

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, May 23, 2022, in the Council Chambers, City Hall, 43 Broadway at 6:30 p.m.

PRESENT: Sam Goldblatt, Chair
Russell Johnson, Secretary
David Riley
Bart Grimes
Wick Rudd, Vice-Chair
Susan Perkins, Alternate
Nicole Shevory, Alternate

Guy Weston, Zoning Officer
Girard Galvin, Assistant City Solicitor

ABSENT:

D E C I S I O N S

A motion to adopt the staff reports, plans and applications as the Board's findings of fact on items listed below on the Consent Summary section of the agenda was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved.

PETITION OF SEAN & EDITH McELROY, applicant and owner; for a special use permit for permission to construct a 32 sq. ft. and a 181 sq. ft. deck applying to the property located at 183 Eustis Ave., TAP 23, Lot 89, (R-20 zone).

PETITION OF ELIZABETH SMITH, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 16' x 20' kitchen addition and an 8' x 10' sunroom addition which will increase the lot coverage from 13% to 22%, (20% allowed), applying to the property located at 65 Tilden Ave., TAP 18, Lot 62, (R-10 zone).

PETITION OF ELISE HICKEY, applicant; ELMWAL ASSOCIATES, LLC, owner; NEWPORT POPCORN COMPANY, LLC., lessee, for a special use permit for permission to convert the existing retail space into a fast-food restaurant use applying to the property located at 12 Long Wharf Mall., TAP 17, Lot 332, (GB zone).

PETITION OF JOAN BARTRAM, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to reconstruct the front and rear

entry stairs and landings which will increase the lot coverage from 37% to 39%, (20% allowed), applying to the properties located at 27 Marsh St., TAP 16, Lot 211, (R-10 zone).

PETITION OF MURDOCH MATHESON, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to place an air conditioner condenser 3.5' from the north property line, (10' required), applying to the property located at 193 Coggeshall Ave., TAP 37, Lot 33, (R-10 zone).

A motion to approve the afore-mentioned consent items with the condition that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved.

A motion to approve the PETITION OF PAUL LASCHIAZZA, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 12' x 18' shed which will be located 3' from the north and east property lines, (10' required), and which will increase the lot coverage from 20% to 24%, (20% allowed), applying to the property located at 55 Second St., 12, Lot 192, (R-10 zone) was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, and all invoices due to the city be paid prior to recording the decision. Attorney Greg Fater is to prepare the decision for the Board's signature.

A motion to approve the PETITION OF ELIZABETH KILZI, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 200 sq. ft. rear living addition which will increase the lot coverage from 21% to 26%, (20% allowed), applying to the property located at 5 Bliss Rd., TAP 11, Lot 107, (R-10 zone) was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, and all invoices due to the city be paid prior to recording the decision.

A motion to approve the PETITION OF KATHLEEN FOLEY, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a sunroom on the existing second level deck and add a 7' x 12' deck addition which will increase the lot coverage from 26% to 28%, (20% allowed), applying to the property located at 9 Wilbur Ave., TAP 11, Lot 192, (R-10 zone) was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, and all invoices due to the city be paid prior to recording the decision.

A motion to approve the PETITION OF SCOTT & MARY ROBINS, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 123 sq. ft. dining room addition which will increase the lot coverage from 27% to 28%, (20% allowed), applying to the property located at 3 Greenough Pl., TAP 22, Lot

80, (R-10 zone) was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, and all invoices due to the city be paid prior to recording the decision. Attorney Tanner Jackson is to prepare the written decision for the Board's signature.

A motion to approve PETITION OF JOHN MCCARTHY, applicant and owner; for permission to use the first-floor dwelling for rentals of less than 30 days, (guesthouse use), with an aisle width of less than 20', (20" required), and a driveway width of less than 24', (24' required for 2-way traffic), applying to the property located at 19 South Baptist St., TAP 32, Lot 186, (R-10 zone) was made by Mr. Rudd, seconded by Mr. Johnson. The motion was approved upon a 4-1 vote, (Mr. Riley voting nay), with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, the applicant meet all conditions as outlined in the transmittal memo of the Planning Board, the approval is limited to 2 years from the date of the decision, all fire and building approvals be received, and all invoices due to the city be paid prior to recording the decision. Attorney J. Russell Jackson is to prepare the written decision for the Board's signature.

A motion to approve the PETITION OF GEORGE GRASSI, applicant and owner; for a special use permit and a variance to the off-street parking design standards for permission to install a 3rd off-street parking space requiring the use of the public right of way to maneuver, (use of public right of way not allowed), applying to the property located at 11 Atlantic Ave., TAP 40, Lot 214, (R-10 zone) was made by Mr. Rudd, seconded by Mr. Johnson. The motion was approved upon a 4-1 vote, (Mr. Goldblatt voting nay), with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, structure is not to be enclosed, and all invoices due to the city be paid prior to recording the decision.

A motion to approve the PETITION OF RUSSELL & BRENDA PEDRO for a special use permit for permission to offer occasional dog daycare and boarding as a home occupation use applying to the property located at 15 Keeher Ave., TAP 11, Lot 441, (R-10A zone) was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, the facility not be left unattended, the use ceases upon transfer of ownership, the approval be limited to 2 years, and all invoices due to the city be paid prior to recording the decision.

A motion to approve the PETITION OF JENNIFER RUFFNER, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing shed and construct a new 12' x 16.5' shed which will be located 4' from the east property line and 6' from the north property line, (both require a 10' setback), and which will increase the lot coverage from 25% to 30%, (20% allowed), applying to the property located at 1 Longwood Pl., TAP 10, Lot 205, (R-10 zone) was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved with the conditions the

project be started and substantially completed within (12) twelve months from the date of decision, and all invoices due to the city be paid prior to recording the decision.

A motion to approve the PETITION OF JOHN CRANSHAW, applicant and owner; for a variance to the dimensional requirements for permission to maintain overhead electric power lines, (underground electrical service required), applying to the property located at 32 & 34 Callender Ave., TAP 18, Lot 87, (R-10 zone) was made by Mr. Rudd, seconded by Mr. Johnson. The motion was approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, structure is not to be enclosed, and all invoices due to the city be paid prior to recording the decision. The motion was approved on a 4-1 vote, with Mr. Riley voting nay.

A motion to approve the PETITION OF THE WHARF PUB, LLC., applicant and owner; for a special use permit and a variance to the off-street parking requirements for permission to construct to expand the first floor of the restaurant by 60 sq. ft., add an 800 sq. ft. 2nd floor deck service area, and add a 90 sq. ft. 3rd floor view deck and provide 0 additional off-street parking spaces, (approximately 7 additional off-street parking spaces required), applying to the property located at 37 Bowen's Whf., (The Wharf Pub), TAP 24, Lot 356, (WB zone) was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved. Attorney J. Russell Jackson is to prepare the written decision for the Board's signature.

A motion to approve PETITION OF RED CROSS AVENUE, LLC, applicant and owner; for a variance to the dimensional requirements for permission to create a parcel with only 15,729 sq. ft., (20,000 sq. ft required), and which will have a side setback of 11', (15' required), applying to the property located at 30 Red Cross Ave. & 187 Rhode Island Ave., TAP 29, Lots 1 & 211, (R-20 zone) was made by Mr. Rudd, seconded by Mr. Johnson. The motion was unanimously approved. Attorney Peter Regan is to prepare the written decision for the Board's signature.

All other matters were continued as to the notations on the posted agenda.

Meeting adjourned.