

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

A regular meeting of the Zoning Board of Review was held on Monday, October 28, 2024, in the Auditorium of Pell Elementary School, 35 Dexter at 6:30 p.m.

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

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

ABSENT: Susan Perkins

The following meeting minutes were considered and approved:

- September 16, 2024 – Approved 4-0, Mr. Grimes was absent.
- September 23, 2024

The following requests for an extension were considered and approved:

- 87 Spring St. request to withdraw application was approved.
- Special meetings on November 18, 2024 and December 29, 2024 were unanimously approved.
- 0 Spring St. and 7 Coddington Wharf both moved from full hearings to abbreviated summary, approved unanimously by the board.

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

App. #2024-Oct-001 PETITION OF CHRISTOPHER P. & ANNE LOFTUS, applicants and owners, **9 Aborn Street**, TAP 11, Lot 557 (R-10A Zone) for a special use permit to alter the existing non-conforming lot coverage (reducing from 31.2% to 30.5%, where 30% is 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 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 17.109 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-Oct-002 PETITION OF JEFFERY & ASHLEY WEINZWEIG, applicants and owners, **1 Narragansett Avenue**, TAP 40, Lot 001 (R-10 Zone), for a special use permit and dimensional variance to construct an expanded front porch with roof overhang, increasing the lot coverage from 21.79% to 22.16% (20.38% 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 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, 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.

Amended App. #2023-Dec-006 PETITION OF CLINTON COX, applicant and owner, **493-495 Broadway**, TAP 06, Lot 345, (R-10 Zone) for dimensional variances to construct an accessory shed in the rear yard, located 2' from the north (side) and east (rear) property lines (4.87' 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, substandard lot proportionality calculation, 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 seven aforementioned agreed upon conditions, and 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. Jackson to write the draft decision.

App. #2024-Oct-004 PETITION OF HEATHER L. KETCHAM, applicant and owner, **28 Houston Avenue**, TAP 39, Lot 115, (R-10 Zone) for special use permits and a dimensional variance to construct a second-story deck, located 2.2' from the side property line (3' required).

Attorney Peter Regan 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, 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 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. Regan 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).

Attorney Peter Regan represented the applicants and there was no opposition. Attorney Tanner Jackson was present, representing an objector. Objector agreed to remove objection if applicants test condenser units for sound, and if the sound is above reasonable levels, sound mitigation devices will be installed. Mr. Regan and the applicant were amenable to the condition.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and other documents, and the condition that sound mitigation devices will be installed if condenser noise is above reasonable levels, 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. Shevory. The motion was unanimously approved. Mr. Regan to write the draft decision.

App. #2024-Sept-003 PETITION OF MATTHEW DOHERTY, applicant and owner, **7 Coddington Wharf**, TAP 32, Lot 216, (WB Zone) for dimensional variance to convert a one-bedroom guest house to a three-bedroom guest house, without providing additional parking (2 additional spaces required).

Attorney Tanner Jackson represented the applicants and there was no opposition. Mr. Riley proposed a condition of approval that a signed parking lease agreement be provided to the Zoning Officer each. The applicant and Mr. Jackson were amenable to this condition.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and other documents, and the condition that a signed parking lease agreement be provided to the Zoning Officer each year, 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. Shevory. The motion was unanimously approved. Mr. 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 (1 additional space required). **(Continued from 9/16/2024)**

Attorney Mike Monti represented the applicants, and the applicants were present. Objector Lynn Sanzo was present. Applicant Chris Vieira says that a lease agreement for one dedicated parking space has been executed with the Elks. Mr. Riley said he would like to see a lease agreement reflecting that the dedicated parking space is for unit 6 at 221-225 Spring St. Objector Lynn Sanzo says her concern is that the parking space is not guaranteed by the Elks. Mr. Vieira clarifies that if there is an issue, it can be brought to the attention of the Zoning Officer for enforcement.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, and application, and on the condition that the applicant provides the Zoning Officer with a yearly lease for one parking space at the Elks, 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. Shevory. The board discussed the petition and a roll call was taken. The motion was unanimously approved. Mr. Monti to write the draft decision.

App. #2024-Sept-005 PETITION OF BARBARA PEDRO, TRUSTEE, applicant and owner, **15 Keeher Avenue**, TAP 11, Lot 441, (R-10A Zone) for a permanent extension to a previously-approved special use permit to operate a dog daycare out of the residence as a home occupation.

Attorney Russell Jackson represented the applicant, Barbara Pedro. Applicant was present and there was no opposition in audience. Mr. Johnson clarified that the applicant is seeking to remove 2-year sunset clause, but retain the original condition of approval by the board that the Special Use Permit only remains with this owner.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and other documents, and on the condition that this Special Use Permit stay with this owner, 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 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 was taken. The motion was unanimously approved. Mr. Jackson to write the draft decision.

App. #2024-Sept-008 PETITION OF WESLEY PROPERTIES & HOLDINGS, LLC, applicant and owner, **111 Kay Street**, TAP 20, Lot 176, (R-10A Zone) for special use permits to add a rear second floor roof deck and a third-floor balcony on a non-conforming property.

Attorney Russell represented the applicant, Sean Wesley. Applicant was present and objector Mr. Valante was present. Exhibit 1, photograph and exhibit 2, letter of support was entered into the record and accepted by the board. Mr. Jackson clarifies that the two decks will be accessed from bedrooms and not common rooms. Architect Mark Rapp went through the design process, and Jim Houle submitted his architectural report to the board. Objector Mr. Valante makes a point that this house is much higher than all other houses, so it elevates the house substantially. Mr. Valante was concerned with the decks and the use of the decks.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and other documents, and the conditions that a 6 foot solid fence placed on South and East property line, a 12-15 foot maple tree be installed, berm installed on South and East of property, and drywell installed at driveway, 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 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 was taken. The motion was unanimously approved. Mr. Jackson to write the draft decision.

Meeting was adjourned at 9:42 pm.