

Posted 3/23/2023

NEWPORT ZONING BOARD OF REVIEW
Monday, March 27, 2023 – 6:30 P.M.

AGENDA

I. Call to Order

II. Roll Call and Determination of Quorum

III. Minutes:

January 23, 2023

IV. Communications:

i. Action Items:

- a. 12 Goodwin
 - i. Motion to Dismiss Appeal of 12 Goodwin Street – Jeremiah C. Lynch III
 - ii. Motion to Withdraw as Counsel – J. Russell Jackson
- b. Request to Withdraw without Prejudice – 52 & 56 Thames
- c. Request to Withdraw without Prejudice – 5 Princeton
- d. Request for Special Meeting Date(s) – App #2019-Aug-1 – “Waites Wharf Hotel”

V. Summary Calendar:

1. App. #2023-Mar-001 PETITION OF MATTHEW NERI, applicant and owner, **20 Mumford Avenue**, TAP 07, Lot 252, (R-10 Zone) for a special use permit and dimensional variance to construct a second story addition and front and rear door coverings, located 10’-8” from the front property line (15’ required), increasing the lot coverage from 26% to 28.6% (20% permitted).
Application Materials, January 25, 2023
Staff Report, March 23, 2023
2. App. #2023-Mar-002 PETITION OF AIDA AND TIMOTHY NEARY, applicants and owner, **36 Newport Avenue**, TAP 10, Lot 149, (R-10 Zone) for a special use permit and dimensional variance to place two condenser units 8’-0” from the side property line (10’ required).
Application Materials, February 3, 2023
Staff Report, March 23, 2023

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3. App. #2023-Mar-005 PETITION OF STEVEN & CAROLINE SULLIVAN, applicants and owners, **22 Channing Street**, TAP 10, Lot 079, (R-10 Zone) for a special use permit and dimensional variance to construct an addition, deck, increasing the lot coverage from 19.4% to 21.9% (20% limit), and placement of a bulkhead 2'4" from the left side property line. (10' required).
Application Materials, February 10, 2023
Staff Report, March 23, 2023
4. App. #2023-Mar-009 PETITION OF RICH OSOLON, applicant and owner **21 Hope Street**, TAP 11, Lot 120, (R-10 Zone) for a special use permit and dimensional variance to place an integrated bulkhead 11' from the rear property line (15' required), increasing the lot coverage from 32.1% to 32.5% (20% permitted). **(Continue to 4/24/23 by request of the Applicant)**
5. App. #2023-Mar-011 PETITION OF DAVE GREELISH, applicant and owner, **5 Wellington Avenue**, TAP 39, Lot 043-4, (R-10 Zone) for a dimensional variance to place a condenser at 2' from the side and 3' from the rear property line (10' required for both).
Application Materials, February 22, 2023
Public Comment – Combined, March 23, 2023
Staff Report, March 23, 2023

VI. Abbreviated Summary:

1. App. #2023-Mar-16 PETITION OF KIMBERLY SABBAGH, applicant, SEACOAST MORTGAGE CORPORATION, owner, **425 Thames Street**, TAP 32, Lot 021, (WB Zone) for a reapproval of a special use permit and dimensional variance to allow a fast-food restaurant (juice bar) in an existing commercial space, and keep 100 sq.ft. for use as a mortgage office, providing 0 additional off-site parking spaces (3 additional required).
Application Materials
Staff Report, March 23, 2023

VII. Appeals:

1. APPEAL OF MARK & IDA ARAMLI, owners and applicants; **54 Hammersmith Road**, TAP 43, Lot 54, (R-160 zone); appealing the decision of the Historic District Commission denying the Appellants application for a Certificate of Appropriateness to construct a new single-family dwelling and to modify a historic stone wall. **(Continue to 4/24/2023 to set briefing schedule)**
2. App. #2023-Jan-010. APPEAL OF WILLIAM F. VARR, III, VICTORIA A. MORRO, AND CHRISTINE W. SMITH, appellants, JOHN & KATHLEEN TRENTOS, owners, **93 Second Street**, TAP 9, Lot 320 (R-10 Zone, Historic Overlay), appealing the decision of the Historic District Commission approving the owners' application for a Certificate of Appropriateness to construct a new single-family dwelling. **(Continue to 4/24/2023 for Oral Arguments)**

