

Posted 8/22/2024

NEWPORT ZONING BOARD OF REVIEW
Monday, August 26, 2024 – 6:00 P.M.

I. Call to Order

II. Roll Call and Determination of Quorum

III. Minutes:

1. July 22, 2024 Draft Minutes

IV. Communications –

1. **Extension Requests** –
 - i. 110 Champlin Place North – First request for Extension
 - ii. 34 South Baptist Street – Second Request for Extension
2. **Withdrawal Requests** – 40 Cranston – Request to Withdraw
3. **Staff Communication** – Set Special Meeting – suggested date September 16, 2024

V. Summary Calendar

1. App. #2024-Aug-001 PETITION OF THE RICCI FAMILY, LLC, applicants and owners, **647 Bellevue Avenue**, TAP 38, Lot 008, (R-60 Zone; Historic Overlay) for a special use permit to enclose a portion of a second-floor deck to incorporate into the living area of the carriage house on a property that already exceeds the lot coverage.
Application Materials, June 21, 2024
Staff Report, August 22, 2024
2. App. #2024-Aug-002 PETITION OF KRISTIN & JOHN BRADFORD CADY, applicants and owners, **36 Poplar Street**, TAP 16, Lot 208, (R-10 Zone; Historic Overlay) for a dimensional variance to place two condensers 1'-9" from the left (east) side property line (2.65' required).
Application Materials, June 24, 2024
Substandard Lot Proportionality Calculations
Staff Report, August 22, 2024

VI. Abbreviated Summary

1. 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 9/23/2024 to allow re-advertising**)

2. App. #2024-Jul-012 PETITION OF FLEURY PROPERTIES, LLC, applicant and owner, **7 Champlin Street**, TAP 23, Lot 110, (R-10A Zone) for special use permits and a dimensional variance to construct a recessed balcony within the existing roofline which is non-conforming to the height limit, removal of an existing gazebo and shed and construction of a below-grade patio and in-ground pool, increasing the lot coverage from 26.05% to 27.93% (21.37% allowed).
Application Materials, June 11, 2024
Substandard Lot Proportionality Calculations
Letters of Objection – Combined July 24, 2024
Proposed Conditions of Approval with Neighbor, August 19, 2022
Supplemental Stormwater Plan, August 22, 2024
Staff Report, August 22, 2024

3. App. #2024-Aug-004 PETITION OF TIMOTHY PARKER IVES, applicant and owner, **29 Eastnor Road**, TAP 40, Lot 291, (R-10 Zone) for special use permits and dimensional variances to construct a first-floor covered porch, a first-floor addition located 2' from the right (east) side property line (4.4' required), and a rear staircase located 3'-9" from the rear property line (8.7' required), increasing the lot coverage from 32.2% to 38.3% (31.4% allowed).
Application Materials, July 8, 2024
Substandard Lot Proportionality Calculations
Staff Report, August 22, 2024

4. App. #2024-Aug-009 PETITION OF THE BRETT AND JACQUELYN JENKS, applicants and owners, **6 Hoffman Place**, TAP 19, Lot 096, (R-10 Zone) for special use permits and dimensional variances to construct a second story rear addition located 2.6' from the right (north) side property line (3.2' required), north and south dormers not exceeding the non-conforming ridge height of 33.5' (30' allowed), and a covered front porch, increasing the lot coverage from 42.9 to 46% (33.5% allowed).
Application Materials, July 9, 2024
Substandard Lot Proportionality Calculations
Supplemental Site Plan – Showing neighbor setbacks, August 2, 2024
Letters of Support – Combined, August 22, 2024
Staff Report, August 22, 2024

