

Minutes of the
Newport Zoning Board of Review

A meeting of the Zoning Board of Review was held on Monday, January 23, 2023, in the Council Chambers, City Hall, 43 Broadway at 6:30 p.m.

PRESENT: Sam Goldblatt, Chair
Wick Rudd, Vice-Chair
Russell Johnson, Secretary
David Riley
Bart Grimes
Nicole Shevory, Alternate
Susan Perkins, Alternate

Girard Galvin, Assistant City Solicitor
Nicholas Armour, Zoning Officer

The minutes of the following meetings were approved:

May 23, 2022
July 25, 2022

The following Withdrawal requests were considered and accepted:

- 28 East Street
- 28 Memorial Blvd.
- 144-150 Thames Street
- 7 Hammond Street
- 3 Barbara Street

D E C I S I O N S

A motion to adopt the staff reports, plans and applications as the Board's findings of fact on items listed below on the Summary Calendar section of the agenda was made by Mr. Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2022-Dec-005. PETITION OF 4-6 RUSSELL AVENUE LLC, owner and Mark Donahue, applicant, 4-6 Russell Avenue, TAP 07, LOT 297, (R-10 zone), for a special use permit and dimensional variance to construct a detached, single-car garage on a 5,606 sq.ft. lot (10,000 sq.ft. required), located 3' from the west side lot line, (10' required), 5' from the north rear lot line (10' required), increasing the lot coverage from 24.7% to 30% (20% allowed).

A motion to approve the afore-mentioned summary item with the conditions that the detached garage will not be finished and used as an accessory dwelling, that the project be started and substantially completed within 12 months of the date of the decision and

that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2023-Jan-003. PETITION OF PETER A CASEMIRA, applicant and owner; 5 Gillies Court, TAP 39, Lot 278, (R-10 zone); for a variance to the dimensional requirements for permission to install a condenser unit, with a 3' west side setback (10' required).

A motion to approve the afore-mentioned summary item with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision was made by Mr. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2022-Nov-002. Corrected PETITION OF BEACON ROCK, LLC, applicant and owner, **147 Harrison Avenue**, TAP 41, Lot 001, (R-120 Zone, Historic Overlay) for a special use permit and a variance to dimensional requirements to construct a detached garage, located 0' from front property line (75' required).

Attorney Peter Regan represented the applicant, and requested a continuance to the February 27, 2023 Zoning Board hearing to allow modifications to the project by the applicant.

App. #2023-Jan-004. PETITION OF ANNE A. ALLARDT, TRUSTEE, applicant and OTTER TWO TRUST LLC., owner; 71 Division Street, TAP 24, Lot 170, (R-3 zone, Historic Overlay); for a variance to the dimensional requirements for permission to install a condenser unit, within 6' from an adjoining street (20' required).

A motion to approve the afore-mentioned abbreviated summary item was made by Mr. Rudd, seconded by Mr. Riley with the conditions that the project shall be started and substantially completed within 12 months of the date of the decision, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision.

The motion was unanimously approved.

App. #2023-Jan-005. PETITION OF DANIEL HERCHENROETHER, applicant and owner, 6 Record Street, TAP 10, Lot 007 (R-10 zone), for a special use permit and a variance to the dimensional requirements for permission to construct a new 3rd story dormer with a front setback of 10'7" (15 feet required) and a height of 32'9" (30' allowed) and construct a new basement entry door on the east elevation, increasing the lot coverage from 43.5% to 43.7% (20% allowed).

Board Member Grimes asked one question about the height of the building. The applicant responded that it was an existing non-conformity.

A motion to approve the afore-mentioned abbreviated summary item was made by Mr. Rudd, seconded by Mr. Riley with the conditions that the project shall be started and substantially completed within 12 months of the date of the decision, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision.

The motion was unanimously approved.

