



Annual Report of the Newport Zoning Board of Review

City of Newport, Rhode Island

2024

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From the Chair

Dear Honorable Mayor Holder and Fellow Members of the City Council:

I would like to begin this letter by looking at the raw numbers in terms of meetings, petitions, with both their nature and results, and Board member numbers and attendance. Then I would like to conclude with a discussion of our challenges and some thoughts on how to move forward. Please note that our Chairman Sam Goldblatt resigned in March, elevating yours truly to Acting Chairman and then full Chairman in June. In addition, one of our alternates Susan Perkins resigned in November after missing a majority of the meetings in 2024.

The Board had a total of 16 meetings, 12 regular monthly meetings and 4 special meetings. This resulted in us hearing 144 petitions this year, a slight decrease from 147 heard last year. We also heard 3 appeals, again thankfully down from 5 in 2023. We finished this year with a backlog of 13 pending full hearings.

Discussion of 2024 Positive Developments and Challenges, and 2025 Outlook

With the changes to our zoning code mandated by the state at the beginning of this year there was the hoped potential for less activity on our calendar. This did not occur. In fact, as stated above, we were only slightly less busy in terms of petitions this year than last. Counterintuitively, the new proportional zoning law changes related to setbacks and lot coverage on non-conforming lots did not result in very many fewer petitions (144 vs. 147). I believe the reason for this is that property owners in non-conforming lots automatically got extra lot coverage and felt like this was an opportune time to ask for more. They probably calculated correctly, as most of them were granted. Looking forward to 2025 it is hard to predict how this will play out.

In addition, the nature of the petitions changed in that we received 25 guest house petitions in 2024, far more than in 2023. The vast majority were full hearings, due mostly to objecting abutters. The reason for this large increase was the City Council's impending vote on banning guest houses city-wide. This flushed out a number of large, illegally run guest house owners in the concurrent city crackdown. Although the Council ended up not passing a city-wide ban, our calendar filled up with owners wanting to 'come clean' before the Council vote. In fact, one of our special meetings this fall was devoted exclusively to guest house applications. Now, with the City continuing to crack down, I expect this will continue at least into the first quarter of next year.

Most of the activity this year was adjudicated and processed with only 5 Board members. Thankfully, the state changed the Board quorum from 5 to 4 members. Incredibly, to my knowledge we only had a 4-member quorum on one vote this year. That speaks to the dedication of my fellow Board Members, Russ Johnson, Dave Riley, Bart Grimes and Nicole Shevory. Thanks to all of them we were able to successfully get through the year.

In addition, I want to thank our legal counselors Girard Galvin and Dylan Conley for their keen insights into difficult issues and questions. Thanks to our newest Zoning Assistant Planner, Zachary Cabrera, who compiled the numbers I used in this report. Great pick-up. Last, I want to give special kudos to Nick Armour for all his hard and focused work this

past year. Given the task of working the state mandates into our City Code, he basically redid the whole thing. In addition, I find all the information in our agenda to be readily available, petition by petition. Nick had big shoes to fill replacing the legendary Guy Weston, but he has done a first-rate job.

Finally, a look forward into 2025. I want to echo a lot of the comments made by my former colleague Sam Goldblatt in last year's letter. In fact, he and I discussed these issues and solutions more than once. I also discussed them with Mayor Holder when he and I met earlier this month. First and foremost, we need to fill the 2 vacancies we currently have, asap. There's just too much pressure on the current 5 members. Second, to echo Sam's comments and my discussion with Mayor Holder, The Council should consider bringing on another 2-4 new Board members above the 7 currently allowed for. This could lead to either more meetings with designated alternates sitting, or even a second board to hear cases. 16 meetings, plus the many hours of preparation is unsustainable over the long term for 7 members, let alone the 5 we had most of this year. I also like the idea of some kind of mediation option/person with petitioners and objecting neighbors as a first step to potentially obviate the need for a full hearing.

In conclusion, I am looking forward to continue, with my fellow Zoning Board members, the good work we have done in 2024 into the upcoming year, and beyond.