VIII. Full Hearing Petitions to be Considered:

*Indicates an objection(s) to the application

1. App. #2022-Apr-10. PETITION OF DOUGLAS LOWENSTEIN, applicant and owner; **37 Dennison Street**, TAP 32, Lot 6, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a 1-story rear addition which will be located 7.2' from the west property line, (10' required), a rear stair addition which will be located 5.6' from the south property line, (20' required), and a bulkhead addition which will be located 9.4' from the east property line, (10' required). Said additions will increase the lot coverage from 34% to 44%, (20% allowed).
Application Materials, April 10, 2022
Letter of Objection, April 21, 2022
Conditional Withdrawal of Objection, February 16, 2023
Supplemental Materials – Revised Plans, February 24, 2023
Staff Report, February 23, 2023

2. *App #2022-May-10. Amended PETITION OF JAMES FRY and MAUREEN THOMPSON, applicants and owners; **15 Slocum Street**, TAP 34, Lot 123, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to add an 11' x 14' screened porch which will be located 8' 7.5" from the east property line (10' required), and a 6' x 10' shed addition which will be located 8' 4" from the west and 5' from the south property lines (10' required). Said proposal will increase the lot coverage from 34.6% to 42.9% (20% allowed).
Application Materials, April, 25, 2022
Amended Application, July 1, 2022
Amended Application, October 25, 2022
Amended Application, February 6, 2023
Supplemental Materials – Jim Houle Report, March 22, 2023
Public Comment – Combined, March 23, 2023
Staff Report, March 23, 2023

3. *App. #2022-Jul-4. PETITION OF JOHN-PAUL & NICOLE SHEVORY, applicants and owners; **11 W. Narragansett Avenue**, TAP 39, Lot 64, (R-10 zone); for permission to reconfigure the front porch and stairs, add two dormers along the third floor north and south roof lines; add a rear addition to the south side of the existing structure; and add a rear exterior porch and staircase to the side of the house. Said additions to be located 2.25' from the west property line and 8.2' from the east property line, (10' required), and will increase the lot coverage from 38% to 49.4%, (20% allowed).
Application Materials, July 27, 2022
Amended Application, March 21, 2023
Supplemental Materials – Jim Houle Report, March 22, 2023
Public Comment
Staff Report, March 23, 2023

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4. *App. #2022-Oct-5. PETITION OF DONALD & TRACY FITCH, applicant and owner; **2 Ashurst Place**, TAP 19, Lot 113, (R-10 zone); for a special use permit and a variance to the dimensional requirements to construct a third floor dormer, a roof deck, and access stairs, located 3.8' from the side property line (10' required) and 6.2' from the front property line (15' required), which increase the height from 30.5' to 35.25' (30' limit), and construct an expanded stairs, which increase the lot coverage from 32% to 33% (20% limit).
 - Application Materials, September 21, 2022
 - Public Comment
 - Supplemental Materials – Revised Plans, March 21, 2023
 - Supplemental Materials – Jim Houle Report, March 22, 2023
 - Staff Report, March 23, 2023

5. App. #2022-Oct-10. PETITION OF THOMAS & CHERI DUGAN, applicant and owner; **79 Connection Street**, TAP 39, Lot 026, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to extend exterior stairs and construct additional story with attic, reducing front setback from 9.6' to 7.6' (15' required); Also, to add 6'x12' shed, located 2' from rear and side property line (10' required); increasing lot coverage from 36% to 40% (20% allowed).
 - Application Materials, September 26, 2022
 - Supplemental Material – Neighbor Setbacks, March 22, 2023
 - Staff Report, March 23, 2023

6. *App. #2022-Dec-001. PETITION OF SPRUCE HOMES, LLC, owner and SEAN NAPOLITANO applicant; **0 Carroll Avenue**, TAP 41, LOT 93, (R-10 zone), for a special use permit and dimensional variance to construct a new single-family home with a detached garage on an existing 5,015 sq.ft. lot (10,000 sq.ft. required), with lot coverage of 29% (20% allowed).
 - Application Materials, October 25, 2022
 - Supplemental Materials – Revised Application, November 29, 2022
 - Public Comment – Combined, March 23, 2023
 - Staff Report, March 23, 2023

IX. Full Hearing Petitions to be Continued

*Indicates an objection(s) to the application

1. App #2019-Aug-1. PETITION OF HARBOUR REALTY, LLC, applicant; HARBOUR REALTY, LLC., TOMORL, LLC., 20 WEST EXTENSION, LLC., WAITES WHARF REALTY ASSOCIATION, LLC., AND THOMAS B. ABRUZESE, owners; **0, 1, 16 & 25 Waite's Wharf, 23 Coddington Wharf, and 20 West Extension Street**, TAP 32, Lots 155, 267, 268, 272, 248, & 293, (WB zone); for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structures and construct a 150-room transient guest facility, (91 rooms allowed), with a standard restaurant, banquet and wedding facilities, and provide 266 off-street parking spaces on a noncontiguous lot, (all off-street parking must be on the same lot as the use required), and to allow of

