

8/18/21

**NEWPORT ZONING BOARD OF REVIEW**  
**MONDAY, AUGUST 23, 2021 – 6:30 P.M.**  
**City Hall Council Chambers, Second Floor**  
**43 Broadway**

**AGENDA**

**I. Call to Order**

**II. Roll Call and Determination of Quorum**

**III. Consent Calendar:**

PETITION OF DOUGLAS & CATERINA COLSON, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to replace an 8' x 20' shed with an 8' x 16' shed which will be located 1' from the east and north property lines, (10' required), and which will decrease the lot coverage from 39% to 38%, (20% allowed), applying to the property located on 2 Berkeley Ter., TAP 33, Lot 80, (R-10 zone).

PETITION OF GREGORY BERTONCINI, applicant and owner; for a variance to the dimensional requirements for permission to maintain a 4' x 4', outdoor shower 7' from the south property line, (10' required), applying to the property located at 41/43 Red Cross Ave., TAP 29, Lot 168, (R-10 zone).

PETITION OF JUSTIN KUSHNER, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 6' x 10', second floor bathroom addition which will be located 4.5' from the north property line and 7' from the west property line, (10' required), applying to the property located at 25-1/2 Willow St., TAP 12, Lot 294, (R-10 zone).

PETITION OF JAMES & JENNIFER HARDOCK, applicants and owners, for a special use permit for permission to construct a 14' x 14', second floor deck applying to the property located at 38 Bellevue Ave., (The MK Building), Unit 4., TAP 25, Lot 062-4, (GB zone).

**IV. Abbreviated Summary:**

PETITION OF ADAM MONTALBANO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to maintain an air conditioning condenser 1' to 2' from the north property line, (10' required), applying to the property located at 16-18 Liberty St., TAP 26, Lot 49-1, (R-10 zone).

PETITION OF ANTHONY PUZZO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place an air conditioner condenser which will be located less than 3' from the north property line, (10' required), applying to the property located at 13 Weatherly Ave., TAP 40, Lot 288, (R-10 zone).

PETITION OF AUSTIN WILLIS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to air conditioner condensers, pool equipment, a standby generator, and a tennis court within the required setbacks applying to the property located at 75 Brenton Rd., TAP 43, Lot 24, (R-160 zone).

PETITION OF CALEB & EMILY BUSH BROWN, applicants and owners; 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 2' 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 3 Webster Ct., TAP 40, Lot 279, (R-10 zone).

## V. Full Hearings:

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). **(Continued to 9/14/21)**

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). **(Continued to 9/14/21)**

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).

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). **(Continue to 9/27/21)**

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).

**V. 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). **(Continue to 9/27/21)**

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).

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). **(Continue to 9/27/21)**

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). **(Continue to 9/27/21)**

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). **(Continue to 9/27/21)**

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 9/27/21)**

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). **(Withdrawn)**

**V. Full Hearings (cont.):**

PETITION OF RUI 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 24% to 27%, (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). **(Continue to 9/27/21)**

PETITION OF TRACY DETWILER, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to remove the existing garage and construct a larger garage with a storage/craft room which will be located 3.3' from the northwest property line, (10' required), and which will increase the lot coverage from 22% to 28%, (20% allowed), applying to the property located at 27 Everett St., TAP 19, Lot 87, (R-10 zone). **(Continue to 9/27/21)**

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). **(Continue to 9/27/21)**

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). **(Continue to 9/27/21)**

PETITION OF JANINE BROUSSARD, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 10' 5" roof overhang which will be located 0' from the east property line and 5' from the west property line, (10' required), and which will increase the lot coverage from 75% to 76%, (20% allowed), applying to the property located at 10 Young St., TAP 32, Lot 242, (R-10 zone). **(Continue to 9/27/21)**

PETITION OF THE MARTIN LUTHER KING COMMUNITY CENTER, INC, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a new front porch, addition for food pantry, loading area, cooler and second story office space expansion which will increase the lot coverage from 59% to 63%, (20% allowed), applying to the property located at 20-28 Dr. Marcus F. Wheatland Blvd., TAP 17, Lot 302, (R-10 zone). **(Continue to 9/27/21 pending Technical Review Committee and Planning Board review.)**

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). **(Continue to 9/27/21)**

**V. Full Hearings (cont.):**

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 9/27/21)**

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 9/27/21)**

PETITION OF AIDA & TIMOTHY NEARY, applicants and owners; for a special use permit and a variance to the dimensional requirements, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to remove the existing rear deck and construct an 18’ 21.5’, 2-story addition and a 10’ x 21.5’ deck both of which will be located 6.75’ from the south property line, (10’ required), and which will increase the lot coverage from 23% to 34%, (20% allowed), applying to the property located at 36 Newport Ave., TAP 10, Lot 149, (R-10 zone). **(Continue to 9/27/21)**

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). **(Continue to 9/27/21)**

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 9/27/21)**

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). **(Continue to 9/27/21)**

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). **(Set briefing schedule)**

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 Stonearce Restaurant), TAP 24, Lot 349-1, (GB zone). **(Continue to 9/27/21)**



**V. Full Hearings (cont.):**

PETITION OF EOIN HOWLETT, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to 14' x 16', 1-1/2 story garden shed which will be located 3' from the west property line and 5' from the south property line, (10' required), and which will increase the lot coverage from 24% to 29%, (20% allowed), applying to the property located at 16 Poplar St., TAP 17, Lot 6, (R-10 zone). **(Continue to 9/27/21)**

APPEAL OF GEORGE KATES, appellant and owner; appealing the decision of the Historic District Commission denying the installation of solar panels applying to the property located at 52 Catherine St., TAP 22, Lot 117, (R-10 zone).

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 9/27/21)**

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 9/27/21)**

**VI. Inactive Petitions/Appeals:**

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).

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).

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).

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).

**VII. Inactive Petitions/Appeals (cont.):**

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). **(Withdrawn)**

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).

**VIII. Minutes:**

July 27, 2021

**IX. Communications:**

**a. Action Items:**

**i. Requests for Extension of Approval**

PETITION OF HINDA & STEVE PERDREAU, applicants and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 6' x 19.23' rear deck addition with a pergola roof which will be located 2' from the north property line, (10' required) and which will increase the lot coverage from 22% to 25%, (20% allowed), applying to the property located at 51 Third St., TAP 12, Lot 43, (R-10 zone).

PETITION OF JAMES PIZZARUSO & LYN MURRAY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 2-1/2 story, single-family dwelling on an existing vacant lot which will be located 12' from the north property line, (15' required), 4.5' from the east property line, (10' required), and 17.4' from the south property line, (20' required). Said structure to have a lot coverage of 29%, (20% allowed), applying to the property located on 0 Vicksburg Pl., TAP 13, Lot 2, (R-10 zone).

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

**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 1 1/2 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](mailto:gweston@cityofnewport.com) or call (401) 845-5452*

**Indicates first appearance on the agenda**