

Minutes of the
Newport Zoning Board of Review

A regular meeting of the Zoning Board of Review was held on Monday, June 24, 2024, in the Council Chambers of City Hall, 43 Broadway at 6:00 p.m.

PRESENT: Wick Rudd, Chair
David Riley, Vice Chair
Russell Johnson, Secretary
Bart Grimes
Susan Perkins

Nicholas Armour, Zoning Officer
Dylan Conley, Assistant City Solicitor

ABSENT: Nicole Shevory, Alternate

The following meeting minutes were considered and approved:

- May 20, 2024

The following extension requests were considered and accepted:

- 3 Clinton St – 12-month extension
- 20 Toppa Blvd – 12-month extension

The following Special Zoning Board meeting was set:

- July 15, 2024 at 6:00pm

D E C I S I O N S

Mr. Rudd made a motion to move the 57 Marchant Street petition in front of the appeals section of the agenda, seconded by Mr. Riley. The motion was unanimously approved.

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).

The applicant was present and there was no opposition. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

Amended App. #2024-Apr-008 PETITION OF JOSEPH C. PONTE, JR., applicant and owner, **97 Eustis Avenue**, TAP 20, Lot 123, (R-10A Zone) for special use permits and dimensional variances to construct a second-floor addition over an existing garage, located 13.7' from the Ellery Road front property line (14.4' required), including a front balcony and a rear egress staircase, increasing lot coverage from 25.5% to 26.5% (20.8% permitted).

The applicant was present and there was no opposition. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Jun-002 PETITION OF SHEILA FINNEGAN & KATHLEEN REDGATE, applicants and owners, **101 Washington Street**, TAP 12, Lot 267, (R-10 Zone, Historic Overlay) for a special use permit and dimensional variance to construct an attached garden shed and a staircase from an existing sunroom, increasing lot coverage from 22.09% to 23.4% (20% permitted).

The applicant was present and there was no opposition. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Jun-007 PETITION OF SARA CASSIS, applicant and owner, **519 Bellevue Avenue, Unit 1 South**, TAP 36, Lot 118, (R-60 Zone, Historic Overlay) for a special use permit and dimensional variances to expand an existing non-conforming side porch, located 31'-1 1/2" from the side property line (40' required), increasing the lot coverage from 14.03% to 14.15% (10% permitted).

The applicant was present and there was no opposition. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Jun-001 PETITION OF ASH MART, INC, applicants and owners, **3 Vaughan Avenue**, TAP 40, Lot 139, (R-10 zone) for re-approval of a special use permit and dimensional variances to convert a single-story, six-bay garage to a two-story, single-family dwelling with a three-car garage, on a lot with 68.2% coverage (36.3% permitted), with a rear setback of 1.25' (3.75' required), and side setbacks of 0.84' and 1.09' (1.87' required).

Attorney Michael Monti represented the applicant and the applicant was present. There was no opposition. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Mr. Monti to write the draft decision.

App. #2024-Jun-003 PETITION OF JOANNE RITCHIE, applicant, **NEWPORT ELKS LODGE No. 104**, owner, **139-141 Pelham Street**, TAP 28, Lot 002, (R-10 Zone; Historic Overlay) for a special use permit to legalize the existing non-conforming Fraternal Organization and expand related on-site events.

Newport Elks Vice President Brodi Karn was present. The Board expressed concern regarding noise from the events. The applicant was amenable to a condition that events were to end by 9:00pm.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.109 Special Use Permits, Category 2, and that the petition be granted with the conditions that on-site events end by 9:00pm, that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Jun-009 PETITION OF 145 WELLINGTON AVE. LLC, applicant and owner, **145 Wellington Avenue**, TAP 42, Lot 008, (R-120 Zone; Historic Overlay) for dimensional variances to construct a below-grade patio, an in-ground pool located 31'-4" from the side property line, a pool house located 17'-10" from the side property line, and pool equipment and pergola cover, located 32'-10" from the side property line (47.7' required for each).

Attorney Tanner Jackson represented the applicant. Architect Paul Weber was also present. One letter of concern from an abutter was received. In response to the letter, the applicant was amenable to the condition that the building not be converted into a dwelling unit.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law

that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the petition be granted with the conditions that the building not be converted into a dwelling, that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Mr. Jackson to write the draft decision.

App. #2024-Jun-010 PETITION OF THE PRESERVATION SOCIETY OF NEWPORT COUNTY, applicants and owners, **0 Bellevue Court**, TAP 35, Lot 022, (R-60 Zone, Historic Overlay) for a modification to a special use permit to modify the accessory food service within the carriage house of The Elms museum.

