

Posted 9/12/2024

**NEWPORT ZONING BOARD OF REVIEW**  
**Monday, September 16, 2024 – 6:00 P.M.**  
**Special Meeting**

**I. Call to Order**

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

**III. Minutes: None**

**IV. Communications –**

**1. Communications - Regarding 88 Washington Appeal**

- i. Support of Appeal – Rugg, received September 2, 2024
- ii. Support of Appeal – Powers, received September 12, 2024

**V. Summary Calendar - None**

**VI. Abbreviated Summary - None**

**VII. Appeals –**

1. 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.

Appeal Application, May 8, 2024

Preservation Planner HDC Transmittal Letter, September 6, 2024

HDC Record

1. Application Materials Part I
2. Application Materials Part II
3. Supplemental Materials, December 7, 2023
4. Staff Report, Prepared by Preservation Planner, Jillian Chin dated December 8, 2023
5. Letter of Support from Ryan & Margaret McKillen dated December 27, 2023
6. Presentation Part I to January 9, 2024 hearing, Received January 8, 2024
7. Presentation Part II to January 9, 2024 hearing, Received January 8, 2024
8. Letter of Support from Brady Schofield & Sarah Bullock dated December 28, 2023

# Special Meeting Notice Newport Zoning Board of Review

**Monday, September 16, 2024**  
**Innovate Newport**  
**Assembly Hall**  
**513 Broadway, Newport, RI**

9. Letter of Support from Nicole A. Cashman and Nigel T. Richards dated December 28, 2023
  10. Letter of Support from Thomas Stark and Tara Lynch dated January 5, 2024
  11. Letter of Support from Arthur J. Santry, III dated January 5, 2024
  12. Letter of Objection from Peter W. Gonzalez dated January 7, 2024
  13. Letter of Objection from Meredith Rugg dated January 7, 2024
  14. Letter of Support from John MacGowan & Scotty Mawhinney dated January 8, 2024
  15. Letter of Objection from Peggy and Lyn Comfort dated January 8, 2024
  16. Letter of Support from Mike Toppa dated January 9, 2024
  17. Applicants' Exhibit C to January 9, 2024 Hearing- Pieter Roos CV
  18. Applicants' Exhibit E to January 9, 2024 Hearing- Pieter Roos Presentation
  19. Applicants' Exhibit F to January 9, 2024 Hearing- Tax Assessor Property Cards
  20. Objectors' Exhibit G to January 9, 2024 Hearing- Analysis by Shantia Anderheggen
  21. Letter of Support from Marie & Mark Hertenstein dated January 22, 2024
  22. Revised Supplemental Materials, January 22, 2024
  23. Letter of Objection from Lois Eberhard dated January 30, 2024
  24. Revised Elevations, February 2, 2024
  25. Court Excusal, Received February 26, 2024
  26. Neighborhood Images from Applicants, Received February 27, 2024
  27. Rendering Overlays from Applicants, Received February 27, 2024
  28. Updated Renderings from Applicants, Received February 27, 2024
  29. Recorded Decision Letter, Prepared by Jeremiah C. Lynch III
- HDC Transcript, January 9, 2024  
HDC Transcript, February 27, 2024  
Appellate Brief in favor of appeal, July 29, 2024  
Appellee Brief in opposition of appeal, August 19, 2024  
Appellee Appendix to Brief, August 19, 2024  
Appellee Amended Motion to Strike Exhibits 1 and 2, August 19, 2024  
Appellant Opposition to Motion to Strike, September 5, 2024  
Staff Report, September 12, 2024

## **VIII. Full Hearing Petitions to be Considered**

1. \*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

# Special Meeting Notice

## Newport Zoning Board of Review

**Monday, September 16, 2024**  
**Innovate Newport**  
**Assembly Hall**  
**513 Broadway, Newport, RI**

2. \*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).  
Application Materials, May 30, 2024  
Public Comment – Combined, September 12, 2024  
Staff Report, September 12, 2024
3. 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).  
Application Materials, July 9, 2024  
Staff Report, September 12, 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-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**)
3. \*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**)
4. \*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-

# Special Meeting Notice

## Newport Zoning Board of Review

**Monday, September 16, 2024**  
**Innovate Newport**  
**Assembly Hall**  
**513 Broadway, Newport, RI**

floor dormer matching the existing roof height of 37'6" (30' permitted), increasing the lot coverage from 51% to 58% (45% allowed). **(Continue to 9/23/24 by request of Applicant)**

5. \*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 9/23/24 by request of Applicant)**
6. 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 9/23/24 by request of Applicant)**

\*Indicates objection(s) to the application

### **X. Inactive Petitions & Appeals:**

1. **Appeals Awaiting Transcripts or Briefs:** None
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)**

### **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)

Special Meeting Notice  
Newport Zoning Board of Review

Monday, September 16, 2024  
Innovate Newport  
Assembly Hall  
513 Broadway, Newport, RI

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