

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

A meeting of the Zoning Board of Review was held on Monday, October 28, 2019, in the Council Chambers, City Hall, 43 Broadway at 7:00 p.m.

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

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 September 23, 2019 were continued to the November meeting.

A motion to grant an 18 month extension of approval to the PETITION OF NICKOLAI PAWLENKO, applicant and owner; for a variance to the dimensional requirements for permission to construct a 2-story detached garage which will be located 2' from the west property line, (15' required), and which will increase the lot coverage from 19% to 28%, (20% allowed), applying to the property located at 1 Kyle Ter., TAP 6, Lot 311, (R-10 zone) was made by Mr. Allott, seconded by Mr. Rudd. The motion was unanimously approved.

A motion to grant an 12 month extension of approval to the PETITION OF JEFFERY & ANNE FISCHER, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a new front porch which will be located 10' from the east property line, (15' required), which will increase the lot coverage from 21% to 24%, (20% allowed), applying to the property located at 137 Carrol Ave., TAP 41, Lot 245, (R-10 zone) was made by Mr. Allott, seconded by Mr. Rudd. The motion was unanimously approved.

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

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 OF THE CAREY FAMILY IRREVOCABLE TRUST 1985, JANE CAREY TRUSTEE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to transfer 5,566 sq. ft. of land to the abutting Lot 41 thus reducing lot to 37,833 sq. ft., (120,000 sq. ft. required), applying to the property located at 282 Ocean Ave., TAP 43, Lot 39, (R-120 zone).

PETITION OF WHALETAIL, LLC, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place a standby generator 6.5' from the west property line, (40' required), and 30' from the north property line, (50' required), applying to the property located at 479 Bellevue Ave., TAP 36, Lot 31, (R-60 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. Rudd. The motion was unanimously approved.

A motion approving the petitions on the summary calendar was made by Mr. Allott and seconded by Mr. Rudd 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 Robin Pearson, and the staff report as the board's findings of fact for the PETITION OF ROBIN PEARSON, applicant and owner; for a special use permit and a variance to the dimensional requirement for permission to replace an existing shed with a larger 10' x 14' shed which will be located 1' from the south property line and 2' from the east property line, (10' required), applying to the property located at 57 Kingston Ave., TAP 14, Lot 12, (R-10 zone) was made by Mr. Allott, seconded by Mr. Rudd. 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. Rudd. The motion was unanimously approved.

A motion to adopt the application, plans, the testimony David Menation, and the staff report as the board's findings of fact for the PETITION OF DAVID MENATIAN, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 8' x 14' shed which will be located 6' from the west property line, (10' required), and which will increase the lot coverage from 22% to 24%, (20% allowed), applying to the property located a 18 Admiral Kalbfus Rd., TAP 7, Lot 471, (R-

10 zone) was made by Mr. Allott, seconded by Mr. Rudd. 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. Rudd. The motion was unanimously approved.

A motion to adopt the application, plans, the representation of Turner Scott, attorney, and the staff report as the board's findings of fact for the PETITION OF THE RICCI FAMILY LLC, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct an inground pool and spa with equipment located 16' from the south property line, (50' required), and which will increase the lot coverage from 15% to 17%, (10% allowed), applying to the property located at 647 Bellevue Ave., TAP38, Lot 8, (R-60 zone) was made by Mr. Allott, seconded by Mr. Rudd. The motion was unanimously approved. A motion to approve the application with the conditions the project be started and substantially completed within eighteen (18) 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. Rudd. The motion was unanimously approved.

A motion to approve the 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., TAP 7, Lot 100, (R-10 zone) was made by Mr. Allott, seconded by Mr. Rudd. 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. Rudd. The motion was unanimously approved. Attorney Jeremiah Lynch represented the petitioner.

A motion to adopt the application, plans, the testimony of Jerrell Angell, and the staff report as the board's findings of fact for the PETITION OF JERRELL ANGELL, applicant and owner; for a special use permit and a variance to the dimensional requirement for permission to construct a new detached 1-1/2 story garage/studio which will be located 41.5' from the west property line, (75' required), applying to the property located at 8 Columbus Ave., TAP 42, Lot 40, (R-120 zone) was made by Mr. Allott, seconded by Mr. Rudd. 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 a Memorandum of Understanding be recorded, 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. Rudd. The motion was unanimously approved.

A motion to approve the PETITION OF ESMOND HARMSWORTH, applicant and owner; for a special use permit and a variance to the dimensional requirement for permission to demolish the existing single-story garage and replace it with a 2-1/2 story, 4 bedroom living area which will be located 5' from the north property line and 5' from the west property line, (20' required), and which will have a lot coverage of 13%, (10% allowed), applying to the property located at 639 Bellevue Ave., TAP 39, Lot 5, (R-60 zone) was made by Mr. Allott, seconded by Mr. Rudd. 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. Rudd. The motion was unanimously approved. Attorney Matthew Leys represented the petitioner.

The Amended 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 31% to 33 34%, (20% allowed), and to place 2 air conditioner condensers 6' 2" from the north property line, (10' required), applying to the property located at 34 Roseneath Ave., TAP 39, Lot 434, (R-10 zone) commenced and was continued to the meeting of November 25, 2019.

The following petitions were continued to a regular meeting of November 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).

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 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 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).

PETITION OF DAVID & LEE ANNE BOTELHO, applicants and owners; for a special use permit and a variance to the off-street parking requirements for permission convert the existing 2nd dwelling unit into a 1-bedroom guest house and provided additional off-street parking spaces, (2 additional off-street space required), applying to the property located at 20 Webster St., TAP 40, Lot 61, (R-10 zone).

PETITION OF LES HELMERS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 3rd floor addition which will be located 0' from the east property line, (3' required), applying to the property located at 28 Ann St., TAP 27, Lot 155, (R-3 zone).

PETITION OF L. ROSS SINCLAIR & DIANE KAZARIAN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structure and build a new single-family dwelling which will be located 22' from the east property line, (50' required), and 18.8' from the south property line, (40' required), and which will reduce the lot coverage from 17.8% to 17.7%, (10% allowed), applying to the property located at 40 Castle Hill Ave., TAP 44, Lot 92, (R-40A zone).

The following items were continued to a regular meeting of January 2, 2019:

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).

APPEAL OF RICHARD FISHER & PATRICIA MARVEL FISHER, appellants, ARC HTNEWRI001, LLC, owner; appealing the issuance of Building Permit #123153, Plumbing Permit #123516, and Electrical Permit #123514 applying to the property located at 2 Kay St., TAP 21, Lot 123, (R-10 zone) with briefs due to be submitted by December 10, 2019.

The Petition of Audrey Grimes located at 44 Everett Street was withdrawn without prejudice.