

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

A meeting of the Zoning Board of Review was held on Monday, June 24, 2019, in the Council Chambers, City Hall, 43 Broadway at 7:00 p.m.

PRESENT: Chris Kirwin, Chair  
Chuck Allott, Vice Chair  
Robert Buzard, Secretary  
Bart Grimes  
Russell Johnson  
Wick Rudd

Guy Weston, Zoning Officer  
Girard Galvin, Assistant City Solicitor  
Nancy Caron, Stenographer, Allied Court Reporters

ABSENT: Heidi Blank

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

Upon a motion duly made and seconded, the minutes of May 28, 2019 were approved without comment.

The a motion to approve a request for an extension of 12 months for the PETITION OF JAMES DAY & SUSAN R. KING, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing attached garage and construct an inground pool which will be located 14.33' from the south property line, (40' required), applying to the property located on 443 Bellevue Ave., TAP 36, Lot 11, (R-60 zone) was made by Mr. Allott and seconded by Mr. Buzard. The motion was unanimously approved.

The PETITION OF KEITH J. MAYES III, applicant and owner; for a use variance for permission to convert the existing two family dwelling to a three family dwelling (1 dwelling unit allowed), applying to the property located at 6-8 Bedlow Ave, TAP 07, Lot 155, (R-10 zone) was withdrawn without prejudice.

Upon a motion duly made and seconded, the following petitions were identified for approval under the summary calendar:

PETITION OF GARY M. GILLIS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a rear 4' x 6' outdoor shower which will be located 5.5' from the west property line, (10' required), and 9' from the south property line, (20' required), and a 4' x 16' porch and stair addition which will be located 14' from the south property line, (20' required). Said additions to

which will increase lot coverage from 24% to 28%, (20% allowed), applying to the property located at 11 LaSalle Pl., TAP 9, Lot 137, (R-10 zone).

PETITION OF ERIC & SUSAN HERBST, applicants and owners; for a special use permit for permission to construct a 2-story 450 sq. ft. addition which will increase the lot coverage from 15% to 21%, (20% allowed), applying to the property located at 33 Keeher Ave., TAP 11, Lot 449, (R-10A).

PETITION OF BRENDA SOUSA, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish and rebuild the existing detached garage which is located 4' from the north and east property lines, (10' required), applying to the property located at 4 County St., TAP 6, Lot 151, (R-10 zone).

PETITION OF BEN'S CHILI DOGS, LLC, applicant and lessee; NEWPORT SHORE COMMERCIAL PROPERTIES, LLC, owner; for a special use permit for permission to convert 333 sq. ft. of retail space into a fast-food restaurant applying to the property located at 156 & 158 Broadway, Tax Assessor s Plat 14, Lot 105, (GB zone).

PETITION OF JENNIFER RUFFNER, applicant and owner; for a special use permit for permission to construct an 80 sq. ft. bathroom addition which will be located 11.4' from the east property line, (20' required), and a 100 sq. ft. living room addition both of which will increase the lot coverage from 25% to 28%, (20% allowed), applying to the property located at 1 Longwood Pl., TAP 10, Lot 205, (R-10).

PETITION OF PATRICK O'LEARY, applicant and owner; for a variance to the dimensional requirements for permission to add dormers to the third floor which will be located approximately 4' from the north property line, (10' required) applying to the property located at 15 Vaughn Ave., TAP 40, Lot 254, (R-10 zone).

PETITION OF CATHERINE QUINN, TRUSTEE, applicant; MARY C. QUINN REVOCABLE TRUST INDENTURE, owner; for a special use permit and a variance to the dimensional requirements for permission to add 60 sq. ft. of deck addition which will be located 5' from the south property line, (10' required), and which will increase the lot coverage from 24% to 25%, (20% allowed), applying to the property located at 15 Hope St. & 50 Powell Ave., TAP 11, Lot 68, (R-10 zone).

A motion adopting the staff report, application and plans as the Boards finding of facts for the petitions on the summary calendar was made by Mr. Allott and seconded by Mr. Buzard. The motion was unanimously approved.

A motion approving the petitions on the summary calendar was made by Mr. Allott and seconded by Mr. Buzard with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all invoices due to the City of Newport be paid prior to the recording of the decision. The motion was unanimously approved.

A motion to adopt the prior submitted application, plans, transcripts, and the staff report as the board's findings of fact for the 9. APPEAL OF MARGARET PALMER, appellant; 183 OLD BEACH ROAD, LLC, owner; appealing the zoning approval of building permit application dated December 21, 2016 for the construction of a single-family dwelling applying to the property located at 183 Old Beach Rd., TAP 30, Lot 72, (R-20 zone) was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved. A motion to approve the application with the condition the project be started and substantially completed within twelve (12) months of the date of the decision, and that all outstanding invoices relating to the cost of abutter notices be paid prior to the recording of the decision, was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved.

