

8/24/2023

NEWPORT ZONING BOARD OF REVIEW
Monday, August 28, 2023 – 6:30 P.M.

I. Call to Order

II. Roll Call and Determination of Quorum

III. Minutes: None

IV. Communications

1. **Action Items** – 37 Wellington – Request to Withdraw without Prejudice
2. **Staff Communication** – 2023 State Legislation Summary

V. Summary Calendar

None

VI. Abbreviated Summary

1. App. #2023-May-004 PETITION OF CHARIE AND PAUL SAUNDERS, applicants and owners, **37 W. Narragansett Avenue**, TAP 39, Lot 410, (R-10 Zone) for a special use permit and dimensional variances to construct a 2-story addition, located 16'-5" from the rear property line (20' required), increasing the lot coverage from 24.3% to 33.4% (20% permitted).
Application Materials, March 28, 2023
Staff Report, July 20, 2023
2. App. #2023-Jul-016 PETITION OF RALPH AND LAURA WITT, applicants and owners **7 Cottage Street**, TAP 25, Lot 093, (R-10 Zone, Historic Overlay) for special use permits and dimensional variances to replace and expand an existing front porch, located 3.4' from the Cottage Street front property line and 9.4' from the Redwood Street front property line (15' required for both), reconstruct and reduce the size of the side deck located 9'4" from the Redwood Street front property line (15' required), replace an existing garage with a new garage located 2.1' from the side property line (10' required), and construct an in-ground pool, increasing the lot coverage from 37.4% to 40.1% (20% permitted).
Application Materials, June 12, 2023
HDC Approval, June 23, 2023
Amended Application and Supplemental Materials, July 13, 2023
Staff Report, August 24, 2023

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3. App. #2023-Aug-001 PETITION OF ROSA TYSOR, applicant and owner, **10 Beacon Court**, TAP 05, Lot 090-24, (R-10 Zone) for retroactive approval of a special use permit and dimensional variance to place two energy storage units located 4' from the south (left) side property line (10' required).
Application Materials, June 19, 2023
Staff Report, August 24, 2023
4. App. #2023-Aug-002 PETITION OF JOHN PAUL & PATRICIA FULCO, applicants and owners, **48 Catherine Street**, TAP 22, Lot 118, (R-20 Zone, Historic Overlay) for a special use permit and dimensional variance to remove an existing raised patio and construct a rear addition and deck, increasing the lot coverage from 22.7% to 25% (15% allowed).
Application Materials, June 20, 2023
HDC Approval, August 11, 2023
Staff Report, August 24, 2023
5. App. #2023-Aug-003 PETITION OF CHRISTOPHER AND JESSICA ROSA, applicants and owners, **1 Armstrong Place**, TAP 10, Lot 054, (R-10 Zone) for a special use permit and dimensional variance to construct a two-story rear addition, partially within an existing non-conforming side yard, located 5'3" from the side property line (10' required), increasing the lot coverage from 27.4% to 37.26% (20% allowed).
Application Materials, June 28, 2023
Staff Report, August 24, 2023
6. App. #2023-Aug-005 PETITION OF THOMAS FREEMAN, applicant and owner, **55 Chapel Street**, TAP 29, Lot 131, (R-10 Zone) for a dimensional variance to install one generator and three propane tanks 5' from the west side property line (10' required).
Application Materials, July 3, 2023
Staff Report, August 24, 2023
7. App. #2023-Aug-006 PETITION OF THOMAS DePETRILLO, applicant and owner, **525 Spring Street**, TAP 35, Lot 222, (R-10 Zone) for a special use permit and dimensional variances to construct a detached accessory shed, located 2' from the west and north side property lines (10' required for both), increasing the lot coverage from 24% to 28% (20% allowed).
Application Materials, July 7, 2023
Staff Report, August 24, 2023

