

Posted 2/23/2023

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

AGENDA

I. Call to Order

II. Roll Call and Determination of Quorum

III. Minutes:

November 21, 2022

November 28, 2022

IV. Communications:

a. Action Items:

i. Extension Requests

- 18 Cliff Avenue, Heiden – Request for 24-month extension
- 435 Broadway, Island Moving Company – Request for 24-month extension

ii. Appeal Communications – Proposed Briefing Schedule for appeal of 93 Second Street

V. Summary Calendar:

1. App. #2022-Dec-005. Corrected PETITION OF 4-6 RUSSELL AVENUE LLC, owner and Mark Donahue, applicant, **4-6 Russell Avenue**, TAP 07, LOT 297, (R-10 zone), for a special use permit and dimensional variance to construct a detached, single-car garage on a 5,606 sq.ft. lot (10,000 sq.ft. required), located 3' from the east side lot line, (10' required), 5' from the north rear lot line (10' required), increasing the lot coverage from 24.7% to 30% (20% allowed).

Application Materials, November 28, 2022

Corrected Application, January 25, 2023

Staff Report, February 23, 2022

2. App. #2023-Feb-005 PETITION OF EOIN HOWLETT, applicant and owner, **16 Poplar Street**, TAP 17, Lot 006, (R-10 Zone, Historic Overlay) for a special use permit and variance to the dimensional requirements to construct a garden shed, located 5' from the right side property line (10' required) and 5' from the rear property line (10' required), increasing the lot coverage from 24.32% to 28.74% (20% allowed).

Application Materials, January 13, 2023

Staff Report, February 23, 2022

Meeting Notice

Newport Zoning Board of Review

Monday, February 27, 2023
Council Chambers
Newport City Hall
43 Broadway

3. App. #2023-Feb-006 PETITION OF 38 BELLEVUE, LLC, applicant and owner, **38 Bellevue Avenue**, TAP 25, Lot 062-H, (GB Zone, Historic Overlay) for a special use permit to convert an existing office space in a condominium complex to a single-family dwelling unit.
Application Materials, January 18, 2023
Staff Report, February 23, 2022
4. App. #2023-Feb-008 PETITION OF ROLAND NENTWICH, applicant and owner, **359 Spring Street**, TAP 32, Lot 089-4, (R-10 Zone) for a special use permit and variance to the dimensional requirements to demolish and reconstruct a cupola reaching a height of 36'-7" (30' limit).
Application Materials, January 23, 2023
Staff Report, February 23, 2022

VI. Abbreviated Summary:

1. 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). (**Continue to March 27, 2023 by request of the Applicant**)
2. App. #2022-Dec-003. PETITION OF JAMES AND CLAIRE HALL, applicants and owners, **5 Champlin Street**, TAP 23, Lot 18, (R-10 Zone, Historic Overlay), for a special use permit and variance to dimensional requirements to construct three new staircases, one of which located 8 feet from the front property line (15 required), which will increase the lot coverage from 36.6% to 36.8% (20% allowed).
Application Materials, November 28, 2022
Staff Report, February 23, 2022
3. App. #2023-Feb-001 PETITION OF RUPERT NESBITT, applicant and owner, **15 Johnson Court**, TAP 14, Lot 013, (R-10 Zone) for a special use permit and variance to the dimensional requirements to construct a second-story addition to an existing non-conforming accessory structure, located 3' from the right (southwest) property line, 0' from the left (northeast) property line, and 1 foot from the rear property line (10' required for each), on a property with a lot coverage of 39.4% (20% allowed).
Application Materials, December 28, 2022
Staff Report, February 23, 2022
4. App. #2023-Feb-007 PETITION OF BULL SHOT, LLC, applicant and owner, **140-144 Broadway**, TAP 18, Lot 123, (GB Zone) for a special use permit and variance to the dimensional requirements to construct a first floor deck, expanding service area by 600 sq.ft., providing zero (0) additional parking spaces, where 4 additional spaces are required.
Application Materials, January 23, 2023
Staff Report, February 23, 2022

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 3/27/2023 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 Oral Arguments**)