A motion to adopt the application, plans, the testimony of Matthew Pennino, owner and representations by Peter Regan, attorney, and the staff report as the board's findings of fact for the PETITION OF MATTHEW PENNINO, applicant and owner; for a variance to the dimensional requirements for permission demolish the existing garage and construct a 1379 s.f. single-family dwelling which will be located 5.1' from the east property line, (10' required), and which will increase the lot coverage from 18% to 28%, (20% allowed), applying to the property located at Dresser St., TAP 31, Lot 29, (R-10 zone) was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved. A motion to approve the application with the condition the project be started and substantially completed within twelve (12) months of the date of the decision, and that all outstanding invoices relating to the cost of abutter notices be paid prior to the recording of the decision, was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved.

A motion to adopt the application, plans, the testimony of Judith Byrnes, and the staff report as the board's findings of fact for the PETITION OF JUDITH BYRNES, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place an air conditioning condenser 4' from the north property line, (10' required), applying to the property located at 15 Kay Blvd., TAP 11, Lot 256, (R-10A zone)) was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved. A motion to approve the application with the condition that all outstanding invoices relating to the cost of abutter notices be paid prior to the recording of the decision, was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved.

A motion to adopt the application, plans, the representation of J. Russell Jackson, attorney, and the staff report as the board's findings of fact for the PETITION OF NEWPORT LODGING, LLC, applicant and owner; for a special use permit and a regulatory variance for permission to convert the existing single family dwelling into a 3-bedroom guest house with a resident manager and provide 0 addition off-street parking spaces, (3 off-street parking spaces required), applying to the property located at 7 Annandale Road, TAP 29, Lot 040, (R-10 zone) was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved. A motion to approve the application with the condition the project be started and substantially completed within

twelve (12) months of the date of the decision, that all outstanding invoices relating to the cost of abutter notices be paid prior to the recording of the decision, and that the outdoor seating area conform to all city regulations pertaining to the maintaining of a sidewalk café was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved.

A motion to approve the amended PETITION OF ANDREW & AVANI McHUGH, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structure and construct a 3-story dwelling with a 211 sq. ft. rooftop deck. Said dwelling will be located 2 6' from the west property line and 7' from the east property line, (10' required), 2 5' from the south property line, (20' required), 8.2' from the front property line, (15' required), and which will increase the lot coverage 40.29% to 66 43.2%, (20% allowed), applying to the property located at 2 Wheatland Ct., TAP 37 Lot 36-4, (R-10A zone) with the condition the project be started and substantially completed within twelve (12) months of the date of the decision, that all outstanding invoices relating to the cost of abutter notices be paid prior to the recording of the decision, was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously denied. Attorney Jeremiah Lynch represented the applicant. Attorney James Callahan represented the objector.

A motion to approve the PETITION OF ROPOLO FAMILY LLC, AND PASTA BEACH LLC., applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to convert the existing rear outdoor area into a 574 sq. ft. patio of customer service area and provide 0 additional off-street parking, (5 additional parking spaces required), applying to the property located at 136-138 Bellevue Ave., TAP 28, Lot 27-4, (GB zone) with the condition the project be started and substantially completed within twelve (12) months of the date of the decision, that all outstanding invoices relating to the cost of abutter notices be paid prior to the recording of the decision, and that if the 5 leased parking spaces currently behind the former restaurant a 7 Memorial Blvd. are no longer available, the approval becomes null and void was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved. Attorney Matt Leys represented the applicant. Ms. Karen Nash, abutter, was present to object.

A motion to adopt the application, plans, the testimony of Jeff Moniz, architect, and Joseph Poznick, applicant, and the staff report as the board's findings of fact for the PETITION OF JOSEPH POZNICK, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to remove an existing covered rear deck and construct a two story addition which will be located 2.9' from the north property line, (10' required) and, which will increase lot coverage from 37 % to 40%, (20% allowed), applying to the property located at 60 Houston Ave. TAP 39, Lot 135, (R-10 zone) was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved. A motion to approve the application with the condition the project be started and substantially completed within twelve (12) months of the date of the decision, that all outstanding invoices relating to the cost of abutter notices be paid prior to the recording of the decision, and that the existing roof overhang on the existing

detached garage be removed was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved.

The following petitions were continued to a regular meeting of July 22, 2019:

PETITION OF KELLY CORREIA & ROBIN BLATT-EISENGART, applicants and owners; for a special use permit and a variance to the off-street parking design standards to operate a 4 bedroom guest house and provide 7 stacked off-street parking spaces, (stacked spaces), not allowed), applying to the property located at 21 Bedlow Ave., TAP 7, Lot 453, (R-10 zone).

