

Posted 7/18/2024

NEWPORT ZONING BOARD OF REVIEW
Monday, July 22, 2024 – 6:00 P.M.

I. Call to Order

II. Roll Call and Determination of Quorum

III. Minutes:

1. June 24, 2024 Draft Minutes
2. July 15, 2024 Draft Minutes

IV. Communications –

1. **Extension Requests** – None
2. **Withdrawal Requests** – None

V. Summary Calendar

1. App. #2024-Jun-016 PETITION OF 96 RI REALTY, LLC, applicant and owner, **96 Rhode Island Avenue**, TAP 23, Lot 051-4, (R-20 Zone, Historic Overlay) for a special use permit and dimensional variances to construct a one-story addition to the carriage house, located 2’6” from the north side property line (15’ required), increasing the lot coverage from 14.9% to 16.1% (15% permitted).
Application Materials, May 14, 2024
Exhibit A to proposed Condition of Approval, July 16, 2024
Staff Report, July 18, 2024
2. App. #2024-Jul-004 PETITION OF ROBERT & KAROLYN FRAINE, applicants and owners, **9 Xavier Terrace**, TAP 11, Lot 656, (R-10A Zone) for a special use permit and dimensional variance to expand the front porch, increasing the lot coverage from 26.1% to 26.5% (24.3% allowed).
Application Materials, May 24, 2024
Substandard Lot Proportionality Calculations
Staff Report, July 18, 2024
3. App. #2024-Jul-008 PETITION OF RICHARD HART, applicant and owner, **31 Prescott Hall Road**, TAP 09, Lot 313, (R-10 Zone) for a special use permit and dimensional variance to construct a two-story addition located 3’-6” from the north side property line (5’ allowed).
Application Materials, June 7, 2024
Substandard Lot Proportionality Calculations
Staff Report, July 18, 2024

VI. Abbreviated Summary

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 8/26/2024 to allow re-advertising)**

2. App. #2024-Jun-015 PETITION OF THE BOYS CLUBS AND GIRLS CLUBS OF NEWPORT COUNTY, INC, applicants and owners, **0 Church Street/0 Mill Street (95 Church Street)**, TAP 24, Lot 337, TAP 25, Lot 079, and TAP 25, Lot 052, (R-3 Zone, Historic Overlay) for a special use permit to continue the operation of a Charitable Institution, and special use permits and dimensional variances to construct an addition with a 0' side setback (3' required), reaching a height of 39'-3" (30' permitted), reducing the lot coverage on lot -052 from 77.5% to 74.8% (45% permitted), reducing the parking by 3 spaces (where 20 additional spaces are required).
Application Materials, May 14, 2024
Supplemental Renderings, May 29, 2024
Recorded HDC Approval, July 2, 2024
Staff Report, July 18, 2024

3. App. #2024-Jul-001 PETITION OF JORG PAPPERT AND ULRIKE BAGEHORN-PAPPERT, applicants and owners, **145-147 Gibbs Avenue**, TAP 11, Lot 044, (R-10 Zone) for a special use permit to construct a roof deck over an existing second floor in the front of the existing building on a non-conforming property. **(Continue to 8/26/2024 by request of the Applicant)**

4. App. #2024-Jul-007 PETITION OF MICHAEL DI PAOLA, applicant and owner, **12 Tyler Street**, TAP 19, Lot 048, (R-10 Zone) for dimensional variances to construct a new driveway to accommodate 5 cars without providing the necessary 24-foot two-way drive aisle, requiring backing out into the right-of-way, and stacking of vehicles (neither of which are permitted on a multi-family property).
Application Materials, June 6, 2024
Staff Report, July 18, 2024

5. App. #2024-Jul-009 PETITION OF MELISSA ROSSMAN, applicant and owner, **59 Hall Avenue**, TAP 10, Lot 139, (R-10 Zone) for a special use permit and dimensional variance second-story rear addition located 1.83' from the north side property line (2.8' required).
Application Materials, June 7, 2024
Substandard Lot Proportionality Calculations
Staff Report, July 18, 2024

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6. App. #2024-Jul-010 PETITION OF LINDA MAHAR, applicant and owner, **10 Carroll Avenue**, TAP 40, Lot 121, (R-10 Zone) for a special use permit and dimensional variance to construct four third-floor dormers, matching the existing non-conforming roof height of 32'-4 1/2" (30' allowed).
Application Materials, June 7, 2024
Staff Report, July 18, 2024
7. App. #2024-Jul-011 PETITION OF JOHN PAUL & PATRICIA FULCO, applicants and owners, **48 Catherine Street**, TAP 22, Lot 118, (R-20 Zone; Historic Overlay) for special use permits and dimensional variance to construct a rear deck, increasing the lot coverage from 25.5% to 26.2% (19.4% allowed).
Application Materials, June 10, 2024
Substandard Lot Proportionality Calculations
Staff Report, July 18, 2024
8. App. #2024-Jul-013 PETITION OF PAUL CONNERY AND KEELY FLYNN CONNERY, applicants and owners, **14 Annandale Road**, TAP 31, Lot 086, (R-10 Zone) for dimensional variances to install a generator 2' from the side and rear property lines (10' required for both).
Application Materials, June 11, 2024
Staff Report, July 18, 2024

