

Posted 11/23/22

NEWPORT ZONING BOARD OF REVIEW MONDAY, November 28, 2022 – 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:

[April 25, 2022](#)

[July 25, 2022](#)

[September 26, 2022](#)

[October 13, 2022](#)

[October 24, 2022](#)

IV. Communications:

a. Action Items:

- i. Consideration of [Draft 2023 ZBR Meeting calendar](#)

V. Summary Calendar:

[App. #2022-Nov-004. PETITION OF CHRISTOPHER & MELISSA BOWLEY](#), applicants and owners; **42 Friendship St.**, TAP 11, Lot 737 (R-10 Zone), for a special use permit and a dimensional variance to install an HVAC unit approximately 1' from the side property line (10' required).

[Staff Report, November 23, 2022](#)

VI. Abbreviated Summary:

[App. #2022-May-15. PETITION OF THAMES NEWPORT, LLC.](#), applicant and owner; **282 Thames St.**, TAP 27, Lot 20, (GB zone); for a special use permit and a variance to the off-street parking requirements for permission to expand the deck and outdoor restaurant seating area and eliminate 1 off-street parking space, (41 off-street parking spaces required).

[Letter of Support, August 8, 2022](#)

[Staff Report, November 23, 2022](#)

[App. #2022-Aug-2. PETITION OF JAMES CROCKFORD](#), applicant and owner; **20 Spring St**, TAP 21, Lot 019-01, (R-10 zone, Historic overlay); for a special use permit and a variance to the dimensional requirements for permission to expand front entry way by 66 sq. ft. which will increase the lot coverage from 53% to 54%, (20% allowed).

[Staff Report, November 23, 2022](#)

[App. #2022-Aug-6. Amended PETITION OF MIRAMAR 646, LLC](#), owner; **0 Bellevue Ave, Yznaga Ave. and Yznaga Court**, TAP 38, Lot 003, 009, and 010. (R-60 zone, Historic overlay); for a special use permit and a variance to the dimensional requirements for permission to construct an inground pool, tennis court, tennis pavilion, and gate house as accessory structures, with existing encroachments into the front setback on Yznaga Avenue and Yznaga Court, once an administrative subdivision is reviewed and recorded to merge properties TAP 38, Lot 003, Lot 009, and Lot 010, which would increase the lot coverage from 9% to 11.3% (10% allowed).

[Staff Report, November 23, 2022](#)

[App. #2022-Oct-9. PETITION OF BEACON ROCK, LLC](#), applicant and owner; **147 Harrison Ave.**, TAP 41, Lot 001, (R-120 zone); for a special use permit and a variance to the dimensional requirements to replace a pergola located 29' from side property line (50' required) and replace in-ground pool located 24' from side property line (50' required).

[Staff Report, November 23, 2022](#)

[App. #2022-Nov-003. PETITION OF SUSAN & ALAN CLARK](#), applicants and owners; **6 Guerney Ct.**, TAP 12, Lot 194 (R-10 Zone, Historic Overlay), for a special use permit and a dimensional variance to demolish a one-story, 7'-5"x5'-11" rear portion of the house and two rear decks, and construct a new one-story, 20'-10"x9'5" rear addition and new deck, both located 5'-3" from the side property line (10' required), which decreases the lot coverage from 38% to 36% (20% allowed).

[Staff Report, November 23, 2022](#)

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. **(Continue to 1/3/2023 for Oral arguments)**

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 1/3/2023 to set briefing schedule)**

VIII. Full Hearings:

(* Indicates an objection to the application)

[App. #2022-Mar-14. PETITION OF LUKE FLEURY](#), applicant and owner; **5 Dresser St.**, TAP 31, Lot 012, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to relocate and reconstruct the existing garage and construct an inground pool which will increase the lot coverage from 15% to 24%, (20% allowed), and add a 2nd and 3rd floor deck.

