

Minutes of the
Zoning Board of Review

July 22, 2010

A meeting of the Zoning Board of Review was held on Monday, June 28, 2010, in the Council Chambers of City Hall at 7:00 p.m.

PRESENT: Rebecca McSweeney, Chair
Michael Martin
Liz Minifie
Martin Cohen
Mary Joan Hoene
Greg Yalanis

Guy Weston, Zoning Officer
Chris Behan, Assistant City Solicitor
Nancy Simoes, Stenographer, Allied Court Reporters

D E C I S I O N S

A motion to approve the minutes of May 24, 2010 was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved with the duplicate paragraph for Jonathan Jefferies being deleted.

The Petition of Parker Avenue, LLC, located at, (Mar-9) and the Petition of Parker Avenue, LLC, located at 41 Parker Avenue, (Mar-10) were withdrawn without prejudice.

A motion to grant the extension of approval to Beth Cameron, located at 45 Hammond Street until June 30, 2011 was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved

A motion to adopt the application, Planning Board recommendations, and staff report as the board's findings of fact for the PETITION OF KIRA SALON; applicant; LIONHEARD REALTY, owner; for a special use permit and a variance to the street parking requirements for permission to convert a dwelling unit into a spa and provide 0 additional off-street parking spaces, (7 additional spaces required) applying to the property located at 4 West Marlborough St., TAP 17, Lot 145, (GB zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed by June 30, 2011, made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to adopt the application and staff report as the board's findings of fact for the PETITION OF LIONHEARD REALTY, applicant and owner; for a special use permit and a variance to the sign ordinance for permission to convert a free-standing sign, (Free-standing sign in the Historic District and off-premise advertising not allowed) applying to the property located at 6 West Marlborough St., TAP 17, Lot 326, (GB zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed by June 30, 2011 was made by Ms. Minifie, seconded by Mr.

Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to adopt the application and staff report as the board's findings of fact for the PETITION OF MARY ROY; applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 14' x 7' rear deck with stairs which will be located 17' from the west property line (20' required) and which will increase the lot coverage from 22% to 25% (20% allowed) applying to the property located at 83 Eustis Ave., TAP 20, Lot 124, (R-10A zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed by June 30, 2011 was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to adopt the application, and the staff report as the board's findings of fact for the PETITION OF MATTHEW DOUGHERTY; applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 8' x 12' shed which will be located 0' from the north property line (10' required) and which will increase the lot coverage from 21% to 25% (20% allowed) applying to the property located at 65 Old Fort Rd., TAP 41, Lot 136, (R-10 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed by June 30, 2011 was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to adopt the application, and the staff report as the board's findings of fact for the PETITION OF JAMES O'NEIL; applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 500 sq. ft. raised stone patio which will increase the lot coverage from 20% to 30% (20% allowed) applying to the property located at 4 Weatherly Ave., TAP 40, Lot 284, (R-10A zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the conditions that the project be started and substantially completed by June 30, 2011 and that no additional structures be constructed on the patio were made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to adopt the application, and the staff report as the board's findings of fact for the PETITION OF JAMES O'NEIL; applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 500 sq. ft. raised stone patio which will increase the lot coverage from 20% to 30% (20% allowed) applying to the property located at 4 Weatherly Ave., TAP 40, Lot 284, (R-10A zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the conditions that the project be started and substantially completed by June 30, 2011 and that no additional structures be constructed on the patio was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to sustain the APPEAL OF GREG YALANIS, owner and appellant; appealing the decision of the Zoning Officer denying a building permit application to renovate a portion of the building into a professional office applying to the property located at 334-338 Spring St., TAP 32, Lot 36, (R-10 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. The Board found that the non-

conforming retail service use had not been abandoned but there was no evidence that a professional office existed. Mr. Weston is to prepare the decision.

