Minutes of the

**Newport Zoning Board of Review**

A meeting of the Zoning Board of Review was held on Monday, July 26, 2021, in the Council Chambers, City Hall, 43 Broadway at 6:30 p.m.

PRESENT: Chuck Allott Chair

Wick Rudd, Vice-Chair

Russell Johnson, Secretary

Bart Grimes,

Sam GoldBlatt

David Riley

 Guy Weston, Zoning Officer

 Girard Galvin, Assistant City Solicitor

 Nancy Caron, Stenographer, Allied Court Reporters

ABSENT:

**DECISIONS**

A motion to approve the 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) was made by Mr. Rudd, seconded by Mr. Johnson. The petition was unanimously approved to be started and substantially completed within (12) twelve months from the date of decision and all invoices due to the city be paid prior to recording the decision. Attorney Russ Jackson represented the application.

A motion to approve the PETITION OF STEPHEN CAVAGNARO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to install a wood fire pit 8.5’ from the south and west property lines, a stone bench 3’ from the south and west property line, (10’ required), and relocate an existing shed to be located 6.5’ from the south property, (10’ required), applying to the property located at 89 Roseneath Ave., TAP 41, Lot 103, (R-10 zone) was made by Mr. Rudd, seconded by Mr. Johnson. The petition was unanimously approved to be started and substantially completed within (12) twelve months from the date of decision and all invoices due to the city be paid prior to recording the decision.

The PETITION OF 256 MAPLE AVENUE was withdrawn without prejudice.

The PETITITON OF KEVIN & PATRICIA MEEHAN was withdrawn without prejudice.

The APPEAL OF DAVID ELWELL was withdrawn without prejudice.

The PETITION OF DAVE SMITH was withdrawn without prejudice.

The PETITION OF IAN MARTINS was withdrawn without prejudice.

Testimony on the 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) commenced and was continued to August 23, 2021 for proof of consent from the abutting condominium owners..

The following petitions were continued to a special meeting of September 14, 2021:

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.

The following petitions were continued to a special meeting of August 10, 2021:

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).

The following petitions were continued to a regular meeting of August 23, 2021:

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)

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).

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).

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).

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).

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 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).

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).

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).

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).

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).

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).

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).

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).

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).

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 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).

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 7/26/21 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).

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).

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).

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).

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).

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).

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).