

12/14/2023

NEWPORT ZONING BOARD OF REVIEW
Monday, December 18, 2023 – 6:30 P.M.

I. Call to Order

II. Roll Call and Determination of Quorum

III. Minutes:

1. October 23, 2023 Draft Minutes
2. November 27, 2023, Draft Minutes

IV. Communications –

1. Action Items

- i. Withdrawal Request – 47 Eustis
- ii. Proposed 2024 Meeting Schedule
- iii. Proposed Zoning Application Submittal Requirements

V. Summary Calendar

1. App. #2023-Dec-007 PETITION OF GARRETT and JACQUELINE BENTON, applicants and owners, **39 Kay Street**, TAP 22, Lot 088, (R-10 Zone, Historic Overlay) for a special use permit and dimensional variance to relocate two HVAC condensers from the north side of the property to 9'-8" from the south Pell Street front property line (15' required).
Application Materials, November 8, 2023
Staff Report, December 14, 2023
2. App. #2023-Dec-011 PETITION OF MATTHEW and JULIA REINHARDT, applicants and owners, **90 Third Street**, TAP 09, Lot 130, (R-10 Zone, Historic Overlay) for a special use permit and dimensional variances to construct a canopy roof overhang above entry door, located 2'-3" from south (side) property line (10' required), increasing the lot coverage from 53.8% to 54.1% (20% allowed).
Application Materials, November 13, 2023
Staff Report, December 14, 2023

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3. App. #2023-Dec-016 PETITION OF JEFFREY B. and MARY CASO MILLER TRUST, applicants and owners, **43 Eustis Avenue**, TAP 11, Lot 298, (R-10A Zone) for a dimensional variance to construct a new driveway and parking space, requiring backing out onto the public right-of-way (not permitted on multi-family properties).
Application Materials, November 13, 2023
Letter of Support, November 29, 2023
Staff Report, December 14, 2023

VI. Abbreviated Summary

1. App. #2023-Dec-001 PETITION OF FELISA NOBLES, applicant and owner, **108 Van Zandt Avenue**, TAP 09, Lot 432, (R-10 Zone) for a special use permit and dimensional variances to construct an egress staircase, located 6' from the rear property line (20' required) and 3'-4" from the east (side) property line (10' required), and installation of two HVAC condensers located 6" from the east (side) property line (10' required), increasing the lot coverage from 51.4% to 53.9% (20% allowed).
Application Materials, October 13, 2023
Staff Report, December 14, 2023
2. App. #2023-Dec-003 PETITION OF DANA PICKUP, applicant, JULIA HOGAN, owner, **38 Simmons Street**, TAP 39, Lot 315, (R-10 Zone) for retroactive approval of a special use permit and dimensional variance for a revised deck, increasing the lot coverage from 31.3% to 34.4% (20% allowed).
Application Materials, October 25, 2023
Public Comment, December 12, 2023
Staff Report, December 14, 2023
3. App. #2023-Dec-005 PETITION OF NRI 104-108 GIRARD PARTNERSHIP, applicant and owner, **102-108 Girard Avenue**, TAP 03, Lot 011, (R-10 Zone) for a modification to a special use permit and dimensional variance to relocate exterior decks to the west of the existing buildings, located 11' from the front property line (15' required). **(Continue to 1/22/24 to Re-Advertise)**
4. App. #2023-Dec-008 PETITION OF STEPHEN and ANN QUARRY, applicants and owners, **20 Toppa Blvd.**, TAP 11, Lot 625, (R-10A Zone) to re-approve a previously granted special use permit and dimensional variance, allowing the construction of an in-law apartment (ADU) located 2' from the north (side) property line (10' required) that was approved in 2022 but not substantially completed prior to expiration of the approval, and to add a new, covered front porch, increasing the lot coverage from 20% to 26.5% (20% allowed).
Application Materials, November 8, 2023
Staff Report, December 14, 2023

