

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, September 26, 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
Nicole Shevory, Alternate
Wick Rudd, Vice-Chair
Susan Perkins, Alternate

Nick Armour, Acting Zoning Officer
Girard Galvin, Assistant City Solicitor
Patricia Reynolds, Planning and Economic Development Director

ABSENT: There were no members 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 CAROLINE DAVIS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 72 sq. ft. second-floor deck which will increase the lot coverage from 30% to 32%, (20% allowed), applying to the property located at **13 Holland St.**, TAP 35, Lot 18. (R-10 zone)

PETITION OF AJ PISANO, applicant and owner; for a variance to the dimensional requirements for permission to construct a new 2-story rear addition which will be located 11" from the north property line, (10' required), and which will increase the lot coverage from 20% to 25%, (20% allowed), applying to the property located at **55 Warner St.**, TAP 13, Lot 73. (R-10 zone)

PETITION OF KYLE COSTA, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to remove an existing rear deck and front landing and construct a new front porch with a second-floor deck which will be located 5.9' from the west property line, (10' required). Said project to reduce the lot coverage from 34% to 33%, (20% allowed), applying to the property located at **18 Young St.**, TAP 32, Lot 284. (R-10 zone)

PETITION OF JOAN SMITH, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish and rebuild an existing 2-garage which is located 3' from the east property line and 5' from the north property line, (10' required), and has a lot coverage of 45%, (20% allowed), applying to the property located at **14 Apthorp Ave**, TAP 07, Lot 180. (R-10 zone)

PETITION OF DIANE GUILLEMETTE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission construct a 103 sq. ft. deck and stair addition which will increase the lot coverage from 23% to 25%, (20% allowed), applying to the property located at **18 Canonicus Ave.**, TAP 07, Lot 233. (R-10 zone)

PETITION OF CHRISTOPHER SARRO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to replace and expand existing rear addition, located 3'9" from front property line (15' required), 3'-3" from northern and 7'-4" from southern side property line (10' required), increasing the lot coverage from 28.7% to 33.2% (20% allowed), applying to the property located at **13 Carroll Ave.**, TAP 40, Lot 277. (R-10 zone)

PETITION OF SIDNEY WAX, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish an existing 53 sq. ft. shed and construct a 72 sq. ft. shed located 3' from the side property line (10' required) and 4' from the rear property line (20' required), increasing the lot coverage from 29% to 29.4% (20% allowed), applying to the property located at **67 Ruggles Ave.**, TAP 41, Lot 215, (R-10A zone)

PETITION OF JOHN AND KATHLEEN WATTS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish and rebuild an existing front porch in its entirety, which is located 4'-6" from the front property line (15' required), and would increase lot coverage from 27% to 28%, (20% allowed), applying to the property located at **11 Gould St.**, TAP 14, Lot 070. (R-10 zone)

PETITION OF JESSICA LAWRENCE PHILLIPS & LAWRENCE SILVERSTEIN-PHILLIPS, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct an in-ground pool, which complies with setbacks, which would increase the lot coverage from 16% to 18.2% (15% allowed), applying to the property located at **108 Catherine St.**, TAP 23, Lot 154. (R-20 zone).

Chair Goldblatt recused from consideration of this application. The application was represented by Attorney Tanner Jackson.

PETITION OF TOWNSEND AND ERIN GODDARD, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 190 sq. ft. rear deck that will increase lot coverage from 20.1% to 23.8% (20% allowed) applying to the property located at **92 Carroll Ave.**, TAP 40, Lot 341. (R-10A zone)

PETITION OF LA FARGE RESTORATION FUND AT NEWPORT CONGRESSIONAL, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct an ADA-compliant ramp on north-side of building, increasing lot coverage from 59.11% to 61.77% (45% allowed), applying to the property located at **0 Spring Street & Pelham Street**, TAP 27, Lot 011. (R-3 zone). The application was represented by Attorney Michael Monti.

