

Minutes of the
Newport Zoning Board of Review

A special meeting of the Zoning Board of Review was held on Monday, May 20, 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)
Bart Grimes
Susan Perkins
Nicole Shevory

Nicholas Armour, Zoning Officer
Dylan Conley, Assistant City Solicitor

The following meeting minutes were considered and approved:

- April 22, 2024

The following extension requests were considered and accepted:

- 77 Bridge St – 12-month extension
- 75 Bridge St – 18-month extension

D E C I S I O N S

App. #2024-May-002 PETITION OF DAVID VREELAND & DR. DIANNE PANNES, applicants and owners, **36 Morton Avenue**, TAP 40, Lot 075, (R-10 zone) for a special use permit and dimensional variance to construct an in-ground pool, increasing the lot coverage from 23.42% to 25.4% (21.2% permitted).

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 Ms. Perkins. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-May-003 PETITION OF ESMOND HARMSWORTH, applicant and owner, **639 Bellevue Avenue**, TAP 38, Lot 005, (R-60 Zone, Historic Overlay) for special use permits for alterations to a non-conforming property by removing and replacing a sunroom addition and extending a second-floor roof deck on a non-conforming property over the allowable lot coverage.

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 Ms. Perkins. The motion was unanimously approved. Staff to write the draft decision.

App #2024-May-005 PETITION OF BEACON ROCK, LLC, applicant and owner, **147 Harrison Avenue**, TAP 41, Lot 001 (R-120 Zone; Historic Overlay), for a special use permit and dimensional variance to replace an existing in-ground pool with a new in-ground pool, located 28.24' from the side property line (50' required).

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 Ms. Perkins. The motion was unanimously approved. Staff to write the draft decision.

App #2024-May-006 PETITION OF NEWPORT ART MUSEUM, applicant and owner, **76 Bellevue Avenue**, TAP 26, Lot 040 (R-10 Zone, Historic Overlay), for variances to install a 20'-6" long by 2' high free-standing business sign, totaling 41 sq.ft. (4 sq.ft. allowed, and free-standing signs prohibited in Historic District).

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 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-May-001 PETITION OF FIREHOUSE STATION, LLC, applicant and owner, **118 Prospect Hill Street**, TAP 28, Lot 015 (R-3 Zone, Historic Overlay), for a dimensional variance to construct an in-ground pool, deck, and pool house, increasing the lot coverage from 40.6% to 50.3% (45% permitted).

No one was present to represent the application and there was no opposition or questions from the Board. 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 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-May-007 PETITION OF MICHAEL J. AND MARTHA A. PARUTA, applicants and owners, **34 Harrison Avenue**, TAP 41, Lot 067 (R-10 Zone), for special use permits and a dimensional variance to construct a one-story addition, new deck, and bulkhead, increasing the lot coverage from 34.6% to 42.2% (31% 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 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. Mr. Jackson to write the draft decision.

App #2024-May-008 PETITION OF JAMES & ANNE FLEET, applicants and owners, **33 Red Cross Avenue**, TAP 29, Lot 165 (R-10 Zone), for a special use permit and dimensional variances to construct an in-ground pool, increasing the lot coverage from 21.8% to 25.9% (20% permitted), and installing pool equipment 7' from the rear property line (10' required).

Attorney Matthew Leys represented the applicants and there was no opposition. Mr. Leys stated that a neighbor requested a condition that there be more screening on the southern lot line. 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 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 petitioners plant vegetative screening on the southern property line, 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. Mr. Leys to write the draft decision.

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).

Mr. Riley made a motion to continue the application to the June ZBR meeting, seconded by Ms. Perkins, all in favor.

App #2024-May-013 PETITION OF BRUCE & JANINE BROUSSARD, applicants and owners, **719 Bellevue Avenue**, TAP 38, Lot 020 (R-60 Zone, Historic Overlay), for a dimensional variance to

relocate three (3) condenser units and one (1) generator 2' from the west side property line (40' required).

Attorney Russell Jackson represented the applicants and there was no opposition. Engineer Chris Loftus was also present. 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 that the petition be granted with the conditions that the generator only be tested during business hours, 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. Mr. Jackson to write the draft decision.

App #2024-May-014 PETITION OF MARK MAROSITS & MAUREEN CRONIN MAROSITS, applicants and owners, **10 Harvard Street**, TAP 07, Lot 364 (R-10 Zone), for a special use permit and dimensional variances to construct a 37 sq.ft. 2-story addition and a 174 sq.ft. one-story sunroom addition, increasing the lot coverage from 31.7% to 36.8% (31.7% permitted), and install two condensers 3.33' from the side property line (4.15' required).

Mr. Riley recused. The applicants and architect Dan Herchenroether were present and there was no opposition. Mr. Johnson 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 driveway be pervious, 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 motion was unanimously approved. Staff to write the draft decision.

