

Revised  
5/19/21

\*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, May 24, 2021 – 6:30 P.M.**

**THE MEETING WILL BE HELD REMOTELY IN COMPLIANCE WITH GOVERNOR MCKEE’S EXECUTIVE ORDER 21-21. (b) “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. Minutes:**

**IV. Communications:**

Decision Memorandum from the Planning Board dated May 14, 2021 Re; Petition of KBC Realty, LLC, et als located at 86 Dr. Marcus F. Wheatland Blvd.

**Action Items:**

**Request for Extension of Approval**

**Decisions (Receive, review, and sign)**

**VI. Continued Petitions**

1. 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). **(Cont. to 7/13/21)**
2. 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). **(Cont. to 7/13/21)**
3. 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). **(Continued to June 28, 2021 pending Planning Board review and comment)**
4. 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). **(Cont. to 6/14/21)**
5. 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). **(Cont. to 6/14/21)**

6. PETITION OF WELOVENEWPORT, LLC, applicant and owner; for a variance to the dimensional requirements for permission to demolish the existing structure and construct a new 2-1/2 story, 18,000 sq. ft. single-family dwelling. Said dwelling to be located, 30' from the west property line, (50' required), and 50' from the east property line, (75' required). Total lot coverage of property to be increase from 8% to 13%, (8% allowed), applying to the property located at 1 Harborview Dr., TAP 42, Lot 10, (R-120 zone). **(Cont. to June 28, 2021 for scheduling)**
7. 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). **(Cont. to June 28, 2021 for scheduling)**
8. PETITITON 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). **(Cont. to 7/26/21)**
9. 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). **(Cont. to 6/28/21)**
10. Further amended PETITION OF JUAN & ALBA CAMPOS, applicants and owners; for special use permit and a variance to the dimensional and off-street parking design requirements for permission to demolish the existing garage and constructing a 2-story, 3rd dwelling unit addition, which will be located 10.5' from the east property line, (15' required), and to provide off-street parking with less than a 20' aisle, a driveway for 2-way traffic of less than 24', and less than 90 degree parking spaces, applying to the property located at 132 Evarts St., TAP 10, Lot 203, (R-10 zone).
11. 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). **(Cont. to 7/26/21)**
12. PETITION OF KEVIN & PATRICIA MEEHAN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct 3 new building each with 4 dwelling units and renovate the existing from 2 dwelling unit building, and convert the existing carriage house into a single dwelling for a total of 15 dwelling units, (one principle use per lot allowed), which will increase the lot coverage from 9% to 28%, (20% allowed), applying to the property located at 15 & 17 Sylvan St., TAP 33, Lot 36, (R-10 zone). **(Continued to June 28, 2021 pending Planning Board review and comment)**
13. 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 west property lines, (10' required), which will increase the lot coverage from 19% to 23%, (20% allowed), applying to the property located at 45 Kay St., TAP 22, Lot 104, (R-10 zone). **(Cont. to 6/28/21 for readvertisement.)**

