



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

DATE: JUNE 28, 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 May 24, 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

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: Christopher DePerro (Owner) by his attorney Girard A. Galvin, Esq. for a Variance from section 603 to construct a single-family residence located 9' from front yard setbacks where 25' is required; and 5' from rear property line, where 30' is required. Said real estate is located at **15 Seascape Avenue** and further identified as lot 103 (B) 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: Stephen M. Sullivan (Owner) for a Special Use from section 902 article 16 to allow the guest house to be an accessory family dwelling unit for my 79-year-old brother. Said real estate is located at **62 Third Beach Road** and further identified as lot 944 on tax assessor's plat 125.

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.

Summary Petitions:

Petition of: Andrew Kreiger (Owner) for a Variance from section 603 to construct a rear deck and stairs resulting in a west side set back of 12.85' where 15' is required. Said real estate is located at **433 Wolcott Avenue** and further identified as lot 194 on tax assessor's plat 116 NE.

Petition of: Kevin & Megan Reed (Owners) and Kevin Reed (Applicant) for a Variance from section 603, 701 & 803(G) to construct a second story addition on the existing 26' x 40' dwelling with a left side yard setback of 10.3' where 15' is required. Said real estate is located at **73 Ellery Avenue** and further identified as lot 324 on tax assessor's plat 115 SE.

Petition of: Elizabeth Liggett (Owner) for a Variance from section 604 to construct a 15.6' x 22' rear addition with a roof top deck and spiral staircase. Resulting in a 18.3' rear yard setback where 30' is required in an R-20 Conservation Development. Said real estate is located at **3 Julia Court** and further identified as lot 106 (B) on tax assessor's plat 114.

New Petitions:

Petition of: Keith and Shannon Kelley (Owners) by their attorney Jeremiah C. Lynch, III Esq. for a Variance from section 603 & 903 to construct a front porch/living area addition onto the existing dwelling (40' required, 29.2' proposed), construct a pergola within the north side yard (20' required, 5' proposed) and construct a 10'x10' shed within the south side yard (20' required, 2' proposed) and add a 3' x 5' enclosure on the north property line (20' required, 0' proposed). Said real estate is located at **8 Wedgewood Drive** and further identified as lot 260 on tax assessor's plat 114.

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.



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Petition of: O'Malley Family Trust of 2016 Walter & Marie O'Malley, Trustees (Owners) for a Variance from section 603 to construct a 13' x 16' one story addition. Resulting in a 12' side yard setback where 15' is required. Said real estate is located at **287 Chases Lane** and further identified as lot 7 on tax assessor's plat 106.

Petition of: CCE Development, LLC (Owners) and Flatwaves, LLC (Applicant) and their attorney David P. Martland, Esq. for a Special Use from section 602 to expand liquor service to include 2 outdoor terrace areas. Said real estate is located at **499 East Main Road** and further identified as lot 27 on tax assessor's plat 113.

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.

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

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

POSTED: JUNE 24, 2022

**RI Secretary of State Webpage,
Clerkbase, Middletown Library,**



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