App #2024-May-015 PETITION OF DAN HERCHENROETHER, applicant and owner, **6 Record Street**, TAP 10, Lot 007 (R-10 Zone), for re-approval of a special use permit and dimensional variance approved in 2023 to construct a 2nd story laundry addition, and a 3rd floor dormer reaching a height of 32'-9" (30' permitted).

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 Ms. Perkins. The motion was unanimously approved. Staff to write the draft decision.

App 2024-Appeal-001 APPEAL OF WILLIAM F. VARR, III, VICTORIA A MORRO & CHRISTINE W. SMITH, TRUSTEE, from an Administrative Decision of the Newport Preservation Planner on the Certificate of Appropriateness Application of John & Kathleen Trentos, applying to the property located at **93 Second Street**, Tax Assessor's Plat 09, Lot 320. **(Set Briefing Schedule)**

Mr. Johnson made a motion to accept the briefing schedule, seconded by Mr. Riley. The motion was unanimously approved.

App 2024-Appeal-002 APPEAL OF WILLIAM F. VARR, III, VICTORIA A MORRO & CHRISTINE W. SMITH, TRUSTEE, from an Administrative Decision of the Newport Zoning Officer on the Zoning Modification Application of John & Kathleen Trentos, applying to the property located at **93 Second Street**, Tax Assessor's Plat 09, Lot 320. **(Set Briefing Schedule)**

Mr. Johnson made a motion to accept the briefing schedule, seconded by Mr. Riley. The motion was unanimously approved.

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.

Attorney Russell Jackson represented the applicants. Applicant Shanna Speer and architect Melissa Hutchinson were present. Abutter Charles Landers was present in objection. Mr. Jackson reviewed the amended application and stated that the proposed lot coverage would now be reduced to 46%.

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 windows on the north side dormers be frosted or have shutters, 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 Board discussed the petition and a roll call vote was taken. The motion was unanimously approved. Mr. Jackson to write the draft decision.

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.

Board Member Shevory and the City Solicitors recused. Attorney Russell Jackson represented the applicants. The applicants, real estate expert Jim Houle, and their architect were present. Six letters of objection including a land use report from Douglas McClain, and one letter of support were received. Three objectors who had submitted written testimony were present.

Mr. Jackson reviewed the most recent changes to the amended application. In response to Doug McClain's report, the revised design removed the Juliet balconies and large glass door panels, replacing the sliding doors with windows on the north side that matched the existing windows on the house, and altered the crossmember areas so that it cannot be habitable living area. The proposed lot coverage is now 38.8%. The applicants are agreeable to a condition that no plumbing be brought up to the loft as their goal is to use the area for dry storage only.

Exhibit 1 Photos of flooding were accepted. Jim Houle was accepted by the Board as a real estate expert. Exhibit 2 Houle Report and Exhibit 3 Supplement to Houle Report were accepted.

Mr. Riley made a motion to continue the application to the June ZBR meeting, seconded by Ms. Perkins. The motion was unanimously approved.

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.

Mr. Riley made a motion to continue the application to the June ZBR meeting, seconded by Ms. Perkins. The motion was unanimously approved.

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.

Mr. Riley made a motion to continue the application to the June ZBR meeting, seconded by Ms. Perkins. The motion was unanimously approved.

Amended App. #2024-Mar-004 PETITION OF HAZARD AVENUE REALTY, LLC, applicant and owner, **0 Coggeshall Avenue (2-4 Hazard Avenue)**, TAP 36, Lot 030-4, (R-60 Zone) for a special use permit and dimensional variances to legalize a third unit that was added to the property in the 1980s without approval of a special use permit, without meeting minimum lot size required for a multi-family dwelling, without providing any parking on the property (2 additional required).

Mr. Riley made a motion to continue the application to the June ZBR meeting, seconded by Ms. Perkins. The motion was unanimously approved.

App. #2024-May-010 PETITION OF TURNER C. SCOTT & KATHLEEN PRATT, applicants and owners, **5 Halidon Terrace**, TAP 42, Lot 24, (R-40 Zone) for a special use permit and variances to convert an existing accessory building to a second principal residential dwelling (one allowed per

lot) and construct a new two-car garage addition to this structure, located 3.2' from the west side property line (26' required).

Mr. Riley made a motion to continue the application to the June ZBR meeting, seconded by Ms. Perkins. The motion was unanimously approved.

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).

Mr. Riley made a motion to continue the application to the June ZBR meeting, seconded by Ms. Perkins. The motion was unanimously approved.

App #2024-May-017 PETITION OF SEACOAST MORTGAGE CORPORATION, applicant and owner, **425 Thames Street**, TAP 32, Lot 021 (Waterfront Business Zone), for a dimensional variance to convert an existing dwelling to a 2-room guest house, without providing the necessary parking (1 additional spaces required).

Mr. Riley made a motion to continue the application to the June ZBR meeting, seconded by Ms. Perkins. The motion was unanimously approved.

All remaining Petitions were continued.

Meeting was adjourned at 9:45 pm.