



TOWN OF MIDDLETOWN
350 East Main Road – Middletown, Rhode Island 02842

Building Inspections and Zoning
Office: (401) 847-5769 – Fax: (401) 845-0414

AGENDA
DATE: MAY 25, 2021
TIME: 6:00 PM
ZONING BOARD OF REVIEW

Said meeting will be conducted by telephone conference call/webinar on TUESDAY, MAY 25, 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/83428127913>

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

If calling by phone pressing *9 raises your hand and *6 will unmute.

Webinar ID: 834 2812 7913

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

Administrative:

1. Roll call – Adoption of minutes for APRIL 27, 2021
2. Petition of: A-1 Roofing & Construction, LLC. (owners) by their attorney David P. Martland, Esq. for Special Use from section 1106 to construct a 5,200 square foot office and special trade contractor building. Associated parking and water quality improvements as approved by RIDEM located in Zone 1 of the Watershed Protection District. Said real estate is located at 990 Aquidneck Avenue and further identified as lot 507 on tax assessor’s plat 114.

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.

Continued from: 02/23/2021, 03/23/2021, 04/27/2021

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.

Continued from: 02/23/2021, 03/23/2021, 04/27/2021



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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.

Continued from: 02/23/2021, 03/23/2021, 04/27/2021

Zoning Board of Review Continued Cases from March 23, 2021:

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, 1/26/2021, 2/23/2021, 3/23/2021

Zoning Board of Review Continued Cases from April 27, 2021:

Petition of: Dana L. Harrell & James C. Redfearn (owners) for a variance from section 603, 701 and 803G to allow the construction of a 12' by 28' two story garage addition to the existing single family dwelling with a right side yard setback of 4'7" where 20' is required. Said real estate is located at 275 Green End Avenue and further identified as lot 97 on tax assessor's plat 114.

Petition of: Church Community Housing Corp. (owners) by their attorney Jeremiah Lynch, Esq. for a variance from section 603 to demolish and construct a new single-family dwelling to be located 28.5' from Bloom Court where 40' is required. Said real estate is located at 15 Bloom Court and further identified as lot 102 on tax assessor's plat 112.

Petition of: John Silvia III & Kate Silvia (owners) for a variance from section 603, 701 & 803C to construct a new living room/kitchen addition to the existing single family dwelling which results in a front yard setback of 19'4" where 40' is required. Said real estate is located at 749 Mitchell's Lane and further identified as lot 107 on tax assessor's plat 124.

Petition of: Brigid A. Rafferty (owner) and La Petite Gourmande, LLC DBA The Power of Juice and her person of representation Jonathan Jeffreys for a special use from section 1212 #2 to allow a second sign on the East side of building where one wall sign is allowed. Said real estate is located at 698 B Aquidneck Avenue and further identified as lot 107 B on tax assessor's plat 114.

Petition of: Daphne M. Fogg (owner) for a variance from section 603, 701 & 803 G to construct a second floor dormer addition to existing garage of their single family dwelling. Resulting in a Northside setback of 4' where 25' is required and an Eastside setback of 4'6" where 10' is required. Said real estate is located at 19 Renfrew Avenue and further identified as lot 253 on tax assessor's plat 115SE.



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Petition of: Cardinal 159, LLC (owners) by their attorney Christopher J. Behan, Esq. for a special use from section 902 & 602 to serve alcoholic beverages at the IHOP restaurant. Said real estate is located at 159 West Main Road and further identified as lot 45 on tax assessor's plat 108.

Petition of: Carmen Foy (owner) for a special use from section 904 & 602 to serve alcoholic beverages at the Sprout and Lentil restaurant. Said real estate is located at 796 Aquidneck Avenue and further identified as lot 92 A on tax assessor's plat 114.