Sincerely

Wick Rudd, Chairman

Meeting Schedule

The Zoning Board met on these dates:

- | | |
|------------------------|---|
| 1) January 22, 2024 | Regular Meeting |
| 2) February 12, 2024 | <i>Special Meeting</i> |
| 3) February 26, 2024 | Regular Meeting |
| 4) March 25, 2024 | Regular Meeting |
| 5) April 22, 2024 | Regular Meeting |
| 6) May 20, 2024 | Regular Meeting |
| 7) June 24, 2024 | Regular Meeting |
| 8) July 15, 2024 | <i>Special Meeting</i> |
| 9) July 22, 2024 | Regular Meeting |
| 10) August 26, 2024 | Regular Meeting |
| 11) September 16, 2024 | <i>Special Meeting</i> |
| 12) September 23, 2024 | Regular Meeting |
| 13) October 28, 2024 | Regular Meeting |
| 14) November 18, 2024 | <i>Special Meeting</i> |
| 15) November 25, 2024 | Regular Meeting |
| 16) December 9, 2024 | <i>Special Meeting</i> (144 Thames) (Cancelled) |
| 17) December 23, 2024 | Regular Meeting |

Members of the Board and Attendance

Samuel Goldblatt, Chair January-March 2024 (Resigned March 2024)

Wick Rudd, Vice-Chair January-March 2024, Chair April-Present

David Riley, Member January-March 2024, Vice-Chair April-Present

Russell Jackson, Secretary

Bartholomew Grimes, Member

Susan Perkins, 1st Alternate (Resigned November 2024)

Nicole Shevory, 2nd Alternate January-November 2024, Member Nov.-Present

Attendance

Zoning Board Member 2023 Meeting Date	Sam Goldblatt - Chair Jan-Mar	Wick Rudd - Vice Chair - Chair Mar-Pres.	Russell Johnson - Secretary	Bart Grimes	David Riley - Vice Chair Mar-Pres.	Susan Perkins (1 st alternate)	Nicole Shevory (2 nd alternate) - Member Nov-Pres.
January 22	Present	Present	Present	Present	Present	Absent	Present
February 12 – <i>Special Meeting</i>	Present	Absent	Present	Present	Present	Present	Present
February 26	Present	Present	Absent	Present	Present	Present	Present
March 25	Present	Present	Present	Present	Absent	Present	Present
April 22	N/A	Present	Present	Absent	Present	Present	Present
May 20	N/A	Present	Present	Present	Present	Present	Present
June 24	N/A	Present	Present	Present	Present	Present	Absent
July 15 – <i>Special Meeting</i>	N/A	Present	Present	Present	Present	Absent	Present
July 22	N/A	Present	Absent	Present	Present	Present	Present
August 26	N/A	Present	Present	Present	Present	Absent	Present
September 16 – <i>Special Meeting</i>	N/A	Present	Present	Absent	Present	Absent	Present
September 23	N/A	Present	Present	Present	Present	Absent	Present
October 28	N/A	Present	Present	Present	Present	Absent	Present
November 18 - <i>Special Meeting</i>	N/A	Present	Present	Present	Present	Absent	Present
November 25	N/A	Present	Present	Present	Present	Absent	Present
December 9 – <i>Special Meeting</i>	Cancelled						
December 23	N/A	Present	Present	Present	Present	N/A	Present
Staff Attendance: Nick Armour, Zoning Officer, present at all meetings. Girard Galvin or Dylan Conley, Assistant City Solicitors, present at all meetings. Zach Cabrera, Assistant Planner, present at meetings from Sept.-Present							

Applications, appeals and matters decided

The Zoning Board had 23 applications from previous years (2022 & 2023) still on the docket during 2024, including 13 Full Hearing and 1 appeal. In 2024, the Zoning Board received 144 new petitions for special use permits, dimensional and parking variances, and other forms of relief, and 3 appeals. There is one remaining 2023 application that was continued to 2025, 144-150 Thames Street, which is scheduled to be heard by the Zoning Board at a Special Meeting on February 10, 2025.

