

01/19/21

*Telephone Access is available Toll Free by dialing: 1-888-788-0099 (Toll Free) or 1-833-548-0276 (Toll Free)
<https://us02web.zoom.us/j/84457330375> Meeting ID: 844 5733 0375 Passcode: 1639

NEWPORT ZONING BOARD OF REVIEW MONDAY, JANUARY 24, 2022 – 6:30 P.M.

THE MEETING WILL BE HELD REMOTELY IN COMPLIANCE WITH GOVERNOR MCKEE’S EXECUTIVE ORDER 22-01 “SUCH MEANS MAY INCLUDE, WITHOUT LIMITATION, PROVIDING PUBLIC ACCESS THROUGH TELEPHONE, INTERNET, OR SATELLITE ENABLED AUDIO OR VIDEO CONFERENCING OR ANY OTHER TECHNOLOGY THAT ENABLES THE PUBLIC TO CLEARLY FOLLOW THE PROCEEDINGS OF THE PUBLIC BODY WHILE THOSE ACTIVITIES ARE OCCURRING”.

The Zoning Board of Review will meet via the Zoom Platform. Public participation will also be available through remote means

AGENDA

I. Call to Order

II. Roll Call and Determination of Quorum

III. Consent Calendar:

PETITION OF KATE HAAKONSEN, TRUSTEE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place 2, wall hung, mini-split, air condenser units, 2.5' from the east property line, (10' required), applying to the property located at 7 South Baptist St., TAP 32, Lot 188, (R-10 zone).

IV. Abbreviated Summary:

PETITION OF PETER GEISLER, et als., 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).

V. Appeals:

*APPEAL OF WELOVENEWPORT, LLC, appellant, CLAYTON DEUTSCH, owner; appealing the decision of the zoning officer’s approval of Building Permit 123863 applying to the property at 2 Harbor View Dr., TAP 42, Lot 39, (R-120 zone). **(Continued to 02/28/21) (Appellant brief submitted, awaiting rebuttal brief)**

APPEAL OF FANTAIL ENTERPRISES, LLC, owner; appealing the interpretation of the Zoning Officer on the definition of a “guest house” use applying to the property located at 8 Franklin St., Units 1 & 2., TAP 27, Lot 48-1 & 2, (GB zone). **(Continued to 02/28/21)**

APPEAL OF KEVIN RINALDI-YOUNG, appellant and owner; appealing the decision of the Historic District Commission denial of elevate the existing structure to provide a garage at grade and making other changes to the building, applying to the property located at 5 Russo Ct., TAP 21, Lot 160, (R-3 zone). **(Decision Only)**

APPEAL OF MR. JASON PERKINS, appellant; NRI 12 GOODWIN ST PARTNERSHIP, owner; appealing the issuance of building permit #125985 applying to the property located at 12 Goodwin St., TAP 35, Lot 244, (WB zone). **(Continued to 02/28/21)**

APPEAL OF TIMOTHY & MAUREEN WEST, appellants and owners; appealing the decision of the Historic District Commission denying permission to replace a slate roof with an asphalt roof and remove existing dormers, applying to the property located at 45 Everett St., TAP 22, Lot 17, (R-10 zone). **(Continued to 02/28/21) (Appellant brief submitted, awaiting transcript)**

APPEAL OF VICTOR & CANDICE SANDMAN, owners; appealing the decision of the Historic District Commission denying permission to construct a second-floor addition applying to the property located at 15 Sherman St., TAP 21, Lot 46, (R-3 zone). **(Decision Only)**

*APPEAL OF NEWPORT PM, LLC, KAREB G. HARRIS 2003 LIVING TRUST, R. PERRY HARRIS 2003 LIVING TRUST, EDWARD W. KANE, AND MARTHA J. WALLACE, appellants; William and Lisa Ruh, owners; appealing the decision of the Historic District Commission giving conceptual approval “to restore the existing contributing structure, ... and the construction of a new two (2) story 4,380 square foot home, applying to the property located at 88 Washington Street, Plat 12, Lot 46. **(Continued to 02/28/21) (Appellant brief submitted, awaiting rebuttal brief)**

VI. Full Hearings:

*PETITION OF SALVE REGINA UNIVERSITY, applicant and owner; for a special use permit and approval of the Development Plan 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). **(Continued to 3/22 or 3/31/22)**

*PETITION OF SALVE REGINA UNIVERSITY, applicant and owner; for a special use permit and approval of the Development Plan 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). **(Continued to 3/22 or 3/31/22)**

VI. Full Hearings (cont.):

*Amended PETITION OF JEFFREY LIPSHIRES, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 1½-story addition and a second floor dormer addition to the existing detached garage which will be located 2.5’ from the south and 3’ from the east property line, (10’ required), which will increase the lot coverage from 21% to 26%, (20% allowed), applying to the property located at 45 Kay St., TAP 22, Lot 104, (R-10 zone).

