

Posted 2/22/2024

NEWPORT ZONING BOARD OF REVIEW
Monday, February 26, 2024 – 6:00 P.M.

I. Call to Order

II. Roll Call and Determination of Quorum

III. Minutes:

1. January 22, 2024 Draft Minutes

IV. Communications –

1. Extension Requests

- i. 78 Ayrault – Request for 12-month extension
- ii. 79 Connection – Request for 18-month extension
- iii. 37 Dennison – Request for 12-month extension
- iv. 169 Wellington – Request for 12-month extension

2. Withdrawal Requests

- i. 406-410 Thames – Request to Withdraw without prejudice

V. Summary Calendar

1. App. #2024-Feb-001 PETITION OF MICHAEL HARVEY, applicant and owner, **40 Parker Ave**, TAP 34, Lot 206, (R-10 Zone) for a special use permit and dimensional variances to construct a 200 sq.ft. rear deck, located 4’ from the left, (west) side property line (10’ required), increasing the lot coverage from 25% to 29% (20% allowed).

Application Materials, December 19, 2023

Substandard Lot Proportionality Calculations – 40 Parker Ave

Staff Report, February 22, 2024

2. App. #2024-Feb-002 PETITION OF KARINE NOACK, applicant and owner, **12 Hall Avenue**, TAP 13, Lot 112, (R-10 Zone) for a special use permit and dimensional variances to partially enclose an existing front porch, located 1’-8” from the front property line (15’ required) and 4’-4” from the right (north) side property line (10’ required).

Application Materials, December 19, 2023

Substandard Lot Proportionality Calculations – 12 Hall Ave

Staff Report, February 22, 2024

Meeting Notice

Newport Zoning Board of Review

Monday, February 26, 2024
City Hall
Council Chambers
43 Broadway, Newport, RI

3. App. #2024-Feb-003 PETITION OF PHYLLIS HIGGERSON, applicant, HAZARD AVENUE REALTY LLC, owner, **0 Coggeshall Avenue (2-4 Hazard Avenue)**, TAP 36, Lot 030-4, (R-60 Zone, Historic Overlay) for a dimensional variance to install two AC condensers 18' from the Coggeshall Avenue front property line (50' required).
Application Materials, December 20, 2023
Supplemental Site Plan, December 28, 2023
Comment – McCann, February 15, 2024
Staff Report, February 22, 2024
4. App. #2024-Feb-013 PETITION OF CODYS INVESTMENTS, LLC, applicant and owner, **21 Catherine St**, TAP 25, Lot 066, (R-10 Zone, Historic Overlay) for a special use permit to reduce the size of a rear first-floor deck, alter the rear entrance, and install an in-ground splash pool, reducing the lot coverage from 26.8% to 26.1% (20% allowed).
Application Materials, January 16, 2024
Staff Report, February 22, 2024

VI. Abbreviated Summary

1. Amended App. #2023-Sept-003 PETITION OF MATTHEW PENNINO, applicant and owner **23 Dresser Street**, TAP 31, Lot 029, (R-10 Zone) for a special use permit and dimensional variances to construct an in-ground pool, and retroactive approval of the construction of an outdoor kitchen located 2.2' from the east side property line (4.36' required), increasing lot coverage from 33.06% to 37.54% (31.27% allowed).
Application Materials, August 1, 2023
Amended Application, January 16, 2024
Substandard Lot Proportionality Calculations – 23 Dresser Street
Supplemental – Houle Report, February 21, 2024
Staff Report, February 22, 2024
2. App. #2024-Feb-007 PETITION OF ARMAND ALOI, applicant and owner, **6 Lincoln Street**, TAP 19, Lot 007-4, (R-10 Zone) for a special use permit and dimensional variance to reconstruct a front porch, and construct a second-floor deck above the porch, located 3' from the right (north) side property line (4' required).
Application Materials, January 8, 2024
Substandard Lot Proportionality Calculations – 6 Lincoln Street
Staff Report, February 22, 2024

Meeting Notice

Newport Zoning Board of Review

Monday, February 26, 2024
City Hall
Council Chambers
43 Broadway, Newport, RI

3. App. #2024-Feb-008 PETITION OF BERNARDINO LANCIA, applicant and owner, **30 Extension Street**, TAP 32, Lot 130, (R-10 Zone) for a special use permit and dimensional variance to construct a rear deck, and a third-floor roof deck, increasing the lot coverage from 33.4% to 34.6% (33% allowed).
Application Materials, January 16, 2024
Substandard Lot Proportionality Calculations – 30 Extension Street
Staff Report, February 22, 2024
4. App. #2024-Feb-009 PETITION OF GARY RAUGH, applicant and owner, **11 Appleby Street** TAP 18, Lot 033, (R-10 Zone) for a dimensional variance to construct a covered front porch and a two-story addition to the right (south) of the existing house, increasing the lot coverage from 31.7% to 40.7% (33.3% allowed).
Application Materials, January 16, 2024
Amended Application, February 12, 2024
Substandard Lot Proportionality Calculations – 11 Appleby Street
Staff Report, February 22, 2024

