

Posted 3/21/2024

NEWPORT ZONING BOARD OF REVIEW
Monday, March 25, 2024 – 6:00 P.M.

I. Call to Order

II. Roll Call and Determination of Quorum

III. Minutes:

1. January 22, 2024 Draft Minutes (Revised)
2. February 12, 2024 Draft Minutes

IV. Communications –

1. **Extension Requests** - None
2. **Withdrawal Requests** –
 - i. App #2024-Feb-004 – **88 Washington**
 - ii. App #2024-Feb-014 – **215 Gibbs**

V. Summary Calendar

1. App #2024-Mar-001 PETITION OF PETER KRONES, applicant and owner, **30 Thurston Avenue**, TAP 07, Lot 284 (R-10 Zone), for a variance from the requirement to underground utilities.
Application Materials, January 26, 2024
Staff Report, March 21, 2024
2. App #2024-Mar-002 PETITION OF WILLIAM & SHARI DAILEY, applicant and owner, **9 Ellery Road**, TAP 20, Lot 083 (R-10A Zone), for re-approval of a special use permit and dimensional variance, approved in 2021, to construct a second story addition located 3.3' from the east side property line (10' required).
Application Materials, February 6, 2024
Staff Report, March 21, 2024
3. App #2024-Mar-010 PETITION OF ALBERT GIRARD, J.R., applicant and owner, **9 County Street**, TAP 06, Lot 136 (R-10 Zone), for a special use permit and dimensional variances to construct a second-floor addition, located 8'-6" from the front property line (15' required), and a one-story sunroom addition and deck, increasing the lot coverage from 18% to 21.5% (20% allowed).
Application Materials, February 12, 2024
Staff Report, March 21, 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 4/22/2024 to allow re-advertising**)
2. App. #2024-Feb-013 PETITION OF CODYS INVESTMENTS, LLC, applicant and owner, **21 Catherine St**, TAP 25, Lot 066, (R-10 Zone, Historic Overlay) for a special use permit to reduce the size of a rear first-floor deck, alter the rear entrance, and install an in-ground splash pool, reducing the lot coverage from 26.8% to 26.1% (20% allowed).
Application Materials, January 16, 2024
Staff Report, February 22, 2024
Neighbor Agreement, unsigned, March 21, 2024
3. App #2024-Mar-003 PETITION OF NRI 104-108 GIRARD PARTNERSHIP, applicant and owner, **102-108 Girard Avenue**, TAP 03, Lot 011 (R-10 Zone), for a modification of an approved special use permit, originally approved for 24 dwellings in 4 buildings, which was reduced to 16 units in 3 buildings, which now seeks to modify to 18 units in the three buildings.
Application Materials, February 6, 2024
Staff Report, March 21, 2024
4. App #2024-Mar-009 PETITION OF CHARLES F. PATTAVINA, applicant and owner, **33 Poplar Street**, TAP 12, Lot 132 (R-10 Zone, Historic Overlay), for a special use permit and dimensional variance to construct second-floor dormers; the east side dormer would be located 11" from the side property line (3.6' required).
Application Materials, February 12, 2024
Substandard Lot Proportionality Calculations
Staff Report, March 21, 2024

VII. Appeals

None

VIII. Full Hearing Petitions to be Considered

1. *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). (**Continued from 2/26/2024**)
Application Materials, October 10, 2023
Supplemental – Site Survey, November 21, 2023

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- Supplemental – Landscape Plans, November 21, 2023
Public Comment – Combined, February 22, 2024
Staff Report, February 22, 2024
Supplemental – Revised Landscape Plan, March 18, 2024
Supplemental – Engineer Letter, March 18, 2024
Public Comment – Withdrawal of Objections, March 21, 2024
Supplemental Staff Report, March 21, 2024
2. *Amended App. #2023-Dec-002 PETITION OF JANN RAY MEDEIROS, applicant and owner, **0 Champlin Street**, TAP 23, Lot 003, (R-10 Zone), for a special use permit and dimensional variances to construct a new single-family dwelling with a height of 33’-6” (30’ allowed), increasing the lot coverage from 4.3% to 29.4% (20% allowed), and install two HVAC units located 4’ from the north (side) property line (10’ required).
Application Materials, October 23, 2023
Amended Application, December 11, 2023
Amended Application, February 20, 2024
Supplemental – Neighborhood Lot Coverage Comparison, February 21, 2024
Substandard Lot Proportionality Calculations – 0 Champlin Street
Staff Report, February 22, 2024
Supplemental Renderings, March 19, 2024
Supplemental Height Diagrams, March 19, 2024
Supplemental Building Elevation, March 19, 2024
Supplemental – Appraisal Report, March 21, 2024
Public Comment – Combined, March 21, 2024
3. *App. #2023-Jul-010 PETITION OF BAYCOAST BANK, applicant, LION CAPITAL, LLC, owner, **137 Broadway**, TAP 19, Lot 025, and **131-133 Broadway**, TAP 19, Lot 026 (GB Zone) to construct a new bank, requiring variances to provide 90 degree parking without the necessary 20-foot drive aisle, and proposing drive-thru ATMs, resulting in the stacking of vehicles that (1) hinders on-site traffic circulation; (2) obstructs any area required for the on-site maneuvering of vehicles, and (3) impinges upon designated parking spaces for persons with disabilities and the direct access from such parking spaces to the business entrance.
Application Materials, June 12, 2023
Amended Application, August 4, 2023
Supplemental Plan Set, January 23, 2024
Consent Judgement, January 23, 2024
Technical Review Committee Memorandum to ZBR, February 23, 2024
Executed Cross-Property Easement, March 4, 2024
Public Comment – Opposition, Combined March 21, 2024
Public Comment – Support, Combined March 21, 2024
Staff Report, March 21, 2024

