

Posted 5/16/2024

NEWPORT ZONING BOARD OF REVIEW
Monday, May 20, 2024 – 6:00 P.M.

I. Call to Order

II. Roll Call and Determination of Quorum

III. Minutes:

1. April 22, 2024 Draft Minutes

IV. Communications –

1. Extension Requests –

- i. 77 Bridge Street – Request for 12-month extension
- ii. 75 Bridge Street – Request for 18-month extension

2. Withdrawal Requests – None

V. Summary Calendar

1. App. #2024-May-002 PETITION OF DAVID VREELAND & DR. DIANNE PANNES, applicants and owners, **36 Morton Avenue**, TAP 40, Lot 075, (R-10 zone) for a special use permit and dimensional variance to construct an in-ground pool, increasing the lot coverage from 23.42% to 25.4% (21.2% permitted).

Application Materials, March 14, 2024

Substandard Lot Proportionality Calculations

Staff Report, May 16, 2024

2. App. #2024-May-003 PETITION OF ESMOND HARMSWORTH, applicant and owner, **639 Bellevue Avenue**, TAP 38, Lot 005, (R-60 Zone, Historic Overlay) for special use permits for alterations to a non-conforming property by removing and replacing a sunroom addition and extending a second-floor roof deck on a non-conforming property over the allowable lot coverage.

Application Materials, March 21, 2024

Substandard Lot Proportionality Calculations

Staff Report, May 16, 2024

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3. App #2024-May-005 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 dimensional variance to replace an existing in-ground pool with a new in-ground pool, located 28.24' from the side property line (50' required).
Application Materials, March 25, 2024
Staff Report, May 16, 2024
4. App #2024-May-006 PETITION OF NEWPORT ART MUSEUM, applicant and owner, **76 Bellevue Avenue**, TAP 26, Lot 040 (R-10 Zone, Historic Overlay), for variances to install a 20'-6" long by 2' high free-standing business sign, totaling 41 sq.ft. (4 sq.ft. allowed, and free-standing signs prohibited in Historic District).
Application Materials, April 3, 2024
Staff Report, May 16, 2024
5. App #2024-May-012 PETITION OF CHRIS & CHARLOTTE ARMSTRONG, applicants and owners, **6 Barney Street**, TAP 21, Lot 025 (R-3 Zone, Historic Overlay), for a dimensional variance to install a condenser unit 1' from the side property line (3' required for accessory structures). **(Continue to 6/24/2024 by request of the Applicant)**

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 6/24/2024 to allow re-advertising)**
2. App #2024-May-001 PETITION OF FIREHOUSE STATION, LLC, applicant and owner, **118 Prospect Hill Street**, TAP 28, Lot 015 (R-3 Zone, Historic Overlay), for a dimensional variance to construct an in-ground pool, deck, and pool house, increasing the lot coverage from 40.6% to 50.3% (45% permitted).
Application Materials, March 13, 2024
Staff Report, May 16, 2024
3. App #2024-May-007 PETITION OF MICHAEL J. AND MARTHA A. PARUTA, applicants and owners, **34 Harrison Avenue**, TAP 41, Lot 067 (R-10 Zone), for special use permits and a dimensional variance to construct a one-story addition, new deck, and bulkhead, increasing the lot coverage from 34.6% to 42.2% (31% permitted).
Application Materials, April 5, 2024
Substandard Lot Proportionality Calculations
Letters of Support – Combined, May 16, 2024
Staff Report, May 16, 2024

