

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, November 25, 2019, in the Council Chambers, City Hall, 43 Broadway at 7:00 p.m.

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

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

ABSENT: Chuck Allott

D E C I S I O N S

Upon a motion duly made and seconded, the minutes of September 23, 2019 and October 28, 2019 were duly received reviewed and approved.

A motion to grant an 12 month extension of approval to the PETITION OF PATRICK O'LEARY, applicant; PJO PROPERTIES, LLC, owner; for a special use permit and a variance to the dimensional and density requirements for permission to demolish the existing standard restaurant and construct a new 2½ -story, two-family dwelling with a 3rd floor deck, (1 dwelling unit allowed), which will decrease the lot coverage for 59% to 56.4%, (50% allowed), applying to the property located at 599 Thames St., TAP 39, Lot 90, (LB zone) was made by Mr. Buzard, seconded by Mr. Rudd. The motion was unanimously approved.

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

PETITION OF CLIFFORD & CAREY CORT, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to expand the existing 2nd floor deck and front porch which will be located 6' from the north property line, (10' required), and add a 4' x 11' rear landing which will be located 19' from the east property line, (20' required). Said additions to increase the lot coverage from 33% to 38%, (20% allowed), applying to the property located at 115 Washington St., TAP 9, Lot 347, (R-10 zone).

PETITION OF PETER & HARRIET HARRIS, applicants and owners; for a variance to the dimensional requirements for permission to construct a 10.75' shed dormer addition which will be located no closer than 32' from the east property line (100 ft. required) applying to the property located at 29 Brenton Road, Tax Assessor's Plat 41, Lot 278, (R-160 zone).

PETITION OF STEFANIE MANSFIELD & NICHOLAS PALMERINO, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to add 181 sq. ft. of additions in an expanded front porch addition and a 2-story rear addition which will increase the lot coverage from 24% to 27%, (20% allowed), applying to the property located at 48 Hammond St., TAP 35, Lot 139, (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. Buzard and seconded by Mr. Rudd. The motion was unanimously approved.

A motion approving the petitions on the summary calendar was made by Mr. Buzard and seconded by Mr. Rudd 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 motion to adopt the prior submitted application, plans, the testimony of David & Lee Anne Botelho, and the staff report as the board's findings of fact for the PETITION OF DAVID & LEE ANNE BOTELHO, applicants and owners; for a special use permit and a variance to the off-street parking requirements for permission convert the existing 2nd dwelling unit into a 1-bedroom guest house and provided additional off-street parking spaces, (2 additional off-street space required), applying to the property located at 20 Webster St., TAP 40, Lot 61, (R-10 zone) was made by Mr. Buzard, seconded by Mr. Rudd. The motion was unanimously approved. A motion to approve the application with the conditions the project be started and substantially completed within twenty-four (24) 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. Buzard, seconded by Mr. Rudd. The motion was unanimously approved.

A motion to adopt the application, plans, the representations of Keith Kyle, attorney, and the staff report as the board's findings of fact for the PETITION OF JONI & PAUL JABLANSKY, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place two standby generators 16.5' from the north property line, (20' required), which will increase the lot coverage from 14% to 15%, (10% allowed), applying to the property located at 437 Bellevue Ave., TAP 36, Lot 8, (R-60 zone) was made by Mr. Buzard, seconded by Mr. Rudd. The motion was unanimously approved. A motion to approve the application 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. Buzard, seconded by Mr. Rudd. The motion was unanimously approved.

A motion to adopt the application, plans, the representation of J. Russell Jackson, attorney, and the staff report as the board's findings of fact for the PETITION OF FRANCES & GERARD GUILLEMOT, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing detached carport and construct a 22' x 28', 1-1/2 story, detached, garage/storage building which will be located 5' from the east property line and 35' from the south property line, (50' required), applying to the property located at 53 Ridge Rd., TAP 44, Lot 47, (R-120 zone) was made by Mr. Buzard, seconded by Mr. Rudd. The motion was unanimously approved. A motion to approve the application 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. Buzard, seconded by Mr. Rudd. The motion was unanimously approved.