App. #2023-Jan-006. PETITION OF HEATHER McCARTHY, applicant and owner, 40 Hall Avenue, TAP 10, Lot 065 (R-10 zone), for a special use permit and a variance to the dimensional requirements for permission to construct a 2nd story addition on the rear portion of the existing 2 family dwelling, with a 2'4" north side setback (10' required).

A motion to approve the afore-mentioned abbreviated summary item was made by Mr. Rudd, seconded by Mr. Riley with the conditions that the project shall be started and substantially completed within 12 months of the date of the decision, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision.

The motion was unanimously approved.

App. #2022-Jun-7. PETITION OF CARPE NOCTEM REAL PROPERTY, LLC, applicant and owner; 107-111 Broadway, TAP 21, Lot 001, (GB zone); for a special use permit and a variance to the off-street parking and dimensional requirements for permission to expand the existing building increasing the lot coverage from 95% to 99%, (80% allowed), and to expand the service area by 1,513 sq. ft. and provide 0 additional off-street parking, (11 additional off-street parking spaces required).

The Applicants were represented by Attorney Peter Regan and one of the members of the ownership group, Derek Savis was also in attendance. Project Architect Daniel Herchenroether was present. No members of the public were present to comment.

A motion to approve the afore-mentioned full hearing item was made by Mr. Rudd, seconded by Mr. Riley, with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision. The motion was unanimously approved.

Attorney Regan will prepare the draft decision.

App. #2022-Jun-20. PETITION OF CLAYBRON JONES, applicant and owner; 73 Warner Street, TAP 14, Lot 6, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a new 2-story rear addition which will be located 1.75' from the north property line, (10' required), and which will increase the lot coverage from 27% to 30%, (20% allowed).

The Applicant was present to represent his application. Project Architect Daniel Herchenroether was present. No members of the public were present to comment.

A motion to approve the afore-mentioned full hearing item was made by Mr. Rudd, seconded by Mr. Riley, with the conditions that the project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision. The motion was unanimously approved.

App. #2022-Jul-2. Amended PETITION OF KBC REALTY, applicant and owner, 10 Fair Street, TAP 27, Lot 113, (LB zone), for a special use permit and dimensional variance to permission to construct an 8' x 20' first floor deck which increases the lot coverage from 49.45% to 59.57% (50% allowed) and a regulatory variance to allow overhead power lines where undergrounding utilities is required by code.

The Applicant was present to represent his application. No members of the public were present to comment.

Chair Goldblatt questions how the deck was the minimum relief necessary. Various Board members concurred and suggested reduction in the size of the deck.

A motion to approve the afore-mentioned full hearing item was made by Mr. Rudd, seconded by Mr. Riley, with the conditions that the deck be reduced in size by 10-10%, that project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision. Board members Riley, Rudd, Grimes, and Goldblatt voted to approve. Board Member Johnson voted to deny. The motion passed.

App. #2022-Oct-8. Amended PETITION TIMOTHY & ELIZABETH McGILVRAY, applicant and owner; 13 Commonwealth Avenue, TAP 44, Lot 081, (R-40A zone); for a special use permit and a variance to the dimensional requirements for permission to demolish and rebuild a single-family dwelling located 30' from the north front property line (50' required), increasing lot coverage from 10% to 12.8% (10% allowed).

The Applicant was represented by Attorney J. Russell Jackson. Attorney Jay Lynch, representing abutter, The Newport Country Club, vocalized a withdrawal of the objection previously filed on behalf of his client. Another abutter, Mr. Benzak, also withdrew objection. One other abutter, Mr. Gary Lash, had objected in writing. Brian Shull, project Architect, was present. James Houle, real estate expert, presented testimony.

Mr. Rudd, seconded by Mr. Riley, with the conditions that the deck be reduced in size by 10-10%, that project be started and substantially completed within 12 months of the date of the decision and that all outstanding invoices for abutter notification be paid prior to the recording of the decision. The motion was unanimously approved.

Attorney Jackson to prepare the draft decision.

All remaining Petitions were continued.