PETITION OF JERRY KIRBY, applicant; KATHRYN KIRBY TRUST, owner; for a special use permit and a variance to the dimensional requirements for permission to add a 3-story master bedroom, kitchen, great room, and office addition and a second-floor deck all of which will increase the lot coverage from 11% to 16%, (10% allowed), applying to the property located at 20 Chartier Circle, TAP 44, Lot 58, (R-40A zone). **(Continue to 02/28/22)**

*PETITION OF MALEK NAIT-DAOUD & ASYA MUCHNICK, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to maintain a 3rd floor front deck which is located 5’ from the west property line, (10’ required), and maintain a 6’ by 6 storage shed which is located 3’ from the west and north property lines, (10’ required), and which increases the lot coverage from 34% to 35%, (20% allowed), applying to the property located at 58 Berkeley Ave., TAP 34, Lot 119, (R-10 zone).

*PETITION OF ALEXANDRA HEALY, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 6’ x 20’ front deck which will increase the lot coverage from 43% to 46%, (20% allowed), applying to the property located at 28 Hoppin Rd., TAP 6, Lot 308, (R-10 zone).

*PETITION OF JAY & ALEXANDRA MOULIGNE, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a detached, 2-story 30’ x 25’, 2-car garage which will increase the lot coverage from 17% to 32%, (20% allowed), applying to the property located at 115 Houston Ave., TAP 39, Lot 23-4, (R-10 zone).

*PETITION OF WILLIAM & LISA RUH, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a new single-family dwelling and add a deck to an existing structure both of which will increase the lot coverage from 8% to 28%, (20% allowed), applying to the property located at 88 Washington St., TAP 12, Lot 46, (R-10 zone). **(Continue to 02/28/22)**

*PETITION OF BRANDON PICO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to rent the second dwelling unit as a “guest house” and provide only 3 off-street parking space which require the use of the right of way to maneuver, (use of right of way not allowed), applying to the property located at 52 Marchant St., TAP 39, Lot 400, (R-10 zone). **(Continue to 02/24/22)**

*PETITION OF RANDI WALLCE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to convert the existing second floor of the detached garage from sleeping quarters into a guest house use applying to the property located at 22 Johnson Ct., TAP 13, Lot 51, (R-10 zone). **(Continue to 02/24/22)**

VI. Full Hearings (cont.):

PETITION OF PETER & JOHN FERRARO, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to maintain a 16' x 6.2' deck which increases the lot coverage from 78% to 81%, (20% allowed), applying to the property located at 1 Cypress St., TAP 9, Lot 354, (R-10 zone). **(Withdrawn)**

*PETITION OF L AND B ASSOCIATES, applicant; Swinburne Row Retail, LLC., owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 1,000 sq. ft. second floor deck and a 900 sq. ft. first floor bocce court dining area to the existing standard restaurant and provide 0 additional off-street parking spaces, (14 additional off-street parking spaces required), applying to the property located at 151 Swinburne Row, (The Stoneacre Restaurant), TAP 24, Lot 349-1, (GB zone). **(Continue to 02/24/22)**

*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 , 22' x 22', two-story garage with storage loft which will increase the lot coverage from 20% to 27%, (20% allowed), applying to the property located at 398 Spring St., TAP 32, Lot 169, (R-10 zone). **(Continue to 02/24/22)**

*PETITION OF JOHN MCCARTHY, applicant and owner; for permission to use the first-floor dwelling for rentals of less than 30 days, (guesthouse use), applying to the property located at 19 South Baptist St., TAP 32, Lot 186, (R-10 zone). **(Continue to 02/24/22)**

PETITION OF GEORGE GRASSI, applicant and owner; for a special use permit and a variance to the off-street parking design standards for permission to install a 3rd off-street parking space requiring the use of the public right of way to maneuver, (use of public right of way not allowed), applying to the property located at 11 Atlantic Ave., TAP 40, Lot 214, (R-10 zone). **(Continue to 02/28/22)**

PETITION OF SW 02-283 LLC, applicant and owner; for a special use permit for permission to modify the existing commercial parking lot applying to the property located at 9 Sayer's Whf., TAP 27, Lots 2 & 283, (WB zone). **(Continue to 02/28/22)**

