

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, September 23, 2019, in the Council Chambers, City Hall, 43 Broadway at 7:00 p.m.

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

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 August 28, 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 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 be located 3.5' from the north property line, (20' required), and 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).

PETITION OF FRANCES & ELIZABETH EARLY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a second floor addition which will be located 2.7' from the south and 10.5' from the west property lines, (15' required), applying to the property located at 4 Wilbur Ave., TAP 11, Lot 401, (R-10A zone).

PETITION OF DENNIS P. SULLIVAN, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to replace the existing 64 sq. ft. shed with a 112 sq. ft. shed which will be located 5' from the south property line, (10' required), and which will increase the lot coverage from 49% to 50%, (20%

allowed), applying to the property located at 34-36 Norman St., TAP 41, Lot 169, (R-10 zone).

PETITION OF SUZANNE OSWALD, applicant, DAVID PLATT, owner; for a special use permit and a variance to the dimensional requirements for permission to constructs a 8' x 10' garden shed which will be located 5' from the east property line, (10' required), and which will increase the lot coverage from 28% to 30%, (20% allowed), applying to the property located at 9 Elm St., TAP 17, Lot 11, (R-10 zone).

PETITION OF KIMBERLY PAQUETTE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to replace the existing shed with a 12' x 6.75' shed which will be located 6.5' from the west property line, (10' required), and which will increase the lot coverage from 33% to 35%, (20% allowed), applying to the property located at 54 Third St., TAP 12, Lot 54, (R-10 zone).

PETITION OF GARY BORGES, applicant and owner; for special use permit and a variance to the dimensional requirements for permission to construct a 10' x 14' deck which will increase the lot coverage from 21% to 23%, (20% allowed), applying to property located at 63 Malbone Rd., TAP 7, Lot 360, (R-10 zone).

PETITION OF STEPHEN BRADY, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to add a second floor addition which will be located 9' from the west property line, (10' required), and 15' from the south property line, (20' required), applying to the property located at 10 Maitland Ct., TAP 9, Lot 25, (R-10 zone).

PETITION OF MAUREEN O'DONOGHUE, applicant and owner; for a special use permit for permission to construct a 12.5' x 12.25', 3rd level deck applying to the property located at 38 Bellevue Ave., Unit #5, TAP 25, Lot 62-5, (GB zone).

PETITION OF EDWARD & RENEE DEROSIER, applicants and owners; for a special use permit for permission to construct a 5.33' x 9', 3rd level deck applying to the property located at 38 Bellevue Ave., Unit #7, TAP 25, Lot 62-7, (GB zone).

PETITION OF DENNIS & ROBIN LONGO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to remove the existing rear addition and construct 22' x 22', 2-story addition and a 14' x 17' deck. Said addition to be 4.5' from the south property line, (10' required), applying to the property located at 65 Roseneath Ave., TAP 39, Lot 296, (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.

The PETITION OF RICHARD GORDON, applicant; DEE A GORDON LLC., owner; for a variance to the dimensional requirements for permission to construct a single family dwelling which will be located 2' from the south property line, (15' required), and which will increase the lot coverage from 0% to 24%, (20% allowed), applying to the property located on Bridge St., TAP 16, Lot 053, (R-10 zone) and the PETITION OF RICHARD GORDON, applicant and owner; for a variance to the dimensional requirements for permission to construct a single family dwelling and a 16' x 30' inground pool which will be located 10.75' from the south property line, (15' required), and which will increase the lot coverage from 0% to 29%, (20% allowed), applying to the property located on Bridge St., TAP 16, Lot 052, (R-10 zone) were dismissed without prejudice.

A motion to adopt the prior submitted application, plans, the representations of Hannah Pfeiffer, attorney, and the staff report as the board's findings of fact for the 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) was made by Mr. Allott, 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 Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved.

A motion to adopt the application, plans, the representations of Rebecca McSweeney, attorney, and the staff report as the board's findings of fact for the PETITION OF PHILIP SCHMITT, applicant; BRI SA LLC, owner; for a special use permit and a variance to the dimensional requirements for permission to transfer 105 sq. ft. of land to abutting lot 236 creating a side setback of 2' on the north property line, (10' required), applying to the property located at 379 Spring St., TAP 32, Lot 109, (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 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 Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved.

A motion to adopt the application, plans, the testimony of the owners, and the staff report as the board's findings of fact for the PETITION OF NANCY & MARTIN SCHREIBER, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 3rd floor deck and dormer which

will be located 3.9' from the north property line, (10' required), applying to the property located at 6 Carrol Ave., TAP 40, Lot 127, (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 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 Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved.

A motion to sustain the 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) was made by Mr. Allott, seconded by Mr. Buzard. The motion was unanimously denied. Attorney Karen Benson represented the appellant. Attorney Matthew Leys represented the owners.

A motion to approve the 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) was made by Mr. Allott, 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, the variance be for the pool only, that the setback for the pool be 25' 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. Attorney Peter Regan represented the petitioner.

A motion to adopt the application, plans, and the staff report as the board's findings of fact for the 7. Amended 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 7.5' from the south property line, (10' required), applying to the property located at 15 Bull St., TAP 21, Lot 49, (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 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 Mr. Allott, seconded by Mr. Buzard. The motion was unanimously approved.

The 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) commenced and was continued to the meeting of October 28, 2019.

The following petitions were continued to a regular meeting of October 28, 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 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).

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 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).

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 room 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 room 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 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 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).

PETITION OF WARREN KATZ, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place a hot tub, outdoor kitchen, fire pit, and water feature, 3’ from the east property line, (10’ required), applying to the property located at 60 Old Beach Rd., TAP 26, Lot 83, (R-20 zone).

Amended PETITION OF MICHAEL HALE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a new bulkhead and a deck landing with stairs which will be located 8’ from the north property line, (10’ required) and which will increase the lot coverage from 20% to 21%, (20% allowed), applying to the property located at 25 Arnold Ave., TAP 7, Lot 553, (R-10 zone).

PETITION PAUL CONNERY & KEELY FLYNN CONNERY, applicants and owners; for permission to demolish the existing garage and construct a new master bedroom addition with a 16’ x 8’ connector which will be located 4’ from the north and 3’ from the east property lines, (10’ required), a 13’ x 9.5’ deck which will be located 0’ from the

north property line, (10' required), a new 12' x 20' garage, and a 16' x 23' deck all of which will increase the lot coverage from 22% to 35%, (20% allowed), applying to the property located at 14 Annandale Rd., TAP 31, Lot 86, (R-10 zone).