

11/18/21

NEWPORT ZONING BOARD OF REVIEW
MONDAY, NOVEMBER 22, 2021 – 6:30 P.M.
City Hall Council Chambers, Second Floor
43 Broadway

AGENDA

I. Call to Order

II. Roll Call and Determination of Quorum

III. Consent Calendar):

PETITION OF JULIE RUSH TOLAND, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place a heat pump 8.5' from the northwest property line, (10' required), applying to the property located at 28 Ayrault St. TAP 19, Lot 31, (R-10 zone).

PETITION OF BRANT & ANNIKA WAGNER, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to convert the existing 2nd floor deck to an enclosed master bedroom closet which will be located 3' from the north property line, (20' required), applying to the property located at 22 South Baptist St., TAP 32, Lot 164, (R-10 zone).

PETITION OF MICHELLE NELKEN, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to remove the existing 1st floor addition and construct a new 2-story addition which will increase the lot coverage from 30% to 31%, (20% allowed), applying to the property located at 6 Conard Ct., 39, Lot 280, (R-10 zone).

PETITION OF ROBERT LEHMANN, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to add a 1-story bathroom addition which will be located 5.33' from the north property line, (10' required), applying to the property located at 16 Hall Ave., TAP 13, Lot 22, (R-10 zone).

PETITION OF MARK & JULIE WICHERN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to remove the existing deck add a garage addition which will be located 42' from the north property line and a covered porch addition which will be located 38.75' from the north property line, (50' required for both additions), applying to the property located at 6 Mary Jane Ln., TAP 44, Lot 105, (R-40A zone).

IV. Abbreviated Summary:

PETITION OF ANTHONY PUZZO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to place an air conditioner condenser which will be located less than 3' from the north property line, (10' required), applying to the property located at 13 Weatherly Ave., TAP 40, Lot 288, (R-10 zone).

PETITION OF THE NEWPORT ART MUSEUM for a special use permit for permission to offer limited refreshments at the museum applying to the property located at 76 Bellevue Ave., TAP 26, Lot 40, (R-10 zone).

PETITION OF EOIN HOWLETT, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to 14' x 16', 1-1/2 story garden shed which will be located 3' from the west property line and 5' from the south property line, (10' required), and which will increase the lot coverage from 24% to 29%, (20% allowed), applying to the property located at 16 Poplar St., TAP 17, Lot 6, (R-10 zone).

Amended PETITION OF CAYTON & LAUREN SCHERF, 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 single-family dwelling ~~which will be located 5.26' from the north property line, (10' required)~~, and which will increase the lot coverage from 19% to ~~26%~~ 22%, (20% allowed), applying to the property located at 48 Whitwell Ave., (TAP 11, Lot 689, (R-10 zone).

IV. Full Hearings:

*PETITION OF SALVE REGINA UNIVERSITY, applicant and owner; for a special use permit and approval of the Development Plan 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). **(Continued to 12/9/21)**

*PETITION OF SALVE REGINA UNIVERSITY, applicant and owner; for a special use permit and approval of the Development Plan 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). **(Continued to 12/9/21)**

*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).

*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). **(Continue to 01/03/22)**

*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).

V. Full Hearings (cont.):

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 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). **(Continue to 01/03/22)**

V. Full Hearings (cont.):

PETITION OF THE MARTIN LUTHER KING COMMUNITY CENTER, INC, applicant and owner; for a special use permit, a variance and an approval of the Development Plan 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 01/03/22 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). **(Continue to 01/03/22)**

*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). **(Continue to 01/03/22)**

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' x 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). **(Continue to 01/03/22)**

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). **(Continue to 01/03/22)**

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). **(Continue to 01/03/22)**

V. Full Hearings (cont.):

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). **(Continue to 01/03/22)**

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 L AND B ASSOCIATES, applicant; Swinburne Row Retail, LLC., owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 1,000 sq. ft. second floor deck and a 900 sq. ft. first floor bocce court dining area to the existing standard restaurant and provide 0 additional off-street parking spaces, (14 additional off-street parking spaces required), applying to the property located at 151 Swinburne Row, (The Stoneacre Restaurant), TAP 24, Lot 349-1, (GB zone). **(Continue to 01/03/22)**

*PETITION OF CARTER MARIO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a detached , 22' x 22', two-story garage with storage loft which will increase the lot coverage from 20% to 27%, (20% allowed), applying to the property located at 398 Spring St., TAP 32, Lot 169, (R-10 zone). **(Continue to 01/03/22)**