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use of public right of way to maneuver into and out of spaces, (Use of public right of way not allowed).
(**Continue for Control. Set Special Meeting date(s)**)

2. *App #2022-Feb-2. PETITION OF LIAM BARRY, applicant and owner; **5 Princeton Street**, TAP 6, Lot 350, (R-10 zone); for a special use permit and a variance to the off-street parking design standards for permission to convert the existing 2nd dwelling unit into a 2-bedroom guest house use and provide 5 “stacked” parking spaces, (stacked parking spaces not allowed). (**Request to Withdraw without Prejudice**)
3. *App. #2022-Jul-4. PETITION OF JOHN-PAUL & NICOLE SHEVORY, applicants and owners; **11 W. Narragansett Avenue**, TAP 39, Lot 64, (R-10 zone); for permission to reconfigure the front porch and stairs, add two dormers along the third floor north and south roof lines; add a rear addition to the south side of the existing structure; and add a rear exterior porch and staircase to the side of the house. Said additions to be located 2.25’ from the west property line and 8.2’ from the east property line, (10’ required), and will increase the lot coverage from 38% to 51%, (20% allowed). (**Continue to 4/24/23 by request of the Applicant**)
4. App. #2022-Nov-001. PETITION OF 52 & 56 Thames, LLC, applicant and owner; **52 & 56 Thames Street**, TAP 17, Lot 074 (GB Zone, Historic Overlay), for a special use permit to construct two second floor roof decks above existing one-story portions of the home, on a 3,952 sq. ft. lot (5,000 sq. ft. required). (**Request to Withdraw without Prejudice**)
5. *App.#2022-Dec-002. PETITION OF MARGARET CHAI-MALONEY AND SEAN MALONEY, applicants and owners, **275 Harrison Avenue**, TAP 44, Lot 121, (R-160 Zone, Historic Overlay), for a special use permit and dimensional variance to construct a detached 3 car garage, located 12’ from the front property line (100’ required) on an existing 78,571 sq.ft. lot (160,000 sq.ft. required). (**Continue to 3/28/23**)
6. App. #2022-Dec-004. PETITION OF RACHEL SANITA, applicant and owner, **14 Faxon Green**, TAP 34, LOT 223, (R-20 zone), for a special use permit and dimensional variance to construct a 2nd floor addition over a single-story attached garage, convert the garage to an office space, and construct an 83 sq.ft storage addition on an existing 15,553 sq.ft. lot (20,000 sq.ft. required), increasing the lot coverage from 16.5% to 17%. (15% allowed). (**Continue to 3/28/23**)
7. App. #2023-Jan-001. PETITION OF 77 BRIDGE STREET LLC, applicant and owner, **0 Bridge Street (75 Bridge Street)**, TAP 16, Lot 060 (R-10 zone, Historic Overlay), for a variance to the dimensional requirements for permission to construct a new single-family dwelling with a detached garage on an existing 4,988 sq.ft. lot (10,000 sq.ft. required), with a 13’ front setback for the dwelling (15’ required), with a 1’ 1” west side and 1’6” north rear setback (10’ required) for the detached garage, and with lot coverage of 32% (20% allowed). (**Continue to 4/24/23**)
8. App. #2023-Jan-002. PETITION OF 77 BRIDGE STREET LLC, applicant and owner, **77 Bridge Street**, TAP 16, Lot 061 (R-10 zone, Historic Overlay), for a variance to the dimensional requirements

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for permission to construct a new front stair, with a 13'10" front setback (15' required), and a new detached garage, with a 5' west side setback and 6' north rear setback (10' required), and increasing lot coverage from 12% to 24% (20% allowed). **(Continue to 4/24/23)**