A motion to adopt the prior submitted application, plans, the testimony of Grant Powel, and the staff report as the board's findings of fact for the PETITION OF GRANT POWEL & JILL BRAY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to place two heat pump condensers 1' from the south property line, (10' required), applying to the property located at 31 Ayrault St., TAP 21, Lot 206, (R-10 zone) was made by Mr. Buzard, seconded by Mr. Rudd. The motion was unanimously approved. A motion to approve the application 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. Buzard, seconded by Mr. Rudd. The motion was unanimously approved.

A motion to approve the amended PETITION OF JOHN & LORI CRIMMINS, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing detached garage/carriage house and construct a slightly larger structure which will be located 2' from the east property line and which will increase the lot coverage from 22% to 23%, (20% allowed), applying to the property located at 43 Sherman St., TAP 21, Lot 118, (R-10 zone) was made by Mr. Buzard, seconded by Mr. Rudd. The motion was unanimously approved. A motion to approve the application 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. Buzard, seconded by Mr. Rudd. The motion was unanimously approved.

A motion to adopt the application, plans, the testimony of Warren Katz, and the staff report as the board's findings of fact for the PETITION OF WARREN KATZ, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place a hot tub, outdoor kitchen, fire pit, and water feature, 3' from the

east property line, (10' required), applying to the property located at 60 Old Beach Rd., TAP 26, Lot 83, (R-20 zone) was made by Mr. Buzard, seconded by Mr. Rudd. The motion was unanimously approved. A motion to approve the application with the conditions the project be started and substantially completed within twelve (12) months of the date of the decision, that a Memorandum of Understanding be recorded, 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. Buzard, seconded by Mr. Rudd. The motion was unanimously approved.

A motion to approve the PETITION PAUL CONNERY & KEELY FLYNN CONNERY, applicants and owners; for permission to demolish the existing garage and construct a new master bedroom addition with a 16' x 8' connector which will be located 4' from the north and 3' from the east property lines, (10' required), a 13' x 9.5' deck which will be located 0' from the north property line, (10' required), a new 12' x 20' garage, and a 16' x 23' deck all of which will increase the lot coverage from 22% to 35%, (20% allowed), applying to the property located at 14 Annandale Rd., TAP 31, Lot 86, (R-10 zone) was made by Mr. Buzard, seconded by Mr. Rudd. The motion was unanimously approved. A motion to approve the application 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. Buzard, seconded by Mr. Rudd. The motion was unanimously approved. Attorney Peter Regan represented the petitioner.

Testimony on the PETITION OF RANDI WALLCE; applicant and owner; for a special use permit 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) commenced. The petitioner decided to withdrawn the matter without prejudice.

Due to a lack of a quorum the amended PETITION OF CHRISTINA CUSSIMANO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 188 sq. ft. rear landing and stair addition which will increase the lot coverage from 28 31% to 33 34%, (20% allowed), and to place 2 air conditioner condensers 6' 2" from the north property line, (10' required), applying to the property located at 34 Roseneath Ave., TAP 39, Lot 434, (R-10 zone) commenced and was continued to the meeting of January 2, 2020.

The following petitions were continued to a regular meeting of January 2, 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.

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) with briefs due to be submitted by December 10, 2019.

PETITION OF QRG, LLC, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to construct a 5' x 10' deck addition which will be located less than 1' from the north property line, (20' required), and which will increase the lot coverage from 58% to 60%, (20% allowed), applying to the property located at 4-6 Mann Ave., TAP 21, Lot 5, (R-10 zone).

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 DENNIS ROTUNNO, TRUSTEE, applicant and owner; special use permit and a variance to the dimensional requirements for permission to construct a 14' x 20', 1-1/2 story garage, which will be located 5' from the west and south property lines, (10' required), and which will increase the lot coverage from 23% to 29%, (20% allowed), applying to the property located at 5 Sylvan Ter., TAP 33, Lot 95, (R-10 zone).

PETITION OF CYNTHIA KERR, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to replace an existing shed with a 12' x 11' shed which will be located 2' from the north and east property lines, (10' required), applying to the property located at 21-23 Shields St., TAP 40, Lot 460, (R-10A zone).

The PETITION OF PETER ARGUIMBAU located at 267 Spring Street was dismissed.