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4. App #2024-May-008 PETITION OF JAMES & ANNE FLEET, applicants and owners, **33 Red Cross Avenue**, TAP 29, Lot 165 (R-10 Zone), for a special use permit and dimensional variances to construct an in-ground pool, increasing the lot coverage from 21.8% to 25.9% (20% permitted), and installing pool equipment 7' from the rear property line (10' required).
Application Materials, April 8, 2024
Staff Report, May 16, 2024
5. 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).
(Continue to 6/24/2024 by request of the Applicant)
6. *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).
Application Materials, April 9, 2024
Objection – Littlefield, April 25, 2025
Staff Report, May 16, 2024
7. App #2024-May-013 PETITION OF BRUCE & JANINE BROUSSARD, applicants and owners, **719 Bellevue Avenue**, TAP 38, Lot 020 (R-60 Zone, Historic Overlay), for a dimensional variance to relocate three (3) condenser units and one (1) generator 2' from the west side property line (40' required).
Application Materials, April 9, 2024
Staff Report, May 16, 2024
8. App #2024-May-014 PETITION OF MARK MAROSITS & MAUREEN CRONIN MAROSITS, applicants and owners, **10 Harvard Street**, TAP 07, Lot 364 (R-10 Zone), for a special use permit and dimensional variances to construct a 37 sq.ft. 2-story addition and a 174 sq.ft. one-story sunroom addition, increasing the lot coverage from 31.7% to 36.8% (31.7% permitted), and install two condensers 3.33' from the side property line (4.15' required).
Application Materials, April 9, 2024
Substandard Lot Proportionality Calculations
Staff Report, May 16, 2024

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9. App #2024-May-015 PETITION OF DAN HERCHENROETHER, applicant and owner, **6 Record Street**, TAP 10, Lot 007 (R-10 Zone), for re-approval of a special use permit and dimensional variance approved in 2023 to construct a 2nd story laundry addition, and a 3rd floor dormer reaching a height of 32'-9" (30' permitted).
Application Materials, April 9, 2024
Substandard Lot Proportionality Calculations
Staff Report, May 16, 2024

VII. Appeals

1. App 2024-Appeal-001 APPEAL OF WILLIAM F. VARR, III, VICTORIA A MORRO & CHRISTINE W. SMITH, TRUSTEE, from an Administrative Decision of the Newport Preservation Planner on the Certificate of Appropriateness Application of John & Kathleen Trentos, applying to the property located at **93 Second Street**, Tax Assessor's Plat 09, Lot 320. (**Set Briefing Schedule**)
Proposed Briefing Schedule, sent May 14, 2024
2. App 2024-Appeal-002 APPEAL OF WILLIAM F. VARR, III, VICTORIA A MORRO & CHRISTINE W. SMITH, TRUSTEE, from an Administrative Decision of the Newport Zoning Officer on the Zoning Modification Application of John & Kathleen Trentos, applying to the property located at **93 Second Street**, Tax Assessor's Plat 09, Lot 320. (**Set Briefing Schedule**)
Proposed Briefing Schedule, sent May 14, 2024

VIII. Full Hearing Petitions to be Considered

1. *Corrected App. #2024-Feb-012 PETITION OF SHANA B. SPEER, applicant and owner, **26 Tilley Avenue**, TAP 13, Lot 075, (R-10 Zone) for a special use permit and dimensional variances to reconstruct a dwelling significantly damaged by fire, including construction of new third floor dormers matching the existing non-conforming height of 33'-0 3/8" (30' allowed), located approximately 1.8' from the right (north) side property line (3' required), and construction of a three-story exterior stair system, and expanded first floor deck, increasing the lot coverage from 46.5% to 50%, (34% allowed), and a special use permit to construct first, second, and third-floor decks on a non-conforming property.
Application Materials, January 16, 2024
Substandard Lot Proportionality Calculations
Revised Project Plans, April 17, 2024
Revised Zoning Characteristics Matrix, April 17, 2024
Letter Regarding Project Changes, April 17, 2024
Public Comment – Combined April 18, 2024
Staff Report, April 18, 2024

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2. *App. #2024-Feb-011 PETITION OF AMER TAJ AND CHRYSANTHE TAJ, applicants and owners, **57 Marchant Street**, TAP 39, Lot 469, (R-10 Zone) for a special use permit and dimensional variance to construct a mudroom and two-story garage, increasing the lot coverage from 30.88% to 40.96% (30.84% allowed), and a special use permit to construct a second story deck on a non-conforming property.
 - Application Materials, January 16, 2024
 - Substandard Lot Proportionality Calculations
 - Supplemental Letter Regarding Project Changes, May 15, 2024
 - Supplemental Plan Revisions, May 15, 2024
 - Supplemental Stormwater Management Report, May 15, 2024
 - Objector's Land Use Report by Doug McClean, May 15, 2024
 - Public Comment – Combined May 16, 2024
 - Supplemental – Appraisal Report, May 16, 2024
 - Staff Report, May 16, 2024

