

The Middletown Zoning Board of Review Minutes January 24, 2012

Present at this meeting were Chairman-Tom Silveira Vice Chairman-Peter Van Steeden Voting Board members Steve MacGillivary and Charles Vaillincourt 1stAlternate-James Miller 2nd-Nicholas Pasyanos 3rd-Olin Gambrell Town Solicitor-Michael Miller and Zoning Official- Jack Kane.

A motion was made by Peter Van Steeden and second by Charles Vaillancourt to accept the Secretary minutes of November 22, 2011. Motion Carried 5-0.

Continuances/Withdrawals:

**1. Coddington Realty
Trust-----March 27,2012**

PETITIONS HEARD:

1. Petition of:- David & Kathleen Silveira-52 Center Ave.-Middletown, R.I.-(owners)Capital Building & Design-585 Milford RD. -Swansea, Ma.(applicant)-for a Variance from Sections 603,701,&803G-to construct a 7'-11"x 12'4" second floor addition with a south side yard setback of 4' where 15' is required. Said real estate is located at 52 Center Ave. and further identified as Lot 40 on Tax Assessor's Plot 116NE.

A motion was made by Peter Van Steeden and second by Steve MacGillivary to grant the petition. Petition Granted

5-0 Chairman Tom Silveira wanted entered into the minutes that he is not related to the Silveira petition.

2. Petition of: Wait N Sea, LLC- 10 Wyndham Hill Rd.- Middletown, R.I.(owner)- for a Variance from Sections 603,&701,&803G-to construct a 26'x36' single family dwelling with a north and south side yard setback of 15'-6" where 20' is required. Said real estate is located at O'Donnell Rd. and further identified as Lot 17 on Tax Assessor's Plat 122.

Architect Mr. Gardner represented the petitioner and stated that all the houses in this area do not comply with the area and this Lot was there before the applicant bought the property. This is a R20 Zone

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

3. Petition of West Main LLC- - PO Box 4360-Middletown, R.I.-(owner)-BJ Alan Company DBA 452Phantom Fireworks- 555 Martin Luther King Jr. Blvd.- Youngstown, OH. (applicant)-for a Special Use Permit from Article 18- to allow the expansion of a shopping center by the addition of a 20'x30' temporary tent for the sale and storage of fireworks. Said real estate located at 741 West Main Rd. and further identified as Lot 452 on Tax Assessor's Plat107 NE.

Ms. Carolyn Forster represented DBA Phantom Fireworks on the property owned by Ken Alves and stated that this will take place on June 27, 2012 to July 4, 2012 hours- 9am to 10PM.

4. Petition of-Bobby Mitchell Sr. -8 Yarnell Ave.-Middletown, R.I. (owner)- Bobby Mitchell Jr.(applicant)- for a Special Use permit from Article 16- to allow an accessory family dwelling unit. Said real estate located at 8 Yarnell Ave. and further identified as Lot 127 on Tax

Assessor's Plat 107SW.

Peter Van Steeden stated that this dwelling will revert back to a single family dwelling when it is no longer occupied by a family member.

A motion was made by Peter Van Steeden and second by Lucy Levada to grant the petition. Petition Granted 5-0

5. Petition of- Joseph & Patricia Markman-53 West Main Rd. – Middletown, R.I.(owner)-B&L Hogan Associates, LLC- 65 West Main Rd .-Middletown, R.I.(owner) –by their attorney Robert M. Silva-1100 Aquidneck Ave.- Middletown, R.I. –for a Variance from sections 603,701,803G1301B,1301D,1301G,&1304-to allow the expansion of a non-conforming structure with a side yard setback of 23.4'where 35' is required. Also allow an off street parking facility and the required landscaped buffer of 10' where 20' is required adjacent to a residential use to allow an off street parking facility to be located within 4.7' of public street where 10' is required. Allow parking in excess 150% of the minimum number of 18 parking spaces. Said real estate is located at 53 &65 West Main Rd. and further identified as Lot 101 &103 on Tax Assessor's Plat 108 SW.

Attorney Silva stated that a letter dated January 19, 2012 from the Planning Board to the Zoning Board is in the file and approved certain waivers. Also letter on file dated December 30, 2011 parking redesign area and December 12, 2011 plans to Planning Board and Tree Comm. Exhibit A- Landscaping and Exhibit B- Landscaping of Trees.

1. Town Engineer must complete review of storm water drainage

plan, calculations

2. Before permits are released the 2 subject lots must be merged and an administrative subdivision plan must be filed with the Planning Dept.

A motion was made by Peter Van Steeden and second by Lucy Levada to grant the petition the petitioner has a growing business and is very crowded lot and the additional spaces are needed to for clients and employee safety. Amendment to the motion to include the Planning Boards approval. Petition Granted 5-0

Meeting adjourned 9:00 p.m.

Respectfully Submitted

Lucy R. Levada

Secretary