

Minutes of the  
**Newport Zoning Board of Review**

A meeting of the Zoning Board of Review was held on Monday, August 28, 2023, in the Second Floor Conference Hall of Innovate Newport, 513 Broadway at 6:30 p.m.

PRESENT: Sam Goldblatt, Chair  
Wick Rudd, Vice-Chair  
Russell Johnson, Secretary  
David Riley  
Bart Grimes

Girard Galvin, Assistant City Solicitor  
Nicholas Armour, Zoning Officer

ABSENT: Nicole Shevory, Alternate  
Susan Perkins, Alternate

The following requests to withdraw without prejudice were considered and accepted:

- 11 Ocean Heights Road
- 448-450 Thames Street
- 57 Marchant Street

The following requests for a 12-month extension were considered and accepted:

- 34 South Baptist Street

**DECISIONS**

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. Rudd, seconded by Mr. Riley. The motion was unanimously approved.

App. #2023-Sept-010 PETITION OF JOSEPH J. DUGGAN, applicant and owner, **16 Garfield Street**, TAP 07, Lot 302, (R-10 Zone) for a special use permit and dimensional variance to construct a 12'x16' rear deck, increasing the lot coverage from 20.9% to 25.2% (20% allowed).

Applicant Joseph Duggan was present. There were no questions from the Board.

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. Staff to prepare the draft decision.

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).

This application was continued.

App. #2022-Oct-11. PETITION OF COACH HOUSE CONDOMINIUM ASSOCIATION, applicant and owner; **103-121 Coggeshall Avenue**, TAP 37, Lot 100, (R-10A zone); for a special use permit and a variance to the dimensional requirements to allow a major subdivision to create a separate lot for Unit 10 with an existing dwelling located 9' from front property line (15' required).

This application was continued.

Corrected App. #2023-Jul-009 PETITION OF IGOR SOKOL, applicant and owner, **232 Ocean Avenue**, TAP 41, Lot 101, (R-120 Zone, Historic Overlay) for a special use permit and dimensional variances to install one AC condenser unit 7' from the front property line (75' required), and one condenser in the located 51' from the front and 31' from the side property lines (75' and 50' required, respectively), and install an in-ground pool, increasing the lot coverage from 8.4% to 8.7% (8% permitted).

Architect Pamela Rodgers was present to represent the application. Objector Alisha Grace was present and stated that she is withdrawing her objection due to the agreed-upon landscape plan and removal of the condensers.

A motion to approve the afore-mentioned abbreviated summary item with the conditions that the agreed-upon landscaping plan in Exhibit L4.1 be implemented, 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. Staff to prepare the draft decision.

App. #2023-May-003 PETITION OF FRED ROY, applicant and owner, **43 Palmer Street**, TAP 41, Lot 163 (R-10 Zone) for a special use permit and dimensional variance to construct a detached carport over an existing driveway, located 2' from the front property line (20' required) and 3' from the side property line (10' required), increasing the lot coverage from 30.8% to 39.25%. (Continued from 8/28/23)

Applicant Fred Roy presented the application. The purpose of the carport is to support solar panels as the roofline of his house does not have an optimal angle to support the panels. The Board asked if he spoke with his neighbors. He has received two letters from neighbors (Applicant's Exhibit 1 & 2), stating that they do not object, and several neighbors have verbally told him that they do not object.

Board Member Riley asked if the carport could be moved back more from the front property line. Mr. Roy explained that the carport would be shaded by the trees if moved back. The Board asked questions regarding stormwater management. The Zoning Officer commented that the Public Services Director would want onsite stormwater management. The applicant will need to show how the runoff will be handled onsite at the building permit stage.

A motion to approve the afore-mentioned full-hearing 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 Board discussed the application. Mr. Riley stated that he would support the application as the circumstances on the property prove that this is the least relief necessary and he believes that the carport is a different look, but that it fits in with the property. Mr. Johnson and Mr. Rudd agreed. Mr. Goldblatt commended the interest in solar, but stated that he would not support the petition as some lots are just not suitable for solar and does not want to grant relief just to get solar. Mr. Grimes was on the fence, but stated he would support the petition. The motion passed with 4 votes to approve the petition and Mr. Goldblatt voting to deny. Staff to prepare the draft decision.

App. #2023-May-002 PETITION OF ADRIAN PREZIOSO, applicant and owner, **24 Byrnes Street**, TAP 35, Lot 061, (R-10 Zone) for a special use permit and dimensional variances to 1) expand a front porch, located 1'10" from front property line, 2) construct a rear addition, located 2'-1" from the side property line (10' required) and 5'-7" from the rear property line (20' required), and 3) add a deck partially within the rear setback, increasing the lot coverage from 28.5% to 39.5% (20% permitted).