PETITION OF JOHN MCCARTHY, applicant and owner; for permission to use the first-floor dwelling for rentals of less than 30 days, (guesthouse use), applying to the property located at 19 South Baptist St., TAP 32, Lot 186, (R-10 zone). **(Continue to 01/03/22)**

PETITION OF GEORGE GRASSI, applicant and owner; for a special use permit and a variance to the off-street parking design standards for permission to install a 3rd off-street parking space requiring the use of the public right of way to maneuver, (use of public right of way not allowed), applying to the property located at 11 Atlantic Ave., TAP 40, Lot 214, (R-10 zone). **(Continue to 01/03/22)**

PETITION OF SW 02-283 LLC, applicant and owner; for a special use permit for permission to modify the existing commercial parking lot applying to the property located at 9 Sayer's Whf., TAP 27, Lots 2 & 283, (WB zone). **(Continue to 01/03/22)**

PETITION OF THE MOORING, LTD. D/B/A SMOKEHOUSE, applicant; SW 244, LLC, owner; for a special use permit and a variance to the off-street parking requirements for permission to maintain an outdoor seating area of approximately 1,050 sq. ft. outdoor seating area and provide 0 additional off-street parking spaces, (7 additional off-street parking spaces required), applying to the property located at 31 Scott's Whf., (Smokehouse Café), TAP 27, Lot 244, (WB zone). **(Continue to 01/03/22)**

PETITION OF OLD FASHION REALTY, LLC. for a use variance for permission to convert the 1st floor space from a yoga studio/personal fitness center into a hair salon/barber shop, (retail services not allowed), applying to the property located at 195-197 Broadway, TAP 19, Lot 6, (R-10 zone). **(Continue to 01/03/22 pending Planning Board review)**

V. **Full Hearings (cont.):**

*PETITION OF RUSSELL & BRENDA PEDRO for a special use permit for permission to offer occasional dog daycare and boarding as a home occupation use applying to the property located at 15 Keeher Ave., TAP 11, Lot 441, (R-10A zone). **(Continue to 01/03/22 pending Technical Review Committee and Planning Board review.)**

PETITION OF COLBEA ENTERPRISES, LLC., applicant and owner; for a special use permit for permission demolish the existing gas station, diner and warehouse building and construct a new gas station and car wash applying to the property located at 138 JT Connell Highway & 184-186 Admiral Kalbfus Rd., TAP 4, Lots 13-4 & 55, (CI zone). **(Continue to 01/03/22 pending Technical Review Committee and Planning Board review.)**

PETITION OF JENNIFER RUFFNER, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing shed and construct a new 12' x 16.5' shed which will be located 4' from the east property line and 6' from the north property line, (both require a 10' setback), and which will increase the lot coverage from 25% to 30%, (20% allowed), applying to the property located at 1 Longwood Pl., TAP 10, Lot 205, (R-10 zone). **(Continue to 01/03/22)**

PETITION OF JOHN CRANSHAW, applicant and owner; for a variance to the dimensional requirements for permission to maintain overhead electric power lines, (underground electrical service required), applying to the property located at 32 & 34 Callender Ave., TAP 18, Lot 87, (R-10 zone). **(Continue to 01/03/22)**

*PETITION OF LAURA GILL, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to remove and reconfigure an existing rear 3-story landing and stairway system which will be located 2' from the east property line, (10' required), and which will increase the lot coverage from 58% to 59%, (20% allowed), applying to the property located at 38 Pope St., TAP 32, Lot 88, (R-10 zone). **(Continue to 01/03/22)**

*PETITION OF DENNIS ROTUNNO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to install 2 air conditioner condensers one of which will be located 6' from the east property line, (10' required), applying to the property located at 5 Sylvan St., TAP 33, Lot 95, (R-10 zone). **(Continue to 01/03/22)**

*PETITION OF BAYBERRY INN NEWPORT, LLC., applicant and owner; for a special use permit and a variance to the dimensional requirements for permission for renovate the existing rear entry by adding a 2nd and 3rd floor deck area which will increase the lot coverage from 24% to 25%, (20% allowed), applying to the property located at 20 Kay St., TAP 21, Lot 127, (R-10 zone). **(Continue to 01/03/22)**

