

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, November 27, 2023, in the Council Chambers of City Hall, 43 Broadway at 6:30 p.m.

PRESENT: Sam Goldblatt, Chair
Wick Rudd, Vice Chair
David Riley
Bart Grimes
Nicole Shevory, Alternate

Girard Galvin, Assistant City Solicitor
Nicholas Armour, Zoning Officer

ABSENT: Russell Johnson, Secretary
Susan Perkins, Alternate

The following requests to withdraw without prejudice were considered and accepted:

- Appeal – 48 Everett St

D E C I S I O N S

A motion to adopt the staff reports, plans and applications as the Board's findings of fact on items listed below on the Summary Calendar section of the agenda was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

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).

A motion to approve the afore-mentioned summary item with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved. Staff to prepare the draft decision.

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).

A motion to approve the afore-mentioned summary item with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made

by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved. Staff to prepare the draft decision.

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).

A motion to approve the afore-mentioned summary item with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved. Staff to prepare the draft decision.

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).

A motion to approve the afore-mentioned summary item with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved. Staff to prepare the draft decision.

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).

A motion to approve the afore-mentioned summary item with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved. Staff to prepare the draft decision.

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).

A motion to approve the afore-mentioned summary item with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Riley. Ms. Shevory recused. The motion was unanimously approved. Staff to prepare the draft decision.

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%.

Owner Michael Creamer was present. The Board asked what the purpose of the 2nd floor deck is.

A motion to approve the afore-mentioned abbreviated summary item with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved. Staff to prepare the draft decision.

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).

Owner George Critz was present. There were no questions from the Board. A motion to approve the afore-mentioned abbreviated summary item with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved. Staff to prepare the draft decision.

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).

Owner Brenda Sousa-Moore was present. The Board asked clarification questions about the size of the garage.

A motion to approve the afore-mentioned abbreviated summary item with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved. Staff to prepare the draft decision.

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).

Owner Thomas Finn was present. There were no questions from the Board.

A motion to approve the afore-mentioned abbreviated summary item with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved. Staff to prepare the draft decision.

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).

The applicant was represented by Attorney Russell Jackson. There were no questions from the Board.

A motion to approve the afore-mentioned abbreviated summary item with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved. Attorney Jackson to prepare the draft decision.

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)**

The schedule of hearing the appeal at the January regular meeting was adopted.

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)**

The applicant was represented by Attorney Russell Jackson. Principal owner Keith Peterson, architect Ross Cann, and traffic expert Todd Brayton were also present. Objectors Lisa Lewis, Gilit Bitton, Alexa McLaughlin, Katie Morris, and Penelope Hunt were present. Board Member Rudd recused due to not being at the prior meeting.

The applicant has reduced the amount of relief initially requested. The applicant is no longer asking for a roof deck and has reduced the number of guest bedrooms to 3 beds. There are four parking spaces on the property for the 3 bedrooms and the manager. The applicant is now asking relief from only the commercial parking standards requiring a 24' access driveway and not backing out into the right-of-way.

Mr. Brayton and Mr. Houle provided testimony regarding the proposed parking situation and answered questions from the Board. Mr. Brayton stated that a mirror placed on the site could make backing out onto the road safer.

The Board opened the hearing for public comment. Lisa Lewis was concerned about the parking situation if the owners came to stay in the third unit at the same time that the two guest units were occupied, and stated that as a trained landscape architect she found the proposed parking configuration to be difficult and inadequate. Gilit Bitton stated that the proposed parking configuration would eliminate a street parking space. Alexa McLaughlin expressed concerns about the impacts of short-term rentals on neighborhood safety as visitors may not drive safely in a neighborhood with many children. Katie expressed similar safety concerns. Penelope Hunt asked that it be confirmed that the three units are considered to be one building.

A motion was made to approve the afore-mentioned full-hearing item, as amended by the applicant, with the conditions:

1. That the project be started and substantially completed within 12 months of the date of the decision;
2. That all outstanding invoices for abutter notification be paid prior to the recording of the decision;
3. That the owners will not occupy the building at the same time as the short-term rental guests;
4. That mirrors be installed in the parking area, if the mirrors would not render a denial from the Historic District Commission; and
5. That there be a house rule for guests addressing safety and parking.

Motion was moved by Mr. Rudd, seconded by Mr. Riley.

The Board discussed the petition. Mr. Grimes stated that parking is a city-wide issue, that he feels the applicants have listened by scaling back the project, and that the project is in line with the General Business area. Mr. Riley believes that, given the testimony of the traffic expert, the parking variance will not be injurious to the neighborhood. Ms. Shevory believes it would be hypocritical to not allow this short-term rental project given it is in the General Business zone. Mr. Goldblatt disagreed with the rest of the Board, stating that this area is a micro-neighborhood within the General Business zone and that there are commercial parking standards for short-term rentals for a reason. The motion passed with three Board members voting to approve, and Mr. Goldblatt voting to deny. Attorney Jackson to prepare the draft decision.

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)**

The applicant was represented by Attorney Josh Parks. Owners Sean Maloney and Margaret Chai Maloney, Architect Andrew Sarna, real estate expert Jim Houle were also present. Objector's representatives Attorney Jay Lynch representing the Newport Country Club and Attorney William Wynne representing abutter Nancy Auersperg were present.

The applicant proposes to build a 3-car garage and seeks dimensional relief for a 16' front setback. The main house is located in the front setback and the proposed location of the garage is where the traditional service entrance was located. Mr. Sarna reviewed the design of the proposed carriage house. The siting and design were approved by the HDC.

Mr. Lynch reviewed the layout of the existing dwelling and asked the applicant questions. Locating the garage on the west side of the house would require modifications to the historic library and master bedroom. The original garage was not large enough to fit a modern car. The Board asked clarification questions regarding the location and orientation of the proposed garage. The HDC wanted the garage to be located where it did not block the house. Mr. Houle reviewed the estate and testified that the hardship is the historic nature and layout of the property, and protecting existing trees.

Motion to continue the application to December 18th made by Mr. Rudd, seconded by Mr. Riley, all in favor.

All remaining Petitions were continued.

Meeting was adjourned at 10:24 pm.