9. App. #2023-Jan-007. PETITION OF MARY O'REILLY DEMA REVOCABLE TRUST, applicant and owner, **224 Gibbs Avenue**, TAP 20, Lot 101 (R-10A zone), for a special use permit and a variance to the dimensional requirements for permission to remove existing deck and stairs and construct an addition with a roof deck, with a 10'9" rear setback (20' required) and increasing lot coverage from 36% to 41% (20% allowed). **(Continue to 3/28/23)**
10. App. #2023-Jan-008. PETITION OF BRENT AND ANNIKA WAGNER, applicants and owners, **22 South Baptist Street**, TAP 32, Lot 164 (R-10 zone), for a special use permit and a variance to the dimensional requirements for permission to remove an existing deck from the garage and construct a 2-story addition with a 2.5' side set back (10' required) and with a 3' rear set back (20' required), and increasing lot coverage from 68% to 69% (20% allowed). **(Continue to 3/28/23)**
11. *App. #2023-Jan-009. PETITION OF HEATHER BURGESS, applicant and owner, **71 Perry Street**, TAP 35, Lot 001 (R-20 Zone, Historic Overlay), for a special use permit and a variance to the dimensional requirements for permission to construct a new front entry overhang, new cupola, new pitched roof over entry tower and new dormers, all with less than required setbacks. Removal of the rear deck and steps create a 1' 7" rear setback. **(Continue to 3/28/23)**
12. App. #2023-Feb-009 PETITION OF THAMES 515, LLC, applicant and owner, **515 Thames Street**, TAP 35, Lot 020-6, (WB Zone) for a special use permit and variances to the dimensional requirements to convert a single dwelling unit, located above a restaurant, into a three (3) bedroom guest house, providing zero (0) additional parking spaces (1 existing, and 11 required) on a non-conforming property. **(Continue to 3/28/23)**
13. App. #2023-Feb-010 PETITION OF FRANK SIDOTI, JR., applicant and owner, **7 Waites Wharf**, TAP 32, Lot 283, (WB Zone) for a special use permit and variances to the dimensional requirements to convert a single-family dwelling unit, into a four (4) bedroom guest house, without providing the required minimum aisle width and access driveway. **(Continue to 3/28/23)**
14. App. #2023-Mar-003 PETITION OF JEREMIAH & HEATHER LYNCH, applicants and owners, **0 Second Street**, TAP 16, Lot 206, (R-10 Zone, Historic Overlay) for dimensional variances to demolish an existing garage and construct a new single-family dwelling, located 5' from both side property lines and rear property line (5' required for all), with a lot coverage of 44% (20% permitted). **(Continue to 4/24/23 by request of the Applicant)**
15. App. #2023-Mar-007 PETITION OF GEORGE BRINUS, applicant and owner, **11 Warner Place**, TAP 13, Lot 171, (R-10 Zone) for a dimensional variance to place a storage shed 1'-0" from the side and rear property lines (10' required for both). **(Continue to 3/28/23)**

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16. App. #2023-Mar-008 PETITION OF JONATHAN BERGMANN, applicant and owner, **78 Ayrault Street**, TAP 22, Lot 121, (R-20 Zone) for a special use permit and dimensional variances to remove and replace a wood deck with a stone patio, construct a bedroom addition located 11' from North front property line (23' required), entrance portico, and covered entrance; construct a pool, and construct an equipment shed 4' from property line (10' required), increasing lot coverage from 16% to 25.8% (15% permitted). **(Continue to 3/28/23)**
17. App. #2023-Mar-010, PETITION OF 77 BRIDGE STREET, LLC, applicant and owner, **14 Second Street**, TAP 16, Lot 120, (R-10 Zone, Historic Overlay) for a special use permit and dimensional variances to relocate a single-family dwelling by approximately 26' to the south, construct an addition to the north and a new stair case to the south and west of the residence, located 3.7' from the east front property line (15' required), 8.6' from the west side property line (10' required), increasing the lot coverage from 16% to 27% (20% permitted). **(Continue to 4/24/23)**
18. App. #2023-Mar-012 PETITION OF CHRISTINE FOSTER, applicant and owner, **39 Holland Street**, TAP 35, Lot 112, (R-10 Zone) for a special use permit and dimensional variances to reconstruct the front entry stair, add an entry portico located 0'-9" from the front property line (15' required), construct a 3rd floor addition 3'-2" from the west side setback (10' required), add a roof deck reaching a height of 34'-11 ½" (30' permitted), increasing the lot coverage from 28% to 33% (20% permitted). **(Continue to 4/24/23)**
19. App. #2023-Mar-013 PETITION OF ANTHONY LORUSSO, applicant and owner, **37 Wellington Ave**, TAP 39, Lot 137, (R-10 Zone) for a special use permit and dimensional variances to construct a three-story addition, located 4'-2" from the north front property line (15' required), increasing the lot coverage from 22.9% to 33.9% (20% permitted). **(Continue to 4/24/23)**
20. App. #2023-Mar-014 PETITION OF AUDRAIN AUTOMOBILE MUSEUM, LLC, applicant, ARC HTNEWRI001, LLC, owner, 2 Kay Street, TAP 21, Lot 137, (R-10 Zone, Historic Overlay) for a modification to a special use permit to permanently approve the location for use during the two-day annual Audrain Motor Week for special events. **(Continue to 4/24/23)**
21. App. #2023-Mar-015 PETITION OF NIALL & PETRA NUGENT, applicants and owners, **387 Spring Street**, TAP 32, Lot 142, (R-10 Zone) for a special use permit and dimensional variances to construct one- and two-story additions, located 5'-0" from the west side property line (10' required) increasing the lot coverage from 34% to 41% (20% permitted). **(Continue to 4/24/23)**

