



THE CITY OF NEWPORT, RHODE ISLAND - AMERICA'S FIRST RESORT
Department of Zoning & Inspections

Z o n i n g E n f o r c e m e n t

January 24, 2020

CLAYTON G. DEUTSCH
2 Harbor View Drive
Newport, RI 02840

Re: Appeal of WELOVENEWPORT, LLC
Building Permit 123863, 2 harbor View Dr., Plat 42, Lot39

Dear Mr. Deutsch;

On January 23, 2020, a notice of appeal was filed with the Newport Zoning Board of Review applying to the above-mentioned property. In short, the appeal challenges and seeks to overturn my decision, approving for zoning, the afore-mentioned permit.

Please be advised that Section 17.116.040 of the zoning code entitled "Stay of proceedings" states "An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning officer or the agency from whom the appeal is taken certifies to the zoning board of review, after an appeal shall have been duly filed, that by reason of facts stated in the certificate a stay would in the zoning officer's or the agency's opinion cause imminent peril to life of property. In that case, proceedings shall not be stayed other than by a restraining order, which may be granted by a court of competent jurisdiction on application thereof and upon notice to the official or agency from whom the appeal is taken on due cause shown."

If time allows, the matter will be heard by the Zoning Board of Review on Monday, February 24, 2020.

Sincerely,

Guy E. Weston
Zoning Officer

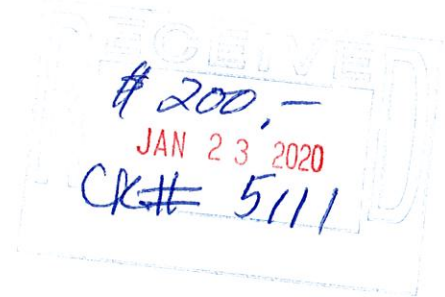
cc: Building Official
Assistant City Solicitor
Peter Regan

STATE OF RHODE ISLAND
NEWPORT, SC.

ZBR
Feb 13

ZONING BOARD OF REVIEW
OF THE CITY OF NEWPORT

In re: CLAYTON G. DEUTSCH, Building Permit #123863
2 Harbor View Drive (Plat 42, Lot 39)



NOTICE OF APPEAL

Now comes, WELOVENEWPORT, LLC, by its attorneys, and appeals the issuance of the above permit. In support of its appeal, Appellant states as follows:

1. Appellant is the owner of the real estate located at 1 Harbor View Drive, Newport;
2. On or about September 26, 2016, Clayton G. Deutsch, filed an application for Special Use Permit and Regulatory Variance for the premises located at 2 Harbor View Drive, Newport;
3. The September 26, 2016 zoning application only sought dimensional relief for a front yard setback;
4. The 2016 zoning application represented that the lot area for the subject lot was 49,371 square feet;
5. Deutsch previously filed an application for Special Use Permit and Regulatory Relief in 2007, at which time he represented the lot size to be 52,082 square feet;
6. In 2013, Deutsch filed another application for Special Use Permit and Regulatory Relief on which he listed the lot size as 66,660 square feet;
7. Deutsch's predecessors in title, Jacqueline Callahan and John J. Callahan, recorded a Class I survey dated May 30, 2020 and recorded on July 9, 2002 in Pocket 22, Folder 1, Plan 2 of the Newport Land Evidence Records. Said Class I survey describes the land area of 2 Harbor View as 47,767 square feet;
8. The Newport Tax Assessor's records indicate that the subject parcel is 47,767 square feet;
9. Based upon the recorded Class I survey and the Assessor's records, Deutsch misrepresented the lot size of 2 Harbor View Drive;

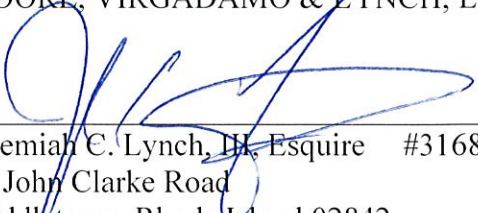
10. Deutsch's proposed garage exceeds the permissible lot coverage for the R-120 district;
11. The above permit was issued without a variance for lot coverage.

THEREFORE, Appellant requests that this Board revoke Building Permit #123863 and stay any further construction.

WELOVENEWPORT, LLC

By its attorneys,

MOORE, VIRGADAMO & LYNCH, LTD.



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