

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, August 26, 2019, in the Council Chambers, City Hall, 43 Broadway at 7:00 p.m.

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

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

ABSENT: Robert Buzard

D E C I S I O N S

Upon a motion duly made and seconded, the minutes of July 22, 2019 were approved without comment.

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

PETITION OF ANTHONY & LYNNE REY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing garage and construct a new garage in the same location which is 6' from the west property line and 2' from the north property line, (10' required). Height of said garage to increase from 15' to 18.5' applying to property located at 31 Hunter Ave., TAP 20, Lot 70, (R-10A zone).

PETITION OF KEITH MAYES, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 3rd floor dormer which will be located 5' from the north property line, (10' required), applying to the property located at 25 Meikle Ave., TAP 40, Lot 390, (R-10 zone).

PETITION OF ALBERT & CATHERINE QUINN, applicants and owners, for a special use permit and a variance to the dimensional requirements for permission to construct a 16' x 8' 2nd floor deck with stairs which will increase the lot coverage from 20% to 26%, (20% allowed), applying to the property located at 44 Annandale Rd., TAP 31, Lot 50, (R-10 zone).

PETITION OF JANINA POMASKI, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to a 245 sq. ft. garage addition which will increase the lot coverage from 20% to 22%, (20% allowed), applying to the property located at 104 Kay Blvd., TAP 11, Lot 718, (R-10A zone).

PETITION OF AUDRAIN AUTOMOBILE MUSEUM, applicant and lessee; ARRIBELAV001, LLC., owner, for a variance to the sign ordinance for permission to place two “temporary” signs of 51 & 135 sq. ft. on the building, (12 sq. ft. allowed), applying to the property 222 Bellevue Ave., TAP 33, Lot 45, (GB zone).

PETITION OF INTERNATIONAL TENNIS HALL OF FAME, applicant and owner, for a variance to the sign ordinance for permission to place two “temporary” signs of 57 & 170 sq. ft. on the building, (12 sq. ft. allowed), applying to the property 186-202 Bellevue Ave., TAP 29, Lot 52, (GB 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. Allott. The motion was unanimously approved.

A motion approving the petitions on the summary calendar was made by Ms. Blank and seconded by Mr. Allott 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 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).was made by Ms. Blank, seconded by Mr. Allott. 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. Allott. 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 RONALD & RUTH CUDWORTH, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 16' x 22' addition, a 16' x 12' deck, and a 12' x 5' front entry, which will increase the lot coverage from 40% to 41%, (20% allowed), applying to the property located at 23 Eustis Ave., TAP 11, Lots 390 & 231, (R-10A zone) was made by Ms. Blank, seconded by Mr. Allott. 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. Allott. 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 WAYNE BEEBE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 655 sq. ft. living and porch addition which will be located 8.5' from the east property line, (10' required), 8.75' from the west property line, (15' required), and which will increase the lot coverage from 13% to 26%, (20% allowed), applying to the property located at 5 Caswell Ave., TAP 6, Lot 360, (R-10A zone) was made by Ms. Blank, seconded by Mr. Allott. 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. Allott. 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 RYAN ELLIS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 25' x 40' detached garage which will be located 7' from the east property line, (10' required), and which will increase the lot coverage from 15% to 22%, (20% allowed), applying to the property located at 70 Hall Ave., TAP 10, Lot 68, (R-10 zone) was made by Ms. Blank, seconded by Mr. Allott. 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, the garage be used for storage purposes only, 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. Allott. 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 DAVID SANTARPIA, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 14' x 28' inground pool, which will be located 6' from the south property line, (10' required), and to locate the pool equipment 2' from the east property line and 6' from the south property line, (10' required), applying to the property located at 5 Butler St., TAP 9, Lot 37, (R-10 zone) was made by Ms. Blank, seconded by Mr. Allott. 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, the variance be for the pool only, 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. Allott. 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 KELLY & GERRY MAUER,

applicants and owners; for a special use permit and a variance to the off-street parking requirements for permission to add a 40 sq. ft. addition to an existing detached shed which is located .5' from the northeast property line, (10' required), applying to the property located at 33 Tilden Ave., TAP 17, Lot 39, (R-10 zone) was made by Ms. Blank, seconded by Mr. Allott. 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. Allott. 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 JOHN ANDERSON, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to construct a 320, sq. ft. 1st floor deck 8.8' from the east property line, (10' required), and which will increase the lot coverage from 30% to 37%, (20% allowed), applying to the property located at 24 Heath St., TAP 14, Lot 158, (R-10 zone) was made by Ms. Blank, seconded by Mr. Allott. 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. Allott. The motion was unanimously approved.

