

**AGENDA**  
**MIDDLETOWN PLANNING BOARD OF APPEALS**  
**MIDDLETOWN ZONING BOARD OF REVIEW**  
**MEETING DATE: JANUARY 26, 2021 TIME: 6:00 pm**

Said meeting will be conducted by telephone conference call/webinar on TUESDAY, JANUARY 26, 2021 at 6:00 P.M., in accordance with Executive Order 20-46 issued by Governor Raimondo on April 15, 2020, extended on June 12, 2020, which modifies certain provisions of the Open Meetings Act ("OMA") and the Access to Public Records Act ("APRA") as part of the State's emergency response to COVID-19.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83708053621>

Or Telephone:

888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 837 0805 3621

If joining the meeting via the Zoom App – please verify that you are utilizing the most recent version and updates.

**Administrative:** Roll call – Adoption of minutes for November 24, 2020 and December 3, 2020

**Planning Board of Appeals:**

Appeal of: Robert Amado (owner) by his attorney Girard Galvin, Esq. for an Appeal of the Planning Board Decision recorded on December 2, 2020 which approves the application of Horan Building Company for Master Plan approval of the 7-lot subdivision including the proposed new road. Said real estate is located at 208 Howland Avenue and further identified as lot 53 on tax assessor's plat 129.

Appeal of: Robert M. Silvia (owner) by his attorney Matthew H. Leys, Esq. for an Appeal of the Planning Board Decision recorded on December 2, 2020 which approves the application of Horan Building Company for Master Plan approval of the 7-lot subdivision including the proposed new road. Said real estate is located at 208 Howland Avenue and further identified as lot 53 on tax assessor's plat 129.

Appeal of: The Vestry of St. Columba's-The Berkeley Memorial Chapel (owner) by their attorney Stephen MacGillivray, Esq. for an Appeal of the Planning Board Decision recorded on December 2, 2020 which approves the application of Horan Building Company for Master Plan approval of the 7-lot subdivision including the proposed new road. Said real estate is located at 208 Howland Avenue and further identified as lot 53 on tax assessor's plat 129.

**Zoning Board of Review**

**Continued/Withdrawn Cases:**

Petition of: Nicholas Pasyanos (owner) for a Special Use Permit from Section 602 to allow a two family dwelling. Said real estate is located at 2 Toni-Lynn Terrace and further identified as lot 112 on tax assessor's plat 121NW.

Continued from 11/24/2020

Petition of: Atlantic Beach Suites II, LLC (owner) by their attorney, David P. Martland, Esq. for a Special Use Permit from Section 602, Articles 11 & 14 to permit a 23 unit hotel in the Limited Business (LB) zone and Zone I of the Watershed Protection District. Said real estate is located at 42-44 & 56 Wave Avenue and further identified as lots 4, 5 & 6 on tax assessor's plat 116NW.

Continued from 4/24/2018, 5/22/2018, 8/28/2018, 9/29/2018, 11/27/2018, 2/12/2019, 2/26/2019, 3/26/2019, 4/23/2019, 5/28/2019, 6/25/2019, 7/23/2019, 8/27/2019, 9/24/2019, 10/22/2019, 11/26/2019, 1/28/2020, 2/25/2020, 4/21/2020, 8/25/2020, 11/24/2020

Petition of: James L. Paradise (owner) by his attorney Girard A. Galvin, Esq. for a Variance from Sections 903, 1504 & 603 to allow six - two bedroom residential units on 19,452 sq ft where 48,000 sq ft is required and side yard setback of 17.9' where 25' is required. Said real estate is located at 170 Aquidneck Avenue

and further identified as lots 145, 146 & 147 on tax assessor's plat 115SE.

Continued from 2/25/2020, 3/24/2020, 6/23/2020, 7/28/2020, 8/25/2020, 9/22/2020, 11/10/2020, 11/24/2020  
Petition of: James L. Paradise (owner) by his attorney Girard A. Galvin, Esq for a Special Use Permit and Development Plan Review from Sections 306(B), 602, 902 & 1500, et seq. to convert the existing commercial building into six residential condominium units. Said real estate is located at 170 Aquidneck Avenue and further identified as lots 145, 146 & 147 on tax assessor's plat 115SE.

