

Minutes of the
Newport Zoning Board of Review

A special meeting of the Zoning Board of Review was held on Monday, September 16, 2024, in the assembly hall of Innovate Newport, 513 Broadway at 6:00 p.m.

PRESENT: Wick Rudd, Chair
David Riley
Russell Johnson, Secretary
Nicole Shevory

Nicholas Armour, Zoning Officer
Dylan Conley, Assistant City Solicitor
Zachary Cabrera, Assistant Planner

ABSENT: Susan Perkins
Bart Grimes

D E C I S I O N S

App. #2024-Aug-008 PETITION OF NRI 104-108 GIRARD PARTNERSHIP, applicants and owners, 102-108 Girard Avenue, TAP 03, Lot 011, (R-10 Zone) for a special use permit and dimensional variances to construct four balconies and six AC units on the south side of Building 106, 2' from the side property line (10' required), and six AC units on the south side of Building 102, 2' from the side property line (10' required).

Attorney Jay Lynch represented the application on behalf of the applicant. Mr. Riley mentioned the fence is where it is, so AC units are on back side of the building.

Mr. Riley made a motion to approve and adopt as the Board's findings of fact the information in the staff report and application 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, 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. Attorney Lynch to write the draft decision.

App. 2024-Appeal-003 APPEAL OF NEWPORT PM LLC, KAREN G. HARRIS 2003 LIVING TRUST, R. PERRY HARRIS LIVING TRUST, EDWARD W. KANE, and MARTHA J. WALLACE, appealing the decision of the Historic District Commission approving a Certificate of Appropriateness to construct a new single-family dwelling of William & Lisa Ruh, applying to the property located at 88 Washington Street, Tax Assessor's Plat 12, Lot 046.

Attorney Jay Lynch represented the applicants. Attorney Joshua S. Parks represented appellants. Attorney Lynch motions to strike CRMC and RIHPHC reports. Attorney Parks mentions RI case is not

so simple and it is relevant, these documents were not in the record because they didn't exist prior to this meeting. Mr. Riley made a motion in favor of striking CRMC and RIHPHC reports, seconded Ms. Shevory. The board discussed the motions and a roll call vote was taken. The motion to strike was passed 3-1 with Mr. Rudd voting against.

The applicant and appellees were present. Mr. Riley made a motion to deny the appeal of the HDC decision in favor of the applicants, seconded by Ms. Shevory. The board discussed the appeal and a roll call vote was taken. The appeal was unanimously denied. Jay Lynch to write the draft decision.

*App. #2024-Jul-002 PETITION OF JOHN R. McCARTHY, applicant and owner, 19 South Baptist Street, TAP 32, Lot 186, (R-10 Zone) for a special use permit to permanently approve a Guest House, previously approved in 2023 with a two-year sunset clause.

Attorney Russell Jackson represented applicant. Applicant John McCarthy was present. Objector Stephanie Guinan was present. Applicant presented exhibit 1, aerial map of property and distance to Olga. Objector Stephanie Guinan presents exhibits A and B, pictures of lights. Board discussed options of another 2-year sunset clause, a 5-year sunset clause, or indefinite approval without sunset clause.

Mr. Riley made a motion to approve the application with the condition of a 5-year sunset clause and adopt as the Board's findings of fact the information in the staff report, application, and other documents and adopt as the Board's conclusions of law that the petitioner has met their burden of proof 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 called. The motion was unanimously approved. Russell Jackson to write the draft decision.

*App. #2024-Jul-005 PETITION OF CHRIS & KATHY VIEIRA, applicants and owners, 221-225 Spring Street, Unit 6, TAP 27, Lot 054, (GB Zone; Historic Overlay) for a dimensional variance to convert a residential dwelling unit to a Guest House without providing additional parking spaces (2 additional spaces required).

Applicants and objector Lynn Sanzo were present. Zoning Board heard testimony from the applicant, discussed initial merits of the application, and raised concerns with the lack of parking or an off-site parking arrangement. Mr. Rudd made a motion to continue the application to the October 28, 2024 Zoning Board of Review Meeting, seconded by Mr. Johnson. The board discussed the petition and a roll call vote was called. The continuance was approved unanimously.

Meeting was adjourned at 9:19 pm.