

Minutes of the
Newport Zoning Board of Review

A regular meeting of the Zoning Board of Review was held on Monday, September 23, 2024, in the Ground Level Conference Room of City Hall, 43 Broadway at 6:30 p.m.

PRESENT: Wick Rudd, Chair
David Riley,
Russell Johnson, Secretary
Bart Grimes
Nicole Shevory

Nicholas Armour, Zoning Officer
Dylan Conley, Assistant City Solicitor
Zachary Cabrera, Assistant Planner

ABSENT: Susan Perkins

The following meeting minutes were considered and approved:

- August 26, 2024

The following requests for an extension were considered and approved:

- 7 Cottage

D E C I S I O N S

App. #2024-Sept-002 PETITION OF SOMERSHOME LLC, applicant and owner, 316 Gibbs Avenue, TAP 23, Lot 070, (R-20 Zone; Historic Overlay) for special use permit and dimensional variance to construct a second-story addition, located 24.89' from the Catherine Street front property line (30' 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 and application 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-Sept-006 PETITION OF BRIAN EGY, applicant and owner, **30 Thames Street**, TAP 17, Lot 303, (R-10 Zone; Historic Overlay) for special use permit and dimensional variance to construct a 2-story addition, increasing the lot coverage from 46.2% to 51.2% (35.8% allowed).

The applicant was present and there was no opposition. Mr. Grimes mentioned the condition of HDC approval for this project, and the Zoning Officer confirmed this will be confirmed at the building permit.

Mr. Riley made a motion to approve the above two items and adopt as the Board's findings of fact the information in the staff report and application 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, 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. Staff to write the draft decision.

App. #2024-Sept-007 PETITION OF DONNA MEDERIOS, applicant and owner, **24 Winans Avenue**, TAP 44, Lot 082, (R-40A Zone; Historic Overlay) for special use permit and dimensional variances to renovate a free-standing outdoor shower and an outdoor chimney, construct an outdoor kitchen located 4'-1" from the rear property line (5.07' required), construct a free-standing pergola, increasing the lot coverage from 16.7% to 17.6% (15% allowed).

Attorney Russell Jackson represented the applicant and there was no further opposition. The board discussed and approved two conditions upon approval: the fireplace will be gas and the chimney may not be greater than 12 feet in height.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and supporting plans, substandard lot proportionality calculation, other documents, and the aforementioned conditions of approval, 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 Ms. Shevory. The motion was unanimously approved. Mr. Jackson to write the draft decision.

Amended App. #2023-Dec-006 PETITION OF CLINTON COX, applicant and owner, **493-495 Broadway**, TAP 06, Lot 345, (R-10 Zone) for dimensional variances to construct an accessory shed in the rear yard, located 2' from the north (side) and east (rear) property lines (4.87' required for both). **(Continue to October 28, 2024 by request of the Applicant)**

Application was continued to October 28, 2024 hearing at request of the Applicant.

App. #2024-Sept-001 PETITION OF THOMAS M. FINN, JR., applicant and owner, **9 Lincoln Street**, TAP 19, Lot 086, (R-10 Zone) to modify a previously-approved special use permit and dimensional variance to expand the approved covered front porch by 36 sq.ft., increasing the lot coverage from the approved 35.75% to 36.46% (20% allowed).

The applicants were present and there was no opposition. Mr. Johnson sought clarification from the Zoning Officer and the applicants that the applicants were seeking a slight expansion of the porch and stairs.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, and application, 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. Staff to write the draft decision.

App. #2024-Sept-005 PETITION OF BARBARA PEDRO, TRUSTEE, applicant and owner, **15 Keeher Avenue**, TAP 11, Lot 441, (R-10A Zone) for a permanent extension to a previously-approved special use permit to operate a dog daycare out of the residence as a home occupation.

Attorney Russell Jackson represented the applicants. Barbara Pedro – applicant – was present. The board received an objection the day of the meeting from Ann and Stephen Quarry. Attorney Jackson requested to continue application to the October 28, 2024 Zoning Board of Review Meeting.