[Staff Report, October 20, 2022](#)

*[App. #2022-Mar-22. Corrected PETITION OF JASON & SARAH ADAMS](#), applicants and owners of **9 Goodwin Street**. The Applicants are seeking a special use permit and dimensional variance in order to utilize an existing driveway as a parking space to provide for the expansion of an existing guest house use from 2 bedrooms to 3 bedrooms. The driveway is 12.5' in width (24' required), and uses the right of way for maneuvering (not allowed). The relief requested, if granted, would satisfy the requirement for one (1) parking space per one (1) bedroom. Applying to the property located at 9 Goodwin St., TAP 35, Lot 259 (WB Zone).

[Appellant Supplemental Letter, March 7, 2022](#)
[Public Comment – Combined](#)
[Staff Report, November 23, 2022](#)

*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 1/3/23 by request of the Applicant**)

*[App. #May-1. Corrected PETITION OF JOHN & ROBIN LIDINGTON](#), applicants and owners of **26 Mary Street**. The Applicants are seeking a dimensional variance to the off-street parking requirements for permission to provide for the expansion of an existing guest house from 2 bedrooms to 3 bedrooms. The variance requested would be for relief in the form of the requirement that the third (3rd) bedroom require an additional parking space, and the Applicants request permission to rent the third (3rd) bedroom without the third (3rd) parking space. Applying to the property located at 26 Mary St., TAP 24, Lot 92, (GB Zone).

[Public Comment – Combined](#)
[Staff Report, November 23, 2022](#)

*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 1/3/23 by request of the Applicant**)

*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). (**Continue to 1/3/23 by request of the Applicant**)

[App. #2022-Jun-6. PETITION OF CARPE NOCTEM REAL PROPERTY, LLC](#), applicant and owner; **105 Broadway**, TAP 21, Lot 196; for a special use permit for permission to convert the former retail/gas station into a commercial parking lot.

[Planning Board Memo, November 16, 2022](#)

[Staff Report, November 17, 2022](#)

[Supplemental Material – James Houle Report, November 22, 2022](#)

[Supplemental Material – Project Plans, November 22, 2022](#)

[Supplemental Material – Renderings, November 22, 2022](#)

[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).

[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](#)

*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). **(Continue to 1/3/23 by request of the Applicant)**

*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 1/3/23 by request of the Applicant)**

*[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).

[Letter of Objection, July 20, 2022](#)

[Staff Report, November 23, 2022](#)

[App. #2022-Jul-2. PETITION OF KBC REALTY](#), applicant and owner; **10 Fair St.**, TAP 27, Lot 430, **(LB zone, Historic Overlay)**; for a special use permit and a variance to the dimensional requirements for permission to construct a 178 sq. ft. deck that will increase the lot coverage from 49.45% to 59.57% (50% allowed).

[Staff Report, November 23, 2022](#)

*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 1/3/23**)

App. #2022-Oct-4. PETITION OF TIMOTHY CORBETT, applicant and owner; **40 Eastnor Rd.**, TAP 40, Lot 171, (R-10 zone); for a special use permit, a variance to the dimensional requirements, and a use 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 1/3/23**)

*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 1/3/23**)

*App. #2022-Oct-8. 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 26' and 46'-3" from front property lines (50' required), increasing lot coverage from 10% to 15% (10% allowed). (**Continue to 1/3/23**)

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).

*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 1/3/23**)

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 1/3/23**)

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 1/3/23**)

VI. Inactive Petitions & Appeals:

i Appeals Awaiting Transcripts or Briefs

None

ii Petitions Pending Other Board Decisions (Continued Generally)

*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). (**Pending HDC review**)

*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 1/3/22 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). (**Pending HDC review**)

*App #2022-May-5. PETITION OF RANDOLPH POMFRET, applicant and owner; **7 Hammond St.**, 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 4-bedroom guest house and provide 0 additional off-street parking spaces, (4 non-stacked off-street parking spaces which do not require the use of the public right of way to maneuver, required). (**Continue to 1/3/22 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)**

iii 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).

IX. 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

*Indicates an objection(s) to the application