Continued from: 2/25/2020, 3/24/2020, 6/23/2020, 7/28/2020, 8/25/2020, 9/22/2020, 11/10/2020, 11/24/2020  
Petition of: John R. Gullison & Bonnie F. Zimble (owners) by their attorney Jeremiah C. Lynch, III for a Variance from Sections 603, 1301(b), 1301(d), 1304, 1404 & 1406 to construct an 18 room hotel on a lot with 17,533 sq. ft. where 18,000 sq. ft. is required with an elevated parking structure with less than the required landscape buffer area on the south, east and west property lines resulting in lot coverage of 53% where 35% is allowed and increasing the number of spaces to 40 where 35 are allowed. Provide a loading space and service drive on the north side with less than the required landscape buffer. Said real estate located at 59 Aquidneck Avenue and further identified as Lot 169 on Tax Assessor's Plat 115SE.

Continued from: 1/10/2017, 3/28/2017, 4/25/2017, 7/25/2017, 9/26/2017, 11/28/2017, 3/27/2018, 6/26/2018, 10/23/2018, 11/27/2018, 2/26/2019, 5/28/2019, 8/27/2019, 10/22/2019, 1/28/2020, 3/24/2020, 6/23/2020, 9/22/2020, 11/10/2020, 11/24/2020

Petition of: John R. Gullison & Bonnie F. Zimble (owners) by their attorney Jeremiah C. Lynch, III for a Special Use Permit from Sections 602 & 1400 to allow the construction of a hotel (18 rooms) with the an accessory restaurant. Said Real estate located at 59 Aquidneck Avenue and further identified as Lot 169 on Tax Assessor's Plat 115SE.

Continued from: 1/10/2017, 3/28/2017, 4/25/2017, 7/25/2017, 9/26/2017, 11/28/2017, 3/27/2018, 6/26/2018, 10/23/2018, 11/27/2018, 2/26/2019, 5/28/2019, 8/27/2019, 10/22/2019, 1/28/2020, 3/24/2020, 6/23/2020, 9/22/2020, 11/10/2020, 11/24/2020

**AMENDED PETITION** of: John R. Gullison (owner) by his attorney Jeremiah C. Lynch, III for a Special Use Permit from Sections 602 & 1400 to permit the construction and operation of a seventeen (17) room hotel with an accessory restaurant. Said real estate is located at 59 Aquidneck Avenue and further identified as lot 169 on tax assessor's plat 115SE.

**AMENDED PETITION** of: John R. Gullison (owner) by his attorney Jeremiah C. Lynch, III for a Variance from Sections 603 & 1406 to permit parking within the southern buffer zone of the premises. Said parking to be located within the side yard setback (10' required, 0' proposed) and buffer zone. Said real estate is located at 59 Aquidneck Avenue and further identified as lot 169 on tax assessor's plat 115SE.

Petition of: Newport National Real Estate, LLC (owners) by their attorney Robert M. Silva, Esq. for a Variance from Section 603 & 605 to allow the construction of a clubhouse with a main roofline of 35 feet with a clocktower of 40'-8" where 30' is allowed and a footprint of 12,863 sq ft where 10,000 sq ft is allowed. Said real estate is located at 425 Mitchell's Lane and further identified as lot 29 on tax assessor's plat 124.

Continued from: 3/24/2020, 7/28/2020, 8/25/2020, 9/22/2020, 11/10/2020, 11/24/2020

Petition of: CenZ Corporation (owner) and GDMiddletown West Main I, LLC (applicant) for a Variance from Sections 725(B)(2) & (3) to allow a ground mounted solar voltaic system with less than the required visual screening and electrical lines and connections above ground. Said real estate is located at 0 West Main Road and further identified as lot 9A on tax assessor's plat 111.

