

## **The Middletown Zoning Board of Review Minutes of February 28, 2012**

**Present at this meeting were Chairman –Tom Silveira, Vice-Chairman-Peter Van Steeden, Secretary- Lucy Levada, voting board members- Steve MacGillivray, alternate members 1st James Miller, 2nd Nicholas Pasyanos and 3rd alternate Olin Gambrell. Assistant Town Solicitor-Russell Jackson, Building Official- Jack Kane. Absent were Charles Vaillincourt and 1st alternate James Miller will be a voting member.**

**A motion was made by Peter Van Steeden and second by Steve MacGillivray to accept the Secretary’s minutes of January 24, 2012, motion granted 5-0**

### **CONTINUANCES/WITHDRAWALS:**

- 1. Petition of: 210 Coddington Realty Trust-15 Old Beach Rd. Middletown, R.I.---March 27, 2012**
- 2. Petition of: Mile One,LLC-1100 Aquidneck Ave. Middletown, R.I.----- March 27, 2012**
- 3. Petition of: Sandra Hale-1 Beach View Terrace. Middletown, R.I.-----March 27, 2012**
- 4. Petition of : East Main Road LLC 1100 Aquidneck Ave.-Middletown R.I.-----March 27, 2012**

### **Petitions Heard:**

- 1. Petition of: Kenneth R. Rich-12 Harvey Road-Middletown, R.I.(owner) Carl Rich- 12 Harvey Rd.- Middletown, R.I.-(applicant)- for**

a variance from Sections 1600& 1601B- to allow the expansion of the existing accessory family dwelling unit by the addition of a second bedroom where one bedroom is allowed resulting in a floor area of 50% of the total dwelling where 35 % is allowed and to allow occupancy by an individual other than as permitted under the ordinance. Said real estate is located at 12 Harvey Rd. and further identified as Lot 159 on Tax Assessor's Plat 114.

2. Petition of: Kenneth R. Rich- 12 Harvey Rd.- Middletown, R.I.(owner) Carl H. Rich-12 Harvey Rd. Middletown R.I. (applicant)- for a Special Use Permit from Article 1600- to allow the expansion of the accessory family dwelling unit. Said real estate is located at 12 Harvey Rd. and further identified as Lot 159 on Tax Assessor's Plat114

Mr. Carl Rich was sworn in and testified that he needs the 3rd. floor so he can put another bedroom there for his mother-in-law.

Attorney Pat Hays is representing Mrs. Arlen Brown 528 Green End Avenue. Mr. Hayes stated that the Tax Assessor's office shows 2,300 sq.ft. with 4 bedrooms 2-1/2 bath rooms-and 2 kitchens. Exhibit# A-Vision Appraisal shows 4 bedrooms. Mr. Hayes stated that in 2003 you applied for a 2 family home and then withdrew that petition. Exhibit # B in October you came back and applied for an in-law unit and the petition was granted. Exhibit # C-Paul Hogan Real Estate Expert stated that this addition would have a negative impact in the area. Mr. Carl Rich does not own this property his parents Kenneth & Charlotte are the owners.

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**A motion was made by Peter Van Steeden and second by Lucy Levada to deny the petition as Mr. Carl Rich is not the owner and does not comply with the ordinance of an Accessory Family Dwelling Special Use Permit. Petition denied 5-0**

**A motion was made by James Miller and second by Peter Van Steeden to deny the petition for a Variance. Petition denied 5-0**

**Meeting adjourned 9:00 p.m.**

**Respectfully Submitted**

**Lucy R. Levada**

**Secretary**