V. Full Hearings (cont.):

PETITION OF THE WHARF PUB, LLC., applicant and owner; for a special use permit and a variance to the off-street parking requirements for permission to construct to expand the first floor of the restaurant by 60 sq. ft., add an 800 sq. ft. 2nd floor deck service area, and add a 90 sq. ft. 3rd floor view deck and provide 0 additional off-street parking spaces, (approximately 7 additional off-street parking spaces required), applying to the property located at 37 Bowen’s Whf., (The Wharf Pub), TAP 24, Lot 356, (WB zone). **(Continue to 01/03/22)**

PETITION OF 527 HARBOR POINT LLC., applicant and owner; for a variance to the dimensional requirements for permission to construct a single-family dwelling, inground pool, and a pool house which will increase the lot coverage from 0 to 15%, (10% allowed), applying to the property located at 527 Ocean Ave., TAP 44, Lot 118, (R-40A zone). **(Continue to 01/03/22)**

***APPEAL OF NEWPORT PM, LLC, KAREB G. HARRIS 2003 LIVING TRUST, R. PERRY HARRIS 2003 LIVING TRUST, EDWARD W. KANE, AND MARTHA J. WALLACE, appellants; William and Lisa Ruh, owners; appealing the decision of the Historic District Commission giving conceptual approval “to restore the existing contributing structure, ... and the construction of a new two (2) story 4,380 square foot home, applying to the property located at 88 Washington Street, Plat 12, Lot 46. (Set briefing schedule)**

PETITION OF CULLEN & MAGDALENA GUILMARTIN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 3rd floor dormer which will be located 7.83’ from the west property line, (10’ required), applying to the property located at 34. S. Baptist St., TAP 32, Lot 167, (R-10 zone). (Continue to 01/03/22)

PETITION OF ANN & STEPHEN QUARRY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 30.5’ x 20.5’ in-law dwelling, enlarge existing garage by 288 sq. ft., construct a deck between new dwelling and main house, and add a covered entry all of which will increase the lot coverage from 20% to 36%, (20% allowed), applying to the property located at 20 Toppa Blvd., TAP 11, Lot 625, (R-10A zone). (Continue to 01/03/22)

PETITION OF ROBERT DUFAULT, SR. applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 10’ x 12’ shed which will be located 5’ from the north property line, (10’ required), and a new covered front porch. Lot coverage of new shed and porch will increase from 23% to 28%, (20% allowed), applying to the property located at 26 Hoppin Rd., TAP 6, Lot 300, (R-10 zone). (Continue to 01/03/22)

PETITION OF CARLOS RODRIQUES, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 2nd and 3rd floor deck/stairway system which will increase the lot coverage from 29% to 35%, (20% allowed), applying to the property located at 20 Summer St., TAP10, Lot 6, (R-10 zone). (Continue to 01/03/22)

V. Full Hearings (cont.):

PETITION OF NEGIN & OLIVER EWALD, TRUSTEES, for a special use permit and a variance to the dimensional requirements for permission to construct a spa, firepit and grill counter all of which increase the lot coverage from 10.9% to 11.2%, (10% allowed), applying to the property located at 529 Bellevue Ave., TAP 37, Lot 44, (R-60 zone). **(Continue to 01/03/22)**

VI. Inactive Petitions/Appeals:

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 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).

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).

APPEAL OF VICTOR & CANDICE SANDMAN, owners; appealing the decision of the Historic District Commission denying permission to construct a second-floor addition applying to the property located at 15 Sherman St., TAP 21, Lot 46, (R-3 zone).

VI. Minutes:

July 26, 2021
September 14, 2021
September 27, 2021
October 18, 2021
October 25, 2021

VII. Communications:

None

a. Action Items:

i. Requests for Extension of Approval

None

ii. Decisions (Receive, review and sign)

None

iii. Motion to Rescind

Motion to Rescind the Special Use Permit approval to operate a guest house granted to 232 Spring Street, Tax Assessor's Plat 27, Lot 258.

VIII. Adjournment:

Please note:

Meetings begin promptly at the time posted and will not last for more than four (4) hours. The Board normally will take a short break after 1½ to 2 hours of hearings to re-access the agenda and their ability to reach the remaining items pending before it.

The Board will not entertain/begin a new petition after 10:00 p.m. and will conclude all hearings at 10:30 p.m. therefore some petitions cannot be heard due to these time constraints and will be continued to the next regular meeting date.

Please send any inquiry to Guy Weston, Zoning Officer, at gweston@cityofnewport.com or call (401) 845-5452

Indicates first appearance on the agenda

***Indicates an objection(s) to the application**