PETITION OF THE MOORING, LTD. D/B/A SMOKEHOUSE, applicant; SW 244, LLC, owner; for a special use permit and a variance to the off-street parking requirements for permission to maintain an outdoor seating area of approximately 1,050 sq. ft. outdoor seating area and provide 0 additional off-street parking spaces, (7 additional off-street parking spaces required), applying to the property located at 31 Scott's Whf., (Smokehouse Café), TAP 27, Lot 244, (WB zone). **(Continue to 02/28/22)**

PETITION OF OLD FASHION REALTY, LLC. for a use variance for permission to convert the 1st floor space from a yoga studio/personal fitness center into a hair salon/barber shop, (retail services not allowed), applying to the property located at 195-197 Broadway, TAP 19, Lot 6, (R-10 zone). **(Continue to 02/28/22)**

VI. Full Hearings (cont.):

*PETITION OF RUSSELL & BRENDA PEDRO for a special use permit for permission to offer occasional dog daycare and boarding as a home occupation use applying to the property located at 15 Keeher Ave., TAP 11, Lot 441, (R-10A zone). **(Continue to 02/28/22)**

PETITION OF COLBEA ENTERPRISES, LLC., applicant and owner; for a special use permit for permission demolish the existing gas station, diner and warehouse building and construct a new gas station and car wash applying to the property located at 138 JT Connell Highway & 184-186 Admiral Kalbfus Rd., TAP 4, Lots 13-4 & 55, (CI zone). **(Continue to 02/28/22 pending Technical Review Committee and Planning Board review.)**

PETITION OF JENNIFER RUFFNER, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing shed and construct a new 12' x 16.5' shed which will be located 4' from the east property line and 6' from the north property line, (both require a 10' setback), and which will increase the lot coverage from 25% to 30%, (20% allowed), applying to the property located at 1 Longwood Pl., TAP 10, Lot 205, (R-10 zone).

*PETITION OF JOHN CRANSHAW, applicant and owner; for a variance to the dimensional requirements for permission to maintain overhead electric power lines, (underground electrical service required), applying to the property located at 32 & 34 Callender Ave., TAP 18, Lot 87, (R-10 zone). **(Continue to 02/28/22)**

*PETITION OF LAURA GILL, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to remove and reconfigure an existing rear 3-story landing and stairway system which will be located 2' from the east property line, (10' required), and which will increase the lot coverage from 58% to 59%, (20% allowed), applying to the property located at 38 Pope St., TAP 32, Lot 88, (R-10 zone). **(Continue to 02/24/22)**

*PETITION OF DENNIS ROTUNNO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to install 2 air conditioner condensers one of which will be located 6' from the east property line, (10' required), applying to the property located at 5 Sylvan St., TAP 33, Lot 95, (R-10 zone). **(Continue to 02/28/22)**

*PETITION OF BAYBERRY INN NEWPORT, LLC., applicant and owner; for a special use permit and a variance to the dimensional requirements for permission for renovate the existing rear entry by adding a 2nd and 3rd floor deck area which will increase the lot coverage from 24% to 25%, (20% allowed), applying to the property located at 20 Kay St., TAP 21, Lot 127, (R-10 zone). **(Continue to 02/24/22)**

VI. Full Hearings (cont.):

PETITION OF THE WHARF PUB, LLC., applicant and owner; for a special use permit and a variance to the off-street parking requirements for permission to construct to expand the first floor of the restaurant by 60 sq. ft., add an 800 sq. ft. 2nd floor deck service area, and add a 90 sq. ft. 3rd floor view deck and provide 0 additional off-street parking spaces, (approximately 7 additional off-street parking spaces required), applying to the property located at 37 Bowen’s Whf., (The Wharf Pub), TAP 24, Lot 356, (WB zone). **(Continue to 02/28/22)**

PETITION OF 527 HARBOR POINT LLC., applicant and owner; for a variance to the dimensional requirements for permission to construct a single-family dwelling, inground pool, and a pool house which will increase the lot coverage from 0 to 15%, (10% allowed), applying to the property located at 527 Ocean Ave., TAP 44, Lot 118, (R-40A zone). **(Continue to 02/28/22)**

PETITION OF ANN & STEPHEN QUARRY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 30.5’ x 20.5’ in-law dwelling, enlarge existing garage by 288 sq. ft., construct a deck between new dwelling and main house, and add a covered entry all of which will increase the lot coverage from 20% to 36%, (20% allowed), applying to the property located at 20 Toppa Blvd., TAP 11, Lot 625, (R-10A zone). **(Continue to 02/28/22)**

PETITION OF ROBERT DUFAULT, SR. applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 10’ x 12’ shed which will be located 5’ from the north property line, (10’ required), and a new covered front porch. Lot coverage of new shed and porch will increase from 23% to 28%, (20% allowed), applying to the property located at 26 Hoppin Rd., TAP 6, Lot 300, (R-10 zone). **(Withdrawn)**

