

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, August 24, 2020, via the Zoom meeting platform at 7:00 p.m.

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

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 July 27, 2020.

The following petitions were withdrawn without prejudice:

PETITION OF JOHN ESTRELLA, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to enlarge the front entryway by 80 sq. ft. which will increase the lot coverage from 39% to 42%, (20% allowed), applying to the property located at 63-65 Mill St., TAP 24, Lot 292-C, (GB 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).

Upon a motion duly made and seconded, the following petition was granted 12 months of approval for their petitions:

PETITION OF FRANCES & ELIZABETH EARLY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a second floor addition which will be located 2.7' from the south and 10.5' from the west property lines, (15' required), applying to the property located at 4 Wilbur Ave., TAP 11, Lot 401, (R-10A zone).

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

PETITION OF DEBORAH FRAIOLI, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct two second floor dormers which will be located 1' from the west property line and 4' from the east property line, (10' required), applying to the property located at 32 East Bowery St., TAP 33, Lot 38, (R-10 zone).

PETITION OF NANCY & MARTIN SCHREIBER, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to install 2 air conditioner condensers which will be located approximately 1' from the north property line, (10' required), applying to the property located at 6 Carroll Ave., TAP 40, Lot 127, (R-10 zone).

Upon a motion to adopt the applications, and staff reports as the Board's finding of fact was made by Mr. Rudd, seconded by Mr. Buzard. The motion was unanimously approved.

Unless otherwise noted, a motion to approve the consent applications with the conditions that the approval be for twelve (12) months and that all invoices due to the City of Newport be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Buzard. The motion was unanimously approved.:

A motion to approve the amended 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) with the conditions the project be started and substantially completed within twelve (12) months of the date of the decision, that the keeping of the chickens conforms to all appurtenant local ordinances, 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. Rudd, seconded by Mr. Buzard. The motion was unanimously approved. Attorney Turner Scott represented the applicant.

A motion to approve the 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 sq. ft., artist studio which will be located 2.25' from the south property line, (20' required), and a 65 sq. ft. 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) 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. Rudd, seconded by Mr. Buzard. The motion was unanimously approved. Attorney J. Russell Jackson represented the applicant.

A motion to approve the PETITION OF ROBERT HIGGINBOTHAM, applicant and owner; for special use permit and a variance to the dimensional requirements for permission to place a standby generator 3.5' from the west property line, (10' required), and several additions including an inground pool all of which will increase the lot coverage from 21% to 28%, (20% allowed), applying to the property located at 12 Redwood St., TAP 25, Lot 70, (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. Rudd, seconded by Mr. Buzard. The motion was unanimously approved. Attorney Turner Scott represented the applicant.

A motion to approve the PETITION OF LINDA LETENDRE, applicant; LINDA LETENDRE REV. TRUST, owner; for a special use permit and a variance to the dimensional requirements for permission to increase the size of and enclose an existing rear deck which will increase the lot coverage from 22% to 24%, (20% allowed), applying to the property located at 25 McAllister St., TAP 35, Lot 80, (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. Rudd, seconded by Mr. Buzard. The motion was unanimously approved. Ms. Letendre testified on her own behalf.

A motion to approve the PETITION OF BERHANE ADAL, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a rear stairway addition which will increase lot coverage from 37% to 38%, (20% allowed), and construct a third floor deck applying to the property located at 524 Broadway, TAP 7, Lot 228, (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. Rudd, seconded by Mr. Buzard. The motion was unanimously approved. Mr. Adal testified on his own behalf.

A motion to approve the PETITION OF LACASITA, LLC, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to remove an existing shed and construct a 1-1/2 story detached 2-car garage with loft space which will increase the lot coverage from 18% to 23%, (20% allowed), applying to the property located at 94 Coggeshall Ave., TAP 37, Lot 93, (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. Rudd, seconded by Mr. Buzard. The motion was unanimously approved. Attorney J. Russell Jackson represented the applicant.

The following petitions were continued to a regular meeting of September 28, 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 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).

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 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 KATHLEEN CRAWFORD, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing

detached, 1-story garage and construct a new 28' x 20', 2-1/2 story, detached garage which will be located 1' from the east property line, 3' from the south property line, (10' required), and which will increase the lot coverage from 32% to 40%, (20% allowed), applying to the property located at 29 Almy St., TAP 6, Lot 279, (R-10 zone).

PETITION OF JEFFERY MARLOWE & NANCY SPERONI, applicants and owners; for a special use permit and a variance to the dimensional and off-street parking requirements to construct a third floor addition to house a second dwelling unit, (new dwelling unit not allowed), which will be located .5' from the north property line, (5' required), and provide 0 additional off-street parking spaces, (2 additional off-street parking spaces required), applying to the property located at 113 Memorial Blvd. West, TAP 27, Lot 83, (GB zone).

PETITION OF PATRICK & DEBORAH DONOVAN, applicants and owners; for a special use permit and a variance to the off-street parking requirements for permission to convert the 2nd dwelling unit into a 3-bedroom guesthouse and provide 0' additional off-street parking spaces, (3 additional non-stacked parking spaces required), applying to the property located at 30 Harrison Ave., TAP 41, Lot 66, (R-10 zone).