VII. Appeals

None

VIII. Full Hearing Petitions to be Considered

1. App. #2023-Mar-015 PETITION OF NIALL & PETRA NUGENT, applicants and owners, **387 Spring Street**, TAP 32, Lot 142, (R-10 Zone) for a special use permit and dimensional variances to construct one- and two-story additions, located 5'-0" from the west side property line (10' required) increasing the lot coverage from 34% to 41% (20% permitted).
Application Materials, February 27, 2023
Supplemental Material – Houle Report, April 18, 2023
Supplemental Material – Revised Plans, April 18, 2023
Staff Report, July 20, 2023
2. *App. #2023-Mar-013 PETITION OF ANTHONY LORUSSO, applicant and owner, **37 Wellington Ave**, TAP 39, Lot 137, (R-10 Zone) for a special use permit and dimensional variances to construct a three-story addition, located 4'-2" from the north front property line (15' required), increasing the lot coverage from 22.9% to 33.9% (20% permitted). (WITHDRAWN)
3. *App. #2023-Apr-007 PETITION OF DANA PICKUP, applicant, and JULIA HOGAN, owner, **38 Simmons Street**, TAP 39, Lot 315, (R-10 Zone) for a special use permit and dimensional variances to remove a rear entry and bulkhead and construct a 14'x16' rear deck, located 16' from the rear property line (20' required), increasing the lot coverage from 31.3% to 38.4% (20% permitted).
Application Materials, March 13, 2023
Public Comment – Combined, August 24, 2023
Staff Report, August 24, 2023
4. App. #2023-May-003 PETITION OF FRED ROY, applicant and owner, **43 Palmer Street**, TAP 41, Lot 163 (R-10 Zone) for a special use permit and dimensional variance to construct a detached carport over an existing driveway, located 2' from the front property line (20' required) and 3' from the side property line (10' required), increasing the lot coverage from 30.8% to 39.25%.
Application Materials, March 27, 2023
Staff Report, August 24, 2023
5. *App. #2023-May-005 PETITION OF LOUIS FRANCHI, applicant, FAMS 69, LLC, owner, **69 Carroll Avenue**, TAP 41, Lot 211, (R-10 Zone) for a special use permit and dimensional variance to construct a one-story mudroom addition, increasing the lot coverage from 28% to 30.3% (20% permitted).
Application Materials, March 30, 2023
Public Comment – Combined, August 24, 2023
Staff Report, August 24, 2023

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6. App. #2023-May-009 PETITION OF DANIEL J. HUGHES, applicant and owner, **169 Wellington Avenue**, TAP 42, Lot 002, (R-120 Zone; Historic Overlay) for dimensional variances to permit construction of an in-ground pool and a pickleball court located 13'-3 ½" from the Chastellux Avenue front property line (75' required), increasing the lot coverage from 7.3% to 9.4% (8% permitted).

