

## NEWPORT ZONING BOARD OF REVIEW

### *In Person Only Hearing*

City Hall, 43 Broadway

City Council Chambers, 2<sup>nd</sup> Floor

**MONDAY, June 27, 2022 – 6:30 P.M.**

### **AGENDA**

#### **I. Call to Order**

#### **II. Roll Call and Determination of Quorum**

#### **III. Appeals:**

\*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). **(Oral arguments)**

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). **(Continued to 07/25/22) (Appellant brief submitted, awaiting transcript)**

APPEAL OF MARK & IDA ARAMLI, appellants and owners; appealing the decision of the Historic District Commission denying their Application for a Certificate of Appropriateness to construct a new single-family dwelling and to modify a historic stone wall applying to the property located at 54 Hammersmith Rd., TAP 43, Lot 54. **(Continue to 07/25/22)**

#### **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). **(For scheduling of special meeting only)**

\*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). **(For scheduling of special meeting only)**

#### **IV. Full Hearings(cont.):**

\*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 07/25/22)**

PETITION OF SW 02-283 LLC, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to modify the existing commercial parking lot and to construct a deck which will be located 0' from the south property line, (5' required), applying to the property located at 9 Sayer's Whf., TAP 27, Lots 2 & 283, (WB zone).

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).

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).

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).

Amended PETITION OF ANN & STEPHEN QUARRY, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to remove the existing garage and construct a 16' x 33' in-law dwelling addition which will be located 2' from the north property line, (10' required), ~~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 28%, (20% allowed), applying to the property located at 20 Toppa Blvd., TAP 11, Lot 625, (R-10A zone).

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).

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., TAP 10, Lot 6, (R-10 zone). **(Continue to 07/25/22)**

#### **IV. Full Hearings(cont.):**

PETITION OF LAWERENCE WEBER AND MARY GERDES, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to maintain a porch addition with a second-floor deck which increases the lot coverage from 55% to 63%, (50% allowed), applying to the property located at 600 Thames St., Unit 1, TAP 35, Lot 269-1, (LB zone). **(Continue to 07/25/22)**

PETITION OF JOHN DUFFY, applicant and owner; for a special use permit and a variance to the off-street parking design standards for permission to convert the 2nd dwelling into a 2-bedroom guesthouse use and provide 5 stacked off-street parking spaces, (stacked parking spaces not allowed), applying to the property located at 19 Bayview Ave., TAP 14, Lot 106, (R-10 zone). **(Continue to 07/25/22)**

\*PETITION OF LESLIE VARRECCHIA, applicant; PATRICIA VARRECCHIA, owner; for a special use permit and a variance to the dimensional requirements for permission to add a new set of a 2-story access stairway which will be located 2.2' from the north property line, (10' required), and which will increase the lot coverage from 20% to 22%, (20% allowed), applying to the property located at 14 Andrew St., TAP 40, Lot 385, (R-10A zone). **(Continue to 07/25/22)**

PETITION OF ROBERT WOLFE, applicant and owner, for a special use permit and variance to the dimensional requirements for permission to construct a 3rd floor dormer addition which will be located 8.2' from the east property line, (10' required), and a new rear stairway addition which will increase the lot coverage from 31% to 33%, (20% allowed), applying to the property located at 31 Bacheller St., TAP 35, Lot 62, (R-10 zone). **(Continue to 07/25/22)**

\*PETITION OF MICHAEL & KAREN ASETTA, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 18.3' x 26' detached garage which will be located 3.5' from the west and north property lines, (10' required), and add a 23' x 10.5' rear addition to the existing dwelling which will be located 2.75' from the east property line, (10' required). Said garage and addition to increase the lot coverage from 20% to 26%, (20% allowed), applying to the property located at 27 Harrison Ave., TAP 40, Lot 106, (R-10 zone). **(Continue to 07/25/22)**

