

**Application of Seascope Holdings LLC for a Minor Land Development Project
Located at 985 Aquidneck Avenue**

Exhibit A – Addendum of Facts

Seascope Holdings LLC (“Applicant”) submits this Addendum of Facts in support of its Application for a Land Development Project (Minor) for property it owns located at 985 Aquidneck Avenue, plat/lot 113/208 (“Property”). The Property is zoned Limited Business and is approximately .43 acres (18,730 square feet) in size.

The Property was acquired by Applicant in November 2021. Since acquiring the Property, Applicant has commenced its improvement. Applicant previously razed the deteriorated structure located along the western (Aquidneck Avenue) side of the Property and constructed a new, shingle-style structure containing office and garage space.

This Application is in furtherance of the last piece of Applicant’s improvement of the Property. The remainder of the Property (outside of the new structure) is an unimproved gravel lot that is used primarily for storage associated with a contracting company. Applicant’s proposed building, of approximately 2,442 square feet, is a three-bay garage. This garage will further improve the look of the Property by providing additional interior storage and parking. The building will be constructed in a sympathetic manner to the structure already built along the western side of the Property, in a New England shingled style.

Applicant intends to improve the remainder of the Property as well. The current unimproved gravel lot will be improved by paving over portions for parking, and turning the remainder of the lot into landscaped, grass features. The overall parking area will be decreased and the overall grassy area will be increased. Applicant will plant additional trees. Applicant has additionally submitted with this Application materials showing the beneficial impact this project will have upon runoff and storm water discharge.

Applicant had submitted a prior minor land development application for this same parcel. That prior application sought zoning variances from both side and rear setbacks. It additionally sought waivers from eight provisions of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. This new application drastically reduced the requested variances and waivers. It only seeks a variance regarding the easterly side setback and rear setbacks. Applicant’s proposed structure would be located 5.1’ from the eastern lot line, where 18.7’ is required. Applicant’s proposed structure would be located 43.9’ from the north (rear) property line, where 47.6’ is required. It only seeks waivers from three provisions of the Subdivision Rules and Regulations.

As regarding the side setback variance, Applicant reoriented the new building so the only variance it requires is from the eastern side of the Property. The directly adjacent parcel to the east of the Property is owned by the same principal of the instant Applicant. Applicant must place the building in this corner of the Property to obtain any beneficial use. The unique characteristics of this Property are such that the entrance to the Property is along its “side” of Trimble Road, not its “front” along Aquidneck Avenue. This restricts the manner in which a building can be placed on

the Property. Applicant did not create its hardship because Applicant did not alter the access to the Property or its other features (it simply reconstructed a building in the same location as a prior building existed). Grant of a side setback variance will not alter the general character of the surrounding area, which is characterized by contractors, landscapers, and other similar businesses – in fact, grant of the variance will vastly improve the look of the Property and the parking situation that exists along Trimble Road. Applicant needs to add the proposed structure to the Property so Applicant can put the Property to the beneficial use of garage, office and storage space associated with general contracting. The hardship Applicant would suffer if the variance was not granted would be more than a mere inconvenience in that Applicant would not be able to use the Property for his contracting business.

As regarding the rear setback, the same standards and arguments set forth above apply. Notably, Applicant has drastically reduced the size of the rear setback variance from the prior application. By re-orienting the building, Applicant requests a 43.9' setback where 47.6' is required, or relief of only 3.7'. The prior application sought a 20.8' setback. The requested 43.9' will be landscaped with grass and screening trees to the north.

As regarding the Subdivision Rules and Regulations waivers, Applicant only seeks a waiver for sections 521.2.D.2, 521.3.D.1 and 521.3.D.3. Section 521.2.D.2 requires a roof slope of 4:12. Applicant seeks a slight lesser slope, as to meet the requirement Applicant would be required to add 2' to the building height. Granting this waiver results in a shorter building with less visual mass, with a roof slope that is close to the requirement. Section 521.3.D.1 requires a landscaped buffer of 10' along all property lines. Because Applicant seeks to place the new building 5.1' from the eastern property line, Applicant cannot meet this requirement in its entirety. Notably, all other borders will be properly landscaped. Additionally, as shown on the site plan, the new building does not run parallel to the eastern property line, so the portion of the eastern border that requires a waiver from this requirement is reduced. Section 521.3.D.3 requires a landscaped buffer between buildings and parking areas. The new building contains garage bays. It is illogical to require landscaped buffer between a garage bay and the adjacent parking area as this would inhibit use of the garage. Applicant seeks a waiver from this requirement to the extent that Applicant would otherwise need to place landscaping in front of the garage doors.

Notably, Applicant has drastically improved the parking situation on the Property. Per the proposed site plan, Applicant will provide 18 parking spaces, in excess of the requirement. These spaces are contained both in the garages and outside. Applicant's new parking spaces will be striped, as opposed to the current parking situation on the Property, which contains unidentified parking scattered throughout. Additionally, the five preexisting spaces on the southwest corner of the Property, that front Trimble Road, will be clearly delineated and expanded so that vehicles parking on the Property are entirely out of the right of way. This is distinct from the preexisting (and longstanding) parking situation on that corner, when under prior ownership vehicles clogged that corner of the Property.