VII. Appeals – None

VIII. Full Hearing Petitions to be Considered

1. App. #2024-Apr-010 PETITION OF BRONYA G. SHILLO, applicant and owner, **52 Berkeley Avenue**, TAP 34, Lot 104, (R-10 Zone) for a special use permit and dimensional variance to construct a one-car garage, a wrap-around porch and stairs, and construct a three-story addition matching the existing 36'-9" height of the building (30' allowed), increasing the lot coverage from 18.6% to 30.9% (23.34% allowed), and a special use permit to add a deck to a non-conforming property. **(Continued from 7/22/2024)**
 - Application Materials, February 12, 2024
 - Substandard Lot Proportionality Calculations
 - Staff Report, July 18, 2024
 - Supplemental – Land Use Report, July 19, 2024
2. *App. #2024-May-009 PETITION OF PAUL & ELIZABETH SANDER, applicants and owners, **40 Cranston Avenue**, TAP 19, Lot 008-4, (R-10 Zone) for special use permits and a dimensional variance to demolish an existing two-car garage, and construct a two-story addition and a one-car carport, maintaining the non-conforming lot coverage of 21.8% (20% permitted), and demolish and reconstruct a third-floor dormer, reaching a height of 35'-9" on a 40'-8" tall building (30' limit). **(Request to Withdraw)**
3. *App. #2024-Jun-013 PETITION OF ISLAND DREAMS, LLC, applicant and owner, **17 Ayrault Street**, TAP 21, Lot 053, (R-10 Zone), for a special use permit to remove an existing two-story component at the rear of the main building and construct a three-story addition, altering the lot coverage on a property that is non-conforming to the allowable lot coverage (23.47% where 20% is permitted).
 - Application Materials, May 14, 2024
 - Objection – Hastings, August 13, 2024
 - Supplemental Land Use Report, August 22, 2024
 - Staff Report, August 22, 2024
4. *App. #2024-Jun-018 PETITION OF TOM AND NICOLE SCANLON, applicants and owners, **7 Elm Street**, TAP 17, Lot 012, (R-10 Zone, Historic Overlay) for special use permits and dimensional variances to construct third floor dormers on the east and west side of the building, reaching a height of 33' on a building reaching 35' in height (30' permitted), with the east dormer located 1'-6" from the east side property line (5' required).
 - Application Materials, May 14, 2024
 - Substandard Lot Proportionality Calculations
 - Approved HDC application materials, July 1, 2024
 - Public Comment – Combined, August 22, 2024
 - Staff Report, August 22, 2024

Meeting Notice

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5. *App. #2024-Jul-001 PETITION OF JORG PAPPERT AND ULRIKE BAGEHORN-PAPPERT, applicants and owners, **145-147 Gibbs Avenue**, TAP 11, Lot 044, (R-10 Zone) for a special use permit to construct a roof deck over an existing second floor in the front of the existing building on a non-conforming property.
Application Materials, May 22, 2024
Objection – Walker, July 19, 2024
Staff Report, August 22, 2024
6. *App. #2024-Jul-002 PETITION OF JOHN R. McCARTHY, applicant and owner, **19 South Baptist Street**, TAP 32, Lot 186, (R-10 Zone) for a special use permit to permanently approve a Guest House, previously approved in 2023 with a two-year sunset clause.
Application Materials, May 22, 2024
Public Comment – Combined, August 22, 2024
Staff Report, August 22, 2024

*Indicates objection(s) to the application

IX. Full Hearing Petitions to be Continued

1. App. #2024-Mar-008 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). (**Continue to 9/23/2024 to allow for re-advertising**)
2. *App #2024-May-011 PETITION OF EMMANUEL EPISCOPAL CHURCH, applicants and owners, **0 Spring Street**, TAP 32, Lot 182 (R-10 Zone), for a dimensional variance to install nine (9) condenser units 5' from the South Baptist Street front property line (20' required for accessory structures). (**Continue to 9/23/2024 by request of the applicant**)
3. *App #2024-May-016 PETITION OF ANDREW & AVANI McHUGH, applicants and owners, **2 Wheatland Court**, TAP 37, Lot 036-4 (R-10A Zone), to demolish an existing dwelling, and dimensional variances to construct a new single-family dwelling, reaching a height of 38'-6" (36'-9" permitted as defined by FEMA), establishing a lot coverage of 57.54% (35.13% permitted). (**Continue to 9/23/2024 by request of the applicant**)
4. *Amended App. #2023-Jun-012 PETITION OF C.C.B. CAPITAL & REAL ESTATE INC., applicant, 144 THAMES STREET, LLC, owner, **144-150 Thames Street**, TAP 24, Lot 045, (GB Zone) for dimensional variances to construct a new mixed-use building, containing 14 Vacation Guest Facility units (11 permitted), providing 17 parking spaces (48 spaces required). (**Continue to 9/23/2024 by request of the applicant**)

