

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, February 27, 2020, in the Council Chambers, City Hall, 43 Broadway at 7:00 p.m.

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

Guy Weston, Zoning Officer
Girard Galvin, Assistant City Solicitor
Nancy Caron, Stenographer, Allied Court Reporters

ABSENT:

D E C I S I O N S

A motion was duly made and seconded to approve the minutes of January 27, 2020.

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

PETITION OF THAMES STREET LODGING GROUP, LLC, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to use an overhead electrical wire service, (new underground service required), applying to the property located at 595 Thames St., TAP 39, Lot 270, (LB zone).

PETITION OF MARY LEHANE, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to construct a 10' x 4.4' rear bulkhead/kitchen addition which will be located approximately 2.6' from the west property line, (10' required), and which will increase the lot coverage from 37% to 38%, (20% allowed), applying to the property located at 13 Eastnor Rd., TAP 40, Lot 174, (R-10 zone).

PETITION OF JAMES DUSTY, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to construct a 5' x 9' rear laundry room addition which will be located approximately 17' from the south property line, (20' required), and which will increase the lot coverage from 22% to 24%, (20% allowed), applying to the property located at 7 Young St., TAP 32, Lot 318, (R-10 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. Buzard. The motion was unanimously approved.

PETITION OF MICHELLE & ROBERT CONWAY, applicants and owners, for a special use permit and a variance to the dimensional requirements for permission to construct a 3rd floor shed dormer which will be located approximately 3.75' from the southwest property line and 7' from the northeast property line, (10' required), applying to the property located at 19 Warner St., TAP 18, Lot 16, (R-10 zone).

A motion approving the petitions on the summary calendar was made by Mr. Allott and seconded by Mr. Buzard 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 briefing schedule was established for the Appeal of SUR Holdings, LLC. Appellants brief is due on May 26, 2020 with respondents briefs due on June 22, 2020.

A motion to approve the PETITION OF JAMES DUNPHY & PHYLLIS HAWTHORNE, for a special use permit and a variance to the dimensional requirements for permission to construct a 1-1/2 story, 3- car garage addition and a 2nd floor rear addition which will be located 9.5' from the west property line, (15' required). Said garage addition to increase the lot coverage from 15% to 27%, (20% allowed), applying to the property located at 76 Van Zandt Ave., TAP 9, Lot 67, (R-10 zone) 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. Buzard. The motion was unanimously approved.

A motion to approve the PETITION OF JOSEPH BABCOCK, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place 2 air conditioner condensers 8.5' from the southeast property line, (10' required), and to construct a 7.6' x 29', 1-story rear addition which will increase the lot coverage from 29% to 33%, (20% allowed), applying to the property located at 122 Gibbs Ave., TAP 11, Lot 329, (R-10 zone) 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. Buzard. The motion was unanimously approved.

A motion to approve the PETITION OF HUGH & SUSAN HALL, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to place a 50 gallon propane tank 2' from the north property line, (10' required), applying to the property located at 29 Congdon Ave., TAP 13, Lot 92, (R-10 zone) 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. Buzard. The motion was unanimously approved.

A motion to approve the PETITION OF RONNIE MICHAEL, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to demolish the existing barn and rear deck addition and construct a new 2-1/2 story, 2-car rear garage addition which will be located approximately 3' from the west property line, (10' required), and 15' from the north property line, (20' required), applying to the property located at 12 Brooks Ave., TAP 6, Lot 93, (R-10 zone) 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. Buzard. The motion was unanimously approved.

A motion to approve the PETITION OF CHRIS FAGAN & HANNAH THOMAS, applicants and owners, for a special use permit and a variance to the dimensional requirements for permission to construct a 6' x 12' shed which will be located approximately 1' from the north property line, (10' required), and a 12' x 20' rear deck addition which will be located 4' from the north property line, (10' required). Said additions to increase the lot coverage from 28% to 36%, (20% allowed), applying to the property located at 75 Callender Ave., TAP 18, Lot 150, (R-10 zone) 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. Buzard. The motion was unanimously approved.

