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NEWPORT ZONING BOARD OF REVIEW

MONDAY, MARCH 22, 2021 – 6:30 P.M.

THE MEETING WILL BE HELD REMOTELY IN COMPLIANCE WITH GOVERNOR RAIMONDO'S EXECUTIVE ORDER 20-25- 1. (b) "SUCH MEANS MAY INCLUDE, WITHOUT LIMITATION, PROVIDING PUBLIC ACCESS THROUGH TELEPHONE, INTERNET, OR SATELLITE ENABLED AUDIO OR VIDEO CONFERENCING OR ANY OTHER TECHNOLOGY THAT ENABLES THE PUBLIC TO CLEARLY FOLLOW THE PROCEEDINGS OF THE PUBLIC BODY WHILE THOSE ACTIVITIES ARE OCCURRING".

The Zoning Board of Review will meet via the Zoom Platform. Public participation will also be available through remote means

AGENDA

I. Call to Order

II. Roll Call and Determination of Quorum

III. Minutes:

January 25, 2021 & February 22, 2021

IV. Communications:

Email from Peter Regan Re: Amendment to Petition of BCM Realty, LLC - 2 Eastnor Road - Plat 40, Lot 192
Email from William & Cristina Heiden Re: 28. Heiden, William & Cristina 18 Cliff Ave ZBR Feb 8 (previously sent)

Action Items:

Request for Extension of Approval

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 NICKOLAI PAWLENKO, applicant and owner; for a variance to the dimensional requirements for permission to construct a 2-story detached garage which will be located 2' from the west property line, (15' required), and which will increase the lot coverage from 19% to 28%, (20% allowed), applying to the property located at 1 Kyle Ter., TAP 6, Lot 311, (R-10 zone). **(Requesting an 18-month extension.)**

PETITION OF CAROLINE RICHARDS, applicant and owners; for a variance to the dimensional requirements for permission to construct a 2½ story garage addition which will be located 7.33' from the south property line, (10' required), and which will increase the lot coverage from 15% to 25%, (20% allowed), applying to the property located at 6 Binney St., TAP 41, Lot 255, (R-10A zone).

Decisions (Receive, review, and sign)

APPEAL OF CONCERNED CASEY COURT NEIGHBORS & JEFFREY GRONNING, appellants; STEPHEN & DIANE SAYERS, owners; appealing the issuance of Building Permit #127330 for the construction of a new single-family dwelling applying to the property located on Casey Ct., TAP: 37, Lot 32, (R-10A Zone).

VI. Continued Petitions

1. 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). **(Continued to April 19, 2021)**

2. 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). **(Continued to April 19, 2021)**

3. 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 user 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).

4. 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 dancestudio, (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).

5. 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).

6. 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).

7. Amended 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' 24.9' 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 16.5%, (10% allowed), applying to the property located at 40 Castle Hill Ave., TAP 44, Lot 92, (R-40A zone).

8. PETITION OF WELOVE NEWPORT, 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 increased from 8% to 13%, (8% allowed), applying to the property located at 1 Harborview Dr., TAP 42, Lot 10, (R-120 zone). **(Cont. March 25, 2021)**

9. APPEAL OF WELOVE NEWPORT, 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). **(Cont. to March 25, 2021)**

10. 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). **(Continued to April 6, 2021)**

11. APPEAL OF MR. & MRS. LES HELMERS, appellant and owner; 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).

12. 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). **(Continued to May 24, 2021)**

13. 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 and less than 90 degree parking spaces, applying to the property located at 132 Everts St., TAP 10, Lot 203, (R-10 zone).

14. PETITION OF SEAN & JESSICA QUIRK, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a rear deck and stair addition, a 36' x 16' inground pool and convert the existing non-conforming garage into storage, a pool house and a bathroom. Said additions will increase the lot coverage from 19% to 29%, (20% allowed), applying to the property located at 122 Ruggles Ave., TAP 40, Lot 346, (R-10A zone)

15. 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).

16. PETITION OF LUKE & CYNTHIA MURRAY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing garage structure and construct a single-family dwelling which is located 2.5' from the north property line, (10' required), 3.6' from the west property line, (20' required), and which will increase the lot coverage from 39% to 45%, (20% allowed), applying to the property located on Tews Ct., TAP 26, Lot 32, (R-10 zone).