PETITION OF BRENDAN & MARGARET WALSH, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to raise the roof on the existing dwelling from 26' to 34', (30' allowed), applying to the property located at 5 Marchant St., TAP 39, Lot 464, (R-10 zone).

PETITION OF ANTHONY LORUSSO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to add a second story addition 12' by 23' with a 12' by 17'6" 3rd floor deck and a 1'6" by 6'7" bump out, which will be located 4' from the north property line, (15' required) and which will increase lot coverage from 23% to 30%, (20% allowed), applying to the property located at 37 Wellington Ave. TAP 39, Lot 137, (R-10 zone).

PETITION OF COLIN & AMANDA BARNETT, applicants and owners; for a special use permit for a special use permit for permission to use the 2nd dwelling unit as a guest house with the letting of two bedrooms to up to ten people applying to the property located at 1-3 Anthony Ct, TAP 41, Lot 25, (R-10 zone).

PETITION OF MALEK NAIT-DAOUD, applicant and owner for a special use permit and variance to the dimensional requirements for permission to install a 10' by 20', 2nd floor deck which will increase the lot coverage from 25% to 35%, (20% allowed), applying to the property located at 58 Berkeley Ave., TAP 34, Lot 119, (R-10 zone).

PETITION OF JOSEPH T. TAMBURO AND LAHNA SON-CUNDY, applicants and owners; for a special use permit for permission to an egress/deck 6' by 18' on the 2nd floor and a 3rd floor egress/deck applying to the property located at 219 Gibbs Ave, TAP 20, Lot 41, (R-10A zone).

PETITION OF JACK GULLISON, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to remove the existing rear stairs and construct a new addition and stairs which will be located approximately 7' from the west property line, (10' required), and new 3rd floor dormers which will be located 4.8' from the west property line, (10' required). Said additions to increase the lot coverage from 32% to 33%, (20% allowed), applying to the property located at 1 Peckham Ave., TAP7, Lot 100, (R-10 zone).

PETITION OF BRANDON PICO & DANIELLE McNAMARA, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to convert the existing two dwelling units into a guesthouse use for up to 10 people and provide 0 additional off-street parking spaces, (5 additional off-street parking spaces required), applying to the property located at 50 & 52 Marchant St., TAP 39, Lot 400, (R-10 zone).

PETITION OF SHANDON PROPERTIES, LLC, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish and rebuild the existing rear porch addition which will be located 4.4' from the west line, (10' required), and to modify the existing front porch which will be located 8.4' from the south property line, (15' required). Said additions to increase the lot coverage from 31% to 32%, (20% allowed), applying to the property located at 14 Ellery Rd., TAP 20, Lot 165, (R-10A zone).

The following petitions were continued to a regular meeting of August 26, 2019:

PETITION OF SALVE REGINA UNIVERSITY, applicant and owner; for a special use permit for permission to construct a 214 bed dormitory with a staff dwelling unit applying to the properties located at 23, 45, & 51 Shephard Ave. and 26 Lawrence Ave., 74 & 80 Victoria Ave., TAP 36, Lots 36, 96, 98, 102, 103 & 104, (R-60 zone).

PETITION OF SALVE REGINA UNIVERSITY, applicant and owner; for a special use permit for permission to construct a 196 bed dormitory with a staff dwelling unit applying to the properties located at 204, 206 & 218 Ruggles Ave. and Lawrence Ave., TAP 36, Lots 48, 49, 89, 111 & 126, (R-60 zone).

PETITION OF JAMES TENCHER, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 10' x 10' shed which will increase the lot coverage from 19% to 20%, (10% allowed), applying to the property located at 456 Bellevue Ave., TAP 36, Lot 16, (R-60 zone).

APPEAL OF SRU HOLDINGS, LLC & SALVE REGINA UNIVERSITY, appellants and owners; appealing the decision of the Historic District Commission denying a Certificate of Appropriateness for the design of a proposed new dormitory, Building "A" (a/k/a Watts Dormitory), TAP 36, Lots 36, 39, 98, 102, 103, 104, a/k/a 35, 45, 51 Shepard Ave., 26 Lawrence Ave., & 78, 80 Victoria Ave.

The following petition(s) were withdrawn without prejudice:

PETITION OF ANTHONY LORUSSO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to add a second story addition 12' by 23' with a 12' by 17'6" 3rd floor deck and a 1'6" by 6'7" bump out, which will be located 4' from the north property line, (15' required) and which will increase lot coverage from 23% to 30%, (20% allowed), applying to the property located at 37 Wellington Ave. TAP 39, Lot 137, (R-10 zone).