



**ZONING BOARD OF REVIEW
MIDDLETOWN, RHODE ISLAND
AGENDA**

DATE: AUGUST 23, 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 May24, 2022 & June 28, 2022

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, 03/22/2022,04/26/22, 05/24/22, 06/28/22, 07/26/22

Continue Petitions from May 24, 2022:

Petition of: Nancy Love Robertson & Sharon Kay Dodson (Owners) by their attorney David P. Martland, Esq. for a Variance from section 603 to expand the existing single-family home by removing the existing roof and building a new roof that is approximately 5' higher than existing non-conforming house, construct a covered porch where the covered patio exists and a deck. 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.

Petition of: Mackenzie Monteiro (Owner) for a Variance from section 603 to construct a second and third floor over existing structure. Existing Southside setback 8.5' where 15' is required; and 11.2' front yard setback where 25' is required. Said real estate is located at **353 Wolcott Avenue** and further identified as lot 60 on tax assessor's plat 116 NE.



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Petition of: Alexandra Cayard, Paul Pierre Cayard, Kinley Michael Fowler (Owners) and their attorney Matthew Landry, Esq. for a Variance from section 603 & 903 to modify existing single-family and provide additional living space on 1st floor with proposed 2nd floor addition. 1st floor modification requires a rear yard setback variance (50' required/31.5' proposed) and side yard setback (20' required/18.5' proposed). A portion of the second-floor addition is located within existing building footprint and within existing setbacks as follows: existing front yard setback (40 required/request of 20.2); existing left side yard setback (20' required/request of 13.5'). Said real estate is located at **1 James Street** and further identified as lot 37 on tax assessor's plat 122.

Continue Petitions from June 28, 2022

Petition of: Newport National Real Estate, LLC (Owner) by their attorney Robert M. Silva, Esq. hereby requesting approval of certain Waivers from Section 521 as approved by the decision of the Middletown Planning Board (copy attached) at its meeting on January 24, 2022. Petitioner respectfully requests that the Zoning Board of Review formally grant approval of said Waivers pursuant to authority granted said Zoning Board of Review pursuant to Section 1011 of the Planning Board's Rules and Regulations. Testimony has already been presented, on record, and is up for vote only. Said real estate is located at **425 Mitchell's Lane** and further identified as lot 29 on tax assessor's plat 124.

Petition of: A-1 Roofing & Construction, LLC (Owners) and their attorney David P. Martland, Esq. for a Special Use from section 602 to construct a (2) two-family dwelling on lot 130 with a side yard setback of 15' where 20' is required, 116' frontage where 120' is required on a lot of 8,459 sq. feet where 15,000 is required. Said real estate is located at **137 A-E Newport Avenue** and further identified as lot 130 on tax assessor's plat 115 SE.

Petition of: A-1 Roofing & Construction, LLC (Owners) and their attorney David P. Martland, Esq. for a Variance from section 603 to construct a (2) two-family dwelling on lot 130 with a side yard setback of 15' where 20' is required, 116' frontage where 120' is required on a lot of 8,459 sq. feet where 15,000 is required. Said real estate is located at **137 A-E Newport Avenue** and further identified as lot 130 on tax assessor's plat 115 SE.

Petition of: A-1 Roofing & Construction, LLC (Owners) and their attorney David P. Martland, Esq. for a Special Use from section 602 to construct a (2) two-family dwelling on lot 129 with a side yard setback of 7.9' where 20' is required, 60' frontage where 120' is required on a lot of 6,524 sq. feet where 15,000 is required. Said real estate is located at **137 A-E Newport Avenue** and further identified as lot 129 on tax assessor's plat 115 SE.

Petition of: A-1 Roofing & Construction, LLC (Owners) and their attorney David P. Martland, Esq. for a Variance from section 603 to construct a (2) two-family dwelling on lot 129 with a side yard setback of 7.9' where 20' is required, 60' frontage where 120' is required on a lot of 6,524 sq. feet where 15,000 is required. Said real estate is located at **137 A-E Newport Avenue** and further identified as lot 129 on tax assessor's plat 115 SE.

Continued Summary Petitions:

Petition of: Bernard & Marianne Toole (Owners) for a Variance from section 603 to construct a 10' x 28' second-floor addition, resulting in a 12' 9" setback on the South side yard where 15' is required. Said real estate is located at **11 Gunning Court** and further identified as lot 21 on tax assessor's plat 115.



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Petition of: Jennifer & Christopher Dwyer (Owners) for a Variance from section 603 to construct a 30.7' x 7' front covered porch, resulting in a 14.4' front yard setback where 25' is required. Said real estate is located at **158 Briarwood Avenue** and further identified as lot 304 on tax assessor's plat 115.