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 JACK R. AND KATHERINE ZINS, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to allow a minor subdivision to convey 200 sq. ft. of land area from Lot 58 to Lot 247, resulting in a reduction of from 8,435 sq. ft. to 8,236 sq. ft. (10,000 sq. ft. required), increase in lot coverage from 32.2% to 33.1% (20% allowed), and reduction from 3.2' side setback to 0.2' (10' required), applying to the properties located at **65-67 Bridge Street**, TAP 16, Lot 58, (R-10 zone) and **13 Second St.**, TAP 16, Lot 247. (R-10 zone). The application was represented by Attorney Michael Monti (representing the owners of 65-67 Bridge Street, Jack and Katherine Zins. James and Rachel Cross, the owners of 13 Second Street were not present. 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 Monti will draft the decision for this Petition.

A motion to approve PETITION OF CHASTELLUX NEWPORT, LLC, applicant and owner; for permission to construct a new inground pool and surround terrace which will be located 64.8' from the east property line, (75' required), and 43.8' from the west property line, (50' required), and which will increase the lot coverage from 7% to 10%, (8 allowed), applying to the property located at **21 Chastellux Ave.**, TAP 42, Lot 36, (R-120 zone). There was no opposition submitted to this application. The application was represented by Attorney Peter Regan. 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 area of the parcel subjected to lot coverage relief shall not be used to support other structures without approval from the Zoning Board of Review, and all invoices due to the city be paid prior to recording the decision.

A motion to approve PETITION OF CARTER MARIO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a detached, 18' x 18', shed which will increase the lot coverage from 20% to 25%, (20% allowed), applying to the property located at **398 Spring St.**, TAP 32, Lot 169, (R-10 zone). The application was represented by Attorney J. Russell Jackson. The motion was unanimously approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, all invoices due to the city

be paid prior to recording the decision, that the use of the shed be restricted to storage only, and that no living space will be allowed. The applicants, Mary and Carter Mario were present and consented to these conditions. Attorney Jackson will draft the decision.

A motion to approve the revised PETITION OF BRIAN CUNHA, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a second floor living addition which will be located 48.9' from the north property line, (75' required), add an expanded rear deck, an in-ground pool and a eliminating a proposed raised terrace from the application. Eliminating this area reduced the proposed lot coverage from 11% to 7.9% (8% allowed), applying to the property located at **4 Highland Pl.**, TAP 41, Lot 315, (R-120 zone). The application was represented by the property owner Brian Cunha. The project architect, Greg Yolandis, was also present. 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 surface area around the pool be constructed of permeable material, to the extent practicable, and all invoices due to the city be paid prior to recording the decision. Attorney Cunha will draft the decision.

A motion to approve the PETITION OF DANIEL MCGREGOR, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to add a 552 sq. ft. second floor bedroom suite to existing garage, located 5' from the north property line (10' required), with lot coverage of 23.3% (20% allowed), applying to the property located at **4 Cliff Ave.**, TAP 31, Lot 075. (R-10 zone). The property owner, Mr. Daniel McGregor and the project designer, Robert Moran, were present to represent the application. 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 WAYNE AND LAURA GLAZIER, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to install a generator that will be located within a side setback, and will increase the lot coverage from 33.49% to 33.68% (20% allowed), applying to the property located at **42 Rhode Island Ave.**, TAP 11, Lot 335. (R-10 zone). The application was represented by Attorney Tanner Jackson. Laura Glazier, the property owner was also present. The motion was unanimously approved with the conditions the project be started and substantially completed within (12) twelve months from the date of decision, all testing of pool equipment be conducted during standard business hours, Monday through Friday from 9am to 5pm, that the pool will not be used after 9 pm, and all invoices due to the city be paid prior to recording the decision. The applicant agreed to these conditions. Attorney Tanner Jackson will draft the decision.

A motion to approve PETITION OF DENNIS & ROSEANNE WILLIAMS, applicants and owners; for a special use permit for permission to construct a fully-compliant deck extension to a second-floor deck that is currently located within a side yard setback, construct two new shed dormers on the north elevation and construct an in-ground pool, on a property that is non-conforming to lot size, applying to the property located at **0**

Ridge Road, TAP 44, Lot 135. (R-120 zone). Dennis Williams, the property owner and applicant and the project architect, Andrew Sarna represented the application. The applicant withdrew consideration of the in-ground pool from the application. This change negated the need for relief from lot coverage. This application was modified to include only the construction of the two new shed dormers on the north elevation. 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 applicant apply for a street number address assignment through the City Engineering Department, and all invoices due to the city be paid prior to recording the decision. The applicant agreed to these conditions.

