

APPLICATION FOR A DIMENSIONAL VARIANCE
CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW

ZBR

2022-DEC-001

DATE: October 24, 2022

Board members:

The undersigned hereby petitions the Zoning Board of Review for a variance in the application of the provisions or regulations of the Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

Location of Premises

Street & No: 0 Carroll Avenue

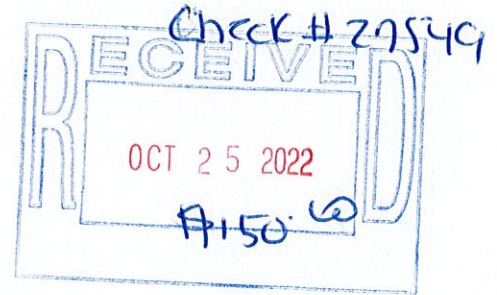
Tax Assessor's Plat 35 Lot 204

Petitioner Information

Applicant Sean Napolitano Address 29 1/2 Bliss Road
Newport, RI 02840

Owner: Spruce Homes, LLC Address 29 1/2 Bliss Road
Newport, RI 02840

Lessee: same



Property Characteristics

Dimensions of lot – frontage 57' depth 85' Area 5,015 sq ft

Zoning District in which premises is located R-10

How long have you owned above premises? Recently purchased

Are there buildings on the premises at present? No

Total square footage of the footprint of the existing buildings n/a

Total square footage of the footprint of the proposed buildings 1,448 sq ft

Present use of premises vacant lot.

Proposed use of premises single family home

Given extent of proposed alterations Petitioner proposes to cost a single family home with attached garage.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	5,015 sq. ft.	10,000 sq. ft.	Unchanged
Lot Coverage	0%	20%	29%
Dwelling Units	0	1	1
Parking (# of spaces)	n/a	2	2
Front Setback	n/a	15	15 feet
Side Setbacks	n/a	10 feet	10 feet
Rear Setback	n/a	20 feet	20 feet
Height	n/a	30 feet	30 feet

What special conditions and circumstances exist which are peculiar to the land, structure or building involved, which are not applicable to other lands, structures or building in the same district?

The lot is an undersized lot of record containing only 5,015 square feet in the R-10. The petitioner is meeting all dimensional requirements except for lot coverage. The property is also located directly across the exit of the Newport Green condominium development so the applicant is proposing a garage to mitigate the impact of headlight glare.

Explain how the literal interpretation of the provisions of this zoning code deprive the applicant of rights commonly enjoyed by other property owners in the same district under the provisions of this zoning code.

The small lot area significantly limits the allowable building lot coverage. The petitioner is seeking a reasonable design for a new single family residence.

Explain why this is the minimum variance that will make possible the reasonable use of the land, building or structure.

The requested relief is minimal in that the applicant is seeking only one variance. All setbacks are met.

The Zoning Board's Role

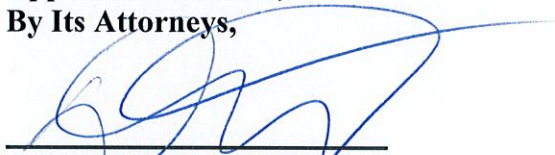
In granting a variance, the zoning board of review shall *require* that evidence of the following standards be entered into the record of the proceedings:

- a. That the reasons set forth in the application justify the granting of the variance and that the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;

- b. That the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will not impair the intent or purpose of the zoning code or the comprehensive plan upon which this zoning code is based;
- c. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant; and
- d. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
- e. That the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read the section entitled "The Zoning Board's Role."

**Applicant & Owner,
By Its Attorneys,**



David R. Martland, Esq.