3. *App #2024-Mar-005 PETITION OF 7 CARROLL AVE LLC, applicant and owner, **7 Carroll Avenue**, TAP 40, Lot 131 (LB Zone), for a special use permit and dimensional variances to convert two dwelling units to two guest house units with five (5) total bedrooms, requiring relief from one parking space (manager parking space partially located on the adjacent property), without providing the required 24-foot two-way drive aisle on the same property; and a variance to the on-site manager.
 - Application Materials, February 6, 2024
 - Public Comment – Combined, May 16, 2024
 - Staff Report, May 16, 2024

4. *App. #2024-Apr-002 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); parking proposed to be leased off-site.
 - Application Materials, March 4, 2024
 - Letter from Manager of Newport Harbor Hotel, March 13, 2024
 - Staff Report, April 18, 2024
 - Public Comment – Combined, May 16, 2024
 - Supplemental Staff Report, May 16, 2024

*Indicates objection(s) to the application

IX. Full Hearing Petitions to be Continued

1. *App. #2024-Feb-006 PETITION OF JOSEPH & BRITTANY COVILL, applicants and owners, **129 Ruggles Avenue**, TAP 40, Lot 404, (R-10A Zone) for a special use permit and dimensional variance to construct a two-story addition over an existing raised patio area, extending the raised

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patio, and construction of an in-ground pool, increasing the lot coverage from 25% to 31% (20% allowed). **(Continue to 6/24/2024 by request of the Applicant)**

2. App #2024-Mar-007 PETITION OF 1 LEE'S WHARF LLC, applicant and owner, **429-431 Thames Street**, TAP 32, Lot 021-4 (WB Zone), for a dimensional variance to convert an existing dwelling to a guest house, without providing additional parking spaces (2 additional spaces required). **(Continue to 6/24/2024 by request of the Applicant)**
3. 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 6/24/2024 by request of the Applicant)**
4. Amended App #2024-Apr-007 PETITION OF 181 HONEYMAN AVE, LLC, applicant and owner, **36 & 38 Evarts Street**, TAP 09, Lot 043-4 (R-10 Zone), for special use permits and a dimensional variance to alter an existing non-conforming three-family dwelling by demolishing a detached garage, and constructing a three-story addition, reaching a height of 32', which reduces the height of the roof from 34'-9" (30' allowed), reducing the lot coverage from 35.72% to 35.64% (30% allowed), and variances to the commercial parking standards by not providing the 24-foot drive aisle required for two-way traffic and requiring reversing into the right-of-way (not permitted on a multi-family lot), and a variance to the requirement to underground utilities. **(Continue to 6/24/2024)**
5. 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. **(Continue to 6/24/2024)**
6. 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 to 6/24/2024)**
7. Amended App. #2024-Mar-004 PETITION OF HAZARD AVENUE REALTY, LLC, applicant and owner, **0 Coggeshall Avenue (2-4 Hazard Avenue)**, TAP 36, Lot 030-4, (R-60 Zone) for a special use permit and dimensional variances to legalize a third unit that was added to the property in the 1980s without approval of a special use permit, without meeting minimum lot size required for a multi-family dwelling, without providing any parking on the property (2 additional required).

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8. App. #2024-May-010 PETITION OF TURNER C. SCOTT & KATHLEEN PRATT, applicants and owners, **5 Halidon Terrace**, TAP 42, Lot 24, (R-40 Zone) for a special use permit and variances to convert an existing accessory building to a second principal residential dwelling (one allowed per lot) and construct a new two-car garage addition to this structure, located 3.2' from the west side property line (26' required).
9. 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).
10. App #2024-May-017 PETITION OF SEACOAST MORTGAGE CORPORATION, applicant and owner, **425 Thames Street**, TAP 32, Lot 021 (Waterfront Business Zone), for a dimensional variance to convert an existing dwelling to a 2-room guest house, without providing the necessary parking (1 additional spaces required).

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X. Inactive Petitions & Appeals:

1. Appeals Awaiting Transcripts or Briefs:

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).

XII. Adjournment

Please note:

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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