

Posted 1/19 2023

**NEWPORT ZONING BOARD OF REVIEW**  
**Monday, January 23, 2023 – 6:30 P.M.**

**AGENDA**

**I. Call to Order**

**II. Roll Call and Determination of Quorum**

**III. Minutes:**

May 23, 2022

July 25, 2022

**IV. Communications:**

**a. Action Items:**

**i. Withdrawal Requests**

- **28 East Street** – Request to Withdraw without prejudice, dated 11/30/2022
- **28 Memorial Blvd. West** – Request to Withdraw without prejudice, dated 12/20/2022
- **144-150 Thames Street** – Request to Withdraw without prejudice, dated 12/22/2022
- **7 Hammond Street** – Request to Withdraw without prejudice, dated 1/18/2023
- **3 Barbara Street** – Request to Withdraw without prejudice, dated 1/18/2023

**V. Summary Calendar:**

1. App. #2022-Dec-005. PETITION OF 4-6 RUSSELL AVENUE LLC, owner and Mark Donahue, applicant, **4-6 Russell Avenue**, TAP 07, LOT 297, (R-10 zone), for a special use permit and dimensional variance to construct a detached, single-car garage on a 5,606 sq.ft. lot (10,000 sq.ft. required), located 3' from the west side lot line, (10' required), 5' from the north rear lot line (10' required), increasing the lot coverage from 24.7% to 30% (20% allowed).

Application Materials, November 28, 2022

Staff Report, December 23, 2022

2. App. #2023-Jan-003. PETITION OF PETER A CASEMIRA, applicant and owner; **5 Gillies Court**, TAP 39, Lot 278, (R-10 zone); for a variance to the dimensional requirements for permission to install a condenser unit, with a 3' west side setback (10' required).

Application Materials, December 13, 2022

Staff Report, January 19, 2023

**VI. Abbreviated Summary:**

1. App. #2022-Nov-002. Corrected 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 a variance to dimensional requirements to construct a detached garage, located 0' from front property line (75' required).  
Application Materials, October 12, 2022  
Recorded HDC Decision of Approval, November 17, 2022  
Letter of Objection - Wilson, November 23, 2023  
Amended Application, December 15, 2022  
Withdrawal of Objection - Wilson, January 18, 2023  
Staff Report, January 19, 2023
2. App. #2023-Jan-004. PETITION OF ANNE A. ALLARDT, TRUSTEE, applicant and OTTER TWO TRUST LLC., owner; **71 Division Street**, TAP 24, Lot 170, (R-3 zone, Historic Overlay); for a variance to the dimensional requirements for permission to install a condenser unit, within 6' from an adjoining street (20' required).  
Application Materials, December 15, 2022  
Staff Report, January 19, 2023
3. App. #2023-Jan-005. PETITION OF DANIEL HERCHENROETHER, applicant and owner, **6 Record Street**, TAP 10, Lot 007 (R-10 zone), for a special use permit and a variance to the dimensional requirements for permission to construct a new 3rd story dormer with a front setback of 10'7" (15 feet required) and a height of 32'9" (30' allowed) and construct a new basement entry door on the east elevation, increasing the lot coverage from 43.5% to 43.7% (20% allowed).  
Application Materials, December 13, 2022  
Staff Report, January 19, 2023
4. App. #2023-Jan-006. PETITION OF HEATHER McCARTHY, applicant and owner, **40 Hall Avenue**, TAP 10, Lot 065 (R-10 zone), for a special use permit and a variance to the dimensional requirements for permission to construct a 2nd story addition on the rear portion of the existing 2 family dwelling, with a 2'4" north side setback (10' required).  
Application Materials, December 13, 2022  
Staff Report, January 19, 2023

**VII. Appeals:**

1. App #2020-Oct-5. APPEAL OF TIMOTHY & MAUREEN WEST, appellants and owners; **45 Everett Street**, TAP 22, Lot 17, (R-10 zone); appealing the decision of the Historic District Commission denying permission to replace a slate roof with an asphalt roof and remove existing dormers.  
**(Continue to February 13, 2023 Special Meeting by request of Applicant)**

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2. APPEAL OF MARK & IDA ARAMLI, 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. **(Continue to 2/27/2023 to set briefing schedule)**