A motion to approve the PETITION OF NICHOLAS & STEPHANIE NARDONE, applicants and owners, for a special use permit and a variance to the dimensional requirements for permission to construct a 16' x 10.5' rear deck which will be located approximately 7' from the north property line, (10' required), 14' from the west property line (20' required), and which will increase the lot coverage from 38% to 43%, (20% allowed), applying to the property located at 13 Chapel St., TAP 26, Lot 53-4, (R-10 zone) 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. Buzard. The motion was unanimously approved.

A motion to approve the PETITION OF CHARLES KIVEN, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place a standby generator and air conditioner condensers 1' from the north property line, (10' required), applying to the property located at 37 Kay Blvd., TAP 11, Lot 690, (R-10A zone) 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. Buzard. The motion was unanimously approved.

The following petitions were continued to a regular meeting of March 23, 2020:

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. (For submittal of briefs)

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 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).

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).

APPEAL OF JOSEPH TOOLE & TOOLE COMPANIES, INC., appellant and owner; appealing the decision of the City Planner not certifying as complete an application for Development Plan Review applying to the property located at 202 J.T. Connell Highway, TAP 4, Lots 52 & 82, (CI zone).

APPEAL OF SRU HOLDINGS, LLC & SALVE REGINA UNIVERSITY, appellants and owners; appealing the decision of the Historic District Commission recorded on November 27, 2019, denying a Certificate of Appropriateness for the design of a proposed new dormitory, Building "B", (a/k/a Wallace Dormitory), TAP 36, Lots 48, 49, 89, 111, 126, a/k/a 204, 206, 218 Ruggles Ave., 108 Lawrence Ave., & 0 Victoria Ave.

PETITION OF JOHN DUKES, applicant; Lee & Thames Associates, owner; for a special use permit for permission to construct a new 16' x 18' rooftop deck addition applying to the property located at the corner of 550 Thames St. and 6 Lee Ave., TAP 35, Lot 257, (LB).

PETITION OF BRUCE MONIZ, applicant and owner, for a special use permit and a variance to the density requirement for permission to convert the existing first floor retail space into a soft serve ice cream shop, (fast-food restaurant), and provide 0 additional off-street parking spaces, (3 additional off-street parking spaces required), applying to the property located at 489 Thames St., TAP 32, Lot 157, (WB 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).

PETITION OF SCOTT & MARY ROBINS, applicants and owners, for a special use permit and a variance to the dimensional requirements for permission to add 2nd floor

decks which will be located approximately 12' from the north property line, (15' required), and a rear addition which will increase the lot coverage from 31% to 33%, (20% allowed), applying to the property located at 3 Greenough Pl., TAP 22, Lot 80, (R-10 zone).

PETITION OF JARED LAZOR, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to construct a 16' x 17' rear deck which will be located approximately 7' from the west property line and 8' from the east property line, (10' required), and which will increase the lot coverage from 30% to 39%, (20% allowed), applying to the property located at 8 Cranston Ave., TAP 19, Lot 50, (R-10 zone).

PETITION OF PATRICIA LUDWIG, applicant and owner; for a variance to the dimensional requirements for permission to construct a 108 sq. ft. rear stair addition which will be located 5' from the north property line, (10' required), and which will increase the lot coverage from 38% to 40% (20% allowed) applying to the property located at 65 Third St., TAP 12, Lot 34, (R-10 zone).

PETITION OF DONALD TOFIAS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 1-1/2 story, 640 s.f., artist studio which will be located 2.25' from the south property line, (20' required), and a 65 s.f. shed will be located 5.3' from the east property line, (20' required). Said structures to increase the lot coverage from 16% to 18%, (10% allowed) applying to the property located at 79-83 Dixon St., TAP 35, Lot 282, (R-60 zone).