\*PETITION OF SHELLEY MATHES, applicant and owner; for a special use permit and a variance to the dimensional requirement for permission to construct a rear in-law dwelling unit addition which will be located 6.5' from the east property line and which will increase the lot coverage from 28% to 32% applying to the property located at 6 Berkeley Ter., TAP 33, Lot 11, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF ADAM MONTALBANO, applicant and owner; for permission to the existing dwelling unit into a 3-bedroom guesthouse with a resident manager and provide 0 additional off-street parking spaces, (3 additional off-street parking spaces required), applying to the property located at 16-18 Liberty St., Unit #1, TAP 26, Lot 49, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF PETER GEISLER, et als., applicant and owner; for a variance to the dimensional requirements for permission to install a 12' x 33' inground pool which will be located 3' from the south property line, (10' required), and which will increase the lot coverage from 20% to 23%, (20% allowed), applying to the property located at 60 Rhode Island Ave., TAP 20, Lot 219, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF LIAM BARRY, applicant and owner; for a special use permit and a variance to the off-street parking design standards for permission to convert the existing 2nd dwelling unit into a 2bedroom guest house use and provide 5 “stacked” parking spaces, (stacked parking spaces not allowed), applying to the property located at 5 Princeton St., TAP 6, Lot 350, (R-10 zone). **(Continue to 07/25/22)**

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, 18' x 18', shed which will increase the lot coverage from 20% to 25%, (20% allowed), applying to the property located at 398 Spring St., TAP 32, Lot 169, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF THAO VU NGUYGEN & DUONG EMTHANH, applicants and owners; for a special use permit for permission to convert the existing 2-family dwelling into a 5-room guest house with a manager’s dwelling unit applying to the property located at 22 Freebody St., TAP 33, Lot 56, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF ELIZABETH KILZI, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 200 sq. ft. rear living addition which will increase the lot coverage from 21% to 26%, (20% allowed), applying to the property located at 5 Bliss Rd., TAP 11, Lot 107, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF STACEY & ERIK GUDIM, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct an outdoor kitchen, which will be located 3.75’ from the north property line, (10’ required), and a plunge pool and spa which will increase the lot coverage from 25% to 27%, (20% allowed), applying to the property located at 52 Ayrault St., TAP 22, Lot 63, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF PLEASANT PROPERTIES, LLC, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a new single-family dwelling which will be located 5' from the south property line, (10' required), 16.9' from the east property line, (20' required), and which will increase the lot coverage from 22% to 36%, (20% allowed), applying to the property located at 5 Bayside Ave., TAP 9, Lot 210, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF RICHARD HART, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to add a 2-story garage addition to the existing house which will be located 5' from the south property line, (10' required), and which will increase the lot coverage from 20% to 30%, (20% allowed), applying to the property located at 31 Prescott Hall Rd., TAP 9, Lot 313, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF LUKE FLEURY, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to relocate and reconstruct the existing garage and construct an inground pool which will increase the lot coverage from 15% to 24%, (20% allowed), and add a 2<sup>nd</sup> and 3<sup>rd</sup> floor deck applying to the property located at 5 Dresser St. **(Continue to 07/25/22)**

PETITION OF JOHN & KATHLEEN TRENTOS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish and construct a new singlefamily dwelling which will be located 3.5' from the north property line, (10' required), and construct a detached shed which will be located 2.6' from the south property line and 2.7' from the east property line, (10' required). Said proposal to increase the lot coverage from 17% to 35%, (20% allowed), applying to the property located at 93 Second St., (TAP 9, Lot 320, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF DAVID & LUCINE MOLLER, 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 new single-family dwelling which will be located 35' from the east property line and 39' from the south property line, (50' required), and which will increase the lot coverage from 9% to 13%, (10% allowed), applying to the property located at 17 Commonwealth Ave., TAP 44, Lot 42, (R-40A zone). **(Continue to 07/25/22)**

\*PETITION OF JASON & SARAH ADAMS, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to convert the existing dwelling into a 3bedroom guest house and provide 0 additional off-street parking spaces, (1 additional off-street parking space required), which use the right of way to maneuver into and out of the spaces, (use of right of way not allowed), and a driveway which is only 12.5' wide, (24' width required), applying to the property located at 9 Goodwin St., TAP 35, Lot 259, (WB zone). **(Continue to 07/25/22)**

