

Minutes of the
Newport Zoning Board of Review

A regular meeting of the Zoning Board of Review was held on Monday, August 26, 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
Nicole Shevory

Nicholas Armour, Zoning Officer
Dylan Conley, Assistant City Solicitor

ABSENT: Susan Perkins

The following meeting minutes were considered and approved:

- July 22, 2024

The following requests for an extension were considered and approved:

- 110 Champlin Place North
- 34 South Baptist Street

The following withdrawal request was accepted:

- 40 Cranston Avenue

The following staff communication was accepted and special meeting set:

- Set Special Meeting on September 16, 2024

D E C I S I O N S

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.

Attorney Tanner Jackson represented the applicant 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 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 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 Ms. Shevory. The motion was unanimously approved. Mr. Jackson to write the draft decision.

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).

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 Ms. Shevory. The motion was unanimously approved. Staff to write the draft decision.

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).

Attorney Russell Jackson represented the applicant and there was no further opposition. Mr. Jackson explained the modifications to the roofline and lot coverage made in response to previous written objection. The applicant proposed 7 conditions of approval in response to the previous objectors' concerns:

- 1) Stormwater will be managed on site, consistent with the stormwater plan submitted by Principe Engineering as part of the Zoning Application.
- 2) All vegetative overgrowth along the eastern boundary line of the subject property will be removed. The existing chain link fence along the eastern boundary will be removed and a new 6 foot wooden fence will be constructed and placed just inside of the surveyed boundary line on the subject property.
- 3) A 12 inch berm will be constructed on the subject property just inside of the newly installed fencing along the eastern boundary line and a row of arborvitae will be planted to assist with stormwater mitigation and to provide privacy to abutters.
- 4) The five (5) trees in the southeastern corner of the subject parcel will be pruned and cut back to limit overgrowth into abutting properties.
- 5) The Applicant will survey the southeastern corner of the parcel to determine if there is an existing underground tank. If one is discovered it shall be removed.
- 6) The Applicant will disclose to all prospective buyers that the property is prohibited from being rented as a guest house for periods of less than thirty (30) days and that home occupations must be registered with the city.
- 7) Upon the removal of the existing chain link fence and vegetation along the eastern boundary of the subject lot, the Applicant will cooperate with the owners of the property at 43 Hunter Avenue, to facilitate the intersection of Applicant's new fence with the existing fencing at 43 Hunter Avenue.

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 seven aforementioned agreed upon conditions, and 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. Jackson to write the draft decision.

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).

Attorney Russell Jackson represented the applicants 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 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. Jackson to write the draft decision.

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).

Attorney David Martland represented the applicants, Ms. Jenks was present, and there was no opposition. Exhibit 1 Photo of Front Porth that Used to Exist was accepted. Mr. Martland requested that the approval be for 18 months.

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 18 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 Ms. Shevory. The motion was unanimously approved. Mr. Martland to write the draft decision.

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.

Mr. Johnson stated that he reviewed the video of the previous meeting and is prepared to participate in hearing this application. Mr. Riley recused himself. Attorney Peter Regan represented the applicants and real estate expert Jim Houle was also present. Exhibit 1 was accepted. Mr. Regan reviewed the proposed changes to the project, removing 291 sq. ft of the side/rear deck, which results in a lot coverage of 27.4%.

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 24 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 Ms. Shevory. The Board discussed the petition and a roll call vote was taken. The motion was unanimously approved. Mr. Regan to write the draft decision.

*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).

Attorney Russell Jackson represented the applicants. Island Dreams principal Lenward Gatison, real estate expert Jim Houle, architect Ross Cann, and objectors Colleen Hastings and John McCabe were also present. Mr. Jackson explained the differences between this application and the last application. Objector Colleen Hastings stated that she did not believe this application was substantially different. Mr. Riley made a motion to find that this application is substantially different from the previous application, seconded by Mr. Johnson. The motion was unanimously approved.

The Board asked questions regarding the unit count, bedroom count, and number of on-site parking spaces. Mr. Cann was accepted as an expert. Objectors Ms. Hastings and Mr. McCabe expressed that they found the relocation of the lot coverage and massing to be impactful to the neighborhood.

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 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 Ms. Shevory. The Board discussed the petition and a roll call vote was taken. The motion passed 4-1 with Mr. Rudd voting to deny. Mr. Jackson to write the draft decision.

*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).

Applicant Tom Scanlon was present. Written objections were received but no objectors were present. Applicant's Exhibits 1 & 2 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 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 Ms. Shevory. The Board discussed the petition and a roll call vote was taken. The motion was unanimously approved. Staff to write the draft decision.

*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.

Neal Hingorany and applicant Jorg Pappert were present. Objectors Mr. & Mrs. Walker were also present. Applicant's Exhibit 1 Image showing distance to neighboring property was accepted. Objector's Exhibit 1 showing the view from her house was accepted. The applicant showed the Board images taken from his drone on his laptop.

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. Riley. The Board discussed the petition and a roll call vote was taken. The motion was unanimously approved. Staff to write the draft decision.

All remaining Petitions were continued.

Meeting was adjourned at 10:13 pm.