

11/22/2023

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

I. Call to Order

II. Roll Call and Determination of Quorum

III. Minutes:

None

IV. Communications – 48 Everett – Request to Withdraw appeal

V. Summary Calendar

1. App. #2023-Jul-017 PETITION OF LEDGES 66, LLC, applicant and owner, **66 Ocean Ave**, TAP 41, Lot 400, (R-120 Zone, Historic Overlay) for dimensional variances to permit the retention of two accessory buildings located 62.7' front the front property lines of two properties created through a subdivision (75' required).

Application Materials, June 12, 2023

Planning Board Memo, Recorded November 17, 2023

Staff Report, November 22, 2023

2. Amended App. #2023-Sept-007 PETITION OF PHILLIP III AND BOZENA CABAUD, applicants, 673 BELLEVUE, LLC owner, **673 Bellevue Avenue**, TAP 38, Lot 022, (R-60 Zone, Historic Overlay) for a special use permit and dimensional variance to construct a staircase to a second-floor deck on the carriage house, increasing the lot coverage from 11.32% to 11.45% (10% allowed).

Application Materials, August 11, 2023

Supplemental Plans, October 20, 2023

Staff Report, November 22, 2023

3. App. #2023-Oct-008 PETITION OF TERESA and JOHN KOKULIS, applicants and owners, **9 Cliff Terrace**, TAP 31, Lot 131, (R-10 Zone) for a special use permit and dimensional variance to construct a 25 sq.ft. side entry addition, increasing the lot coverage from 38.9% to 39.3% (20% allowed).

Application Materials, September 11, 2023

Supplemental Plans, September 28, 2023

Staff Report, November 22, 2023

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4. App. #2023-Nov-001 PETITION OF PHILLIP EDWARDS, applicant and owner, **5 Curry Avenue**, TAP 07, Lot 268, (R-10 Zone) for a special use permit and dimensional variance to install a condenser unit 5' from the side property line (10' required).
Application Materials, September 13, 2023
Staff Report, November 22, 2023
5. App. #2023-Nov-005 PETITION OF HENRY W. PAYNE, applicant and owner, **18 Fenner Avenue**, TAP 06, Lot 156, (R-10 Zone) for a special use permit and dimensional variance to enclose a portion of a front porch, located 4'-6" from the north (side) property line (10' required).
Application Materials, October 5, 2023
Letter of Support, November 14, 2023
Staff Report, November 22, 2023
6. App. #2023-Nov-007 PETITION OF JENS LANGE, applicant and owner, **55 Carroll Avenue**, TAP 41, Lot 183, (R-10 Zone) for a special use permit and dimensional variance to install an HVAC condenser 7' from the Rose Street front property line (15' required).
Application Materials, October 10, 2023
Staff Report, November 22, 2023

VI. Abbreviated Summary

1. Corrected App. #2023-Oct-004 PETITION OF LAWRENCE WEBMAN and MICHAEL CREAMER, applicants and owners, **15 Sheffield Avenue**, TAP 10, Lot 141, (R-10 Zone) for a special use permit and dimensional variances to construct second floor dormers, located 3.7' from the east (left) and west (right) property lines (10' required for both), adding rear decks to the first and second floor, located 3.7' from the side property line, increasing the lot coverage from 20.4% to 22.7%.
Application Materials, September 1, 2023
Staff Report, November 22, 2023
2. App. #2023-Oct-009 PETITION OF GEORGE CRITZ, applicant and owner, **25 Admiral Kalbfus Road**, TAP 05, Lot 033, (R-10 Zone) for a special use permit and dimensional variance to construct a front deck to the existing house, increasing the lot coverage from 21.5% to 23.1% (20% allowed).
Application Materials, September 11, 2023
Supplemental – Site Plan, November 2, 2023
Staff Report, November 22, 2023