### **VIII. Full Hearing Petitions to be Considered:**

\*Indicates an objection(s) to the application

1. App. #2022-Jun-7. PETITION OF CARPE NOCTEM REAL PROPERTY, LLC, applicant and owner; **107-111 Broadway**, TAP 21, Lot 001, (GB zone); for a special use permit and a variance to the off-street parking and dimensional requirements for permission to expand the existing building increasing the lot coverage from 95% to 99%, (80% allowed), and to expand the service area by 1,513 sq. ft. and provide 0 additional off-street parking, (11 additional off-street parking spaces required).  
Application Materials, May 16, 2022  
Planning Board Memo, November 16, 2022  
Staff Report, November 17, 2022  
Supplemental Material – James Houle Report, November 22, 2022  
Supplemental Material – Renderings, November 22, 2022
2. \*App. #2022-Jun-20. PETITION OF CLAYBRON JONES, applicant and owner; **73 Warner Street**, TAP 14, Lot 6, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a new 2-story rear addition which will be located 1.75' from the north property line, (10' required), and which will increase the lot coverage from 27% to 30%, (20% allowed).  
Application Materials, May 24, 2022  
Letter of Objection, July 20, 2022  
Staff Report, November 23, 2022
3. App. #2022-Jul-2. Amended PETITION OF KBC REALTY, applicant and owner, **10 Fair Street**, TAP 27, Lot 113, (LB zone), for a special use permit and dimensional variance to permission to construct an 8' x 20' first floor deck which increases the lot coverage from 49.45% to 59.57% (50% allowed) and a regulatory variance to allow overhead power lines where undergrounding utilities is required by code.  
Application Materials, June 10, 2022  
Amended Application, December 8, 2022  
Staff Report, December 23, 2022
4. \*App. #2022-Oct-8. Amended PETITION TIMOTHY & ELIZABETH MCGILVRAY, applicant and owner; **13 Commonwealth Avenue**, TAP 44, Lot 081, (R-40A zone); for a special use permit and a variance to the dimensional requirements for permission to demolish and rebuild a single-family dwelling located 30' from the north front property line (50' required), increasing lot coverage from 10% to 12.8% (10% allowed).  
Application Materials, September 23, 2022

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Public Comment – Combined  
Amended Application, December 20, 2022  
Staff Report, December 23, 2022

5. \*App. #2022-Jun-5. Corrected PETITION OF DENNIS ROTUNNO, applicant and owner; **5 Sylvan Terrace**, TAP 33, Lot 95, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to install a built-in fireplace and separate grill and counter which will increase the lot coverage from 27% to 28%.  
Application Materials, September 23, 2022  
Public Comment – Combined, January 19, 2023  
Staff Report, January 19, 2023
6. \*App. #2022-Jun-18 Amended PETITION OF BRENDA SABBAG, applicant and owner, **311 Broadway**, TAP 06, Lot 017-4, for a modification to a special use permit and a variance to the dimensional requirements to expand the existing fast-food restaurant, (bakery), by constructing a 400 sq. ft 2-story addition and provide 0 additional off-street parking spaces (5 provided, while 9 are required).  
Application Materials, May 24, 2022  
Letter of Objection, July 20, 2022  
Amended Application, November 28, 2023  
Supplemental Material – Traffic and Parking Report, January 18, 2023  
Staff Report, January 19, 2023
7. \*App. #2022-Oct-4. Corrected PETITION OF TIMOTHY CORBETT, applicant and owner, **40 Eastnor Road**, TAP 40, Lot 171, (R-10 zone), for a special use permit, a variance to the dimensional requirements, and a regulatory variance to allowable number of principal dwelling units on a single property to demolish an existing garage and build a new garage with full second floor containing a dwelling unit; located 6' from rear property line (20' required).  
Application Materials, May 24, 2022  
Supplemental Material – James Houle Report, January 18, 2023  
Public Comment – Combined, January 19, 2023  
Staff Report, January 19, 2023

### **IX. Full Hearing Petitions to be Continued**

\*Indicates an objection(s) to the application

1. \*App #2021-July-1. PETITION OF WILLIAM & LISA RUH, applicants and owners; **88 Washington Street**, TAP 12, Lot 46, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a new single-family dwelling and add a deck to an existing

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structure both of which will increase the lot coverage from 8% to 28%, (20% allowed). **(Continue to February 13, 2023 Special Meeting by request of Applicant)**