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5. App. #2023-Dec-009 PETITION OF JAMES B. GROSVENOR, applicant and owner, **8 Cliff Avenue**, TAP 31, Lot 106, (R-10 Zone) for a special use permit and dimensional variance to convert an existing rear deck to one-story living area, install an in-ground pool and bulkhead, and construct a new, covered front porch, increasing the lot coverage from 29.3% to 32% (20% allowed).
Application Materials, November 9, 2023
Staff Report, December 14, 2023
6. App. #2023-Dec-010 PETITION OF 95 BROADWAY, LLC, applicant and owner, **95 Broadway**, TAP 21, Lot 004, (GB Zone) for a special use permit to convert the existing commercial tenant space to a fast food restaurant and market.
Application Materials, November 9, 2023
Supplemental Floor Plan, November 9, 2023
Staff Report, December 14, 2023
7. App. #2023-Dec-012 PETITION OF JARED LAZOR, applicant and owner, **8 Cranston Avenue**, TAP 19, Lot 050, (R-10 Zone) for special use permit and dimensional variances to construct a 180 sq.ft. garden shed, located 6' from the west and east (side) property lines and 1.5' from the north (rear) property line (10' required for all, increasing the lot coverage from 30.7% to 36.1% (20% allowed).
Application Materials, November 13, 2023
Staff Report, December 14, 2023
8. App. #2023-Dec-015 PETITION OF THE DIANA C. BUNTING TRUST - 2015, applicant and owner, **3 Almy Court**, TAP 37, Lot 085, (R-10A Zone) for a dimensional variance to demolish a one-story portion of the existing building and an existing deck, and construct a new, one-story addition and covered porch, increasing the lot coverage from 16.78% to 24.84% (20% allowed).
Application Materials, November 13, 2023
Staff Report, December 14, 2023

VII. Appeals

1. APPEAL OF MARK & IDA ARAMLI, owners and applicants; **54 Hammersmith Road**, TAP 43, Lot 54, (R-160 zone); appealing the decision of the Historic District Commission denying the Appellants application for a Certificate of Appropriateness to construct a new single-family dwelling and to modify a historic stone wall. (**Continue to 1/22/2024 for Oral Arguments**)

VIII. Full Hearing Petitions to be Considered

1. App #2019-Aug-1. 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; **0, 1, 16 & 25 Waites Wharf, 23**

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Coddington Wharf, and 20 West Extension Street, TAP 32, Lots 155, 267, 268, 272, 248, & 293, (WB zone); 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). **(Continued from December 11, 2023 for Deliberation and Decision; Materials can be found on December 11, 2023 Agenda)**

2. *App. #2023-Jul-015 PETITION OF SEAN MALONEY AND MARGARET CHAI MALONEY, applicants and owners, **275 Harrison Avenue**, TAP 44, Lot 121, (R-160 Zone, Historic Overlay) for a special use permit and dimensional variance to construct a detached carriage house 16' from the front property line (100' required). **(Continued from 10/23/2023)**
 - Application Materials, June 12, 2023
 - Supplemental – Houle Report, October 18, 2023
 - Public Comment – Combined October 19, 2023
 - Staff Report, October 19, 2023

3. *Amended App #2022-Mar-15. PETITION OF JOHN & KATHLEEN TRENTOS, applicant and owner; **93 Second Street**, TAP 9, Lot 320, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to demolish and construct a new single-family dwelling which will be located 5' from the north property line, (10' required), and construct a detached shed which will be located 4' from the north property line and 4' from the east property line (10' required for both), establishing the lot coverage of 35.4% (20% allowed). **(Continue to January 22, 2024 by Request of the Applicant)**