Summary Hearings:

Petition of: Patrick Fransson (owner) for a Dimensional Variance from sections 603 & 701 to construct a 6' x 32' covered front porch. Resulting in a 18'-8" front yard setback where 25' is required. Said real estate is located at 2 Bailey Terrace and further identified as lot 23 on tax assessor's plat 108.

New Petitions:

Petition of: On the Pond, LLC (owners) and Diego's Middletown, LLC (applicant) by their attorney David P. Martland, Esq. for a Special Use permit from section 602, 803 A & 1103 (B) to permit the expansion of an existing restaurant with liquor license located in Zone 1 of the Watershed Protection District by reconstructing and expanding a 324 sq. ft covered second floor deck and adding a 150 sq. ft third floor deck to the rear of the structure while reducing the overall capacity.. Said real estate is located at 116 Aquidneck Avenue and further identified as lot 135 & 136 on tax assessor's plat 115 SE.

Petition of: On the Pond, LLC (owners) and Diego's Middletown, LLC (applicant) by their attorney David P. Martland, Esq. for a Variance from section 603, 701 & 803 G to allow the reconstruction of a second floor covered deck with a right side yard setback of 12.9' where 20' is required and a 48.8' rear yard setback where 50' is required. Said real estate is located at 116 Aquidneck Avenue and further identified as lot 135 & 136 on tax assessor's plat 115 SE.

Petition of: Telly Amarant and Elizabeth Amarant (owners) by their attorney Christopher J. Behan, Esq. for a Special Use permit from sections 902, 602, & 805 to allow the two family residential use pursuant to Section 602 & 805 for the two family on a lot that does not meet the standards of Section 603. Said real estate is located at 163 Aquidneck Avenue and further identified as lot 14 on tax assessor's plat 115 SE.

Petition of: Telly Amarant and Elizabeth Amarant (owners) by their attorney Christopher J. Behan, Esq. for a Variance from sections 903 & 603 to tear down the existing commercial structure and construct a two-family residence. Resulting in 31.2% lot coverage where 25% is allowed. A front yard setback of 18' - 1" where 25' is required. A Southerly side yard setback of 6' and a Northerly setback of 12' - 1/2" where 20' is required for both. Said real estate is located at 163 Aquidneck Avenue and further identified as lot 14 on tax assessor's plat 115 SE.



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Petition of: The Clambake Club of Newport (owners) by their attorney Robert M. Silva, Esq. for a Special Use permit from section 803 A to allow for an expansion of an existing non-conforming use by way of construction of an outdoor covered deck (24.5' x 25.8'). Said real estate is located at 353 Tuckerman Avenue and further identified as lot 139 on tax assessor's plat 122.

Petition of: Bob Spetrini (owner) for a Variance from sections 603, 701 & 803 to construct a 206 square foot raised masonry patio resulting in a corner front yard setback of 1' where 40' is required. Said real estate is located at 104 Wolcott Avenue and further identified as lot 70 on tax assessor's plat 121 NW.

Petition of: Linda S. & Brian Whittaker (owners) for a Variance from sections 603, 701 & 803 G to construct a 12' x 22' one story bedroom addition with a front yard setback of 30' where 40' is required and a rear yard setback of 50' where 60' is required. Said real estate is located at 156 Prospect Avenue and further identified as lot 66 on tax assessor's plat 121 NW.

Petition of: Jean Gardella (owner) for a Variance from sections 602 & 701 to construct a 6' x 31'-5" covered front porch. Resulting in a 22' front yard setback where 25' is required. Said real estate is located at 15 Donald Drive and further identified as lot 25 on tax assessor's plat 107 NW.

Petition of: Bruce O Kintner (owner) for a Variance from sections 603 & 701 to install a 21' pool and 14' attached deck with a rear yard setback of 5' where 15' is required; and a side yard setback of 5' where 10' is required. Said real estate is located at 19 Reservoir Road and further identified as lot 27 on tax assessor's plat 115 SE.

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

POSTED: MAY 21, 2021 on RI Secretary of State, Clerkbase, Library, Town of Middletown