Mr. Riley made a motion to approve the applicants' request to continue their application to the October 28, 2024 meeting, seconded by Ms. Shevory, approved 5-0.

App. #2024-Sept-012 PETITION OF RI PROPERTY WIRE, LLC, applicant and owner, **199 Spring Street**, TAP 27, Lot 010, GB Zone; Historic Overlay) for dimensional variance to convert an existing single-family dwelling to a 3-bedroom transient guest facility without providing the required additional parking on-site (3 additional parking spaces required). Off-site parking has been acquired.

Attorney Daniel Johnston represented the applicants. Applicant Shane Cooper was present. Objector Lynn Sanzo was present. Mr. Johnston explained the the project. Mr. Riley asked how the applicants were able to acquire 4 parking spaces for \$1 each for 5 years. Mr. Riley also asked if they are dedicated parking spaces, Attorney Daniel Johnston answered that the spaces are dedicated parking or valet if there is a big event. Mr. Cooper stated to the board that the only nights where parking would be unavailable is during the Boat Show, and if the board felt Mr. Cooper should not rent the night of the Boat Show, Mr. Cooper was amenable to that condition. Mr. Riley didn't want them to be able to rent if the spaces are unavailable. The board was amenable to the condition of not renting if no parking is available.

Objector Lynn Sanzo stated her main concern is parking, and that the applicants are too reliant on personal connection with the parking lot owners, and that enforcement is going to be the main issue. Lynn does not want applicants to get guest passes, and she has concerns about the 5-year parking leases not being annual leases. Lynn wants the Zoning Officer to work with collections on the guest pass questions. The applicant can obtain a resident parking sticker, but is not planning on obtaining a guest parking pass.

Mr. Riley made a motion to adopt as the Board's findings of fact the information in the staff report, application, and the condition that the applicant will need to provide proof to the city of at least three parking spaces., and adopt as the Board's conclusions of law that the petitioner has met their burden of proof under each element 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, that all outstanding invoices for abutter notification be paid prior to the recording of the decision, and that a yearly lease be provided for the off-site parking upon the yearly

renewal with the City Clerk's office, seconded by Ms. Shevory. The Board discussed the petition and a roll call vote was taken. The motion passed 5-0. Mr. Johnston to write the draft decision.

App. #2024-Sept-008 PETITION OF WESLEY PROPERTIES & HOLDINGS, LLC, applicant and owner, 111 Kay Street, TAP 20, Lot 176, (R-10A Zone) for special use permits to add a rear second floor roof deck and a third-floor balcony on a non-conforming property.

Attorney Russel Jackson represented the application. Applicants requested to continue application to the October 28, 2024 Zoning Board of Review Meeting. Mr. Johnson made a motion to accept this request, seconded Ms. Shevory, approved 5-0.

***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).**

Attorney Matt Leys represented the applicants. Attorney Peter Regan represented the objectors. Attorney Matt Leys laid out the true actual code triggers. The board made a motion to recognize architect Greg Yolanis as an expert in architecture.

Applicant presented exhibit 1, a before and after picture of when 81 Pelham Street house was built. There was a question about if a variance was required for 81 Pelham. Mr. Leys and Mr. Yolanis went through the HDC process and the wins and losses. Applicants presented Exhibit 2, sightline and massing. Mr. Leys stated that the dormer windows would only provide sightline over 81 Pelham. Mr. Rudd makes a point that there is no real living space in this lofted area. Mr. Yolanis stated that the dormer would not impact light to 81 Pelham. Mr. Leys asks Mr. Yolanis about the potential of just adding skylights. Mr. Yolanis mentioned several reasons why skylights are not adequate for light and air and HDC doesn't like them. Applicants presented exhibit 3, letters of support from other neighbors. James Houle recognized as an expert in real estate. Objector Lynn Lucier examined by Mr. Regan.

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. Attorney Leys to write the draft decision.

All remaining Petitions were continued.

Meeting was adjourned at 10:48 pm.