A motion to adopt the application and staff report as the board's findings of fact for the PETITION OF CHRISTOPHER BARTLETT & DEREK HERBERT, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 308 sq. ft. rear deck which will increase the lot coverage from 22% to 29% (20% allowed) applying to the property located at 20 Carroll Ave., TAP 40, Lot 176, (R-10 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the conditions that the project be started and substantially completed by June 30, 2011, and that no additional structure be added to the deck, was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to adopt the application, staff report and the testimony of Paul Bernard, petitioner, as the board's findings of fact for the PETITION OF PAUL BERNARD, applicant; COLLETTE BERNARD, owner; for a special use permit and a variance to the dimensional requirements for permission to maintain a 10' x 26' 2nd floor deck and stairway which increased the lot coverage from 30% to 47% (40% allowed) applying to the property located at 485 Thames St., TAP 32, Lot 156, (WB zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed by June 30, 2011; was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to adopt the application, and the staff report as the board's findings of fact for the PETITION OF LINDA SAWYER & JOHN HARRIS, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing garage and construct a new 2-1/2 story garage which will be located 8.75' from the north property line and 7.75' from the west property line (10' required). In addition, petitioners request permission to construct a new inground pool, porch addition and a 2nd and 3rd floor deck which will increase the lot coverage from 9% to 12% (10% allowed) applying to the property located at 665 Bellevue Ave., Resthaven, TAP 38, Lot 12, (R-60 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the conditions that the project be started and substantially completed by June 30, 2011; that there be no plumbing on the second floor, there be no living area in the accessory structure, and that no cooking facilities be allowed in the accessory structure, was made by Ms. Minifie, seconded by Mr. Cohen. The motion was approved on a 4-1 vote. Ms. Hoene voted nay. Attorney Mark Bardorf is to prepare the decision.

A motion to sustain the APPEAL OF MARY ELLEN HORAN, appellant; appealing the issuance of Building Permit #10-323, for the construction of a 3'x3', 3rd floor landing with stairs applying to the property located at 8 Peckham Avenue, TAP 7, Lot 131, (R-10 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously denied. Mr. Weston is to prepare the decision.

A motion to sustain the APPEAL OF RICHARD NIEBOER, appellant; appealing the issuance of Building Permit #10-303, for the construction of a 3rd floor addition applying to the property located at 494 Thames St., TAP 32, Lot 305, (LB zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was denied on a 1-4. Ms. Hoene voted to

sustain the appeal. Mr. Weston is to prepare the decision.

A motion to adopt the application, staff report, and the testimony of John Somerville, petitioner, as the board's findings of fact for the PETITION OF JOHN SOMMERVILLE; applicant and owner; for a special use permit for permission to convert the existing second floor of the detached garage from storage to sleeping quarters (change of a non-conforming development) applying to the property located at 22 Johnson Ct., TAP 13, Lot 51, (R-10 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the conditions that the project be started and substantially completed by June 30, 2011 and that there be no cooking facilities in the garage, was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

A motion to adopt the application, staff report, and the testimony of Stephen Djiounas, petitioner, as the board's findings of fact for the PETITION OF STEPHEN DJIOUNAS; applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct a 14' x 15' 2nd floor deck which will be located 8' from the south property line (10' required) and which will increase the lot coverage from 32% to 38% (20% allowed) applying to the property located at 63 Burnside Ave., TAP 18, Lot 53, (R-10 zone) was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. A motion to approve the petition with the condition that the project be started and substantially completed by June 30, 2011; was made by Ms. Minifie, seconded by Mr. Cohen. The motion was unanimously approved. Mr. Weston is to prepare the decision.

The following petition was continued to a special meeting to be held on July 15, 2010 at 6:30 pm:

Petition of The Saint Clare Home, Inc., located at 309 Spring Street, (Feb-14)

The following petitions were continued to the regular meeting of July 26, 2010:

- Petition of John & Linda Lacey, located at 36 Dean Avenue, (Mar-6)
- Petition of Dorothy Hopkin, located at 1 Bayside Avenue, (May-13)
- Petition of To The Rescue, located at 29 JT Connell Highway, (Jun-3)
- Petition of Gina Quick, located at 19 East Street, (Jun-8)
- Petition of James O'Neil, located at 44 Weatherly Avenue, (Jun-9)
- Petition of Robert Edward, Jr., located at 64 Merton Road, (Jun-11)
- Petition of Daniel & Penny Lessa d/b/a Cupcake Charlies, LLC, located at 135 Swinburne Row, (Jun-13)
- Petition of The Pier of Newport, LLC, located at 449 Thames Street, (Jun-14)

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