PETITION OF CULLEN & MAGDALENA GUILMARTIN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 3rd floor dormer which will be located 7.83’ from the west property line, (10’ required), applying to the property located at 34. S. Baptist St., TAP 32, Lot 167, (R-10 zone). **(Continue to 02/28/22)**

PETITION OF CARLOS RODRIQUES, 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), applying to the property located at 20 Summer St., TAP 10, Lot 6, (R-10 zone). **(Continue to 02/28/22)**

PETITION OF LAWERENCE WEBER AND MARY GERDES, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to maintain a porch addition with a second-floor deck which increases the lot coverage from 55% to 63%, (50% allowed), applying to the property located at 600 Thames St., Unit 1, TAP 35, Lot 269-1, (LB zone). **(Continue to 02/28/22)**

PETITION OF JOHN DUFFY, applicant and owner; for a special use permit and a variance to the off-street parking design standards for permission to convert the 2nd dwelling into a 2-bedroom guesthouse use and provide 5 stacked off-street parking spaces, (stacked parking spaces not allowed), applying to the property located at 19 Bayview Ave., TAP 14, Lot 106, (R-10 zone). **(Continue to 02/28/22)**

VI. Full Hearings (cont.):

*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). **(Continue to 02/28/22)**

PETITION OF ROBERT WOLFE, applicant and owner, for a special use permit and variance to the dimensional requirements for permission to construct a 3rd floor dormer addition which will be located 8.2' from the east property line, (10' required), and a new rear stairway addition which will increase the lot coverage from 31% to 33%, (20% allowed), applying to the property located at 31 Bacheller St., TAP 35, Lot 62, (R-10 zone). **(Continue to 02/28/22)**

*PETITION OF MICHAEL & KAREN ASETTA, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 18.3' x 26' detached garage which will be located 3.5' from the west and north property lines, (10' required), and add a 23' x 10.5' rear addition to the existing dwelling which will be located 2.75' from the east property line, (10' required). Said garage and addition to increase the lot coverage from 20% to 26%, (20% allowed), applying to the property located at 27 Harrison Ave., TAP 40, Lot 106, (R-10 zone). **(Continue to 02/28/22)**

*PETITION OF SHELLEY MATHES, applicant and owner; for a special use permit and a variance to the dimensional requirement for permission to construct a rear in-law dwelling unit addition which will be located 6.5' from the east property line and which will increase the lot coverage from 28% to 32% applying to the property located at 6 Berkeley Ter., TAP 33, Lot 11, (R-10 zone). **(Continue to 02/28/22)**

PETITION OF ADAM MONTALBANO for permission to the existing dwelling unit into a 3-bedroom guesthouse with a resident manager and provide 0 additional off-street parking spaces, (3 additional off-street parking spaces required), applying to the property located at 16-18 Liberty St., Unit #1, TAP 26, Lot 49, (R-10 zone).**(Continue to 02/28/22)**

VII. Inactive Petitions:

*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).

VII. Inactive Petitions:

*PETITION OF BP REALTY, LLC, applicant and owner for a special use permit and variance to the dimensional requirements for permission to install a 14'2" by 7'6" retractable awning structure over the northern portion of the existing outdoor bar area which will be located 0' from the north property line, (5' required), applying to the property located at Banisters Wharf, DBA The Black Pearl, TAP 24, Lot 276, (WB zone).

VIII. Minutes:

November 8, 2021
November 22, 2021
January 3, 2022

IX. Communications:

None

a. Action Items:

i. Requests for Extension of Approval

None

ii. Decisions (Receive, review and sign)

None

iii. Motion to Rescind

Motion to Rescind the Special Use Permit approval to operate a guest house granted to 232 Spring Street, Tax Assessor's Plat 27, Lot 258. **(Continue to 02/28/22)**

X. Adjournment:

Please note:

Meetings begin promptly at the time posted and will not last for more than four (4) hours. The Board normally will take a short break after 1½ to 2 hours of hearings to re-access the agenda and their ability to reach the remaining items pending before it.

The Board will not entertain/begin a new petition after 10:00 p.m. and will conclude all hearings at 10:30 p.m. therefore some petitions cannot be heard due to these time constraints and will be continued to the next regular meeting date.

Please send any inquiry to Guy Weston, Zoning Officer, at gweston@cityofnewport.com or call (401) 845-5452

*Telephone Access is available Toll Free by dialing: 1-888-788-0099 (Toll Free) or 1-833-548-0276 (Toll Free)

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*Indicates an objection(s) to the application