PETITION OF ANTHONY LORUSSO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to add a 12' by 23', 3-story addition with a 12' by 17'6", 3rd floor deck, and a 1'6" by 7'2" bump out, which will be located 4' from the north property line, (15' required), and which will increase lot coverage from 23% to 34%, (20% allowed), applying to the property located at 37 Wellington Ave. TAP 39, Lot 137, (R-10 zone).

PETITION OF SEAN NAPOLITANO, applicant; A-1 ROOFING & CONSTRUCTION, owner; for a variance to the density requirements for permission to convert the structure from a single-family dwelling into a two family dwelling, (new two-family dwelling not allowed), applying to the property located at 46 Church St., TAP 24, Lot 154, (GB zone).

PETITION OF HOWARD WHARF, LP, applicant and owner; for a special use permit for permission to construct a 21-room transient guest facility with a standard restaurant applying to the property located at 24 Lee's Wharf a/k/a 5 Howard Wharf, TAP 32, Lot 314, (WB zone). (Cont. to 8/24/20)

PETITION OF PETER McGEOUGH, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 2-1/2 story kitchen/bedroom addition which will be located 5' from the east property line, (20' required), 8' from the south property line, (10' required), and which will increase the lot coverage from 34% to 37%, (20% allowed), applying to the property located at 39-1/2 Second St., TAP 12, Lot 147, (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).

PETITION OF PATRICIA ANNE HEALY TOM BEATON, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 2-story connecting addition from the rear of the existing house to the existing garage which will be located 2' from the west property line, (10' required), 2.5' from the east property line, (15' required), and which will increase the lot coverage from 31% to 40%, (20% allowed), applying to the property located at 56 Connection St., TAP 39, Lot 114, (R-10 zone).

PETITION OF WAYNE BEEBE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 12' x 20' detached garage which will be located 0' from the west property line, (15' required), and which will increase the lot coverage from 26% to 31%, (20% allowed), applying to the property located at 5 Caswell Ave., TAP 6, Lot 360, (R-10 zone).

PETITION OF PATRICK SULLIVAN, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 24' x 26', 1-1/2 story detached garage which will be located 3.5' from the north and 5' east property lines, (10' required), and which will increase the lot coverage from 25% to 39%, (20% allowed), applying to the property located at 49 Farewell St., TAP 18, Lot 61-4, (R-10 zone).

PETITION OF JEROME KIRBY, III, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a new, 2-1/2 story, single-family dwelling and detached garage which will be located 1' from the north and west property lines, (10' required). Said proposal will increase the lot coverage from 0% to 30%, (20% allowed), applying to the property located at 117 Carroll Ave., TAP 41, Lot 407, (R-10A zone).

PETITION OF ELIZABETH ENOCHS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structure and construct a larger single-family dwelling, shed and pool house all of which will increase the lot coverage from 12% to 14%, (10% allowed). New dwelling to be 24.3' from east property line and 36.5' from west property line, (40' required). Proposed shed to be located 5.75' from the east property line and proposed pool house to be located 13' from the east property line, (20' required), applying to the property located at 3 Gordon St., TAP 36, Lot 90, (R-60 zone).

PETITION OF TIM MANNING, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a full second story addition to the existing detached garage which will be located 1' from the east property line, (10' required), and which will increase lot coverage from 30% to 31%, (20%

allowed), applying to the property located at 25 Thurston Ave., TAP 7, Lot 51, (R-10 zone).

35. PETITION OF JAMES & DENISE CARRIA, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a second floor dormer addition which will be located 6.5' and 7.75' from the north property line, (10' required), applying to the property located on 2 Ellery Rd., TAP 20, Lot 6, (R-10A 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).

PETITION OF DEREK SAVAS, ET ALS, applicants and owners, for a variance to the dimensional requirements for permission to construct a new single family dwelling which will be located 6' from the south property line, (10' required), and which will increase the lot coverage from 0% to 21%, (20% allowed), applying to the property located at 359 Thames St., TAP 27, Lot 158, Units UFG, (WB Zone).

PETITION OF FELISA NOBLES, applicant; THEODORE COTSORDIS, owner; for a special use permit and a variance to the dimensional requirements for permission to construct a third floor dormer which will be located 0' from the west property line and 3.5' from the east property line, (10' required), and a new rear second floor deck which will be located approximately 4' from the east property line and 3.5' from the west property line, (10' required). Said deck to increase the lot coverage from 57% to 66%, (20% allowed), applying to the property located at 108 Van Zandt Ave., TAP 9, Lot 432, (R-10 zone).

PETITION OF STEPHEN & DIANE SAYERS, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing three-car garage and construct a new single-family dwelling which will be located 7' from the east property line, 5' from the west property line, (10' required), and which will increase the lot coverage from 19% to 30%, (20% allowed), applying to the property on Casey Ct., TAP 37, Lot 32, (R-10A zone).

APPEAL OF MR. & MRS. LES HELMERS, appellants and owners; appealing the decision of the Historic District Commission on the denial of a roof addition applying to the property located at 28 Ann St., TAP 27, Lot 155, (R-10 zone). **(Briefs to be submitted by October 5, 2020.)**