Continued from: 7/28/2020, 8/25/2020, 9/22/2020, 11/10/2020, 11/24/2020

Petition of: CenZ Corporation (owner) and GDMiddletown West Main I, LLC (applicant) for a Special Use Permit and Development Plan Review from Section 602, 725(A) (1), 725(B) (2) (3), 1102 (A)(3) & 1106 to allow a ground mounted solar voltaic system in Watershed Protection District Zone I. Said real estate is located at 0 West Main Road and further identified as lot 9A on tax assessor's plat 111.

Continued from: 7/28/2020, 8/25/2020, 9/22/2020, 11/10/2020, 11/24/2020

Petition of: John & Pamela Wallace (owners) by their attorneys Chappell & Chappell for a Special Use Permit and for Development Plan Review from Section 305, 602 & 719 to allow the use of a mixed residential and commercial use in a single building and a garage to be used as the owner's art/pottery studio. Said real estate is located at 819 Aquidneck Avenue and further identified as lot 129 on tax assessor's plat 114.

Continued from 9/22/2020, 11/10/2020, 11/24/2020

### **Reconsideration:**

Corrected Petition of: Glenn P. Brogan (owner) for a Variance from Sections 603, 701 & 802(B) to demolish the existing structure and construct a 2,378 sq ft single family dwelling with a left side yard setback of 8.1' and a right side yard setback of 8' where 15' is required. Said real estate is located at 75 Tuckerman Avenue and further identified as lot 114 on tax assessor's plat 116NE.

### **Summary Hearing:**

Petition of: Kyle Cavallaro & Claudia Cavallaro (owners) for a Variance from Sections 603 & 701 to allow the construction of a single family dwelling and a detached garage with a north side yard garage setback of 10' where 20' is required. Said real estate is located at 0 Morrison Avenue and further identified as lot 816 on tax assessor's plat 114.

Petition of: Michael & Sarah Hand (owners) by their attorney J. Russell Jackson, Esq. for a Variance from Sections 603 & 701 to allow the addition of a 131 sq ft second floor addition over the existing structure with a northerly side yard setback of 9'8" where 15' is required. Said real estate is located at 106 Esplanade and further identified as lot 100 on tax assessor's plat 116NE.

### **New Petitions:**

Petition of: Newport County Regional YMCA (owner) by their attorney Robert M. Silva, Esq. for a Special Use Permit from Section 605(B)(1) to allow an 11,406 sq ft addition to the existing structure resulting in a total of 52,844 sq ft where 35,000 sq ft is allowed. Said real estate is located at 792 Valley Road and further identified as lot 1 on tax assessor's plat 115.

Continued from: 11/10/2020, 11/24/2020

Petition of: Newport County Regional YMCA (owner) and 127 John Clarke Road, LLC (owner) by their attorney Robert M. Silva, Esq. for a Variance from Section 1301(D) to allow parking closer than the 10' setback and from Section 1302 to allow off-site parking to be located on a lot not occupied by the principal use (plat 115 lot 59). Said real estate is located at 792 Valley Road and further identified as lot 1 on tax assessor's plat 115.

Continued from: 11/10/2020, 11/24/2020

Petition of: Ocean Pointe Church (owners) for a Special Use Permit from Section 1212(D)(2)(a) to allow a 64 sq ft building mounted sign where 32 sq ft is allowed and from Section 1212(F)(5)(a) allow a backlit form of illumination on a building mounted sign. Said real estate is located at 66 Valley Road and further identified as lot 19B on tax assessor's plat 113.

Petition for Extension: Exit Strategy, LLC (owner) by their attorney Christopher J. Behan, Esq. for an Extension from the previously granted relief from the Special Use Permit and Variance granted on January 28, 2020 and recorded on March 27, 2020 to construct a gasoline service center with a convenience store, vehicle washing and dog washing facility and allow a 10' buffer where 20' is required along the Northerly and Southerly property lines. Said real estate is located at 991 & 995 West main Road and further identified as lots 115 & 116 on tax assessor's plat 106.

