

Minutes of the  
**Newport Zoning Board of Review**

A special meeting of the Zoning Board of Review was held on Monday, April 22, 2024, in the Council Chambers of City Hall, 43 Broadway at 6:00 p.m.

PRESENT: Wick Rudd, Vice Chair (Acting Chair)  
Russell Johnson, Secretary  
David Riley (Acting Vice Chair)  
Susan Perkins  
Nicole Shevory

Nicholas Armour, Zoning Officer  
Dylan Conley, Assistant City Solicitor

ABSENT: Bart Grimes

The following meeting minutes were considered and approved:

- January 22, 2024 Minutes (revised)
- February 12, 2024 Minutes
- February 16, 2024 Minutes
- March 25, 2024 Minutes

The following extension requests were considered and accepted:

- 282 Thames – 18-month extension

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

- 7 Champlin

**D E C I S I O N S**

App #2024-Apr-001 PETITION OF DAVID WARREN, applicant and owner, **44 East Bowery Street**, TAP 34, Lot 062 (R-10 Zone), for a variance from the requirement to underground utilities.

The applicant was present and there was no opposition. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App #2024-Apr-004 PETITION OF LOUIS & ALEXANDRIA ROSE, applicants and owners, **700 Bellevue Avenue**, TAP 38, Lot 079 (R-60 Zone, Historic Overlay), for a special use permit and

dimensional variance to remove an existing HVAC unit and install three new HVAC units in the same location, 14'-7" from the front property line (31' required) and to remove a non-original addition in the non-conforming front yard setback.

Attorney Tanner Jackson represented the applicants and there was no opposition. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App #2024-Apr-005 PETITION OF IAN C. NIELSON & LEAH STAATS, applicants and owners, **6 Xavier Terrace**, TAP 11, Lot 652 (R-10A Zone), for a special use permit to remove an existing rear deck, and construct a new rear deck and a new covered front porch, reducing the lot coverage from 31.6% to 31.5% (27.4% permitted)

Attorney Russell Jackson represented the applicants and there was no opposition. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Apr-002 PETITION OF KAREN McGUINNESS, TRUSTEE, applicant and owner, **172 Spring Street**, TAP 24, Lot 309, (GB Zone, Historic Overlay) for a dimensional variance to convert the existing single-family dwelling into a 4-bedroom guest house without providing additional on-site parking spaces (4 additional required); parking proposed to be leased off-site.

Application was moved to the end of the full hearing calendar due to last-minute objections, then continued to the May ZBR meeting.

App. #2024-Apr-003 PETITION OF MARK AND STACY GEDDIS, applicants and owners, **419 Broadway, Unit 5**, TAP 06, Lot 79, (R-10 Zone) for a modification to a previously-approved special use permit and dimensional variance to enlarge the approved 3rd floor unit deck, increasing the lot coverage from the approved 30% to 31% (20% permitted).

Applicant Stacy Geddis was present and there was no opposition. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision

or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Apr-006 PETITION OF MELISSA A. AND ROBERT F. HENRY, applicants and owners, **33 Bliss Road**, TAP 11, Lot 233 (R-10 Zone), for a retroactive variance to place an HVAC unit 11'-2 1/2" from the Whitwell Avenue front property line (20' required for accessory structures).

Applicant Melissa Henry was present and there was no opposition. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Ms. Perkins. The motion was unanimously approved. Staff to write the draft decision.

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).

Applicant Michael Curran and architect Sue Horwitz were present. Ricky Thompson and Susan Perry were present in objection. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the addition is not used as a short-term rental, that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Ms. Perkins. The motion was unanimously approved. Staff to write the draft decision.

Amended App. #2023-Dec-014 PETITION OF ISLAND DREAMS, LLC, applicant and owner, **17 Ayrault Street**, 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 5<sup>th</sup> 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 5<sup>th</sup> 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.

Mr. Armour read the revised project description: Amended application "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 5<sup>th</sup> unit constructed above the

detached garage without approval), including elimination of one of the dwelling units on the property. Proposed addition would reach a height of 34' where 30' is permitted and would increase the lot coverage from 23.4% to 26.82% where 20% is allowed." A variance to one parking space is no longer required.

Attorney Russell Jackson represented the applicant. Island Dreams, LLC principal Lenward Gatison II, architect Ross Cann, and real estate expert Jim Houle were present. Objectors John McCabe of 24 Ayrault and Colleen Hastings of 21 Ayrault were present. Exhibit 1 Stormwater Plan, Exhibit 2 Photos of the Property, and Exhibit 3 Houle Report were accepted. Mr. Houle was accepted as an expert.

In response to concerns from objectors and the Board, the applicant proposed amending the application to remove the third floor of the addition. Mr. Johnson made a motion to complete the application and make a vote on it this evening, seconded by Ms. Shevory. A roll call vote was taken and the motion passed 3-2, with Mr. Johnson, Mr. Rudd, and Mr. Riley voting to complete the application and Ms. Shevory and Ms. Perkins voting to continue it.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, supporting documents and testimony of the witnesses, including the exhibits, expert witnesses, and testimony from counsel, together with the comments that have been spread on the record by the Board members, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the lot coverage portion of the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Ms. Shevory.

The Board discussed the petition and a roll call vote was taken. The variance to lot coverage was denied with four Board members voting to deny and Mr. Riley voting to approve.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, supporting documents and testimony of the witnesses, including the exhibits, expert witnesses, and testimony from counsel, together with the comments that have been spread on the record by the Board members, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.109 Special Use Permits, Category 6 and that the special use permit portion of the petition for one of the four units to be above the garage be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, that all outstanding invoices for abutter notification be paid prior to the recording of the decision, that the window facing the rear abutter be opaque, seconded by Mr. Johnson.

The Board discussed the petition and a roll call vote was taken. The special use permit was granted with four Board members voting to approve and Mr. Riley voting to deny. Attorney Jackson to write the draft decision letter.

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).

This application was continued to the May ZBR meeting.

Corrected 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 matching the existing non-conforming height of 33'-0 3/8" (30' allowed), 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.

This application was continued to the May ZBR meeting.

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.

This application was continued to the May ZBR meeting.

All remaining Petitions were continued.

Meeting was adjourned at 10:01 pm.