

Minutes of the
Zoning Board of Review

February 5, 2009

A meeting of the Zoning Board of Review was held on Monday, January 26, 2009, in the Council Chambers of City Hall at 7:00 p.m.

PRESENT: Rebecca McSweeney, Chair
Elizabeth Minifie
Martin Cohen
Marvin Abney
Mary Joan Hoene

Guy Weston, Zoning Officer
Christopher Behan, Assistant City Solicitor
Nancy Simoes, Stenographer, Allied Court Reporters

D E C I S I O N S

A motion was made by Mr. Abney, seconded by Mr. Cohen to approve the minutes of November 24, 2008, with the change that the wording at least seven feet high be added to the petition of 1 Heath Street. The motion was unanimously approved.

A motion was made by Mr. Abney, seconded by Mr. Cohen to approve the minutes of Monday, December 8, 2008. The motion was unanimously approved.

Attorney Brian Bardorf was present to represent the request for an extension on the approval of the petition of Bellevue Shopping Center Associates. No action was taken on the report and Mr. Bardorf indicated that he would reappear one year from today's date to provide a formal report on the status of the project.

Due to the fact that no one was present to represent the petition, a motion to dismiss the petition of Elizabeth LaPierre, located at 7 Pleasant St., TAP 14, Lot 153 (Jun-12) was made by Mr. Abney, seconded by Mr. Cohen. The motion was unanimously approved.

A motion to adopt the application, staff report, Planning Board recommendation and the testimony of Russell Forgue, owner, as the board's findings of fact for the PETITION OF RUSSELL FORGUE, applicant and owner; for a variance to the dimensional requirements for permission to construct a 20 ft. x 24 ft., two-story garage/family room addition which will increase the lot coverage from 30% to 32% (20% allowed) applying to the property located at 34 Merton Road, Tax Assessor's Plat 29, Lot 64, (R-10 zone) was made by Mr. Abney, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed within twelve months from the

date of the decision and that the existing rear deck be removed was made by Mr. Abney, seconded by Mr. Cohen. The motion was unanimously approved. Attorney Gregory Fater is to prepare the decision for the board's signature.

A motion to adopt the application, staff report and Planning Board recommendation as the board's findings of fact for the PETITION OF KIM CHANDLER, applicant and lessee; BRADY SCHOFIELD, owner; for a special use permit for permission to convert approximately 2,662 sq. ft. of professional office space into a school of limited instruction (yoga studio) applying to the property located at 195 Broadway, 1st floor, TAP 19, Lot 6, (R-10 zone) was made by Mr. Abney, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed within six months from the date of the decision was made by Mr. Abney, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision for the board's signature.

A motion to adopt the application, staff report Planning Board recommendation and the testimony of Bartlett Dunbar, President of Bowen's Wharf Corporation, as the board's findings of fact for the PETITION OF BOWEN'S WHARF CO., INC., applicant and owner; WATCH HILL PIZZA, d/b/a CAFÉ' DE MARE, lessee, for a special use permit and a variance to the off-street parking requirements for permission to expand the existing fast-food restaurant by 64 sq. ft. and a second floor professional office by 332 sq. ft. and provide 0 additional off-street parking spaces, (2 additional off-street parking spaces required) applying to the property located at 11-13 Bowen's Wharf, TAP 24, Lot 342, (WB zoning) was made by Mr. Cohen, seconded by Mr. Abney. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed within twelve months from the date of the decision was made by Mr. Abney, seconded by Mr. Cohen. The motion was unanimously approved. Attorney James Hyman is to prepare the decision for the board's signature.

A motion to approve the motion to dismiss the APPEAL OF WILLIAM WOOD-PRINCE, appealing the issuance of a Zoning Certificate applying to the property located on 28 Gammel Rd. (Conley Hall), TAP 34, Lot 2 (R-20 zone) was made by Mr. Cohen, seconded by Mr. Abney. The motion was approved on a 4 – 1 vote, Mrs. Hoene voting nay. Attorney Steven Haire is to prepare the decision for the board's signature.

A motion to approve the motion to dismiss the APPEAL OF WILLIAM WOOD-PRINCE, for a determination of the interpretation of the Newport Zoning Ordinance applying to the property located on 28 Gammel Road, (Conley Hall), TAP 34, Lot 2, (R-20 zone) was made by Mr. Cohen, seconded by Mr. Abney. The motion was approved on a 4 – 1 vote, Mrs. Hoene voting nay. Attorney Steven Haire is to prepare the decision for the board's signature.

A motion to approve the PETITION OF CLOVERLEAF, LLC, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a new 16 ft. x 20 ft. detached garage which will be located 5 ft. from the north and east property lines (10 ft. required) and will increase the lot coverage from 23% to 26% (20% allowed) applying to the property located at 11 Pine St., TAP 12, Lot 234 (R-10 zone) with the condition that the project

be started and substantially completed within twelve months from the date of the decision was made by Mr. Cohen, seconded by Mr. Abney. The motion was denied on a 2 – 3 vote, Mr. Cohen, Mr. Abney and Mr. Martin voting nay. Attorney Turner Scott is to prepare the decision for the board's signature.

The APPEAL OF THOMAS CULLEN, ,appealing the issuance of Building Permit #B08-01066 for the construction of a single-family dwelling applying to the property located on Hammersmith Rd, TAP 43, Lot 54 (R-160 zone) at the request of Attorney Jeremiah C. Lynch, III, was made by Mr. Cohen, seconded by Mr. Abney. The motion was unanimously approved.

The PETITION OF KATHLEEN KEARNEY, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a new shed dormer which will be located 14 ft. from the west property line (20 ft. required) applying to the property located at 397 Gibbs Ave. (Carrington House, Carriage House), TAP 30, Lot 42-CH, (R-20 zone) was continued to the meeting of February 23, 2009.

Testimony commenced on PETITION OF THE ESTATE OF SANDRA OATES, applicant and owner; for a special use permit for permission to maintain a new 10 ft. x 10 ft. second floor deck (change of a non-conforming development) applying to the property located at 491-493 Thames St., TAP 32, Lot 159 (WB zone). The board requested that the petitioner provide a report from the Building Inspector indicating the structural integrity and the conformance of the deck with the Rhode Island building codes. The petition was continued to the meeting of February 23, 2009.

The PETITION OF DEREKE BOUDREAU & TIFFANIE STARR, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 2-story addition in the southeast corner which will be located 1.5 ft. from the east property line (15 ft. required) and .5 ft. from the south property line (10 ft. required) and demolish the rear porch and add a porch on the northwest corner which will be located 4.5 ft. from the north property line (15 ft. required) and .75 ft. from the south property line (10 ft. required). Total renovations to increase the lot coverage from 49% to 50% (20% allowed) applying to the property located at 485 Spring St., TAP 35, Lot 68 (R-10 zone) was continued to the meeting of February 23, 2009.

The PETITION OF PAIGE BRONK, applicant and owner; for a special use permit for permission to park a boat, which is 10 feet in height, 2 ft. from the south property line applying to the property located at 24 Weatherly Ave., TAP 40, Lot 444, (R-10A zone) was continued to the meeting of February 23, 2009.

The petition of Daniel Witteveen located at 342 Spring Street, TAP 32, Lot 37, (R-10 zone) was continued to the meeting of February 23, 2009.

The APPEAL OF THOMAS CULLEN, ,appealing the issuance of Building Permit #B08-01066 for the construction of a single-family dwelling applying to the property located on Hammersmith Rd, TAP 43, Lot 54 (R-160 zone) was continued to the meeting of February 23, 2009.