Attorney Danielle Dufault represented the applicant. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.109 Special Use Permits, Category 2, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Ms. Dufault to write the draft decision.

App. #2024-Jun-011 PETITION OF JAMES & CLAIRE HALL, applicants and owners, **5 Champlin Street**, TAP 23, Lot 018, (R-10 Zone, Historic Overlay) for a special use permit and dimensional variances to construct two masonry benches 5' from the Prairie Street front property line and a fire pit 9.25' from the Prairie Street front property line (11.09' required for both), install a generator 3' from the south side property line (7.39' required), and install a hot tub, increasing the lot coverage from 38.4% to 39.59% (25.9% permitted).

Owner James Hall was present. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Jun-012 PETITION OF WILLIAM CHOATE, applicant and owner, **40 East Bowery Street**, TAP 34, Lot 057, (R-10 Zone) for a special use permit and dimensional variances to remove an existing shed and construct a detached two-car garage on an existing foundation, located 4.66' from the rear property line (7' required), increasing lot coverage from 34.34% to 45.5% (33% permitted).

The owner was present. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as

the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Jun-017 PETITION OF JOHN-PAUL AND NICOLE SHEVORY, applicants and owners, **11 West Narragansett Avenue**, TAP 39, Lot 064, (R-10 Zone) for a variance from the requirement to underground utilities.

Attorney Peter Regan represented the applicants. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Mr. Regan to write the draft decision.

App. #2024-Jun-005 PETITION OF STEPHEN GIROLAMO, applicant and owner, **24 Brinley Street**, TAP 25, Lot 030, (R-10 Zone; Historic Overlay) for a dimensional variance to install three heat pump condensers 12' from the Fillmore Street front property line (20' required).

The owner was present. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

App. #2024-Jun-008 PETITION OF MJ HOMES LLC, applicant and owner, **6-10 Middleton Street**, TAP 29, Lot 043, (R-10 Zone) for a variance from the requirement to underground utilities.

The owner was present. Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications, and that the petition be granted with the conditions that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson. The motion was unanimously approved. Staff to write the draft decision.

*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.

Attorney Russell Jackson represented the applicants. Real estate expert Jim Houle was present on behalf of the applicants. Planner Douglas McLean was present on behalf of the objecting abutters. The Board accepted Mr. McLean as an expert.

Mr. Jackson summarized the previous meeting and stated that the applicant is open to the conditions that the garage have no plumbing to the second floor and that they will not rent to any third party on a long or short-term basis. Mr. Jackson, Mr. Houle, and Mr. McLean debated the characteristics of the surrounding area. Mr. Grimes suggested the condition that the applicants could not finish the space above the garage without coming back to the Board.

Abutters Jim Browning of 26 Lucas Ave and Patricia Veccione of 68 Clinton St spoke in objection. Objector's Exhibit – 2 photos from Ms. Veccione were accepted.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, and other documents, and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element under Chapter 17.108 Variances and Modifications and under Chapter 17.109 Special Use Permits, Category 6, and that the petition be granted with the conditions that there will be no plumbing to the second floor, that there be no rentals on a short- or long-term basis, that the space above the garage is not to be finished without a further SUP modification, that the project be started and substantially completed within 12 months of the date of the decision or any extension requested in writing to the Zoning Officer prior to expiration and granted, and that all outstanding invoices for abutter notification be paid prior to the recording of the decision, seconded by Mr. Johnson.

The Board discussed the petition and a roll call vote was taken. The Board voted 4-1 to deny the petition with Mr. Riley, Mr. Johnson, Mr. Rudd, and Ms. Perkins voting to deny and Mr. Grimes voting to approve. Mr. Jackson to write the draft decision.

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. **(Appeal Hearing)**

Attorney Russell Jackson represented the appellants and Attorney Peter Regan represented the appellees. Mr. Riley made a motion to sustain the appeal, seconded by Mr. Johnson. The Board discussed the appeal and a roll call vote was taken. The Board voted unanimously to deny the appeal.

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. **(Appeal Hearing)**

Attorney Russell Jackson represented the appellants and Attorney Peter Regan represented the appellees. Mr. Riley made a motion to sustain the appeal, seconded by Mr. Johnson. The Board discussed the appeal and a roll call vote was taken. The Board voted unanimously to deny the appeal.

All remaining Petitions were continued.

Meeting was adjourned at 9:45 pm.