Petition of: Patricia & Paul Onofrio (owners) for a Special Use Permit from Sections 803(A) to expand the nonconforming use by the demolition of the 30 sq ft front stairs and construction of a proposed 63 sq ft front porch and stairs and to construct a 100 sq ft addition under existing upstairs deck with an 85 sq ft deck on the rear of the 1<sup>st</sup> floor. Said real estate is located at 23 Warren Avenue and further identified as lot 171

ontax assessor's plat 115SE.

Petition of: Patricia & Paul Onofrio (owners) for a Variance from Sections 603, 701, 803(G) to demolish the existing 30 sq ft front stairs and construct a 63 sq ft front porch and stairs with a side yard setback of 7.2' where 15' is required and a front yard setback of 6' where 25' is required. Said real estate is located at 23 Warren Avenue and further identified as lot 171 on tax assessor's plat 115SE.

Petition of: Anne Ficke Irrevocable Trust (owner) and Anne Ficke (applicant) for a Special Use Permit from Article 11, Section 1106(B) and Sections 603, 701 & 803(G) to construct a 60 sq ft entryway with landing and stairs over the existing 24 sq ft cement landing and stairs in the Watershed Protection District Zone 1 with a front yard setback of 28' where 40' is required. Said real estate is located at 319 Third Beach Road and further identified as lot 53 on tax assessor's plat 126.

Petition of: Anne Ficke Irrevocable Trust (owner) and Anne Ficke (applicant) for a Variance from Sections 603, 701 & 803(G) to construct a 60 sq ft entryway with landing and stairs over the existing 24 sq ft cement landing and stairs with a front yard setback of 28' where 40' is required and to demolish the existing 86 sq ft shed and construct a 400 sq ft garage with a side yard setback of 13' where 30' is required and a front yard setback of 35.9' where 40' is required. Said real estate is located at 319 Third Beach Road and further identified as lot 53 on tax assessor's plat 126.

Petition of: Kelly & Andrew Salem (owners) by their attorney David P. Martland for a Variance from Section 603 to allow the construction of a 14'6" x 18'6" deck and 15'x35' pool resulting in an increase in lot coverage of 22% where 15% is allowed. Said real estate is located at 444 Purgatory Lane and further identified as lot 45 on tax assessor's plat 121.

Petition of: Peabody Enterprises, LLC & Lazy Lawn Realty Trust (owners) and Peabody Enterprises, LLC (applicant) by their attorney Girard A. Galvin, Esq. for a Special Use Permit from Sections 803 (A) & (G) to allow the alteration of the existing structure by the construction of a 20' x 17'4" deck within the existing footprint of the building. Said real estate is located at 0 Third Beach Road and further identified as lots 6A & 6B on tax assessor's plat 131.

Petition of: Peabody Enterprises, LLC & Lazy Lawn Realty Trust (owners) and Peabody Enterprises, LLC (applicant) by their attorney Girard A. Galvin, Esq. for a Variance from Sections 602, 903 & 803 to construct a 20' x 17'4" deck above the storage area within the existing footprint of the building. Said real estate is located at 0 Third Beach Road and further identified as lots 6A & 6B on tax assessor's plat 131.

Petition of: Kristin M. Zekis (owner) by her attorney J. Russell Jackson, Esq. for a Variance from Sections 603 & 701 to allow the construction of a 3,009 sq ft single family dwelling and a 20' x 30' pool with a northerly side yard setback of 8' and a southerly side yard setback of 12' where 15' is required resulting in lot coverage of 30.5% where 25% is allowed. Said real estate is located at 172 Allston Avenue and further identified as lots 28A & 38A on tax assessor's plat 116NE.

Petition of: Robert Mastin (owner) by his attorney Jeremiah C. Lynch III for a Variance from Sections 603, 701 & 803(G) to demolish the existing attached garage and construct a 12' x 24' attached garage with a side yard setback of 2.94' where 15' is required. Said real estate is located at 40 Beachview Terrace and further identified as lot 14 on tax assessor's plat 121SW.

**All items on this agenda may be considered, discussed and voted upon. This agenda is subject to change.**

**POSTED: January 22, 2021**