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- *App. #2024-Feb-005 PETITION OF JOHN M. CURRAN IRREVOCABLE GRANTOR TRUST, applicant and owner, **62 Harrison Avenue**, TAP 41, Lot 185, (R-40 Zone) for a special use permit and dimensional variance to demolish an existing detached one-car garage and construct a new, attached 2-car, two-story garage, increasing the lot coverage from 27.7% to 33% (27.2% allowed).
Application Materials, January 5, 2024
Supplemental Plan Set, March 11, 2024
Supplemental Landscape Plan, March 11, 2024
Supplemental Revisions, March 11, 2024
Supplemental Stormwater Management Plan, March 11, 2024
Substandard Lot Proportionality Calculations
Public Comment – Combined March 21, 2024
Staff Report, March 21, 2024

*Indicates objection(s) to the application

IX. Full Hearing Petitions to be Continued

- *Amended App. #2023-Aug-007 PETITION OF 7 CHAMPLIN STREET REALTY, LLC, applicant and owner, **7 Champlin Street**, TAP 23, Lot 110, (R-10A Zone), for a special use permit and dimensional variances to demolish an existing detached garage and construct a new, attached two-story garage, and additions to the main house, including second floor addition to the south, third-floor dormer additions to the west and east which match the existing 41.6' non-conforming roof height (30' allowed), eliminate a second floor deck and enclose the porch to the north, and a special use permit to construct first and third floor decks to the east on a nonconforming property, increasing the lot coverage from 24.4% to 28.5% (21.37% allowed). **(Continue to 4/22/2024 by Request of the Applicant)**
- *Amended App. #2023-Dec-014 PETITION OF ISLAND DREAMS, LLC, applicant and owner, **17 Ayrault**, TAP 21, Lot 053, (R-10 Zone), for a special use permit and dimensional variances for alterations and a three-story addition to an existing legal non-conforming multi-family property (containing 4 units in the main building and a 5th unit constructed above the detached garage without approval), to expand the existing 4 units in the main building into the three-story addition, reaching 34' in height (30' permitted), increasing the lot coverage from 23.4% to 33.4% (20% allowed); a variance to density standards to legalize the 5th unit (maximum of 4 units permitted due to lot size); a variance to one parking space (9 provided where 10 are required); and a variance to the requirement for a two-way drive aisle on a multi-family property. **(Continue to 4/22/2024 by Request of the Applicant)**
- App. #2024-Feb-004 PETITION OF WILLIAM J. RUH TRUST, applicant and owner, **88 Washington Street**, TAP 12, Lot 046, (R-10 Zone) for a dimensional variance to construct a new single-family dwelling, increasing the lot coverage from 8% to 23% (20% allowed). **(Request to Withdraw without Prejudice)**

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4. *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). **(Continue to 4/22/2024)**
5. *App. #2024-Feb-011 PETITION OF AMER TAJ AND CHRYSANTHE TAJ, applicants and owners, **57 Marchant Street**, TAP 39, Lot 469, (R-10 Zone) for a special use permit and dimensional variance to construct a mudroom and two-story garage, increasing the lot coverage from 30.88% to 40.96% (30.84% allowed), and a special use permit to construct a second story deck on a non-conforming property. **(Continue to 4/22/2024)**
6. *App. #2024-Feb-012 PETITION OF SHANA B. SPEER, applicant and owner, **26 Tilley Avenue**, TAP 13, Lot 075, (R-10 Zone) for a special use permit and dimensional variances to reconstruct a dwelling significantly damaged by fire, including construction of new third floor dormers, located approximately 1.8' from the right (north) side property line (3' required), and construction of a three-story exterior stair system, and expanded first floor deck, increasing the lot coverage from 46.5% to 50%, (34% allowed), and a special use permit to construct first, second, and third-floor decks on a non-conforming property. **(Continue to 4/22/2024)**
7. *App. #2024-Feb-014 PETITION OF JEFFREY and SUSAN BARIL, applicants and owners, **215 Gibbs Avenue**, TAP 20, Lot 199, (R-10 Zone) for a special use permit and dimensional variances to construct a second story art studio over an existing detached garage, located 2 feet from the south side property line and 4'-6" from the west side property line (5.89' required). **(Request to Withdraw without Prejudice)**
8. *App #2024-Mar-005 PETITION OF 7 CARROLL AVE LLC, applicant and owner, **7 Carroll Avenue**, TAP 40, Lot 131 (LB Zone), for a special use permit and dimensional variances to convert two dwelling units to two guest house units with five (5) total bedrooms, requiring relief from one parking space (manager parking space partially located on the adjacent property), without providing the required 24-foot two-way drive aisle on the same property; and a variance to the on-site manager. **(Continue to 4/22/2024)**
9. *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 to 4/22/2024)**
10. 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). **(Continue to 4/22/2024)**

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11. 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 4/22/2024**)

*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). (**Approved through Unified Development Review by the 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).
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