

Minutes of the
Newport Zoning Board of Review

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

PRESENT: Wick Rudd, Chair
David Riley, Vice Chair
Bart Grimes
Susan Perkins
Nicole Shevory

Nicholas Armour, Zoning Officer
Dylan Conley, Assistant City Solicitor

ABSENT: Russell Johnson, Secretary

The following meeting minutes were considered and approved:

- June 24, 2024
- July 15, 2024

D E C I S I O N S

App. #2024-Jul-004 PETITION OF ROBERT & KAROLYN FRAINE, applicants and owners, **9 Xavier Terrace**, TAP 11, Lot 656, (R-10A Zone) for a special use permit and dimensional variance to expand the front porch, increasing the lot coverage from 26.1% to 26.5% (24.3% allowed).

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-Jul-008 PETITION OF RICHARD HART, applicant and owner, **31 Prescott Hall Road**, TAP 09, Lot 313, (R-10 Zone) for a special use permit and dimensional variance to construct a two-story addition located 3'-6" from the north side property line (5' allowed).

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-Jun-016 PETITION OF 96 RI REALTY, LLC, applicant and owner, **96 Rhode Island Avenue**, TAP 23, Lot 051-4, (R-20 Zone, Historic Overlay) for a special use permit and dimensional variances to construct a one-story addition to the carriage house, located 2'6" from the north side property line (15' required), increasing the lot coverage from 14.9% to 16.1% (15% permitted).

This item was moved to the abbreviated summary calendar. Attorney Peter Regan represented the applicants and Attorney Matt Leys represented abutter Stone Gables, Inc at 100 Rhode Island Ave. The applicant and abutters agreed on a condition of approval that the parking plan would be as presented in Exhibit "A" Herk Works Site Plan. 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 parking plan shall be constructed as per Exhibit A, 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. Mr. Regan to write the draft decision.

App. #2024-Jun-015 PETITION OF THE BOYS CLUBS AND GIRLS CLUBS OF NEWPORT COUNTY, INC, applicants and owners, **0 Church Street/0 Mill Street (95 Church Street)**, TAP 24, Lot 337, TAP 25, Lot 079, and TAP 25, Lot 052, (R-3 Zone, Historic Overlay) for a special use permit to continue the operation of a Charitable Institution, and special use permits and dimensional variances to construct an addition with a 0' side setback (3' required), reaching a height of 39'-3" (30' permitted), reducing the lot coverage on lot -052 from 77.5% to 74.8% (45% permitted), reducing the parking by 3 spaces (where 20 additional spaces are required).

Attorney Peter Regan represented the applicant 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 2, and that the petition be granted with the conditions that the project be started and substantially completed within 24 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. Regan to write the draft decision.

App. #2024-Jul-007 PETITION OF MICHAEL DI PAOLA, applicant and owner, **12 Tyler Street**, TAP 19, Lot 048, (R-10 Zone) for dimensional variances to construct a new driveway to accommodate 5 cars without providing the necessary 24-foot two-way drive aisle, requiring backing out into the right-of-way, and stacking of vehicles (neither of which are permitted on a multi-family property).

Attorney Richard D'Adarrio represented the applicant 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. Shevory. The motion was unanimously approved. Mr. D'Adarrio to write the draft decision.

App. #2024-Jul-009 PETITION OF MELISSA ROSSMAN, applicant and owner, **59 Hall Avenue**, TAP 10, Lot 139, (R-10 Zone) for a special use permit and dimensional variance second-story rear addition located 1.83' from the north side property line (2.8' required).

The applicant and architect Dan Herchenroether were present. 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. Shevory. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Jul-010 PETITION OF LINDA MAHAR, applicant and owner, **10 Carroll Avenue**, TAP 40, Lot 121, (R-10 Zone) for a special use permit and dimensional variance to construct four third-floor dormers, matching the existing non-conforming roof height of 32'-4 1/2" (30' allowed).

The applicant and architect Dan Herchenroether were present. 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. Shevory. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Jul-011 PETITION OF JOHN PAUL & PATRICIA FULCO, applicants and owners, **48 Catherine Street**, TAP 22, Lot 118, (R-20 Zone; Historic Overlay) for special use permits and dimensional variance to construct a rear deck, increasing the lot coverage from 25.5% to 26.2% (19.4% allowed).

The applicants were 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. Shevory. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Jul-013 PETITION OF PAUL CONNERY AND KEELY FLYNN CONNERY, applicants and owners, **14 Annandale Road**, TAP 31, Lot 086, (R-10 Zone) for dimensional variances to install a generator 2' from the side and rear property lines (10' required for both).

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 generator only be tested between 9am and 5pm, 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-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).

Attorney Matt Leys represented the applicant. Architect Greg Yolanis and real estate expert Jim Houle were also present and were accepted as experts. One letter of objection was received. Mr. Yolanis and Mr. Houle spoke to the application Exhibit 1 Supplement to Houle Report and Exhibit 2 were accepted. Mr. Grimes asked a question about the stormwater conditions and proposed a condition that a stormwater management plan be submitted as part of the building permit.

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 a stormwater management report be submitted as part of the building permit, that the project be started and substantially completed within 18 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 motion was unanimously approved. Mr. Leys to write the draft decision.

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).

Attorney Dave Martland represented the applicant and there was no opposition. Exhibit 1 Proposed Parking at Malbone was accepted.

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 leased parking spaces at Malbone or another location within reasonable distance be provided, 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 motion was unanimously approved. Mr. Martland to write the draft decision.

Amended App #2024-Apr-007 PETITION OF 181 HONEYMAN AVE, LLC, applicant and owner, **36 & 38 Evarts Street**, TAP 09, Lot 043-4 (R-10 Zone), for special use permits and a dimensional variance to alter an existing non-conforming three-family dwelling by demolishing a detached garage, and constructing a three-story addition and dormers matching the existing height of the roof of 34'-9" (30' allowed), reducing the lot coverage from 35.72% to 35.64% (30% allowed), and variances to the commercial parking standards by not providing the 24-foot drive aisle required for two-way traffic and requiring reversing into the right-of-way (not permitted on a multi-family lot), and a variance to the requirement to underground utilities.

Attorney Russell Jackson represented the applicant. Honeyman Ave, LLC principal Edward Lanni, real estate expert Jim Houle, and objector Madeline Marquiss were present. Mr. Jackson presented an overview of the project and stated that they have satisfied the undergrounding of utilities requirement, so that variance is no longer required. The Board asked the applicant questions about the future use of the property and abutter Ms. Marquiss expressed concerns regarding noise and traffic.

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. Shevory. 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-Apr-010 PETITION OF BRONYA G. SHILLO, applicant and owner, **52 Berkeley Avenue**, TAP 34, Lot 104, (R-10 Zone) for a special use permit and dimensional variance to construct a one-car garage, a wrap-around porch and stairs, and construct a three-story addition matching the existing 36'-9" height of the building (30' allowed), increasing the lot coverage from 18.6% to 30.9% (23.34% allowed), and a special use permit to add a deck to a non-conforming property.

Attorney Peter Regan represented the applicant and there was no opposition. Real estate expert Jim Houle was also present. The Board expressed concerns regarding the proposed lot coverage and requested that the applicant revise the design.

The Board entertained a motion to continue the application to the August 26, 2024 meeting, seconded by Ms. Shevory. The motion was unanimously approved. Mr. Jackson to write the draft decision.

All remaining Petitions were continued.

Meeting was adjourned at 9:56 pm.