PETITION OF RYAN LEMOIE, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to install a single car off-street parking space which will

require the use of the right of way to maneuver, (use of right of way not allowed), applying to the property located at 35 Elm St., TAP 16, Lot 31, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF LEE ANN MURRAY, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to increase the size of an existing deck by 263 sq. ft. which will be located 4' from the side property line, (10' required), and 16' from the rear property line, (20' required) and which will increase the lot coverage from 24% to 32%, (20% allowed), applying to the property located a 7 Sharon Ct., TAP 39, Lot 488, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF DOUGLAS LOWENSTEIN, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to construct a 1-story rear deck addition which will be located 7.2' from the west property line, (10' required), a rear stair addition which will be located 5.6' from the south property line, (20' required), and a bulkhead addition which will be located 9.4' from the east property line, (10' required). Said additions will increase the lot coverage from 34% to 44%, (20% allowed), applying to the property located at 37 Dennison St., TAP 32, Lot 6, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF VIVIANNA & GABRIEL ROYO, applicants and owners, for a special use permit and a variance to the off-street parking design requirements for permission to operate a 5-bedroom guest house and provide only 4 off-street parking spaces which require the use of the public right of way to maneuver applying to the property located at 28 Prospect Hill St., TAP 27, Lot 38, (GB zone). **(Continue to 07/25/22)**

PETITION OF TED FISCHER, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to relocate existing detached garage and attach to the main residence on its eastern elevation and extend the main residence's southern elevation which will be located 23.5' from the east property line, (75' required). The new dwelling will be located 47.9' from the west property line, (50' required). Said proposal will increase the lot coverage from 9.8% to 10.2%, (8 % allowed) and will have a height of 36.5', (35' allowed), applying to the property located at 1 Ocean Heights Rd., TAP 41, Lot 334, (R-120 zone). **(Continue to 07/25/22)**

PETITION OF ALEXANDER DONLAN, applicant; ELLINOR WALTERS, owner; for a special use permit and a variance to the dimensional requirements for permission for permission to construct a 61.7 sq. ft entry addition and a 175 sq. ft. deck addition which will be located 3' from the east property line, (10' required), and which will increase the lot coverage from 25% to 32%, (20% allowed), applying to the property located at 7 Malbone Rd., TAP 10, Lot 5-4, (R-10 zone). **(Continue to 07/25/22)**

\*PETITION OF AUDRAIN AUTOMOBILE MUSEUM, INC; applicant; ARC HTNEWRI001, owner; for a modification of an approved special use permit for permission to modify said approval and permit 2 special events for Motor Week on September 29 and September 30, 2022 applying to the property located at 2 Kay St., TAP 21, Lot 123, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF JOHN & ROBIN LIDINGTON, applicants and owners; for a special use permit and a variance to the off-street parking requirements for permission to convert one of the three existing dwelling units into a 3-bedroom guest house and provide 0 additional off-street parking spaces, (1 additional off-street parking space required), applying to the property located at 26 Mary St., TAP 24, Lot 92, (GB zone). **(Continue to 07/25/22)**

PETITION OF JAMES ALLAN EGAN, applicant and owner; for a special use permit and a variance to the off-street parking requirements for permission to maintain a 290 sq. ft. museum use and provide 0 additional off-street parking spaces, (10 additional off-street parking spaces required), applying to the property located at 152 Mill St., TAP 25, Lot 131, (GB zone). **(Continue to 07/25/22)** PETITION OF RANDOLPH POMFRET, applicant and owner; for a special use permit and a variance to the off-street parking requirements for permission to convert the existing dwelling unit into a 4bedroom guest house and provide 0 additional off-street parking spaces, (4 non-stacked off-street parking spaces which do not require the use of the public right of way to maneuver, required) applying to the property located at 7 Hammond St., TAP 35, Lot 235, (LB zone). **(Continue to 07/25/22)**

PETITION OF JOANNE CORIANDER, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a new single-family dwelling which will increase the lot coverage from 0% to 26%, (20% allowed), applying to the property located on a vacant lot on Heath St., TAP 18, Lot 70, (R-10 zone). **(Continue to 07/25/22)**

PETITION OF THAMES NEWPORT, LLC., applicant and owner; for a special use permit and a variance to the off-street parking requirements for permission to expand the deck and outdoor restaurant seating area and eliminate 1 off-street parking space, (41 off-street parking spaces required), applying to the property located at 282 Thames St., TAP 27, Lot 20, (GB zone). **(Continue to 07/25/22)**

## **VII. Inactive Petitions:**

\*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).

## **VIII. Minutes:**

## **IX. Communications:**

### **a. Action Items:**

#### **i. Requests for Extension of Approval**

#### **ii. Decisions (Receive, review and sign)**

#### **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. **(To be Dismissed)**

## **X. 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](mailto:gweston@cityofnewport.com) or call (401) 845-5452*

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