Applicant Adrian Prezioso and architect Dan Herchenroether were present. The goal of the project is to expand the bedrooms and living spaces to make room so that his family can move to Newport fulltime. The project will create 1,800 additional square feet of living space. The applicant spoke with his neighbors and there is no opposition.

A motion to approve the afore-mentioned full-hearing 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 Board discussed the application and believed the request to be modest. The motion was unanimously approved. Staff to prepare the draft decision.

App. #2023-May-010 Corrected PETITION OF RED HOUSE MANAGEMENT, LLC, applicant and owner, **89 Thames Street**, TAP 17, Lot 236, (GB Zone, Historic Overlay) for a regulatory variance to provide the required four (4) parking spaces for a four-bedroom guest house on the neighboring property at 6 West Marlborough Street (required parking must be provided on the subject property).

The applicant was represented by Attorney Peter Regan. Applicant Alexander Sandy Nesbit was also present. The property was previously a guest house in 2016/2017. After code changes, the owner made recent improvements to bring the building up to fire code for guest house use. Mr. Nesbit has entered into a license agreement with the owner of 6 West Marlborough St to provide parking on the lot abutting his building. Exhibit 1 Licensing Agreement and Exhibit 2 Parking Plan were accepted. Mr. Regan stated that the license agreement is terminable, but if the agreement were to be terminated, the applicant would return to the Board or cease use as a guest house. Mr. Nesbit was amenable to the condition that with the annual application for a guest house, he is to confirm that the easement/license agreement is still in effect.

A motion to approve the afore-mentioned full-hearing item with the conditions that the applicant confirm that the license agreement is in effect with each annual guest house registration, 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 Board discussed the petition and agreed that this was

a creative parking solution. The motion was unanimously approved. Attorney Regan to prepare the draft decision.

App. #2023-Jul-016 PETITION OF RALPH AND LAURA WITT, applicants and owners 7 Cottage Street, TAP 25, Lot 093, (R-10 Zone, Historic Overlay) for special use permits and dimensional variances to replace and expand an existing front porch, located 3.4' from the Cottage Street front property line and 9.4' from the Redwood Street front property line (15' required for both), reconstruct and reduce the size of the side deck located 9'4" from the Redwood Street front property line (15' required), replace an existing garage with a new garage located 2.1' from the side property line (10' required), and construct an in-ground pool, increasing the lot coverage from 37.4% to 40.1% (20% permitted).

The applicant was represented by Attorney Peter Regan. Applicants Laura and Ralph Witt, and real estate expert Jim Houle were also present. There is one written letter of objection. Mr. Regan explained that the applicants have proposed an addition of 228 sq ft of lot coverage. The applicants are replacing and restoring the front porch to be more in line with the original 1850s porch. The new garage will be rebuilt in the same location as the original, will be 2 feet deeper to fully accommodate vehicles, and will have above-garage storage. The applicants are also seeking to add a 10' by 20' in-ground pool that will meet required setbacks. The applicant is open to the conditions that the pool lot coverage will not be converted to lot coverage for any raised structure, and that there is no living area above the garage.

Board Member Johnson stated that porch and garage were de minimis but that the lot coverage of the pool presented an issue as the lot is not significantly undersized, and asked if the lot coverage could be reduced elsewhere. Mr. Witt explained the need for the garage lot coverage. The Board discussed the letter of objection regarding the height and size of the proposed garage. Mr. Houle presented his findings that the average lot coverage of 20 lots surrounding the property is 28.6%, and he found 3 properties over 40% lot coverage. The Board asked questions regarding the pool and HDC approval.

A motion to approve the afore-mentioned full-hearing item with the conditions that the pool lot coverage will not be converted to lot coverage for any raised structure, that there is no living area above the garage, 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 Board discussed the petition. Mr. Rudd supported the petition as the petition is a minor increase in coverage and there is a hardship of the applicant not being able to fit his car in the existing garage. His only objection is to reducing the number of dwelling units from 3 to 1. Mr. Grimes, Mr. Riley, and Mr. Goldblatt also supported the application, citing support of the HDC application and the condition that there will be no living space above the garage. Mr. Johnson felt that the garage was overly large for the lot, but was also willing to support. The motion was unanimously approved. Attorney Regan to prepare the draft decision.

All remaining Petitions were continued.

Meeting was adjourned at 9:15 pm.