4. *Amended App. #2023-Apr-005 PETITION OF DAVID PLATT, applicant and owner, **70 Bridge Street**, TAP 16, Lot 078, (R-10 Zone, Historic Overlay) for a special use permit, dimensional variance, and regulatory variance to construct a second principal residential building on a property, increasing the lot coverage from 25.58% to 35.28% (20% permitted).
 - Application Materials, March 13, 2023
 - Corrected Application, April 10, 2023
 - Supplemental – Site Plan, April 10, 2023
 - Supplemental – Neighborhood Survey, May 31, 2023
 - Amended Application, October 25, 2023
 - Public Comment – combined, November 22 2023
 - Staff Report, November 22, 2023

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5. *App. #2023-Jul-011 PETITION OF 49 & A HALF THIRD STREET, LLC, applicant and owner **49 ½ Third Street**, TAP 12, Lot 269, (R-10 Zone, Historic Overlay) to demolish an existing single-family dwelling and detached garage and construct a new single-family dwelling and attached garage, located 5’8” from the north side property line, 3’6” from the east side property line (10’ required for both), construct a bulkhead 4’9” from the north side property line and two AC condensers 4’3” from the north side property line (10’ required for both), establishing a lot coverage of 39% (20% allowed).
Application Materials, June 12, 2023
Supplemental – Houle Report, November 20, 2023
Public Comment – Combined, November 22, 2023
Staff Report, November 22, 2023

*Indicates objection(s) to the application

IX. Full Hearing Petitions to be Continued

1. *Amended App. #2023-Jun-006 PETITION OF LAURA TREONZE, applicant and owner, **69 Third Street**, TAP 12, Lot 024, (R-10 Zone, Historic Overlay), for a special use permit and dimensional variances to remove a raised patio and side porch, and construct a new, detached 1 ½-story garage, located 2’ from south (side) property line and 2’ from the east (rear) property line (10’ required for both), increasing the lot coverage from 30.7% to 35% (20% allowed). (**Continue to 1/22/2024**)
2. *App. #2023-Jul-001 PETITION OF ANNA AND BRUCE BARBIERI, applicants and owners, **47 Eustis Avenue**, TAP 11, Lot 337, (R-10A Zone) for a special use permit and dimensional variances to construct a new dining room addition, placed 6.4’ from the Taber Street front property line (15’ required), increasing the lot coverage from 27.5% to 32% (20% permitted). (**Request to Withdraw**)
3. App. #2023-Sept-008 PETITION OF ROBERT & KATHLEEN QUTUB, applicants and owners, **437 Bellevue Avenue**, TAP 36, Lot 008, (R-60 Zone, Historic Overlay) for a special use permit and dimensional variances to construct an in-ground pool located 21’-2.5” from the Webster Street front property line (50’ required), replace an existing mudroom entry stairs with covered entry, extend the kitchen entry porch, add new rear stairs to the patio, and add an outdoor kitchen and grill counter, increasing the lot coverage from 12.87% to 15.47% (10% allowed). (**Continue to 1/22/2024**)
4. *App. #2023-Sept-009 PETITION OF WILLIAM AND LISA COLLINS, applicants and owners, **5 Waites Wharf**, TAP 32, Lot 158, (WB Zone) for a special use permit and dimensional variances to convert an existing single-family dwelling to a four bedroom guest house, providing zero additional parking spaces (2 additional needed for bedrooms and 1 needed for manager space), without complying with commercial parking space standards, including minimum driveway aisle width, 24’ access driveway aisle, and maneuvering into the right-of-way. (**Continue to 1/22/2024**)