VII. Appeals

None

VIII. Full Hearing Petitions to be Considered

1. App. #2023-Oct-012 PETITION OF HARBOUR REALTY, LLC, applicant and owner, **25 Waites Wharf**, TAP 32, Lot 155, (GB Zone) for a retroactive approval request for a special use permit to operate a 378 sq.ft. commercial outdoor recreation facility (axe throwing).
Application Materials, September 11, 2023
Staff Report, February 22, 2024
2. *App. #2023-Nov-012 PETITION OF FAMILY RETREAT LLC and KARL FEITELBERG, applicants and owners, **15 Atlantic Avenue**, TAP 44, Lot 132, (R-40A Zone, Historic Overlay) for dimensional variances to construct a pergola over an existing patio, construct an outdoor kitchen, and construct an in-ground pool and raised patio and decking located approximately 16' from the rear property line (20' required), increasing the lot coverage from 8% to 11.9% (10% allowed).
Application Materials, September 11, 2023
Supplemental – Site Survey, November 21, 2023
Supplemental – Landscape Plans, November 21, 2023
Public Comment – Combined, February 22, 2024
Staff Report, February 22, 2024

Meeting Notice

Newport Zoning Board of Review

Monday, February 26, 2024
City Hall
Council Chambers
43 Broadway, Newport, RI

3. *App. #2023-Dec-013 PETITION OF KAREN McGUINNESS, TRUSTEE, applicant and owner, **172 Spring Street**, TAP 24, Lot 309, (GB Zone, Historic Overlay) for a dimensional variance to convert the existing single-family dwelling into a 4-bedroom guest house without providing additional on-site parking spaces (4 additional required).
 - Application Materials, November 13, 2023
 - Letters of Support, December 13, 2023
 - Letters of Objection – Combined February 22, 2024
 - Applicant Response to 47 Mill Objection, January 15, 2024
 - Applicant Response to 47 Pelham Objection, January 15, 2024
 - Supplemental – Applicant Letter, February 12, 2024
 - Staff Report, February 22, 2024

4. *Amended App. #2023-Dec-002 PETITION OF JANN RAY MEDEIROS, applicant and owner, **0 Champlin Street**, TAP 23, Lot 003, (R-10 Zone), for a special use permit and dimensional variances to construct a new single-family dwelling with a height of 33'-6" (30' allowed), increasing the lot coverage from 4.3% to 29.4% (20% allowed), and install two HVAC units located 4' from the north (side) property line (10' required).
 - Application Materials, October 23, 2023
 - Amended Application, December 11, 2023
 - Amended Application, February 20, 2024
 - Supplemental – Neighborhood Lot Coverage Comparison, February 21, 2024
 - Public Comment – Combined, February 22, 2024
 - Substandard Lot Proportionality Calculations – 0 Champlin Street
 - Staff Report, February 22, 2024

*Indicates objection(s) to the application

IX. Full Hearing Petitions to be Continued

1. App. #2023-Dec-006 PETITION OF CLINTON COX, applicant and owner, **493-495 Broadway**, TAP 06, Lot 345, (R-10 Zone) for a special use permit and dimensional variances to construct an accessory shed in the rear yard, located 2' from the south (side) and east (rear) property lines (10' required for both), increasing the lot coverage from 24.9% to 26.8% (20% allowed). **(Continue to 3/25/2024 to allow re-advertising)**

2. *App. #2023-Jul-010 PETITION OF BAYCOAST BANK, applicant, LION CAPITAL, LLC, owner, **137 Broadway**, TAP 19, Lot 025, and **131-133 Broadway**, TAP 19, Lot 026 (GB Zone) to construct a new bank, requiring variances to provide 45 degree parking without the necessary 20-foot drive aisle, and proposing drive-thru ATMs, resulting in the stacking of vehicles that (1) hinders on-site traffic circulation; (2) obstructs any area required for the on-site maneuvering of vehicles, and (3) impinges upon designated parking spaces for persons with disabilities and the direct access

Meeting Notice

Newport Zoning Board of Review

Monday, February 26, 2024
City Hall
Council Chambers
43 Broadway, Newport, RI

from such parking spaces to the business entrance. **(Continue to 3/25/2024 by request of the Applicant)**