VIII. Full Hearing Petitions to be Considered:

*Indicates an objection(s) to the application

1. *App #2021-July-1. PETITION OF WILLIAM & LISA RUH, applicants and owners; **88 Washington Street**, TAP 12, Lot 46, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a new single-family dwelling and add a deck to an existing structure both of which will increase the lot coverage from 8% to 28%, (20% allowed). (Continued from 2/13/2023 Special Meeting for closing statements, deliberation, and vote)
Application Materials, June 9, 2021
Supplemental Plans, February 2, 2023
James Houle Report, February 8, 2023
Objectors Packet, February 9, 2023
Objectors' Brief
Objectors' Appendix
Opinion of Glen Fontecchio
Opinion of Matthew Largess
Public Comment - combined February 9, 2023
Staff Report, February 9, 2023
2. *App. #2022-Jun-11. PETITION OF ERIC MARTIN, applicant and owner; **9 Tyler Street**, TAP 19, Lot 105, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a 3rd floor dormer which will be located 2.8' from the north property line, (10' required).
Application Materials, May 23, 2022
Letter of Objection, July 19, 2022
Staff Report, December 23, 2022

Meeting Notice

Newport Zoning Board of Review

Monday, February 27, 2023
Council Chambers
Newport City Hall
43 Broadway

3. *App. #2022-Jun-18 Amended PETITION OF BRENDA SABBAG, applicant and owner, **311 Broadway**, TAP 06, Lot 017-4, for a modification to a special use permit and a variance to the dimensional requirements to expand the existing fast-food restaurant, (bakery), by constructing a 400 sq. ft 2-story addition and provide 0 additional off-street parking spaces (5 provided, while 9 are required).
 - Application Materials, May 24, 2022
 - Letter of Objection, July 25, 2022
 - Amended Application, November 28, 2023
 - Supplemental Material – Traffic and Parking Report, January 18, 2023
 - Staff Report, January 19, 2023

4. *App. #2022-Oct-4. Corrected PETITION OF TIMOTHY CORBETT, applicant and owner, **40 Eastnor Road**, TAP 40, Lot 171, (R-10 zone), for a special use permit, a variance to the dimensional requirements, and a regulatory variance to allowable number of principal dwelling units on a single property to demolish an existing garage and build a new garage with full second floor containing a dwelling unit; located 6’ from rear property line (20’ required).
 - Application Materials, May 24, 2022
 - Supplemental Material – James Houle Report, January 18, 2023
 - Public Comment – Combined, January 19, 2023
 - Staff Report, January 19, 2023

5. *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
 - Staff Report, February 23, 2023

IX. Full Hearing Petitions to be Continued

*Indicates an objection(s) to the application

1. *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). (**Continue to 3/27/22 to allow for re-advertising**)

Meeting Notice

Newport Zoning Board of Review

Monday, February 27, 2023
Council Chambers
Newport City Hall
43 Broadway

2. *App. #2022-May-10. Amended PETITION OF JAMES FRY & 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 a 12' x 14' screened porch which will be located 7' from the east property line, (10' required). and a 6' x 10' shed addition which will be located 8.3' from the west and 5' from the south property lines, (10' required). Said proposal will increase the lot coverage from 32% to 41%, (20% allowed). (**Continue to 3/27/2023 to allow re-noticing**)
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 3/27/23**)
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). (**Continue to 3/27/23**)
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). (**Continue to 3/27/23**)
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). (**Continue to 3/27/23**)
7. *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 3/27/23**)

Meeting Notice

Newport Zoning Board of Review

Monday, February 27, 2023
Council Chambers
Newport City Hall
43 Broadway

8. 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). **(Continue to 3/27/23)**
9. 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 3/27/23)**
10. 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 3/27/23)**
11. 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 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 3/27/23)**
12. 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 3/27/23)**
13. App. #2023-Jan-008. PETITION OF BRENT AND ANNIKA WAGNER, owners and BRENNAN DANIELS applicant, **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 3/27/23)**
14. *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 3/27/23)**

Meeting Notice

Newport Zoning Board of Review

Monday, February 27, 2023
Council Chambers
Newport City Hall
43 Broadway

15. 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 3/27/23)**
16. 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 3/27/23)**

X. Inactive Petitions & Appeals:

a Appeals Awaiting Transcripts or Briefs

None

b Petitions Pending Other Board Decisions (Continued Generally)

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. #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)**

c Other Inactive Petitions

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 use of public right of way to maneuver into and out of spaces, (Use of public right of way not allowed).
2. *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).
3. 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