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5. *App. #2023-Sept-011 PETITION OF TIMOTHY and ROBERTA HARRINGTON, applicants and owners, **85 Pope Street**, TAP 32, Lot 103, (R-10 Zone) for a special use permit and dimensional variance to install AC condensers located 0' from the East Street front property line (15' required). **(Continue to 1/22/2024)**
6. App. #2023-Oct-011 PETITION OF PATRICK KILROY, TRUSTEE, applicant, BONNIE B. KILROY, TRUST, owner, **9 Beacon Hill Road**, TAP 41, Lot 006, (R-40 Zone; Historic Overlay) for a special use permit, dimensional variances, and a regulatory variance to the allowable number of principal dwelling units on a single property, to construct a new single-family dwelling on a property containing 6 existing dwelling units, located 35' from the Beacon Hill Rd. front property line and 20' from the Pen Craig Place front property line (50' required for both). **(Continue to 1/22/2024)**
7. App. #2023-Oct-012 PETITION OF HARBOUR REALTY, LLC, applicant and owner, **25 Waites Wharf**, TAP 32, Lot 155, (GB Zone) for a retroactive approval request for a special use permit to operate a 378 sq.ft. commercial outdoor recreation facility (axe throwing). **(Continue to 1/22/2024)**
8. *App. #2023-Nov-011 PETITION OF KEITH CULLEN, applicant and owner, **84 Dr. Marcus Wheatland Boulevard**, TAP 14, Lot 092, (GB Zone) for a special use permit and dimensional variances to demolish an existing two-family dwelling and construct a three-unit Guest House, a variance to the off-site manager parking space, variances to commercial parking space standards to allow reversing onto the right-of-way and not providing the 24-foot drive aisle, and a variance to the requirement to underground utilities. **(Continue to 1/22/2024)**
9. App. #2023-Nov-012 PETITION OF FAMILY RETREAT LLC and KARL FEITELBERG, applicants and owners, **15 Atlantic Avenue**, TAP 44, Lot 132, (R-40A Zone, Historic Overlay) for dimensional variances to construct a pergola over an existing patio, construct an outdoor kitchen, and construct an in-ground pool and raised patio and decking located approximately 16' from the rear property line (20' required), increasing the lot coverage from 8% to 11.9% (10% allowed). **(Continue to 1/22/2024)**
10. *App. #2023-Dec-006 PETITION OF CLINTON COX, applicant and owner, **493-495 Broadway**, TAP 06, Lot 345, (R-10 Zone) for a special use permit and dimensional variances to construct an accessory shed in the rear yard, located 2' from the south (side) and east (rear) property lines (10' required for both), increasing the lot coverage from 24.9% to 26.8% (20% allowed). **(Continue to 1/22/2024)**
11. App. #2023-Dec-013 PETITION OF KAREN McGUINNESS, TRUSTEE, applicant and owner, **172 Spring Street**, TAP 24, Lot 309, (GB Zone, Historic Overlay) for a dimensional variance to convert the existing single-family dwelling into a 4-bedroom guest house without providing additional on-site parking spaces (4 additional required). **(Continue to 1/22/2024)**

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X. Inactive Petitions & Appeals:

1. Appeals Awaiting Transcripts or Briefs:

2. Petitions Pending Other Board Decisions (Continued Generally)

1. App. #2023-Oct-006 PETITION OF CHRISTOPHER DiNAPOLI, owner, CHRISTOPHER and BETHANY DiNAPOLI, owners, **287 Gibbs Avenue**, TAP 23, Lot 047, (R-20 Zone) for dimensional variances triggered after proposed subdivision, resulting in a sunken patio and an outdoor grill placed 6 ½' from the side property line (15' and 10' required respectively), resulting in a lot coverage of 21.8% (15% allowed). (**Pending Planning Board**)
2. App. #2023-Nov-010 PETITION OF C.C.B CAPITAL & REAL ESTATE, INC., applicants and owners, **406-410 Thames Street**, TAP 27, Lot 184, (LB Zone) for a special use permit and dimensional variance to convert a dwelling to a guest house, with no on-site manager, without providing additional parking spaces (2 additional parking spaces required). (**Pending Planning Board**)

XI. Other Inactive Petitions

1. *PETITION OF BP REALTY, LLC, applicant and owner; **Banisters Wharf**, DBA The Black Pearl, TAP 24, Lot 276, (WB zone); 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).
2. 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).

XII. 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-assess 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 Nick Armour, Zoning Officer, at narmour@cityofnewport.com or call (401) 845-5452