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5. *App. #2024-Jul-005 PETITION OF CHRIS & KATHY VIEIRA, applicants and owners, **221-225 Spring Street, Unit 6**, TAP 27, Lot 054, (GB Zone; Historic Overlay) for a dimensional variance to convert a residential dwelling unit to a Guest House without providing additional parking spaces (2 additional spaces required). (**Continue to 9/16/2024 Special Meeting**)
6. App. #2024-Jul-006 PETITION OF THE JEFFERY L. CLARK TRUST, applicant and owner, **33 Corne Street**, TAP 27, Lot 015, (R-3 Zone; Historic Overlay) for special use permits and dimensional variances to demolish an existing shed and bulkhead and construct a new single-car garage and basement access enclosure, construct a wheelchair access ramp, and construct a third-floor dormer matching the existing roof height of 37'6" (30' permitted), increasing the lot coverage from 51% to 58% (45% allowed). (**Continue to 9/16/2024 Special Meeting**)
7. App. #2024-Aug-005 PETITION OF 78-80 THAMES STREET, LLC, applicant and owner, **78-80 Thames Street**, TAP 17, Lot 138 (GB Zone, Historic Overlay), for a retroactive dimensional variance to convert an existing dwelling to a guest house, without providing additional parking spaces (3 additional spaces required). (**Continue to 9/16/2024 Special Meeting**)
8. App. #2024-Aug-006 PETITION OF 20-24 FRANKLIN STREET, LLC, applicant and owner, **20-24 Franklin Street**, TAP 27, Lot 050 (GB Zone, Historic Overlay), for a retroactive dimensional variance to convert an existing dwelling to a guest house, without providing additional parking spaces (4 additional spaces required). (**Continue to 9/16/2024 Special Meeting**)
9. App. #2024-Aug-008 PETITION OF NRI 104-108 GIRARD PARTNERSHIP, applicants and owners, **102-108 Girard Avenue**, TAP 03, Lot 011, (R-10 Zone) for a special use permit and dimensional variances to construct four balconies and six AC units on the south side of Building 106, 2' from the side property line (10' required), and six AC units on the south side of Building 102, 2' from the side property line (10' required). (**Continue to 9/16/2024 Special Meeting**)

*Indicates objection(s) to the application

X. Inactive Petitions & Appeals:

1. Appeals Awaiting Transcripts or Briefs:

- a. App. 2024-Appeal-003 APPEAL OF NEWPORT PM LLC, KAREN G. HARRIS 2003 LIVING TRUST, R. PERRY HARRIS LIVING TRUST, EDWARD W. KANE, and MARTHA J. WALLACE, appealing the decision of the Historic District Commission approving a Certificate of Appropriateness to construct a new single-family dwelling of William & Lisa Ruh, applying to the property located at **88 Washington Street**, Tax Assessor's Plat 12, Lot 046. (**Continue to September 16, 2024 Special Meeting for Appeal Hearing**)

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2. **Petitions Pending Other Board Decisions (Continued Generally)**

- a. *App #2024-Mar-006 PETITION OF A1 ROOFING & CONSTRUCTION, LLC, applicant and owner, **134-136 Spring Street**, TAP 24, Lot 163 (GB Zone), for a special use permit to construct a second-floor roof deck over a new first-floor addition. (**Continue, Pending HDC Review**)

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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).
3. *App #2024-Apr-011 PETITION OF LA FARGE RESTORATION FUND AT NEWPORT CONGREGATIONAL CHURCH, applicant and owner, 0 Spring Street & Pelham Street, **0 Pelham Street (aka 73 Pelham Street)**, TAP 27, Lots 011 and 284 (R-3 Zone, Historic Overlay), for a special use permit to convert the existing church and former Parish Hall to a museum. **(Continue generally by request of the applicant)**
4. App. #2024-Jul-003 PETITION OF CHURCH OF JESUS SAVIOR OF NEWPORT, applicant and owner, **507 Broadway**, TAP 06, Lot 009-4, (R-10 Zone) for a variance to construct a twenty (20) space parking lot to serve the Jesus Savior Church, not located on the same lot as the church. **(Continue generally by request of the applicant)**

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 9:30 p.m. and will conclude all hearings at 10:00 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