X. Inactive Petitions & Appeals:

- i. **Appeals Awaiting Transcripts or Briefs:** None
- ii. **Petitions Pending Other Board Decisions** (Continued Generally)

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1. App #2022-Mar-15. PETITION OF JOHN & KATHLEEN TRENTOS, applicant and owner; **93 Second Street**, TAP 9, Lot 320, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to demolish and construct a new single-family dwelling which will be located 3.5' from the north property line, (10' required), and construct a detached shed which will be located 2.6' from the south property line and 2.7' from the east property line, (10' required). Said proposal to increase the lot coverage from 17% to 35%, (20% allowed). **(Continue pending Appeal of HDC approval)**
2. App. #2022-Oct-11. PETITION OF COACH HOUSE CONDOMINIUM ASSOCIATION, applicant and owner; **103-121 Coggeshall Avenue**, TAP 37, Lot 100, (R-10A zone); for a special use permit and a variance to the dimensional requirements to allow a major subdivision to create a separate lot for Unit 10 with an existing dwelling located 9' from front property line (15' required). **(Pending Planning Board review)**
3. App. #2022-Nov-002. Corrected PETITION OF BEACON ROCK, LLC, applicant and owner, **147 Harrison Avenue**, TAP 41, Lot 001, (R-120 Zone, Historic Overlay) for a special use permit and a variance to dimensional requirements to construct a detached garage, located 0' from front property line (75' required). **(Pending HDC Review)**
4. App. #2023-Feb-002. PETITION OF WELLINGTON PARTNERS, LLC, applicant and owner, **551 Thames Street**, Unit H3, H4, and H5, TAP 35, Lot 204, (WB Zone) for a modification to a special use permit to allow conversion of an existing transient guest facility containing 51 2-bedroom units (permitting 306 total guests) to 152 1-bedroom units (permitting 304 total guests). **(Pending Planning Board review)**
5. App. #2023-Feb-011 PETITION OF ANGELINA PATTAVINA, applicant and owner, **468 Thames Street**, TAP 32, Lot 121, (LB Zone) for a special use permit to convert one residential unit into a 2-bedroom guest house. **(Pending Planning Board review)**
6. App #2023-Mar-004 PETITION OF NEWPORT RESTORATION FOUNDATION, applicants and owner, **46 Clarke Street**, TAP 24, Lot 093, (GB Zone, Historic Overlay) for a special use permit to convert an existing single-family home to a historical institution. **(Pending Planning Board review)**
7. App. #2023-Mar-006 PETITION OF IHAB CHAMSEDDINE, applicant and owner, **236 Broadway**, TAP 14, Lot 082, (R-10 Zone) for a use variance to permit a fast-food restaurant, and a dimensional variance to provide 0 new parking spaces (1 additional required). **(Pending Planning Board review)**

iii. **Other Inactive Petitions**

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1. *PETITION OF BP REALTY, LLC, applicant and owner; **Banisters Wharf**, DBA The Black Pearl, TAP 24, Lot 276, (WB zone); for a special use permit and variance to the dimensional requirements for permission to install a 14'2" by 7'6" retractable awning structure over the northern portion of the existing outdoor bar area which will be located 0' from the north property line (5' required).
2. APPEAL OF MR. JASON PERKINS, appellant; NRI 12 GOODWIN ST PARTNERSHIP, owner; appealing the issuance of building permit #125985 applying to the property located at **12 Goodwin St.**, TAP 35, Lot 244, (WB zone).

XI. Adjournment:

Please note:

Meetings begin promptly at the time posted and will not last for more than four (4) hours. The Board normally will take a short break after 1½ to 2 hours of hearings to re-access the agenda and their ability to reach the remaining items pending before it.

The Board will not entertain/begin a new petition after 10:00 p.m. and will conclude all hearings at 10:30 p.m. therefore some petitions cannot be heard due to these time constraints and will be continued to the next regular meeting date.

Please send any inquiry to Nick Armour, Zoning Officer, at narmour@cityofnewport.com or call (401) 845-5452