

Minutes of the
Newport Zoning Board of Review

A regular meeting of the Zoning Board of Review was held on Monday, November 25, 2024, in the Auditorium of Innovate Newport, 513 Broadway at 6:00 p.m.

PRESENT: Wick Rudd, Chair
David Riley, Vice Chair
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:

- Monday, October 28, 2024.
- Monday November 18, 2024.

The following items were considered and re-ordered by the board:

- 96 Kay Street was pulled from the summary calendar and moved to the full hearing calendar.

D E C I S I O N S

App. #2024-Nov-013 PETITION OF JOSEPH MITCHELL, applicant and owner, **359 Spring Street**, TAP 32, Lot 089-4, (R-10 Zone) for re-approval of a special use permit and variance to the dimensional requirements to demolish and reconstruct a cupola reaching a height of 36'-7" (30' limit).

Applicant Joseph Mitchell 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 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-Nov-014 PETITION OF TIM SPILLANE, applicant and owner, **3 La Salle Place**, TAP 09, Lot 136, (R-10 Zone; Historic Overlay) for a special use permit and variance to the dimensional requirements to construct a rear stair landing, increasing lot coverage from 43% to 44% (where 35% is permitted).

Applicant Tim Spillane 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 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-Nov-015 PETITION OF THOMAS OLIVEIRA, applicant and owner, **5 Bradford Avenue**, TAP 11, Lot 139 (R-10 Zone) for special use permits and variance to the dimensional requirements to demolish an existing detached shed, front porch, and rear deck, and construction of a new covered front porch and rear addition, maintaining the lot coverage of 36.9% (where 32.6% is permitted).

Applicant Thomas Oliveira 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 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.

A pp. #2024-Nov-017 PETITION OF JESSICA GUARDADO AND BRETT MACALUSO, applicants and owners, **16 Bacheller Street**, TAP 35, Lot 050, (R-10 Zone) for a variance to the dimensional requirements to construct a front porch and a rear deck, increasing lot coverage from 18.9% to 24.6% (where 20% is permitted).

Applicants Jessica Guardado and Brett Macaluso 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 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. Shevory. The motion was unanimously approved. Staff to write the draft decision.

*App #2024-Nov-004 PETITION OF 424 & 624 THAMES STREET, LLC, applicant and owner, 624-626 Thames Street, TAP 35, Lot 123 (LB Zone), for a special use permit and dimensional variances to convert two dwelling units into two guest house units containing a total of five (5) bedrooms, without providing additional parking (2 additional spaces required), requiring reversing into the right-of-way (no maneuvering onto the public right-of-way permitted).

Attorney Joshua Parks represented the application. Attorney Parks requested a continuance of the application to the January 27, Zoning Board of Review meeting. Mr. Riley made a motion to continue the application to the January 27, Zoning Board of Review meeting, seconded by Nicole Shevory, the motion was unanimously approved.

*App. #2024-Oct-005 PETITION OF JAMES & CLAIRE HALL, applicants and owners, **5 Champlin Street**, TAP 23, Lot 018, (R-10 Zone, Historic Overlay) for a special use permit and dimensional variances to install a generator 3' from the south side property line (7.39' required), and install a hot tub, increasing the lot coverage from 38.75% to 39.45% (where 25.9% is permitted).

Attorney Russell Jackson represented the application. Attorney Russell Jackson requested to withdraw the application. Mr. Riley made a motion to withdraw the application

App. #2024-Nov-010 PETITION OF BRETT D. DAVENPORT, applicant and owner, **11 Oakwood Terrace**, TAP 26, Lot 076, (R-20 Zone; Historic Overlay) for dimensional variances to construct an in-ground pool, located 10' from the Rhode Island Avenue right-of-way (20' required), increasing the lot coverage from 16.4% to 19.9% (where 18.3% is permitted).

Applicant Brett D. Davenport was present. Mr. Riley asked about drainage of pool and the provisions for drainage. Mr. Davenport answered that he does not have a specific plan but they have shrubs they can water with this drainage but will discuss with the contractor.

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 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. Staff to write the draft decision.

App. #2024-Nov-011 PETITION OF PATRICK AND VALERIE KELLEY, applicants and owners, **57 Kay Street**, TAP 22, Lot 075, (R-10 Zone; Historic Overlay) for special use permit and dimensional variance to construct an in-ground pool, increasing the lot coverage from 26.1% to 28.9% (where 20% is permitted).

Mr. Grimes recused himself. Applicant Patrick Kelley was present and there was no opposition. Mr. Riley ask how Mr. Kelley how they plan on addressing pool drainage. Mr. Kelley answered that there is already a drainage pipe on the property.

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

App. #2024-Nov-016 PETITION OF ADRIAN PREZIOSO, applicant and owner, **24 Byrnes Street**, TAP 35, Lot 061 (R-10 Zone) for a special use permit and variance to the dimensional

requirement to raise the height of the second-floor walls and roof, the north side of which is located 2.1' from the side property line (where 3' is required).

Applicant Adrian Prezioso and Architect Dan Herchenroether 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 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 was taken. The motion was unanimously approved. Staff to write the draft decision.

*Amended 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, establishing a lot coverage of 43% (35.13% permitted), and special use permits to construct first, second, and third floor decks on a non-conforming property.

Applicants Andrew and Avani McHugh were present. Attorney Matt Landry represented the application. Attorney Peter Regan represented abutting objectors. Mr. Landry went through the project history and explained the verandas. Mr. Landry submits Jim Houle's report as exhibit 1 and Jim Houle's supplemental report as exhibit A. Abutting objector Lewis Gray questions how much living space exists on the third floor.

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 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 was taken. The board discussed the petition and a roll call was taken. The motion passed with 3 members voting in favor and 2 against. Mr. Grimes and Mr. Riley voted to deny the project. Mr. Landry to write the draft decision.

Meeting was adjourned at 8:45 pm.