17. PETITION OF KEVIN & PATRICIA MEEHAN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct 3 new building each with 4 dwelling units and renovate the existing from 2 dwelling unit building, and convert the existing carriage house into a single dwelling for a total of 15 dwelling units, (one principle use per lot allowed), which will increase the lot coverage from 9% to 28%, (20% allowed), applying to the property located at 15 & 17 Sylvan St., TAP 33, Lot 36, (R-10 zone). **(Cont. to April 26, 2021 pending review by the Planning Board and the Technical Review Committee.)**

18. 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 west property lines, (10' required), which will increase the lot coverage from 19% to 23%, (20% allowed), applying to the property located at 45 Kay St., TAP 22, Lot 104, (R-10 zone).

19. PETITION OF JOHN GULLISON, applicant; 2-4 LEDYARD PARTNERSHIP, owner; for a special use permit and a variance to the dimensional requirements for permission to construct a rear 2nd floor dormer which will be located 5.75' from the north property line, (20' required), applying to the property located at 2-4 Ledyard St., TAP 6, Lot 197, (R-10 zone).

20. PETITION OF MARK & JANE ORAVEC, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 10' x 18' pool with related equipment which will increase the lot coverage from 40% to 47%, (40% allowed), applying to the property located at 9 Lee's Whf., TAP 32, Lot 253, (WB zone).

21. Amended PETITION OF BCM REALTY PARTNERS, LLC, applicants; ST. AUGUSTIN'S CHURCH OF NEWPORT, owner; for a special use permit and a variance to the dimensional requirements for permission to convert the existing convent/rectory and 2 dwelling units into a multi-family dwelling with 4 dwelling units and construct a 8' x 17' storage shed which will be located 3' from the east property line, (10' required), and which will increase the lot coverage from 39% to 40%, (20% allowed), applying to the property located at 2 East Nor Rd., TAP 40, Lot 192, (R-10 zone).

22. PETITION OF DENNIS & KATHY TIGHE, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to remove the existing and construct a new 2½ detached dwelling/garage unit which will be located 5' from the south property line, (10' required), applying to the property located at 33 Merton Rd., TAP 29, Lot 157, (R-10 zone).

23. 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-story, 19.5' x 27.33' greenhouse addition which will increase the lot coverage from 18% to 20%, (10% allowed), applying to the property located at 79-83 Dixon St., TAP 35, Lot 282, (R-60 zone).

24. PETITION OF MICHAEL ROBINSON & ORLANDO ZAMBRANO, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to place 2 air conditioner condensers 2' from the south and west property lines, (10' required), applying to the property located at 41 Hunter Ave., TAP 23, Lot 108, (R-10A zone).

25. PETITION OF ERIC PICARD, applicant and owner; for a special use permit and variance to the off-street parking requirements for permission to convert one of two existing dwelling units and a professional office into a 5-bedroom guest house and provide 5 off-street parking spaces, (7 off-street parking spaces required), applying to the property located at 37 Powell Ave., TAP 11, Lot 56, (R-10 zone). **(Cont. to April 26, 2021 pending review by the Planning Board).**

26. PETITION OF CAMERON & MICHAELA STEWART, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 2-story rear addition which will be located 3.75' from the south property line, (10' required), a gas fireplace which will be located 2' from the south property line, (10' required), and add a new 12' x 26' rear deck with stairs all of which increase the lot coverage from 18% to 26%, (20% allowed), applying to the property located at 114 Champlin Pl. North, TAP 20, Lot 203, (R-10A zone).

27. PETITION OF EDWARD McCARTHY, JR., applicant and owner; for a special use permit to convert the existing single-family dwelling into a two-family dwelling applying to the property located at 18 Keeher Ave., TAP 11, Lot 262, (R-10A zone). **(Cont. to April 26, 2021 pending review by the Planning Board)**

28. PETITION OF WILLIAM & CRISTINA HEIDEN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to slightly increase the existing garage and family room which will be located 5.75' from the north property line, (10' required) and which will increase the lot coverage from 28.5% to 29%, (20% allowed), applying to the property located at 18 Cliff Ave., TAP 31, Lot 122, (R-10 zone).