Application Materials, April 4, 2023

Staff Report, August 24, 2023

IX. Full Hearing Petitions to be Continued

1. App #2019-Aug-1. PETITION OF HARBOUR REALTY, LLC, applicant; HARBOUR REALTY, LLC., TOMORL, LLC., 20 WEST EXTENSION, LLC., WAITES WHARF REALTY ASSOCIATION, LLC., AND THOMAS B. ABRUZESE, owners; **0, 1, 16 & 25 Waite's Wharf, 23 Coddington Wharf, and 20 West Extension Street**, TAP 32, Lots 155, 267, 268, 272, 248, & 293, (WB zone); for a special use permit and a variance to the dimensional requirements for permission to demolish the existing structures and construct a 150-room transient guest facility, (91 rooms allowed), with a standard restaurant, banquet and wedding facilities, and provide 266 off-street parking spaces on a noncontiguous lot, (all off-street parking must be on the same lot as the use required), and to allow of use of public right of way to maneuver into and out of spaces, (Use of public right of way not allowed). **(Continue to Special Meeting on 9/18/23)**
2. *App. #2023-Apr-002 PETITION OF BMT, LLC, Lessee, CAM, LLC, applicants and owner, **206 Thames Street**, TAP 24, Lot 157, (GB Zone) for a special use permit and dimensional variances to make modifications to an existing restaurant, adding 1,546 square feet of service area, located partially outdoors, adding a stairwell that increases the lot coverage from 91.1% to 94%, and providing zero additional parking spaces (11 additional spaces required). **(Continue to 9/25/23 by request of the Applicant)**
3. App. #2023-Apr-005 PETITION OF DAVID PLATT, applicant and owner, **70 Bridge Street**, TAP 16, Lot 078, (R-10 Zone, Historic Overlay) for a special use permit, dimensional variance, and regulatory variance to construct a second principal residential building on a property, increasing the lot coverage from 18% to 26% (20% permitted). **(Continue to 9/25/23 by request of the Applicant)**
4. App. #2023-May-002 PETITION OF ADRIAN PREZIOSO, applicant and owner, **24 Byrnes Street**, TAP 35, Lot 061, (R-10 Zone) for a special use permit and dimensional variances to 1) expand a front porch, located 1'10" from front property line, 2) construct a rear addition, located 2'-1" from the side property line (10' required) and 5'-7" from the rear property line (20' required), and 3) add a deck partially within the rear setback, increasing the lot coverage from 28.5% to 39.5% (20% permitted).

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5. *App. #2023-May-008 PETITION OF BRENT & VICTORIA GEORGE, applicants and owners, **448-450 Thames Street/3 Howard Street, Unit 2**, TAP 32, Lot 075-2, (LB Zone) for a special use permit to convert the existing residential unit into a guest house. **(Continue to 9/25/23)**
6. App. #2023-May-010 Corrected PETITION OF RED HOUSE MANAGEMENT, LLC, applicant and owner, **89 Thames Street**, TAP 17, Lot 236, (GB Zone) for a regulatory variance to provide the required four (4) parking spaces for a four-bedroom guest house on the neighboring property at 6 West Marlborough Street (required parking must be provided on the subject property). **(Continue to 9/25/23)**
7. *App. #2023-May-013 PETITION OF 52-56 THAMES STREET, LLC, applicant and owner, **52-56 Thames Street**, TAP 17, Lot 074, (GB Zone; Historic Overlay) for dimensional variances to convert an existing two-family residence to two guest houses with five bedrooms without providing additional parking (1 additional required), without providing the 24' access driveway, and requiring backing out into the right-of way, and a special use permit to construct a roof deck on a non-conforming property. **(Continue to 9/25/23)**
8. *App. #2023-Jun-006 PETITION OF LAURA TREONZE, applicant and owner, **69 Third Street**, TAP 12, Lot 024, (R-10 Zone, Historic Overlay), for a special use permit and dimensional variances to remove a raised patio and side porch, and construct a new, detached 1 ½-story garage, located 11' from south (side) property line (10' required), increasing the lot coverage from 30.7% to 35% (20% allowed). **(Continue to 9/25/23)**
9. *App. #2023-Jul-001 PETITION OF ANNA AND BRUCE BARBIERI, applicants and owners, **47 Eustis Avenue**, TAP 11, Lot 337, (R-10A Zone) for a special use permit and dimensional variances to construct a new dining room addition, placed 6.4' from the Taber Street front property line (15' required), increasing the lot coverage from 27.5% to 32% (20% permitted). **(Continue to 9/25/23)**
10. *Corrected App. #2023-Jul-009 PETITION OF IGOR SOKOL, applicant and owner, 232 Ocean Avenue, TAP 41, Lot 101, (R-120 Zone, Historic Overlay) for a special use permit and dimensional variances to install one AC condenser unit 7' from the front property line (75' required), and one condenser in the located 51' from the front and 31' from the side property lines (75' and 50' required, respectively), and install an in-ground pool, increasing the lot coverage from 8.4% to 8.7% (8% permitted). **(Continue to 9/25/23)**
11. *App. #2023-Jul-015 PETITION OF SEAN MALONEY AND MARGARET CHAI MALONEY, applicants and owners, **275 Harrison Avenue**, TAP 44, Lot 121, (R-160 Zone, Historic Overlay) for a special use permit and dimensional variance to construct a detached carriage house 16' from the front property line (100' required). **(Continue to 8/28/23)**