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3. App. #2023-Nov-004 PETITION OF BRENDA SOUSA-MOORE, applicant and owner, **4 County Street**, TAP 06, Lot 151, (R-10 Zone) for a special use permit and dimensional variance to demolish an existing detached garage, and construct a new detached garage, located 4' from the side and 4' from the rear property lines (10' required for both), increasing the lot coverage from 43.7% to 44.3% (20% allowed).
Application Materials, September 28, 2023
Staff Report, November 22, 2023
4. App. #2023-Nov-006 PETITION OF THOMAS M. FINN, JR, applicant and owner, **9 Lincoln Street**, TAP 19, Lot 086, (R-10 Zone) for a special use permit and dimensional variance to remove an existing uncovered porch and construct an expanded, covered front porch, located 7' from the south (side) property line (10' required), increasing the lot coverage from 34.6 to 35.75% (20% allowed).
Application Materials, October 10, 2023
Staff Report, November 22, 2023
5. App. #2023-Nov-009 PETITION OF JOHN DOYLE and JAMES BARTZ, applicants and owners, **5 Gooseberry Road**, TAP 41, Lot 264, (R-10A Zone) for a special use permit and dimensional variance to modify a previously-approved, but expired application for an in-ground pool in a different location with a lot coverage of 24.4%, where 25.2% was previously approved (20% allowed).
Application Materials, October 10, 2023
Letter of Support, November 14, 2023
Staff Report, November 22, 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. (**Status Conference; Continue to 1/22/2024**)
2. APPEAL OF SHAWN AND DEBBIE SWEENEY, appellants and owners; 48 Everett Street, TAP 22, Lot 022, (R-10 zone); appealing the decision of the Historic District Commission denying permission to replace a slate roof with a composite slate roof. (**Request to Withdraw**)

VIII. Full Hearing Petitions to be Considered

1. *Corrected App. #2023-May-013 PETITION OF 52-56 THAMES STREET, LLC, applicant and owner, **52-56 Thames Street**, TAP 17, Lot 074, (GB Zone; Historic Overlay) for dimensional variances to convert an existing two-family residence to two guest houses with five bedrooms without providing additional parking (1 required for use, 1 required for manager space), without providing the 24' access driveway, and requiring backing out into the right-of way, and a special use permit to construct a roof deck on a non-conforming property. **(Continued from 10/23/2023)**
 - Application Materials, April 10, 2023
 - Supplemental – Site Plan, October 18, 2023
 - Supplemental – Parking Analysis, October 19, 2023
 - Staff Report, October 19, 2023
 - Supplemental – Applicant’s Revised Narrative and Photos, November 22, 2023
 - Supplemental – Applicant’s Revised Plans, November 22, 2023
 - Supplemental – Applicant’s Letter to Neighbors and Responses, November 22, 2023
 - Supplemental – Houle Report, November 22, 2023
 - Public Comment – Combined November 22, 2023

2. *App. #2023-Jul-015 PETITION OF SEAN MALONEY AND MARGARET CHAI 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 carriage house 16’ from the front property line (100’ required). **(Continued from 10/23/2023)**
 - Application Materials, June 12, 2023
 - Supplemental – Houle Report, October 18, 2023
 - Public Comment – Combined October 19, 2023
 - Staff Report, October 19, 2023

3. *Amended 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 5’ from the north property line, (10’ required), and construct a detached shed which will be located 4’ from the north property line and 4’ from the east property line (10’ required for both), establishing the lot coverage of 35.4% (20% allowed).
 - Application Materials, February 28, 2022
 - Amended Application, March 13, 2023
 - Opposition - Schmidt, July 18, 2023
 - Amended Application, August 4, 2023
 - Historic District Commission Decision, Recorded October 11, 2023
 - Supplemental – Jim Houle Report, November 21, 2023
 - Supplemental – Abutter Comparison, November 21, 2023
 - Supplemental – Initial vs. Current Design, November 21, 2023

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Supplemental – Renderings, November 21, 2023
Staff Report, November 22, 2023

4. *Amended App. #2023-Apr-005 PETITION OF DAVID PLATT, applicant and owner, **70 Bridge Street**, TAP 16, Lot 078, (R-10 Zone, Historic Overlay) for a special use permit, dimensional variance, and regulatory variance to construct a second principal residential building on a property, increasing the lot coverage from 25.58% to 35.28% (20% permitted).
Application Materials, March 13, 2023
Corrected Application, April 10, 2023
Supplemental – Site Plan, April 10, 2023
Supplemental – Neighborhood Survey, May 31, 2023
Amended Application, October 25, 2023
Public Comment – combined, November 22 2023
Staff Report, November 22, 2023
5. *App. #2023-Jul-011 PETITION OF 49 & A HALF THIRD STREET, LLC, applicant and owner **49 ½ Third Street**, TAP 12, Lot 269, (R-10 Zone, Historic Overlay) to demolish an existing single-family dwelling and detached garage and construct a new single-family dwelling and attached garage, located 5’8” from the north side property line, 3’6” from the east side property line (10’ required for both), construct a bulkhead 4’9” from the north side property line and two AC condensers 4’3” from the north side property line (10’ required for both), establishing a lot coverage of 39% (20% allowed).
Application Materials, June 12, 2023
Supplemental – Houle Report, November 20, 2023
Public Comment – Combined, November 22, 2023
Staff Report, November 22, 2023

