



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

DATE: MARCH 22, 2022

TIME: 6:00 PM

LOCATION: TOWN HALL CHAMBERS -350 EAST MAIN ROAD & ZOOM

Said meeting will be conducted in person, by telephone conference call/webinar, in accordance with Executive Order 22-01 issued by Governor McKee on January 6, 2022, 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.

Link below to join the webinar:

<https://us02web.zoom.us/j/83195808110>

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

Webinar ID: 831 9580 8110

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

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

**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, 2021
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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. 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

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



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Petition of: Genz 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

Petition of: Newport National Real Estate, LLC (owners) by their attorney Robert M. Silva, Esq. for a variance from section 603 to allow the construction of a clubhouse pursuant to plans prepared by DiPrete Engineering and Cordtsen Design Architecture (filed previously) with a main roofline of 35' and a clocktower element of 40' 8" where the maximum height of 30' 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: 04/27/2021, 06/29/2021, 08/24/2021, 09/28/2021, 10/26/21, 11/23/21, 01/25/2022, 02/23/2022

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.

Petition of: Endeavor Holdings, LLC (Owners) and their attorney David P. Martland, Esq. for a Variance from section 603 to construct a 2nd floor addition over the existing structure with a side yard setback of 16.9' where 35 is required. Said real estate is located at **100 & 102 Valley Road** and further identified as lot 19 (A) on tax assessor's plat 113.

Summary Petitions:

Petition of: Dan & Cedar Hwang (Owners) and Albert Girard (Applicant) for a Variance from section 603 & 803 (G) to construct a second floor. A small section will be over existing garage resulting in a 14' setback where 20' is required. Said real estate is located at **181 Wolcott Avenue** and further identified as lot 280 on tax assessor's plat 115 SE.

Extension Petitions:

Petition of: Exit Strategy, LLC (Owners) for a Special Use & Variance from section(s)305, 602, 902, 1105, & 1106 / 1301 (B). Due to the ongoing and unprecedented COVID - 19 pandemic. Petitioner has not been able to marshal the required time, effort and resources needed to commence construction. A one-year extension of the approvals was granted by the Board on February 23, 2021, to March 27, 2022. Said real estate is located at **991 & 995 West Main Road** and further identified as lot 115 & 116 on tax assessor's plat 106.



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New Petitions:

Petition of: Lori & Kent Stone (Owners) and David Shrake (Applicant) for a Special Use from section 803 to expand a non-conforming structure by dimension. Said real estate is located at **19 Loring Street** and further identified as lot 50 on tax assessor's plat 121 NW.

Petition of: Lori & Kent Stone (Owners) and David Shrake (Applicant) for a Variance from section 803 (G) & 603 to remove a 12' x 14' room and reconstruct a 19' x 16' addition resulting in a 13' East side setback where 15' is required and 15' rear yard setback where 30' is required. Said real estate is located at **19 Loring Street** and further identified as lot 50 on tax assessor's plat 121 NW.

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: Helio Matos (Owners) for a Variance from section 603 to construct a 24' x 20' two stall garage resulting in an 8' rear yard setback where 10' is required; and an 8' side yard setback where a 20' side yard setback is required. Said real estate is located at **125 Chases Lane** and further identified as lot 54 on tax assessor's plat 107 NW.

Petition of: Seaview Inn, LLC (Owners) and David P. Martland, Esq. (Attorney) for a Special Use from section 602 & 1400 et seq to allow for the construction and use of two pergolas, namely a 18' x 63' attached pergola (1,134 sq ft) and a 26.3' by 52.5' freestanding pergola (1,381 sq ft). Said real estate is located at **240 Aquidneck Avenue** and further identified as lot 54 on tax assessor's plat 115.

Petition of: DOJO, LLC (Owners) and David P. Martland, Esq. (Attorney) 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.



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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.

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.

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

POSTED: MARCH 18, 2022

RI Secretary of State Webpage,



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