



BUILDING/ZONING

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842

(401) 847-5769 | MiddletownRI.com

ZONING BOARD OF REVIEW MIDDLETOWN, RHODE ISLAND AGENDA

DATE: APRIL 26, 2022

TIME: 6:00 PM

LOCATION: TOWN HALL CHAMBERS -350 EAST MAIN ROAD

**This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 401-847-0009 not less than 48 hours before this meeting.*

Administrative:

1. Roll call
2. Adoption of Zoning Board meeting minutes from February 23, 2022 & March 22, 2022
3. Adoption of Rules and Regulations for Zoning Board of Review 2022-2023
4. Open enrollment for Zoning Board Membership

Zoning Board of Review Continued Petitions from May 25, 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. The Zoning Board shall also receive the positive recommendation from the Planning Board in connection with the Development Plan Review. 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, 04/25/2021, 08/24/2021, 09/28/2021, 10/26/21, 11/23/21, 01/25/2022, 02/23/2022, 03/22/2022

Zoning Board of Review Continued Petitions from June 29, 2021:

Petition of: Cenz Corporation (owner) and GD Middletown 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, 1/26/2021, 2/23/2021, 3/23/2021, 06/29/2021, 08/24/2021, 09/28/2021, 10/26/21, 11/23/21, 01/25/2022, 02/23/2022, 03/22/2022

Petition of: Cenz Corporation (owner) and GD Middletown 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, 1/26/2021, 2/23/2021, 3/23/2021, 06/29/2021, 08/24/2021, 09/28/2021, 10/26/21, 11/23/21, 01/25/2022, 02/23/2022,



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03/22/2022

Zoning Board of Review Continued Petition from February 23, 2022:

Petition of: Thomas Welch (Owner) for a Special Use from section 1103 Article 11 and 902 Article 9 to develop a residential lot that is primarily within the Town of Middletown Watershed Protection District 1. Said real estate is located at **Mitchell's Lane/Fayal Lane** and further identified as lot 19 on tax assessor's plat 124.

Zoning Board of Review Continued Petitions from March 22, 2022:

Petition of: Bank Newport (Owners) and their Attorney Girard A. Galvin, Esq. for a Special Use from section(s) 717 & 902 to eliminate the aged-out drive through systems and replace it with more current Personal Teller Machine system. Said real estate is located at **528 West Main Road** and further identified as lot 142 on tax assessor's plat 107 SW.

Petition of: Carlin Weirick (Owners) for a Variance from section 603 to construct an addition to a single-family residence located 5'10" from the Southern property line where 15' is required thus causing lot coverage of 26% where 25% is required. Said real estate is located at **38 Loring Street** and further identified as lot 42 on tax assessor's plat 121.

Petition of: DOJO, LLC (Owners) by their attorney David P. Martland, Esq. for an Extension for the previously granted Special Use/Variance petition. The Petitioner is seeking a one-year extension for previously granted relief. The original decision granted on January 16, 2019, was appealed to the Superior Court, and dismissed on June 14, 2021. The Petitioner seeks an extension to June 14, 2023, as a result of the supply chain disruptions and lack of availability of contractors. Said real estate is located at **38 Purgatory Road** and further identified as lot 13 on tax assessor's plat 116 NW.

Petition of: Mark Benenuto (Owner) and Brad Brown (Applicant) by their attorney Joe Matskin for a Special Use from section 602 to allow the beer, wine and alcohol to be a menu option at the Island Cinema. Said real estate is located at **105 Chases Lane** and further identified as lot 152 on tax assessor's plat 106.

Petition of: Smudgeco, LLC (Owner) and Jennifer J. Beirola (Applicant) for a Special Use from section 602 to allow a Tattoo Studio. Said real estate is located at **554 West Main Road** and further identified as lot 89 on tax assessor's plat 107 SW.

Summary Petitions:

Petition of: Michael Sisson (Owner) for a Variance from section 603 to remove existing 12' x 20' deck and construct a 11' x 37' addition; resulting in an 8' side yard setback where 15' is required. Said real estate is located at **8 Debbie Road** and further identified as lot 640 on tax assessor's plat 111.

Extension Petitions:

Petition of: Kristin M. Zekis (Owner) for a Variance from section 603 & 701. A written decision was recorded on January 5, 2022, granting relief. Contractor and supply chain issues have resulted in a delay. The owner



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respectfully requests a one-year extension. Said real estate is located at **172 Allston Avenue** and further identified as lot 28 (A) & 38 (A) on tax assessor's plat 116 NE.

New Petitions:

Petition of: William & Kathryn Lucey (Owners) for a Special Use from section 1600 to construct a 29' X 30' addition to serve as an in-law apartment. Said real estate is located at **230 Trout Drive** and further identified as lot 907 on tax assessor's plat 120.

Petition of: William & Kathryn Lucey (Owners) for a Variance from section 603 to construct a 29' X 30' in law unit addition resulting in a 50' setback where 60' is required. Said real estate is located at **230 Trout Drive** and further identified as lot 907 on tax assessor's plat 120.

Petition of: Lewis & Anna Lassow (Owners) by their attorney, David P. Martland, Esq. for a Variance from section 603 to construct a second story addition with front yard setback on Reservoir Road of 15' where 25' is required. Expanding the overall footprint of the house by 733' resulting in lot coverage of 27.6% where 25% is permitted. Said real estate is located at **89 Wolcott Avenue** and further identified as lot 9 on tax assessor's plat 115 SE.

Petition of: Nancy Robertson & Sharon Dodson (Owners) and Chris Arner (Applicant) for a Variance from section 603 to remove existing roof and construct a new roof approximately 5'0" higher than the existing non-conforming house. Existing setbacks: 3' front yard setback where 25' is required and 4.1' side yard setback where 15' is required. Said real estate is located at **10 Orchard Avenue** and further identified as lot 311 on tax assessor's plat 115 SE.

Appeal Petitions:

Petition of: John Gullison & Bonnie Zimble (Owners) by their Attorney Jeremiah C. Lynch, III, Esq. for an Appeal from section(s) 901 & 317. The applicants appeal the decision of the Building Officials/Zoning Officer requiring a variance under section(s) 603 & 1404. The Applicants also appeal the requirement that screening for roof mechanicals be no higher than the permitted height limits of the ordinance and that parking is prohibited in the North side yard setback. Said real estate is located at **59 Aquidneck Avenue** and further identified as lot 169 on tax assessor's plat 115 SE.



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All items on this agenda may be considered, discussed, and voted upon.

POSTED: APRIL 22, 2022

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Clerkbase, Middletown Library,

Town Hall of Middletown Bulletin Board & Middletownri.com Website.