*Indicates objection(s) to the application

IX. Full Hearing Petitions to be Continued

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 Waites 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). **(Continue to 3rd Special Meeting on 12/11/23)**

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2. *Amended App. #2023-Jun-006 PETITION OF LAURA TREONZE, applicant and owner, **69 Third Street**, TAP 12, Lot 024, (R-10 Zone, Historic Overlay), for a special use permit and dimensional variances to remove a raised patio and side porch, and construct a new, detached 1 ½-story garage, located 2' from south (side) property line and 2' from the east (rear) property line (10' required for both), increasing the lot coverage from 30.7% to 35% (20% allowed). **(Continue to 12/18/23)**
3. *App. #2023-Jul-001 PETITION OF ANNA AND BRUCE BARBIERI, applicants and owners, **47 Eustis Avenue**, TAP 11, Lot 337, (R-10A Zone) for a special use permit and dimensional variances to construct a new dining room addition, placed 6.4' from the Taber Street front property line (15' required), increasing the lot coverage from 27.5% to 32% (20% permitted). **(Continue to 12/18/23)**
4. App. #2023-Sept-008 PETITION OF ROBERT & KATHLEEN QUTUB, applicants and owners, **437 Bellevue Avenue**, TAP 36, Lot 008, (R-60 Zone, Historic Overlay) for a special use permit and dimensional variances to construct an in-ground pool located 21'-2.5" from the Webster Street front property line (50' required), replace an existing mudroom entry stairs with covered entry, extend the kitchen entry porch, add new rear stairs to the patio, and add an outdoor kitchen and grill counter, increasing the lot coverage from 12.87% to 15.47% (10% allowed). **(Continue to 12/18/23)**
5. *App. #2023-Sept-009 PETITION OF WILLIAM AND LISA COLLINS, applicants and owners, **5 Waites Wharf**, TAP 32, Lot 158, (WB Zone) for a special use permit and dimensional variances to convert an existing single-family dwelling to a four bedroom guest house, providing zero additional parking spaces (2 additional needed for bedrooms and 1 needed for manager space), without complying with commercial parking space standards, including minimum driveway aisle width, 24' access driveway aisle, and maneuvering into the right-of-way. **(Continue to 12/18/23)**
6. *App. #2023-Sept-011 PETITION OF TIMOTHY and ROBERTA HARRINGTON, applicants and owners, **85 Pope Street**, TAP 32, Lot 103, (R-10 Zone) for a special use permit and dimensional variance to install AC condensers located 0' from the East Street front property line (15' required). **(Continue to 12/18/23)**
7. App. #2023-Oct-011 PETITION OF PATRICK KILROY, TRUSTEE, applicant, BONNIE B. KILROY, TRUST, owner, **9 Beacon Hill Road**, TAP 41, Lot 006, (R-40 Zone; Historic Overlay) for a special use permit, dimensional variances, and a regulatory variance to the allowable number of principal dwelling units on a single property, to construct a new single-family dwelling on a property containing 6 existing dwelling units, located 35' from the Beacon Hill Rd. front property line and 20' from the Pen Craig Place front property line (50' required for both).
8. 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). **(Continue to 12/18/23)**

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9. *App. #2023-Nov-011 PETITION OF KEITH CULLEN, applicant and owner, **84 Dr. Marcus Wheatland Boulevard**, TAP 14, Lot 092, (GB Zone) for a special use permit and dimensional variances to demolish an existing two-family dwelling and construct a three-unit Guest House, a variance to the off-site manager parking space, variances to commercial parking space standards to allow reversing onto the right-of-way and not providing the 24-foot drive aisle, and a variance to the requirement to underground utilities. **(Continue to 12/18/23)**
10. 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). **(Continue to 12/18/23)**

*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). **(Pending Planning Board)**

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 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).

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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