

Posted 12/23/22

NEWPORT ZONING BOARD OF REVIEW

Tuesday, January 3, 2023 – 6:30 P.M.

The Zoning Board of Review will meet in the City Hall Council Chambers, 2nd floor, 43 Broadway

AGENDA

I. Call to Order

II. Roll Call and Determination of Quorum

III. Minutes:

None

IV. Communications:

a. Action Items:

V. Summary Calendar:

App. #2022-Dec-005. 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 west 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

Staff Report, December 23, 2022

VI. Abbreviated Summary:

VII. Appeals:

App #2020-Oct-5. APPEAL OF TIMOTHY & MAUREEN WEST, appellants and owners; **45 Everett St.**, TAP 22, Lot 17, (R-10 zone); appealing the decision of the Historic District Commission denying permission to replace a slate roof with an asphalt roof and remove existing dormers.

Notice of Appeal, September 28, 2020

Transmittal of Appeal Documents, October 25, 2022

HDC Transcript, January 20, 2020

HDC Transcript, May 19, 2020

HDC Transcript, July 21, 2020

HDC Decision, September 17, 2020

Appellant's Brief in Support of Appeal, January 6, 2022

APPEAL OF MARK & IDA ARAMLI, owners and applicants; **54 Hammersmith Rd.**, 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 1/23/2023 to set briefing schedule)**

VIII. Full Hearings:

1. *App #2021-July-1. PETITION OF WILLIAM & LISA RUH, applicants and owners; **88 Washington St.**, 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). **(Set date for Special Meeting)**
2. *App. #2022-Apr-10. PETITION OF DOUGLAS LOWENSTEIN, applicant and owner; **37 Dennison St.**, 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 deck 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). **(Continue to 1/23/23 by request of the Applicant)**
3. *App #2022-May-5. Corrected PETITION OF RANDOLPH POMFRET, applicant and owner, **7 Hammond Street**, TAP 35, Lot 235 (LB zone), for a special use permit and a variance to the off-street parking requirements for permission to convert the existing dwelling unit into a 2-bedroom guest house and provide 0 additional off-street parking spaces, (2 non-stacked off-street parking spaces which do not require the use of the public right of way to maneuver, required).
Application Materials, April 21, 2022
Planning Board Memo, November 16, 2022
Amended Application, November 28, 2022
Public Comment - Combined
Staff Report, December 23, 2022
4. *App. #2022-May-10. Amended PETITION OF JAMES FRY & MAUREEN THOMPSON, applicants and owners; **15 Slocum St.**, 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 1/23/23 by request of the Applicant)**
5. *App. #2022-Jun-4. PETITION OF AMY BRIGGS & CHUCK ADOMANIS, applicants and owners; **28 East St**, TAP 32, Lot 173, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a 3rd floor addition which will be located 6' from the north property line and 6.75' from the south property line, (10' required). **(Application Withdrawn by Applicant without prejudice on 11/30/2022)**
6. App. #2022-Jun-5. Corrected PETITION OF DENNIS ROTUNNO, applicant and owner; **5 Sylvan Terrace**, TAP 33, Lot 95, (R-10 zone); for a special use permit and a variance to the dimensional

requirements for permission to install a built-in fireplace and separate grill and counter which will increase the lot coverage from 27% to 28%. **(Continue to 1/23/23 by request of the Applicant)**

7. App. #2022-Jun-7. PETITION OF CARPE NOCTEM REAL PROPERTY, LLC, applicant and owner; **107-111 Broadway**, TAP 21, Lot 001, (GB zone); for a special use permit and a variance to the off-street parking and dimensional requirements for permission to expand the existing building increasing the lot coverage from 95% to 99%, (80% allowed), and to expand the service area by 1,513 sq. ft. and provide 0 additional off-street parking, (11 additional off-street parking spaces required).
Application Materials, May 16, 2022
Planning Board Memo, November 16, 2022
Staff Report, November 17, 2022
Supplemental Material – James Houle Report, November 22, 2022
Supplemental Material – Renderings, November 22, 2022
8. *App. #2022-Jun-11. PETITION OF ERIC MARTIN, applicant and owner; **9 Tyler St.**, 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, November 17, 2022
9. *App. #2022-Jun-18. PETITION OF BRENDA SABBAG, applicant and owner; PROVENCAL BAKERY, lessee; **311 Broadway**, TAP 6, Lot 17-4, (LB zone); for a special use permit and a variance to the off-street parking requirements for permission to expand the existing fast-food restaurant, (bakery), by constructing a 400 sq. ft addition and provide 0 additional off-street parking spaces, (2 additional off-street parking spaces allowed). **(Continue to 1/23/23 to allow for re-advertising of amended application)**
10. *App. #2022-Jun-20. PETITION OF CLAYBRON JONES, applicant and owner; **73 Warner St.**, TAP 14, Lot 6, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a new 2-story rear addition which will be located 1.75' from the north property line, (10' required), and which will increase the lot coverage from 27% to 30%, (20% allowed).
Application Materials, May 24, 2022
Letter of Objection, July 20, 2022
Staff Report, November 23, 2022
11. App. #2022-Jul-2. Amended PETITION OF KBC REALTY, applicant and owner, **10 Fair St.**, TAP 27, Lot 113, (LB zone), for a special use permit and dimensional variance to permission to construct an 8' x 20' first floor deck which increases the lot coverage from 49.45% to 59.57% (50% allowed) and a regulatory variance to allow overhead power lines where undergrounding utilities is required by code.
Application Materials, June 10, 2022
Amended Application, December 8, 2022
Staff Report, December 23, 2022