29. PETITION OF DONALD OCCASO, applicant and owner; for a use variance for permission to convert the existing building from 2 dwelling units and a professional office into 3 dwelling units, (3 dwelling units not allowed), applying to the property located at 292 Broadway, TAP 14, Lot 23-4, (R-10 zone). **(Cont. to April 26, 2021 pending review by the Planning Board)**

VII. New Petitions:

30. PETITION OF MATTHEW CHASE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to replace the existing shed with a 16' x 18' shed which will be located 3' from the north property line, (10' required), and which will increase the lot coverage from 20% to 24%, (20% allowed), applying to the property located at 21 Peckham Ave., TAP 7, Lot 175, (R-10 zone).

31. PETITION OF REBECCA KANE & ERNEST DEWITT, JR. for a special use permit and a variance to the dimensional requirements for permission to construct a 16' x 32' in-ground pool which will increase the lot coverage from 21% to 26%, (20% allowed), applying to the property located at 27 Sheffield Ave., TAP 10, Lot 250, (R-10 zone).

32. PETITION OF LAUREN HADLEY, applicant; HADLEY ENTERPRISES, LLC, owner; for a special use permit and a variance to the dimensional requirements for permission to 12' x 20' inground pool which will increase the lot coverage from 10.6% to 11.2%, (10% allowed), applying to the property located at 673 Bellevue Ave., TAP 38, Lot 22, (R-60 zone).
33. PETITION OF KELLY & GERRY MAUER, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 22' x 21.75', single-story sunroom and mudroom addition which will increase the lot coverage from 22% to 26%, (20% allowed), applying to the property located at 33 Tilden Ave., TAP 17, Lot 39, (R-10 zone).
34. PETITION OF ALYSE WILLIAMS & ROBERT TOROBIO, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to raise the ridge of the existing roof from 28' to 33', (30' allowed), applying to the property located at 2 Rowland Rd., TAP 7, Lot 415, (R-10 zone).
35. PETITION OF GERALD & MARGARET VENTO, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to 36' x 20' inground pool which will increase the lot coverage from 10% to 11%, (10% allowed), applying to the property located at 529 Bellevue Ave., TAP 37, Lot 44, (R-60 zone).
36. PETITION OF KATE W. HAAKONSEN, TRUSTEE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct 2, second floor dormers which will be located 3.5' from the west and 4' from the east property lines, (10' required), and 3.5' from the south property line, (20' required), applying to the property located at 7 South Baptist St., TAP 32, Lot 188, (R-10 zone).
37. PETITION OF CHERYL FORD, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 9' x 12' shed which will be located 2' from the north property line and 5' from the west property line, (10' required), and a new bulkhead which will be located 8.9' from the north property line, (10' required), applying to the property located at 19 Aborn St., TAP 11, Lot 383, (R-10A zone).
38. PETITION OF JARED & SARA FELDMAN, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to place an air conditioning condenser 3' from the south property line, (10' required), applying to the property located at 24 Keeher Ave., TAP 11, Lot 705, (R-10A zone).
39. PETITION OF ANTHONY DEFALA, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to expand a third floor dormer which will be located 6' from the west property line, (10' required), applying to the property located at 8 Marin St., TAP 21, Lot 185, (R-10 zone).
40. PETITION OF STUART HEBB, applicant and owner; for a variance to the dimensional requirements for permission to construct a 24' x 17' porch roof addition which will increase the lot coverage from 20% to 23%, (20% allowed), applying to the property located at 21 Prairie Ave., TAP 20, Lot 220, (R-10 zone).
41. 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).
42. PETITION OF STEPHEN CAVAGNARO, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 18' x 10' rear, 1st floor deck addition which will be located 9.25' from the west property line, (20' required), 7' from the north property line, (10' required), and which will increase the lot coverage from 24% to 28%, (20% allowed), applying to the property located at 89 Roseneath Ave., TAP 41, Lot 103, (R-10 zone).
43. 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).

44. APPEAL OF DAVID ELWELL, appellant and owner; appealing the decision of the Historic District Commission denial of an application for the construction of a 23' x 26' attached garage, modification of the existing main entrance, the repairing and relocating of various windows and exterior doors, the restoration and repair of an existing slate roof, and the replacement of sidewall shingles, applying to the property located at 96 Harrison Ave., TAP 41, Lot 10.5, (R-40 zone).

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 reassess 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.

*Telephone Access is available Toll Free by dialing: 1-888-788-0099 (Toll Free) or 1-833-548-0276 (Toll Free)

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