A motion to approve the PETITION OF AUDRAIN AUTOMOBILE MUSEUM, INC; applicant; ARC HTNEWRI001, owner; for a modification of an approved special use permit for permission to modify said approval and permit 2 special events for Motor Week on September 29 and September 30, 2022 applying to the property located at **2 Kay St.**, TAP 21, Lot 123, (R-10 zone). The application was represented by attorney J. Russell Jackson. John Boxer, the General Council for the applicant was present. The report prepared by Paige Bronk, Planning Expert, was accepted as Exhibit 1. The motion was unanimously approved with the conditions, that the modification to the Special Use Permit be approved for the current year, 2022, and all invoices due to the city be paid prior to recording the decision. Attorney J. Russell Jackson will draft the decision.

A motion to approve the amended PETITION (submitted on September 13, 2022), OF CARLOS RODRIGUES, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 2nd and 3rd floor deck/stairway system which will increase the lot coverage from 29% to 35%, (20% allowed). The conversion of the second dwelling into a 4-bedroom guesthouse was eliminated in the amended Petition applying to the property located at **20 Summer St.**, TAP 10, Lot 6, (R-10 zone). The application was represented by Attorney Peter Regan and the Applicant/Owner Carlos Rodrigues. The Applicant has withdrawn the request for a Special Use permit for a Guest House Use. Christine Eschenheiser of 18 Malbone Road was present with questions about the parking layout and stated an objection to the proposed guest house use. 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 second floor deck be reduced in size, from 12'x16' to 12'x13' including the staircase, the third floor deck shall be only be constructed if required by code and be limited by the dimensions required by code for egress, the decks shall not be occupied after 10pm, the decks shall not be enclosed for living space, no guest house use shall be allowed on the property, and all invoices due to the city be paid prior to recording the decision. The applicant agreed to these conditions. Attorney Regan will draft the decision.

A motion to approve the PETITION OF THAO VU NGUYEN & DUONG EMTHANH applicants and owners; for a special use permit for permission to convert the existing 2-family dwelling into a 5-room guest house with a manager's dwelling unit applying to the property located at **22 Freebody St.**, TAP 33, Lot 56, (R-10 zone). The motion was

unanimously denied. The Board found that the applicant failed to provide evidence meeting required criteria for the granting of a special use permit. The application was represented by the applicant and property owner, Thao Vu Nguyen.

PETITION OF ERIC BELL, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct an 8'x26' front porch and stairway which will increase the lot coverage from 26% to 34% (20% allowed), located at 5' from both side property lines (10' required), applying to the property located at **12 Dartmouth Street**, TAP 10, Lot 142. (R-10 zone) was continued to the October 13, 2022 special meeting.

By a unanimous vote, the following requests were granted extensions to their approvals:

A six (6) month extension for Nikolai & Rachel Pawlenko - 1 Kyle Terrace, with the standard conditions of extension.

A twelve (12) month extension for Jerry Kirby – 0 Carroll Avenue, with the standard conditions of extension

The following applications were withdrawn/dismissed without prejudice:

PETITION OF LESLIE VARRECCHIA, applicant; PATRICIA VARRECCHIA, owner; for a special use permit and a variance to the dimensional requirements for permission to add a new set of a 2-story access stairway which will be located 2.2' from the north property line, (10' required), and which will increase the lot coverage from 20% to 22%, (20% allowed), applying to the property located at **14 Andrew St.**, TAP 40, Lot 385, (R-10A zone). **(Withdrawn 9/21/22)**

PETITION OF PETER GEISLER, et al., for a variance to the dimensional requirements for permission to install a 12' x 33' inground pool which will be located 3' from the south property line, (10' required), and which will increase the lot coverage from 20% to 23%, (20% allowed), applying to the property located at **60 Rhode Island Ave.**, TAP 20, Lot 219, (R-10 zone). **(WITHDRAWN 8/31/22)**

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

Meeting adjourned at 10:10pm.