12. *App. #2022-Jul-4. PETITION OF JOHN-PAUL & NICOLE SHEVORY, applicants and owners; **11 W. Narragansett Ave.**, 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 1/23/23 by request of the Applicant)**
13. 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). **(Continue to 1/23/23 by request of the Applicant)**
14. *App. #2022-Oct-5. PETITION OF DONALD & TRACY FITCH, applicant and owner; **2 Ashurst Pl.**, 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 1/23/23 by request of the Applicant)**
15. *App. #2022-Oct-8. Amended PETITION TIMOTHY & ELIZABETH MCGILVRAY, applicant and owner; **13 Commonwealth Ave.**, TAP 44, Lot 081, (R-40A zone); for a special use permit and a variance to the dimensional requirements for permission to demolish and rebuild a single-family dwelling located 30' from the north front property line (50' required), increasing lot coverage from 10% to 12.8% (10% allowed).
 - Application Materials, September 23, 2022
 - Public Comment – Combined
 - Amended Application, December 20, 2022
 - Staff Report, November 23, 2022
16. App. #2022-Oct-10. PETITION OF THOMAS & CHERI DUGAN, applicant and owner; **79 Connection St.**, 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 1/23/23 by request of the Applicant)**
17. *App. #2022-Oct-12. PETITION OF ADAM SHANAHAN, applicant and owner; **3 Barbara St.**, TAP 11, Lot 644, (R-10A zone); for a special use permit and a variance to construct a second and third floor on existing house footprint, located 8' from the side property line (10' required). **(Continue to 1/23/23)**

18. App. #2022-Nov-002. PETITION OF BEACON ROCK, LLC, applicant and owner, **147 Harrison Ave.**, TAP 41, Lot 001, (R-120 Zone, Historic Overlay) for a special use permit and a dimensional variance to construct a detached caretaker’s cottage and a detached garage, located 0’ from front property line (75’ required) and a use variance to allow more than one principal residential dwelling on a single lot. **(Continue to 1/23/23)**
19. App. #2022-Nov-005. PETITION OF FITZ-SAR LLC, applicant and owner; **28 Memorial Blvd. West**, TAP 28, Lot 140 (GB Zone), for a special use permit to permit a guest house use on a 1,386 sq. ft. property (5,000 sq. ft. required). **(Continue to 1/23/23)**
20. 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 1/23/23)**
21. *App.#2022-Dec-002. PETITION OF MARGARET CHAI-MALONEY AND SEAN MALONEY, applicants and owners, 275 Harrison Ave, 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 1/23/23)**
22. 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 1/23/23)**

*Indicates an objection(s) to the application

IX. Inactive Petitions & Appeals:

a Appeals Awaiting Transcripts or Briefs

None

b Petitions Pending Other Board Decisions (Continued Generally)

*App #2022-Feb-2. PETITION OF LIAM BARRY, applicant and owner; **5 Princeton St.**, 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 1/23/22 to allow for re-advertising)**

App #2022-Mar-15. PETITION OF JOHN & KATHLEEN TRENTOS, applicant and owner; **93 Second St.**, 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 to 1/23/22 to allow for re-advertising)**

App #2022-Sep-4. PETITION OF FENNEL FRONDS, LLC, applicant and owner; **144-150 Thames Street**, TAP 24, Lot 045. (GB zone); for a special use permit and a variance to the dimensional requirements for permission to redevelop an existing building into mixed-use development to include museum, retail, theater, and residential units, with fewer than required off-street parking spaces, with lot coverage of 91% (80% allowed). **(Pending Planning Board review)**

App. #2022-Oct-11. PETITION OF COACH HOUSE CONDOMINIUM ASSOCIATION, applicant and owner; **103-121 Coggeshall Ave.**, 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)**

App. #2022-Nov-001. PETITION OF 52 & 56 Thames, LLC, applicant and owner; **52 & 56 Thames St.**, 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). **(Pending HDC review)**

c Other Inactive Petitions

*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 St.**, 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).

*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).

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).

X. 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 Trish Reynolds, Planning Director, at preynolds@cityofnewport.com or call (401) 845-5450 or Nick Armour, Preservation Planner and Acting Zoning Officer, at narmour@cityofnewport.com or call (401) 845-5415