The Zoning Board heard and decided all 4 appeals, approving 1 and denying 3. Of the 144 new petitions received in 2024, 106 petitions were approved by the Zoning Board and 3 petitions were denied. One of the denied petitions, 7 Carroll Avenue, submitted a new application, revising their project in November, which was approved. 16 petitions were withdrawn and 3 applications were deemed incomplete. 13 petitions are awaiting a full hearing and five are inactive or awaiting action by other boards and will be heard in 2025.

Previous Years' Applications Heard in 2024			
Year Received	2022	2023	Totals
Approved	0	16	16
Denied	0	2	2
Withdrawn	1	2	3
On 2025 Agenda	0	1	1
Appeals	1	0	1
<i>Total</i>	<i>2</i>	<i>21</i>	<i>23</i>

Zoning Applications Received in 2024													
Month Received	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
Approved	5	10	7	9	15	16	12	6	10	4	9	3	106
Denied	0	1	1	0	0	0	0	1	0	0	0	0	3
Withdrawn	0	3	0	1	1	2	0	2	2	1	0	4	16
On 2025 Agenda	0	0	2	1	0	0	1	0	0	0	7	4	15
Appeals	0	0	0	0	2	0	0	0	1	0	0	0	3
Incomplete	0	0	0	0	1	0	0	0	1	0	0	1	3
<i>Total</i>	<i>5</i>	<i>14</i>	<i>10</i>	<i>11</i>	<i>19</i>	<i>18</i>	<i>13</i>	<i>9</i>	<i>14</i>	<i>5</i>	<i>14</i>	<i>12</i>	<i>144</i>

2024 Summary Statistics:

- 144 complete applications considered
- 122 petitions approved
- 5 petitions denied
- 4 appeals heard
- 13 petitions awaiting a full hearing in 2024
- 5 inactive petitions or petitions pending other Boards
- 3 incomplete petitions awaiting corrections
- 12 applications per month received on average
- 5 Zoning Office Modification Applications Received

Trainings & Activities

The Zoning Officer provided a detailed training to the Zoning Board following the passage of the 2023 Zoning State Enabling Law changes, which included substantial changes to Variance and Special Use Permit standards.

Staff

The Zoning Officer, Nick Armour, participated in the substantial undertaking of re-writing more than ten chapters of the Zoning Ordinance in response to Council Resolutions and new State legislation related to Planning and Zoning laws. This included a brand-new chapter on Accessory Uses, Buildings, and Structures, setting new limits on heights of accessory buildings, and revised setbacks for structures depending on their height. This new chapter set the groundwork for a new chapter on Accessory Dwelling Units following State law passage. The Zoning Officer has already signed off on a handful of new and converted ADU applications, all of which have been done through building permits. The Council also passed proposed ordinances related to lot coverage, establishing a revised definition to better clarify what does and does not count for lot coverage in Newport.

Following a Council Resolution on Guest Houses, the Zoning Officer prepared seven revised zoning chapters that would have eliminated new Guest House uses in the commercial districts. After staff presentations and substantial public input, the City Council did not ultimately pass the proposed prohibition on Guest House uses.

Additionally, the Zoning Officer led an effort to create an updated Zoning Application form, draft a new Zoning Application Submittal Requirements packet, and create sample and guidance documents to help applicants understand how to create site plans, building elevations, landscape plans, understand new State Law changes, and more. These materials will be implemented in January 2024 to coincide with the implementation of the new Zoning Ordinance updates.

The Zoning Officer was given the authority to review and approve Zoning Officer Modification applications in 2024. These applications can be looked at as small variance requests, which may or may not require limited public notice, depending on the scope of the request. The Zoning Officer received and processed five Modification applications in 2024. One of these was appealed to the Zoning Board (who upheld the Zoning Officer's approval); three others were outright approved; and one other was publicly advertised for approval and was subsequently objected to, and is awaiting a full hearing at the Zoning Board in 2025.

In September 2024, the Planning and Development Office hired a new Assistant Planner, Zachary Cabrera, who splits time between the Historic Preservation Planner and the Zoning Officer. He has attended all Zoning Board meetings since being hired, and assists in the review of zoning applications, writing of staff reports, researching property records, and responding to property owner inquiries.