14. PETITION OF ERIC PICARD, applicant and owner; for a special use permit and variance to the off-street parking requirements for permission to convert one of two existing dwelling units and a professional office into a 5-bedroom guest house and provide 5 off-street parking spaces, (7 off-street parking spaces required), applying to the property located at 37 Powell Ave., TAP 11, Lot 56, (R-10 zone).
15. PETITION OF DONALD OCCASO, applicant and owner; for a use variance for permission to convert the existing building from 2 dwelling units and a professional office into 3 dwelling units, (3 dwelling units not allowed), applying to the property located at 292 Broadway, TAP 14, Lot 23-4, (R-10 zone).
16. PETITION OF ANDREW & AVANI McHUGH, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structure and construct a 3-story dwelling which will be located 7' from the east property line and 7.5' from the west property line, (10' required), 5' from the south property line, (20' required), and which will have a lot coverage 40%, (20% allowed), applying to the property located at 2 Wheatland Ct., TAP 37 Lot 36-4, (R-10A zone).
17. 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). **(Cont. to 7/26/21)**
18. APPEAL OF DAVID ELWELL, appellant and owner; appealing the decision of the Historic District Commission denial of an application for the construction of a 23' x 26' attached garage, modification of the existing main entrance, the repairing and relocating of various windows and exterior doors, the restoration and repair of an existing slate roof, and the replacement of sidewall shingles, applying to the property located at 96 Harrison Ave., TAP 41, Lot 10.5, (R-40 zone). **(Cont. to 7/26/21)**
19. PETITION OF LUKE FLEURY, applicant and owner; for a special use permit to construct a 111, sq. ft., 1<sup>st</sup> floor deck applying to the property located at 41 John St., TAP 27, Lot 93, (R-3 zone).
20. PETITION OF MELISSA KIRDZIK, for a special use permit for permission to convert the 2<sup>nd</sup> dwelling unit into a 1-bedroom guesthouse use applying to the property located at 8 Johnson Ct., TAP 18, Lot 22, (R-10 zone).
21. PETITION OF KURT WEAVER, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to renovate the existing non-conforming dwelling which is located 0' from the north property line and 4.5' from the south property line, (10' required), by adding a second-floor addition and an extension to the dwelling. In addition, permission to add a 9' x 12.5' shed which will be located 3' from the west and south property lines, (10' required), and 2 air conditioner condensers which will be located 3.90' from the north property line and 3' from the west property line, (10' required). Lot coverage of proposed renovations will increase from 40% to 46%, (20% allowed), applying to the property located at 88 Third St., TAP 9, Lot 108, (R-10 zone).

22. PETITION OF TRENT & LINDSAY AINSWORTH, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to remove the existing front porch and construct a larger 1-story addition which will be located 3' from the east and west property lines, (10' required), and 0' from the north property line, (15' required), and which will increase the lot coverage from 34% to 40%, (20% allowed), applying to the property located at 19 Webster St., TAP 40, Lot 471, (R-10 zone).
23. PETITION OF CATHERINE QUINN, TRUSTEE, applicant; MARY C. QUINN REVOCABLE TRUST INDENTURE, owner; for a special use permit and a variance to the dimensional requirements for permission to add a 442 sq. ft. of deck addition which will be located 5' from the south property line, (10' required), and which will increase the lot coverage from 24% to 33%, (20% allowed), applying to the property located at 17 Hope St. & 50 Powell Ave., TAP 11, Lot 68, (R-10 zone).
24. PETITION OF SANDRA MAHER & JORDAN WHITE, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to place a propane tank 1' from the north property line, (10' required), applying to the property located at 8 Tyler St., TAP 19, Lot 59, (R-10 zone).
25. PETITION OF KBC REALTY, LLC & MC<sup>2</sup> REALTY, LLC, applicants and owners; for a special use permit for permission to convert the existing retail space into a 2-bedroom guesthouse use applying to the property located at 86 Dr. Marcus F. Wheatland Blvd., TAP 14, Lot 151, (GB zone).

## **VII. New Petitions:**

26. PETITION OF ROBERT & MAUREEN SULLIVAN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to replace existing shed with a 10' x 12" which will be located 2' from the east property line and 1' from the south property line, (10' required), and which will have a lot coverage of 46%, (20% allowed) applying to the property located at 2 Willow St., TAP 12, Lot 112.6, (R-10 zone).
27. PETITION OF ELIZABETH PONTE, applicant; JOSEPH PONTE, owner; for a special use permit and a variance to the dimensional requirements for permission to construct a front porch addition which will increase the lot coverage from 23% to 24%, (20% allowed), applying to the property located at 97 Eustis Ave., TAP 20, Lot 123, (R-10 zone).
28. PETITION OF DAVE & ANDREA HANSEN, applicants and owners; for a special use permit and a variance to the off-street parking design standards for permission convert the existing 2<sup>nd</sup> dwelling into a 2-bedroom guest house use and provide 3 off-street stacked parking spaces which use the right of way to maneuver, (stacked parking not allowed, use of right of way not allowed), applying to the property located at 3 Bliss Rd., TAP 11, Lot 87, (R-10 zone). **(Continued to June 28, 2021 pending Planning Board review and comment)**
29. PETITION OF MIKE MILLER, applicant and owner; for a special use permit for permission to construct a rooftop deck applying to the property located at 19 Friendship Pl., TAP 11, Lot 149, (R-10 zone).

