

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, July 22, 2019, in the Council Chambers, City Hall, 43 Broadway at 7:00 p.m.

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

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

ABSENT:

D E C I S I O N S

Upon a motion duly made and seconded, the minutes of June 24, 2019 were approved without comment.

The APPEAL OF SEALROCK, LLC, appellants; appealing the decision of the City of Newport administration in requiring the construct of a full street and appropriate utilities for a building on a mapped street, Damon St. was withdrawn as it was determined by the City Solicitor to be outside of the jurisdiction of the Board.

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

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).

PETITION OF DOUGLAS RICHLAND, LLC., applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a below grade basement entrance which will increase the lot coverage from 14% to 16%,

(10% allowed), applying to the property located at 3 Ella Ter., TAP 44, Lot 87, (R-40A 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 Ms. Blank and seconded by Mr. Buzard. The motion was unanimously approved.

A motion approving the petitions on the summary calendar was made by Ms. Blank 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, the testimony of the owner, and the staff report as the board's findings of fact for the PETITION OF MARY JANE MANN, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place a standby generator 6' from the north property line, (10' required), applying to the property located at 4 Holten Ave., TAP 11, Lot 630, (R-10A zone).was made by Ms. Blank, seconded by Mr. Buzard. The motion was unanimously approved. A motion to approve the application with the conditions the project be started and substantially completed within twelve (12) months of the date of the decision, that the testing of the unit be limited to Monday thru Friday, 9 am to 5 pm, and that all outstanding invoices relating to the cost of abutter notices be paid prior to the recording of the decision, was made by Ms. Blank, seconded by Mr. Buzard. The motion was unanimously approved.

A motion to adopt the application, plans, the testimony of the owner, and the staff report as the board's findings of fact for the PETITION OF KATHERINE ULLUCCI, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 7' x 16' rear deck and stairway addition which will be located 5' from the south property line, (10' required), and which will increase the lot coverage from 29% to 31%, (20% allowed), applying to the property located at 61 Marchant St., TAP 39, Lot 340, (R-10 zone) was made by Ms. Blank, seconded by Mr. Buzard. The motion was unanimously approved. A motion to approve the application with the conditions 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 Ms. Blank, seconded by Mr. Buzard. The motion was unanimously approved.

A motion to approve the 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) with the conditions 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 Ms. Blank, seconded by Mr. Buzard. The motion was unanimously denied. Attorney Jeremy Rix represented the applicant. Attorney Hannah Pfeiffer represented the objector and is to prepare the decision for the Boards signature.

A motion to adopt the application, plans, the testimony of Brendan Walsh, and the staff report as the board's findings of fact for the 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).was made by Ms. Blank, seconded by Mr. Buzard. The motion was unanimously approved. A motion to approve the application with the conditions 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 Ms. Blank, seconded by Mr. Buzard. The motion was unanimously approved. Attorney Jeremiah Lynch is to prepare the decision for the Board's decision.

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 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).

PETITITON 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).

Amended PETITION OF CHARTIER ASSOCIATES, LLC, applicants and owners; for a variance to the dimensional requirements for permission to construct a single family dwelling, which will be located 25' from the north property line, (40' required), and a detached cabana and an inground pool all of which will increase the lot coverage from 0% to 16.4%, (10% allowed), applying to the property located at 1 Chartier Cir., TAP 44, Lot 99, (R-40A 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 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.

PETITION OF ROBERT MITTLEMAN & JILL SOLOMAN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct an outdoor shower and an air conditioner condenser 5.25' from the south property line, (10' required), applying to the property located at 15 Bull St., TAP 21, Lot 49, (R-10 zone).

PETITION OF CHRISTINA CUSSIMANO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 188 sq. ft. rear landing and stair addition which will increase the lot coverage from 28% to 33%, (20% allowed), and to place 2 air conditioner condensers 6.7' from the north property line, (10' required), applying to the property located at 34 Roseneath Ave., TAP 39, Lot 434, (R-10 zone).

APPEAL OF FREDERICO SANTI & JOHN GACHER, appellants; appealing the decision of the Historic District Commission approving a Certificate of Appropriateness to construct an accessory structure applying to the property located at 166 Spring St., TAP 24, lot 225, (GB zone).

PETITION OF OLD FASHION WAY REALTY, LLC., applicant and owner; for a variance to the sign ordinance to erect to signs totaling 63 sq. ft., (4 sq. ft. in a residential district allowed) applying to the property locates at 195 Broadway, TAP 19, Lot 6, (R-10 zone).

PETITION OF JOSEPH & PATRICIA HELLER, applicants; PATRICIA HELLER REVOCABLE TRUST, owner; for a special use permit and a variance to the dimensional requirements for permission to place a heat pump 5.4' from the southwest property line, (10' required), applying to the property located at 9 Hope St., TAP 11, Lot 101, (R-10 zone).