2. \*App #2022-Feb-2. PETITION OF LIAM BARRY, applicant and owner; **5 Princeton Street**, TAP 6, Lot 350, (R-10 zone); for a special use permit and a variance to the off-street parking design standards for permission to convert the existing 2nd dwelling unit into a 2-bedroom guest house use and provide 5 “stacked” parking spaces, (stacked parking spaces not allowed). **(Continue to 2/27/22 to allow for re-advertising)**
3. \*App. #2022-Apr-10. PETITION OF DOUGLAS LOWENSTEIN, applicant and owner; **37 Dennison Street**, TAP 32, Lot 6, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a 1-story rear deck addition which will be located 7.2’ from the west property line, (10’ required), a rear stair addition which will be located 5.6’ from the south property line, (20’ required), and a bulkhead addition which will be located 9.4’ from the east property line, (10’ required). Said additions will increase the lot coverage from 34% to 44%, (20% allowed). **(Continue to 2/13/23 by request of the Applicant)**
4. \*App. #2022-May-10. Amended PETITION OF JAMES FRY & MAUREEN THOMPSON, applicants and owners; **15 Slocum Street**, TAP 34, Lot 123, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to add a 12’ x 14’ screened porch which will be located 7’ from the east property line, (10’ required). and a 6’ x 10’ shed addition which will be located 8.3’ from the west and 5’ from the south property lines, (10’ required). Said proposal will increase the lot coverage from 32% to 41%, (20% allowed). **(Continue to 2/27/23 by request of the Applicant)**
5. \*App. #2022-Jun-11. PETITION OF ERIC MARTIN, applicant and owner; **9 Tyler Street**, TAP 19, Lot 105, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to construct a 3rd floor dormer which will be located 2.8’ from the north property line, (10’ required). **(Continue to 2/13/23 by request of the Applicant)**
6. \*App. #2022-Jul-4. PETITION OF JOHN-PAUL & NICOLE SHEVORY, applicants and owners; **11 W. Narragansett Avenue**, TAP 39, Lot 64, (R-10 zone); for permission to reconfigure the front porch and stairs, add two dormers along the third floor north and south roof lines; add a rear addition to the south side of the existing structure; and add a rear exterior porch and staircase to the side of the house. Said additions to be located 2.25’ from the west property line and 8.2’ from the east property line, (10’ required), and will increase the lot coverage from 38% to 51%, (20% allowed). **(Continue to 2/27/23)**
7. \*App. #2022-Oct-5. PETITION OF DONALD & TRACY FITCH, applicant and owner; **2 Ashurst Place**, TAP 19, Lot 113, (R-10 zone); for a special use permit and a variance to the dimensional requirements to construct a third floor dormer, a roof deck, and access stairs, located 3.8’ from the side property line (10’ required) and 6.2’ from the front property line (15’ required), which increase the

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height from 30.5' to 35.25' (30' limit), and construct an expanded stairs, which increase the lot coverage from 32% to 33% (20% limit). **(Continue to 2/27/23)**

8. App. #2022-Oct-10. PETITION OF THOMAS & CHERI DUGAN, applicant and owner; **79 Connection Street**, TAP 39, Lot 026, (R-10 zone); for a special use permit and a variance to the dimensional requirements for permission to extend exterior stairs and construct additional story with attic, reducing front setback from 9.6' to 7.6' (15' required); Also, to add 6'x12' shed, located 2' from rear and side property line (10' required); increasing lot coverage from 36% to 40% (20% allowed). **(Continue to 2/27/23)**
9. \*App. #2022-Dec-001. PETITION OF SPRUCE HOMES, LLC, owner and SEAN NAPOLITANO applicant; **0 Carroll Avenue**, TAP 41, LOT 93, (R-10 zone), for a special use permit and dimensional variance to construct a new single-family home with a detached garage on an existing 5,015 sq.ft. lot (10,000 sq.ft. required), with lot coverage of 29% (20% allowed). **(Continue to 2/27/23)**
10. \*App.#2022-Dec-002. PETITION OF MARGARET CHAI-MALONEY AND SEAN 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 3 car garage, located 12' from the front property line (100' required) on an existing 78,571 sq.ft. lot (160,000 sq.ft. required). **(Continue to 2/27/23)**
11. App. #2022-Dec-004. PETITION OF RACHEL SANITA, applicant and owner, **14 Faxon Green**, TAP 34, LOT 223, (R-20 zone), for a special use permit and dimensional variance to construct a 2nd floor addition over a single-story attached garage, convert the garage to an office space, and construct an 83 sq.ft storage addition on an existing 15,553 sq.ft. lot (20,000 sq.ft. required), increasing the lot coverage from 16.5% to 17%. (15% allowed). **(Continue to 2/27/23)**
12. App. #2023-Jan-001. PETITION OF 77 BRIDGE STREET LLC, applicant and owner, **0 Bridge Street (75 Bridge Street)**, TAP 16, Lot 060 (R-10 zone, Historic Overlay), for a variance to the dimensional requirements for permission to construct a new single-family dwelling with a detached garage on an existing 4,988 sq.ft. lot (10,000 sq.ft. required), with a 13' front setback for the dwelling (15' required), with a 1' 1" west side and 1'6" north rear setback (10' required) for the detached garage, and with lot coverage of 32% (20% allowed). **(Continue to 2/27/23)**
13. App. #2023-Jan-002. PETITION OF 77 BRIDGE STREET LLC, applicant and owner, **77 Bridge Street**, TAP 16, Lot 061 (R-10 zone, Historic Overlay), for a variance to the dimensional requirements for permission to construct a new front stair, with a 13'10" front setback (15' required), and a new detached garage, with a 5' west side setback and 6' north rear setback (10' required), and increasing lot coverage from 12% to 24% (20% allowed). **(Continue to 2/27/23)**
14. App. #2023-Jan-007. PETITION OF MARY O'REILLY DEMA REVOCABLE TRUST, applicant and owner, **224 Gibbs Avenue**, TAP 20, Lot 101 (R-10A zone), for a special use permit and a variance to

