middletown Zoning Board Minutes for September 27, 2011

The monthly meeting of the Middletown Zoning Board was held on September 27, 2011. Roll Call: Present at this meeting were Chairman-Tom Silveira, Vice Chairman-Peter Van Steeden, Board Member-Charles Vaillancourt, 2nd alternate (voting) Nicholas Pasyanos, and 3rd alternate (voting) Olin Gambrell.

Also present were Assistant Town Solicitor Turner Scott and Building Official Jack Kane.

The previous month's minutes were unanimously adopted with changes noted on the record.

Continuances/Withdrawals:

Petition of: Khent Doon Trust- 535 Indian Ave- Middletown, RI (owner)- Frank Arakel Bozyan, Elizabeth Pike Bozyan & Gladys Bozyan Lavine- 535 Indian Ave & 591 Indian Ave- Middletown, RI (applicant)- for a Variance from Section 604 - to allow the proposed conservation subdivision lot 4 to have 35' of frontage where 120' is required. Said real estate located at 535, 561, 583 & 591 Indian Ave and further identified as Lots 73 & 300 on Tax Assessor's Plat 129. Petition is withdrawn.

Petition of: 210 Coddington Realty Trust- c/o Evan S. Leviss Esq.- 15 Old Beach Rd- Newport, RI (applicant)- To appeal the issuance of Sign Permit# S-2011-00000221 under Section 317 of the Middletown

Zoning Ordinance issued on June 10, 2011 to reface the existing off premise sign. Said real estate located at the corner of Underwood Lane adjacent to 210 Coddington Highway. Continued one month until October 25, 2011.

Full Hearings:

Petition of: Charles M. Collins- 213 Fischer Circle- Portsmouth, RI (owner)- for a Variance from Section 1209- to allow a 12 sq. ft. address sign where 1.5 sq. ft. is allowed. Said real estate located at 939 West Main Rd and further identified as Lot 118 on Tax Assessor's Plat 106. Continued one month until October 25, 2011.

Petition of: Farouk Niazy- 1206 Green End Ave- Middletown, RI (owner)- for a Special Use Permit from Section 803A- to allow the expansion of a non-conforming use to allow the construction of a 16' x 19' one story addition. Said real estate located at 1206 Green End Ave and further identified as Lot 43 on Tax Assessor's Plat 125. After testimony from the applicant motion was made to approve the application. The application was granted 5-0.

Petition of: Diane C Jackson- 19A & B Ludlow Rd- Middletown, RI (owner)- for a Variance from Section 603, 701 & 803G- to construct a 6' x 7' mudroom addition with a side yard setback of 18.6' where 30' is required and resulting in lot coverage of 22% where 20% is allowed. Said real estate located at 19A & B Ludlow Rd and further identified as Lot 83 on Tax Assessor's Plat 107NE. Petition of: Diane C Jackson-

19A & B Ludlow Rd- Middletown, RI (owner)- for a Special Use Permit from Section 602 & 803A- to allow the expansion of a non-conforming two family dwelling by adding a 6'x7' mudroom entry addition. Said real estate located at 19A & B Ludlow Rd and further identified as Lot 83 on Tax Assessor's Plat 107NE. After testimony from the applicant motion was made to approve the application. The application was granted 5-0.

Petition of: Nunes Properties, Ltd -575 East Main Rd- Middletown, RI (owner) Sulky Rhode, LLC-909 East Main Road, Middletown, RI (applicant)–for a Variance from Sections 602, 803 & 903- to extend and enlarge the existing non-conforming Winery/Wine Processing Use and Restaurant Use of the property permitted by the previous grant of Use Variances in accordance with the plans submitted. Said real estate located at 909 East Main Rd and further identified as Lot 25 B on Tax Assessor's Plat 118. After testimony from the applicant motion was made to approve the application. The application was granted 5-0.

Petition of: Nunes Properties, Ltd- 575 East Main Road- Middletown, RI (owner) Sulky Rhode, LLC- 909 East Main Road- Middletown, RI (applicant)-for a Special Use Permit from Section 803 & 902- to extend and enlarge the existing non-conforming commercial mixed uses in accordance with the plans submitted, expanding the footprint and envelope of the building. Said real estate located at 909 East Main Road and further identified as Lot 25B on Tax Assessor's Plat 118.

After testimony from the applicant motion was made to approve the application. The application was granted 5-0.

Petition of: United Congregational Church- 524 Valley Rd- Middletown, RI (owner)- by their attorney Girard Galvin, Esq.- 31 America's Cup Ave- Newport, RI- for a Special Use Permit from Section 602- to allow for a small burial urn garden (cemetery) in an R-20A zone. Said real estate located at 524 Valley Rd and further identified as Lot 96 & 96-C on Tax Assessor's Plat 114. After testimony from the applicant motion was made to approve the application. The application was granted 5-0.

Petition of: United Congregational Church- 524 Valley Rd- Middletown, RI (owner) - by their attorney Girard Galvin, Esq.- 31 America's Cup Ave- Newport, RI- for a Variance from Section 2003- to allow for a small burial urn garden (cemetery) with 2.27 acres of land area where 4 acres is required. Said real estate located at 524 Valley Rd and further identified as Lot 96 & 96-C on Tax Assessor's Plat 114. After testimony from the applicant motion was made to approve the application. The application was granted 5-0.

The meeting was adjourned at 8:30 p.m.