VII. Appeals – None

VIII. Full Hearing Petitions to be Considered

1. *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).
Application Materials, January 8, 2024
Letter of Objection, February 15, 2024
Staff Report, April 18, 2024
Supplemental – Appraisal Report, April 19, 2024
2. *App #2024-Mar-007 PETITION OF 1 LEE'S WHARF LLC, applicant and owner, **429-431 Thames Street**, TAP 32, Lot 021-4 (WB Zone), for a dimensional variance to convert an existing dwelling to a guest house, without providing additional parking spaces (2 additional spaces required).
Application Materials, February 12, 2024
Letter of Objection, March 15, 2024
Staff Report, July 18, 2024

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3. *Amended App #2024-Apr-007 PETITION OF 181 HONEYMAN AVE, LLC, applicant and owner, **36 & 38 Evarts Street**, TAP 09, Lot 043-4 (R-10 Zone), for special use permits and a dimensional variance to alter an existing non-conforming three-family dwelling by demolishing a detached garage, and constructing a three-story addition and dormers matching the existing height of the roof of 34'-9" (30' allowed), reducing the lot coverage from 35.72% to 35.64% (30% allowed), and variances to the commercial parking standards by not providing the 24-foot drive aisle required for two-way traffic and requiring reversing into the right-of-way (not permitted on a multi-family lot), and a variance to the requirement to underground utilities.
Original Application Materials, March 12, 2024
Substandard Lot Proportionality Calculations
Letter of Objection, May 3, 2024
Revised Plans, June 11, 2024
Letter Regarding Plan Revisions, June 11, 2024
Appraisal Report, July 18, 2024
Staff Report, July 18, 2024
4. App. #2024-Apr-010 PETITION OF BRONYA G. SHILLO, applicant and owner, **52 Berkeley Avenue**, TAP 34, Lot 104, (R-10 Zone) for a special use permit and dimensional variance to construct a one-car garage, a wrap-around porch and stairs, and construct a three-story addition matching the existing 36'-9" height of the building (30' allowed), increasing the lot coverage from 18.6% to 30.9% (23.34% allowed), and a special use permit to add a deck to a non-conforming property.
Application Materials, February 12, 2024
Substandard Lot Proportionality Calculations
Staff Report, July 18, 2024

*Indicates objection(s) to the application

IX. Full Hearing Petitions to be Continued

1. App. #2024-Mar-008 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). (**Continue to 8/26/2024 to allow for re-advertising**)
2. *App #2024-Apr-011 PETITION OF LA FARGE RESTORATION FUND AT NEWPORT CONGREGATIONAL CHURCH, applicant and owner, 0 Spring Street & Pelham Street, **0 Pelham Street (aka 73 Pelham Street)**, TAP 27, Lots 011 and 284 (R-3 Zone, Historic Overlay), for a special use permit to convert the existing church and former Parish Hall to a museum. (**Continue to 8/26/24**)