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the dimensional requirements for permission to remove existing deck and stairs and construct an addition with a roof deck, with a 10'9" rear setback (20' required) and increasing lot coverage from 36% to 41% (20% allowed). **(Continue to 2/27/23)**

15. App. #2023-Jan-008. PETITION OF BRENT AND ANNIKA WAGNER, owners and BRENNAN DANIELS applicant, **22 South Baptist Street**, TAP 32, Lot 164 (R-10 zone), for a special use permit and a variance to the dimensional requirements for permission to remove an existing deck from the garage and construct a 2 story addition with a 2.5' side set back (10' required) and with a 3' rear set back (20' required), and increasing lot coverage from 68% to 69% (20% allowed). **(Continue to 2/27/23)**
16. \*App. #2023-Jan-009. PETITION OF HEATHER BURGESS, applicant and owner, **71 Perry Street**, TAP 35, Lot 001 (R-20 Zone, Historic Overlay), for a special use permit and a variance to the dimensional requirements for permission to construct a new front entry overhang, new cupola, new pitched roof over entry tower and new dormers, all with less than required setbacks. Removal of the rear deck and steps create a 1' 7" rear setback." **(Continue to 2/27/23)**

### **X. Inactive Petitions & Appeals:**

#### **a Appeals Awaiting Transcripts or Briefs**

1. App. #2023-Jan-010. APPEAL OF WILLIAM F. VARR, III, VICTORIA A. MORRO, AND CHRISTINE W. SMITH, appellants, JOHN & KATHLEEN TRENTOS, owners, **93 Second Street**, TAP 9, Lot 320 (R-10 Zone, Historic Overlay), appealing the decision of the Historic District Commission approving the owners' application for a Certificate of Appropriateness to construct a new single-family dwelling. (Continue to 2/27/2023 to obtain transcripts)

#### **b Petitions Pending Other Board Decisions (Continued Generally)**

1. 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 3.5' from the north property line, (10' required), and construct a detached shed which will be located 2.6' from the south property line and 2.7' from the east property line, (10' required). Said proposal to increase the lot coverage from 17% to 35%, (20% allowed). **(Continue pending Appeal of HDC approval)**
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)**

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3. App. #2022-Nov-001. PETITION OF 52 & 56 Thames, LLC, applicant and owner; **52 & 56 Thames Street**, TAP 17, Lot 074 (GB Zone, Historic Overlay), for a special use permit to construct two second floor roof decks above existing one-story portions of the home, on a 3,952 sq. ft. lot (5,000 sq. ft. required). (**Pending HDC review**)
4. App. #2022-Dec-003. PETITION OF JAMES AND CLAIRE HALL, applicants and owners, **5 Champlin Street**, TAP 23, Lot 18, (R-10 Zone, Historic Overlay), for a special use permit and variance to dimensional requirements to construct three new staircases, one of which located 8 feet from the front property line (15 required), which will increase the lot coverage from 36.6% to 36.8% (20% allowed) (**Pending HDC review**)

### **c Other Inactive Petitions**

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).
2. \*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).
3. 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](mailto:narmour@cityofnewport.com) or call (401) 845-5452*