3. Amended App. #2023-Aug-007 PETITION OF 7 CHAMPLIN STREET REALTY, LLC, applicant and owner, **7 Champlin Street**, TAP 23, Lot 110, (R-10A Zone), for a special use permit and dimensional variances to demolish an existing detached garage and construct a new, attached two-story garage, and additions to the main house, including second floor addition to the south, third-floor dormer additions to the west and east which match the existing 41.6' non-conforming roof height (30' allowed), eliminate a second floor deck and enclose the porch to the north, and a special use permit to construct first and third floor decks to the east on a nonconforming property, increasing the lot coverage from 24.4% to 28.5% (21.37% allowed). **(Continue to 3/25/2024)**
4. *Amended App. #2023-Dec-014 PETITION OF ISLAND DREAMS, LLC, applicant and owner, **17 Ayrault**, TAP 21, Lot 053, (R-10 Zone), for a special use permit and dimensional variances for alterations and a three-story addition to an existing legal non-conforming multi-family property (containing 4 units in the main building and a 5th unit constructed above the detached garage without approval), to expand the existing 4 units in the main building into the three-story addition, reaching 34' in height (30' permitted), increasing the lot coverage from 23.4% to 33.4% (20% allowed); a variance to density standards to legalize the 5th unit (maximum of 4 units permitted due to lot size); a variance to one parking space (9 provided where 10 are required); and a variance to the requirement for a two-way drive aisle on a multi-family property. **(Continue to 3/25/2024)**
5. App. #2024-Feb-004 PETITION OF WILLIAM J. RUH TRUST, applicant and owner, **88 Washington Street**, TAP 12, Lot 046, (R-10 Zone) for a dimensional variance to construct a new single-family dwelling, increasing the lot coverage from 8% to 23% (20% allowed). **(Continue to 3/25/2024)**
6. *App. #2024-Feb-005 PETITION OF JOHN M. CURRAN IRREVOCABLE GRANTOR TRUST, applicant and owner, **62 Harrison Avenue**, TAP 41, Lot 185, (R-40 Zone) for a special use permit and dimensional variance to demolish an existing detached one-car garage and construct a new, attached 2-car, two-story garage, increasing the lot coverage from 27.7% to 33% (27.2% allowed). **(Continue to 3/25/2024)**
7. *App. #2024-Feb-006 PETITION OF JOSEPH & BRITTANY COVILL, applicants and owners, **129 Ruggles Avenue**, TAP 40, Lot 404, (R-10A Zone) for a special use permit and dimensional variance to construct a two-story addition over an existing raised patio area, extending the raised patio, and construction of an in-ground pool, increasing the lot coverage from 25% to 31% (20% allowed). **(Continue to 3/25/2024)**
8. *App. #2024-Feb-011 PETITION OF AMER TAJ AND CHRYSANTHE TAJ, applicants and owners, **57 Marchant Street**, TAP 39, Lot 469, (R-10 Zone) for a special use permit and dimensional variance to construct a mudroom and two-story garage, increasing the lot coverage from

Meeting Notice

Newport Zoning Board of Review

Monday, February 26, 2024
City Hall
Council Chambers
43 Broadway, Newport, RI

30.88% to 40.96% (30.84% allowed), and a special use permit to construct a second story deck on a non-conforming property. **(Continue to 3/25/2024)**

9. *App. #2024-Feb-012 PETITION OF SHANA B. SPEER, applicant and owner, **26 Tilley Avenue**, TAP 13, Lot 075, (R-10 Zone) for a special use permit and dimensional variances to reconstruct a dwelling significantly damaged by fire, including construction of new third floor dormers, located approximately 1.8' from the right (north) side property line (3' required), and construction of a three-story exterior stair system, and expanded first floor deck, increasing the lot coverage from 46.5% to 50%, (34% allowed), and a special use permit to construct first, second, and third-floor decks on a non-conforming property. **(Continue to 3/25/2024)**
10. *App. #2024-Feb-014 PETITION OF JEFFREY and SUSAN BARIL, applicants and owners, **215 Gibbs Avenue**, TAP 20, Lot 199, (R-10 Zone) for a special use permit and dimensional variances to construct a second story art studio over an existing detached garage, located 2 feet from the south side property line and 4'-6" from the west side property line (5.89' required). **(Continue to 3/25/2024)**

*Indicates objection(s) to the application

X. Inactive Petitions & Appeals:

1. Appeals Awaiting Transcripts or Briefs:

2. Petitions Pending Other Board Decisions (Continued Generally)

1. App. #2023-Oct-006 PETITION OF CHRISTOPHER DiNAPOLI, owner, CHRISTOPHER and BETHANY DiNAPOLI, owners, **287 Gibbs Avenue**, TAP 23, Lot 047, (R-20 Zone) for dimensional variances triggered after proposed subdivision, resulting in a sunken patio and an outdoor grill placed 6 ½' from the side property line (15' and 10' required respectively), resulting in a lot coverage of 21.8% (15% allowed). **(Pending Planning Board)**
2. App. #2023-Nov-010 PETITION OF C.C.B CAPITAL & REAL ESTATE, INC., applicants and owners, **406-410 Thames Street**, TAP 27, Lot 184, (LB Zone) for a special use permit and dimensional variance to convert a dwelling to a guest house, with no on-site manager, without providing additional parking spaces (2 additional parking spaces required). **(Request to Withdraw)**

XI. Other Inactive Petitions

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

Meeting Notice

Newport Zoning Board of Review

Monday, February 26, 2024
City Hall
Council Chambers
43 Broadway, Newport, RI

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).

XII. 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-assess 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