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3. *App. #2024-May-009 PETITION OF PAUL & ELIZABETH SANDER, applicants and owners, **40 Cranston Avenue**, TAP 19, Lot 008-4, (R-10 Zone) for special use permits and a dimensional variance to demolish an existing two-car garage, and construct a two-story addition and a one-car carport, maintaining the non-conforming lot coverage of 21.8% (20% permitted), and demolish and reconstruct a third-floor dormer, reaching a height of 35'-9" on a 40'-8" tall building (30' limit). **(Continue to 8/26/2024 by request of applicant)**
4. *App #2024-May-011 PETITION OF EMMANUEL EPISCOPAL CHURCH, applicants and owners, **0 Spring Street**, TAP 32, Lot 182 (R-10 Zone), for a dimensional variance to install nine (9) condenser units 5' from the South Baptist Street front property line (20' required for accessory structures). **(Continue to 8/26/2024 by request of applicant)**
5. *App #2024-May-016 PETITION OF ANDREW & AVANI McHUGH, applicants and owners, **2 Wheatland Court**, TAP 37, Lot 036-4 (R-10A Zone), to demolish an existing dwelling, and dimensional variances to construct a new single-family dwelling, reaching a height of 38'-6" (36'-9" permitted as defined by FEMA), establishing a lot coverage of 57.54% (35.13% permitted). **(Continue to 8/26/2024)**
6. App. #2024-Jun-013 PETITION OF ISLAND DREAMS, LLC, applicant and owner, **17 Ayrault Street**, TAP 21, Lot 053, (R-10 Zone), for a special use permit to remove an existing two-story component at the rear of the main building and construct a three-story addition, altering the lot coverage on a property that is non-conforming to the allowable lot coverage (23.47% where 20% is permitted). **(Continue to 8/26/2024)**
7. *Amended App. #2023-Jun-012 PETITION OF C.C.B. CAPITAL & REAL ESTATE INC., applicant, 144 THAMES STREET, LLC, owner, **144-150 Thames Street**, TAP 24, Lot 045, (GB Zone) for dimensional variances to construct a new mixed-use building, containing 14 Vacation Guest Facility units (11 permitted), providing 17 parking spaces (48 spaces required). **(Continue to 8/26/2024)**
8. *App. #2024-Jun-018 PETITION OF TOM AND NICOLE SCANLON, applicants and owners, **7 Elm Street**, TAP 17, Lot 012, (R-10 Zone, Historic Overlay) for special use permits and dimensional variances to construct third floor dormers on the east and west side of the building, reaching a height of 33' on a building reaching 35' in height (30' permitted), with the east dormer located 1'-6" from the east side property line (5' required). **(Continue to 8/26/2024)**
9. *App. #2024-Jul-002 PETITION OF JOHN R. McCARTHY, applicant and owner, **19 South Baptist Street**, TAP 32, Lot 186, (R-10 Zone) for a special use permit to permanently approve a Guest House, previously approved in 2023 with a two-year sunset clause. **(Continue to 8/26/2024)**
10. *App. #2024-Jul-005 PETITION OF CHRIS & KATHY VIEIRA, applicants and owners, **221-225 Spring Street, Unit 6**, TAP 27, Lot 054, (GB Zone; Historic Overlay) for a dimensional variance to

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convert a residential dwelling unit to a Guest House without providing additional parking spaces (2 additional spaces required). **(Continue to 8/26/2024)**

11. App. #2024-Jul-006 PETITION OF THE JEFFERY L. CLARK TRUST, applicant and owner, **33 Corne Street**, TAP 27, Lot 015, (R-3 Zone; Historic Overlay) for special use permits and dimensional variances to demolish an existing shed and bulkhead and construct a new single-car garage and basement access enclosure, construct a wheelchair access ramp, and construct a third-floor dormer matching the existing roof height of 37'6" (30' permitted), increasing the lot coverage from 51% to 58% (45% allowed). **(Continue to 8/26/2024)**
12. *App. #2024-Jul-012 PETITION OF FLEURY PROPERTIES, LLC, applicant and owner, **7 Champlin Street**, TAP 23, Lot 110, (R-10A Zone) for special use permits and a dimensional variance to construct a recessed balcony within the existing roofline which is non-conforming to the height limit, removal of an existing gazebo and shed and construction of a below-grade patio and in-ground pool, increasing the lot coverage from 26.05% to 27.93% (21.37% allowed). **(Continue to 8/26/2024)**

*Indicates objection(s) to the application

X. Inactive Petitions & Appeals:

1. Appeals Awaiting Transcripts or Briefs:

- a. App. 2024-Appeal-003 APPEAL OF NEWPORT PM LLC, KAREN G. HARRIS 2003 LIVING TRUST, R. PERRY HARRIS LIVING TRUST, EDWARD W. KANE, and MARTHA J. WALLACE, appealing the decision of the Historic District Commission approving a Certificate of Appropriateness to construct a new single-family dwelling of William & Lisa Ruh, applying to the property located at **88 Washington Street**, Tax Assessor's Plat 12, Lot 046. **(Continue awaiting briefs)**

2. Petitions Pending Other Board Decisions (Continued Generally)

- a. *App #2024-Mar-006 PETITION OF A1 ROOFING & CONSTRUCTION, LLC, applicant and owner, **134-136 Spring Street**, TAP 24, Lot 163 (GB Zone), for a special use permit to construct a second-floor roof deck over a new first-floor addition. **(Continue, Pending HDC Review)**
- b. App. #2024-Jul-003 PETITION OF CHURCH OF JESUS SAVIOR OF NEWPORT, applicant and owner, **507 Broadway**, TAP 06, Lot 009-4, (R-10 Zone) for a variance to construct a twenty (20) space parking lot to serve the Jesus Savior Church, not located on the same lot as the church. **(Continue, Pending TRC Review)**

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 9:30 p.m. and will conclude all hearings at 10:00 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