30. PETITION OF DAVE SMITH, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing detached garage and construct a 1½ story garage with a 2<sup>nd</sup> floor office space addition which will be located approximately 2' from the east and south property lines, (10' required), and which will increase the lot coverage from 39% to 41%, (20% allowed), applying to the property located at 22 Elm St., TAP 16, Lot 47, (R-10 zone). **(Continued to June 28, 2021 pending approval of the Historic District Commission)**
31. PETITION OF IAN MARTINS, applicant; 7 CARROLL AVE LLC, owner; for a special use permit for permission to maintain 4-6 chickens applying to the property located at 7 Carroll Ave., TAP 40, Lot 131, (LB zone). ). **(Continued to June 28, 2021 pending Planning Board review and comment)**
32. PETITION OF JENNIFER METZLER, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 9' x 17.5', 2-story rear addition which will be located 3' from the south property line, (10' required), and which will increase the lot coverage from 41%, to 43%, (20% allowed), applying to the property located at 50 Second St., TAP 12, Lot 292, (R-10 zone). ). **(Continued to June 28, 2021 pending approval of the Historic District Commission)**
33. PETITION OF TERENCE BACH, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 200 sq. ft. rear deck extension which will be located 5' from the west property line, (10' required), and which will increase the lot coverage from 44% to 52%, (20% allowed), applying to the property located at 16 Appleby St., TAP 18, Lot 28-4, (R-10 zone).
34. PETITION OF GREGORY COTTRELL, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 12' x 10' second floor rear deck with stairs which will be located 4' from the west property line, (10' required), and which will increase the lot coverage from 24% to 26%, (20% allowed), applying to the property located at 18 Channing St., TAP 10, Lot 113, (R-10 zone).
35. 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).
36. PETITION OF VALARIE KALWAK, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to maintain a standby generator which is located 0' from the east property line, (10' required), applying to the property located at 11 Green Ln., TAP 7, Lot 266, (R-10 zone).

37. PETITION OF OCEANS 11 2020 LLC, applicants and owners; for a variance to the dimensional requirements for permission to construct a new single dwelling with related structures which will be located 44' from the east property line, (75' required), 30.75' from the south and 32' from the north property lines, (50' required), 22.8' from the west property line, (50' required), and which will increase the lot coverage from 0% to 24%, (8% allowed), applying to the property located at 11 Ocean Heights Rd., TAP 41, Lot 331, (R-120 zone).
38. PETITION OF KATHRYN VAN WINKLE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 11' x 12' rear deck which will increase the lot coverage from 25% to 27%, (20% allowed), applying to the property located at 13 Greenough Pl., TAP 22, Lot 84, (R-10 zone).
39. PETITION OF KENDRICK & DEBRA BREDE, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a separate dwelling unit on the property, (one principle dwelling unit allowed), applying to the property located at 90 Malbone Rd., (Godfrey Malbone Estate), TAP 7, Lot 3-4, (R-10 zone).
40. PETITION OF DAVID HILL, applicant and owner, for a special use permit and a variance to the dimensional requirement for permission to place air conditioner condensers, a pergola and a storage shed les the 5' from the north property line, (5' required), applying to the property located at 62 Mill St., TAP 24, Lot 224, (GB zone).
41. PETITION OF RUII TERESO, TRUSTEE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 10' x 20' inground pool which will increase the lot coverage from 23% to 26%, (20% allowed), and to place the related pool equipment 6.75' from the north property line, (10' required), applying to the property located at 31 Mt. Vernon St., TAP 21, Lot 207, (R-10 zone).

## **VIII. 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.*

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