A motion to approve the 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) 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. Allott. The motion was unanimously denied. Attorney Turner Scott represented the objector and is to prepare the decision for the Boards signature.

Ms. Blank leaves the meeting after announcing her retirement for the Board.

A motion to approve the 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) 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 Mr. Rudd, seconded by Mr. Allott. The motion was unanimously denied. Attorney Jeremiah Lynch represented the objector. Attorney Turner Scott represented the objector and is to prepare the decision for the Boards signature.

A motion to the 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).).was made by Ms. Blank, seconded by Mr. Allott. 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, that there be no home occupation guest use of renting 2 rooms, that there be no recreational use of the decks, was made by Mr. Rudd, seconded by Mr. Allott. The motion was unanimously approved. Attorney Turner Scott is to prepare the decision for the Board's decision.

The following petitions were continued to a regular meeting of September 23, 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).

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 14.4 %, (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 HARBOUR REALTY, LLC, applicant; HARBOUR REALTY, LLC., TOMORL, LLC., 20 WEST EXTENSION, LLC., WAITES WHARF REALTY ASSOCIATION, LLC., AND THOMAS B. ABRUZESE, owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structures and construct a 150-room transient guest facility, (91 rooms allowed), with a standard restaurant, banquet and wedding facilities, and provide 266 off-street parking spaces on a noncontiguous lot, (all off-street parking must be on the same lot as the use required), and to allow of use of public right of way to maneuver into and out of spaces, (Use of public right of way not allowed), applying to the property located on 0, 1, 16 & 25 Waite's Wharf, 23 Coddington Wharf, and 20 West Extension St., TAP 32, Lots 155, 267, 268, 272, 248, & 293, (WB zone). (Cont. to 10/28/19 pending review by the Planning Board and the Technical Review Committee)

PETITION OF PETER ARGUIMBAU, applicant and owner; for a variance to the off-street parking requirements for permission to let 2 guest house rooms as a "home occupation" and provide 0 additional off-street parking spaces, (2 additional off-street parking spaces required), applying to the property located at 267 Spring St., TAP 27, Lot 138, (R-3 zone).

PETITION OF JOHN & LORI CRIMMINS, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing detached garage/carriage house and construct a slightly larger structure which

will be located 1' from the south property line and which will increase the lot coverage from 22% to 23%, (20% allowed), applying to the property located at 43 Sherman St., TAP 21, Lot 118, (R-10 zone).

PETITION OF AUDREY GRIMES, applicant and owner; for a special use permit and a variance to the off-street parking requirements for permission to let 1 bedroom and provide 0 additional off-street parking space, (1 additional off-street parking space required), applying to the property located at 44 Everett St., TAP 22, Lot 18, (R-10 zone).

PETITION OF JUSTIN BURMAN, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to remove the existing front porch and construct a 25' x 8' porch which will be located 4' from the east property line and 3.75' from the west property line, (10' required), and which will increase the lot coverage from 49% to 54%, (20% allowed), applying to the property located at 10 Poplar St., TAP 17, Lot 305, (R-10 zone). (Cont. to 10/28/19 pending approval of the Historic District Commission)

PETITION OF ISLAND MOVING COMPANY, applicant; CITY OF NEWPORT, owner; for a special use permit and a variance to the off-street parking design standards for permission to demolish the former administration building and construct a new dance studio, (school of limited instruction), and provide off-street parking which will be located 5' from the south property line, (10' required), applying to the property located at 435 Broadway, TAP 6, Lot 11, (R-10 zone).

PETITION OF ISLAND MOVING COMPANY, applicant; CITY OF NEWPORT, owner; for a variance to the dimensional requirements for permission to demolish the former school building and subdivide the property into 5 parcels. Parcel B to be 9, 58 sq. ft., parcel C to be 9,124 sq. ft. and parcel D to be 9,003 sq. ft., (10,000 sq. ft. required). Lot width/frontage of parcels A, B & C, to be 14.66' and lot width/front of parcel D to be 41.07', (80' required), applying to the property located at 435 Broadway, TAP 6, Lot 11, (R-10 zone).