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12. *App. #2023-Jul-005 PETITION OF THE TAJ RESIDENCES, LLC, applicant and owner, **57 Marchant Street**, TAP 39, Lot 469, (R-10 Zone) for a special use permit and dimensional variances to construct a mudroom and two-story garage addition, located 5' from the north (side) property line (10' required), increasing the lot coverage from 30% to 40% (20% permitted), and a special use permit to construct a second-story deck on a non-conforming property.
13. *App. #2023-Jul-011 PETITION OF 49 & A HALF THIRD STREET, LLC, applicant and owner **49 ½ Third Street**, TAP 12, Lot 269, (R-10 Zone, Historic Overlay) to demolish an existing single-family dwelling and detached garage and construct a new single-family dwelling and attached garage, located 5'8" from the north side property line, 3'6" from the east side property line (10' required for both), construct a bulkhead 4'9" from the north side property line and two AC condensers 4'3" from the north side property line (10' required for both), establishing a lot coverage of 39% (20% allowed).

X. Inactive Petitions & Appeals:

1. Appeals Awaiting Transcripts or Briefs:

1. APPEAL OF MARK & IDA ARAMLII, owners and applicants; **54 Hammersmith Road**, TAP 43, Lot 54, (R-160 zone); appealing the decision of the Historic District Commission denying the Appellants application for a Certificate of Appropriateness to construct a new single-family dwelling and to modify a historic stone wall. (Awaiting Briefs)

2. Petitions Pending Other Board Decisions (Continued Generally)

1. Amended App #2022-Mar-15. PETITION OF JOHN & KATHLEEN TRENTOS, applicant and owner; **93 Second Street**, TAP 9, Lot 320, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to demolish and construct a new single-family dwelling which will be located 5' from the north property line, (10' required), and construct a detached shed which will be located 4' from the north property line and 4' from the east property line (10' required for both), establishing the lot coverage of 35.4% (20% allowed). (**Continue pending HDC Review**)
2. App. #2022-Oct-11. PETITION OF COACH HOUSE CONDOMINIUM ASSOCIATION, applicant and owner; **103-121 Coggeshall Avenue**, TAP 37, Lot 100, (R-10A zone); for a special use permit and a variance to the dimensional requirements to allow a major subdivision to create a separate lot for Unit 10 with an existing dwelling located 9' from front property line (15' required). (**Pending Planning Board review**)
3. App. #2023-Apr-004 PETITION OF STEVEN MCCAULEY, applicant, and STEVEN MCCAULEY, TINKA MCCAULEY, ALEKSANDER PLAKU, AND LEOPOLD MARTINI, owners, **668 Thames Street**, TAP 40, Lot 027, (LB Zone) for a special use permit to convert one two-bedroom unit in a three-unit building to a guest house.

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4. App. #2023-Jul-017 PETITION OF LEDGES 66, LLC, applicant and owner, **66 Ocean Ave**, TAP 41, Lot 400, (R-120 Zone, Historic Overlay) for dimensional variances to permit the retention of two accessory buildings located 62.7' front the front property lines of two properties created through a subdivision (75' required).
 5. App. #2023-Aug-004 PETITION OF 6 KERIN'S TERRACE, LLC, applicant and owner, **6 Kerin's Terrace**, TAP 40, Lot 455, (R-10A Zone) for a dimensional variance to demolish the existing single-family dwelling and construct a new single-family dwelling, located 5' from the east side property line (10' required). (**Pending Planning Board review**)
3. **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).

XI. 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-access the agenda and their ability to reach the remaining items pending before it.

The Board will not entertain/begin a new petition after 10:00 p.m. and will conclude all hearings at 10:30 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