Continued 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.

Continued from: 04/26/22, 05/24/22, 06/28/22

Petition of: People's Credit Union (Owners) by their Attorney Robert M. Silva, Esq. for an Appeal from the Middletown Planning Board's decision on May 17, 2022 which denied its application for Development Plan Review and requested Waivers from certain provisions of Section 521 of the Middletown Rules and Regulations regarding the Subdivision and development of the property, specifically but not limited to, the provision of §521.2.C which provides that building extensions and roofs must be constructed of traditional materials such as wooden clapboards, shingles, patterned shingles, brick or stone. The Applicant proposed to remove the existing canopy, install a new canopy and the use of additional exterior insulation finishing system (EIFS) trim to match existing material, and proposed a building design which did not include traditional New England architectural elements. The Planning Board's decision failed to grant the requested Waivers notwithstanding the fact that the Town's building design regulations, if literally enforced, are impracticable and will exact undue hardship on the Applicant because of the particular existing conditions pertaining to the existing structure. Said real estate is located at **858 West Main Road** and further identified as lot 4, 5, 6, 7 & 8 on tax assessor's plat 107 NE.

Petition of: Patrick Sweet & Jennifer Corona (Appellants) by their Attorney J. Russell Jackson, Esq. for an Appeal from the Middletown Planning Board's decision on May 18, 2022, for Master Plan Approval of a Major Land Development Project. Said real estate is located at **656 & 670 - 716 Aquidneck Avenue** and further identified as lot 107, 107A, 107B, 107D, 107E, 108 & 109 on tax assessor's plat 114.

Continued New Petitions from July 26, 2022:

Petition of: Landlord - MMR LLC (Owners) and Island Cinemas 10 LLC (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 **866 West Main Road** and further identified as lot 150 on tax assessor's plat 106.

Petition of: Edward Gurka (Owner) for a Variance from section 603 to build a roof structure over the existing rear deck resulting in a 24' setback where 50' is required. Said real estate is located at **156 Island Drive** and further identified as lot 815 on tax assessor's plat 117.

Petition of: James Morris (Owner) for a Variance from section 603 to build a two (2) car garage and covered front porch. Resulting in a 7' West side and 23' East side setback where 30' is required; and a 30' front yard setback where 40' is required. Said real estate is located at **608 Green End Avenue** and further identified as lot 12 on tax assessor's plat 120.



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Petition of: William & Catherine Nash (Owners) for a Variance from section 603, 701 & 703 to construct a 15' x 28' semi-inground swimming pool with a rear yard setback of 8' where 10' is required and a side yard setback of 11.5' where 15' is required. Also, to install a 14' x 16' open pavilion with a rear yard setback of 3' where 10' is required and a side yard setback of 3' where 15' is required. Also, to increase lot coverage from 27.78% to 37.14% where 25% is permitted. Said real estate is located at **73 Allston Avenue** and further identified as lot 237 on tax assessor's plat 115 SE.

Petition of: Newport County Regional YMCA (Owners) by their attorney Robert M. Silva, Esq. for a Special Use from section §1212 (A) to allow three (3) signs where two (2) are permitted with all signs to be reverse illuminated channel letters. Said real estate is located at **792 Valley Road** and further identified as lot 1 on tax assessor's plat 115.

Petition of: Callahan Judge (Owner) and his attorney J. Russell Jackson, Esq. for a Special Use from 602 & 902 for permission to convert his single-family residence to a two-family residence. Said real estate is located at **206 Maple Avenue** and further identified as lot 1 on tax assessor's plat 108 NW.

Petition of: Callahan Judge (Owner) and his attorney J. Russell Jackson, Esq. for a Variance from 603 & 903 to convert his single-family residence to a two-family residence. Resulting in a West side setback of 11.3' where 20' is required, 20.6' front yard setback where 25' is required and 27.5' rear yard setback where 30' is required. The existing lot coverage is 8,819 square feet where 15,000 is required. Said real estate is located at **206 Maple Avenue** and further identified as lot 1 on tax assessor's plat 108 NW.

New Petitions:

Petition of: Cloud Nine Homes, LLC. (Owners) for a Variance from section 603 article 6 to construct a second-floor addition and to rework the first-floor layout, resulting in a 42' rear yard setback where 50' is required; a right-side setback of 12' 8" where 20' is required and a front yard setback of 14' where 40' is required. Said real estate is located at **3 Kent Road** and further identified as lot 101 on tax assessor's plat 122.

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

POSTED: AUGUST 19, 2022

RI Secretary of State Webpage,

Clerkbase, Middletown Library,

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