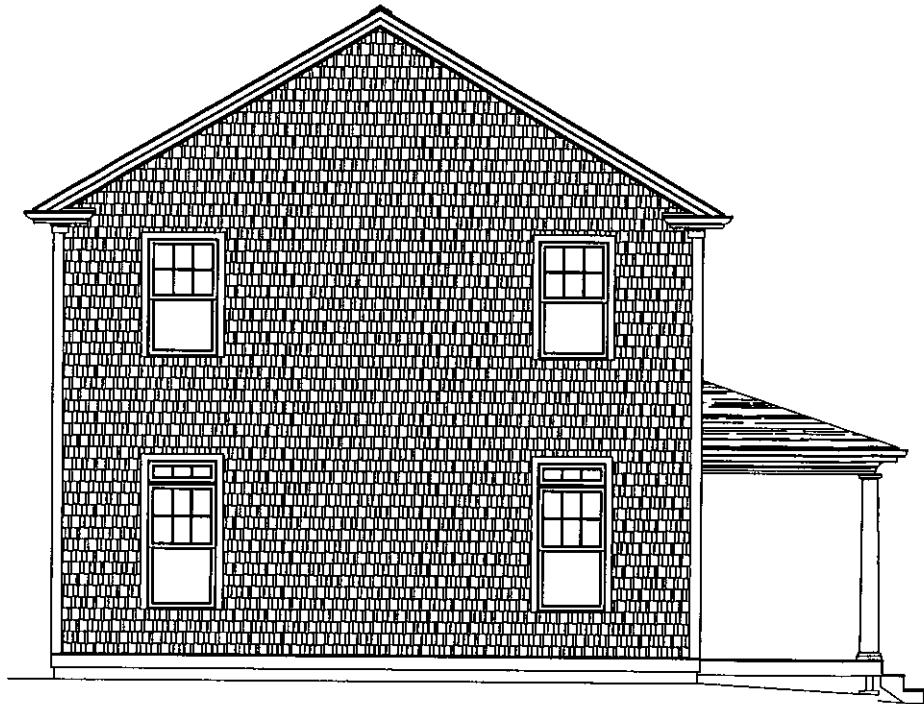
1100 Aquidneck Avenue

Middletown, RI 02842

Tel: 401-849-6200

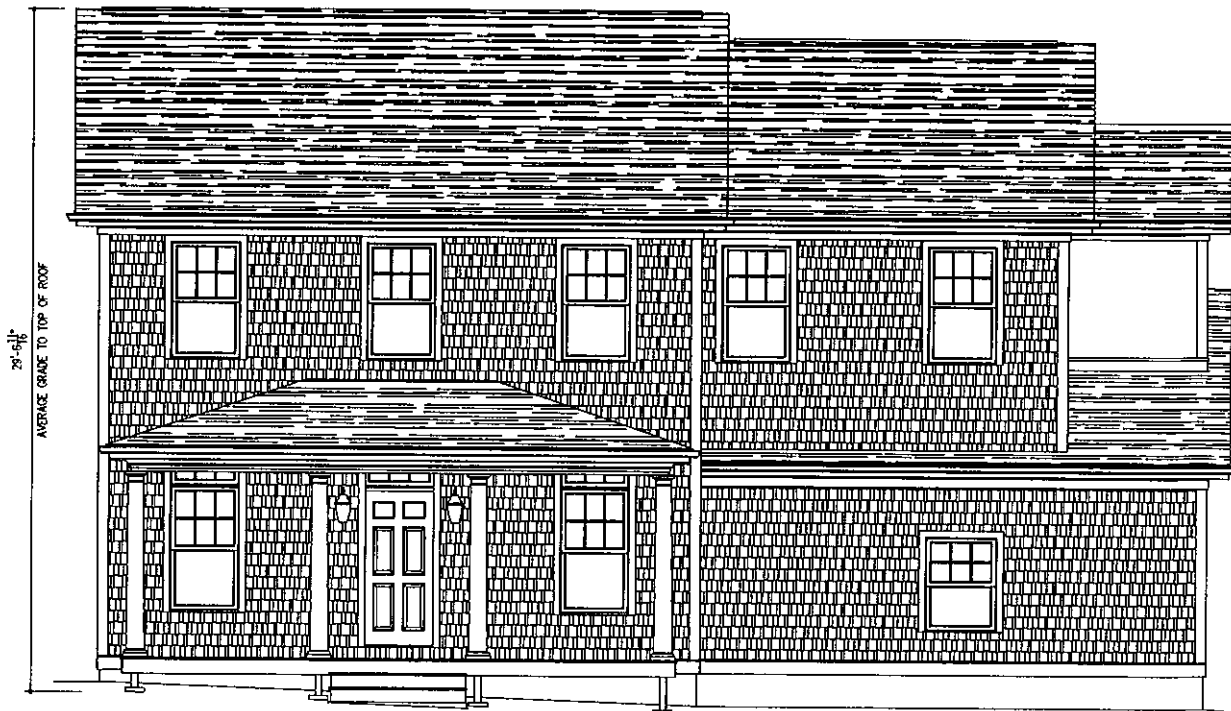
Fax: 401-849-1820

Email: dmartland@silvalawgroup.com



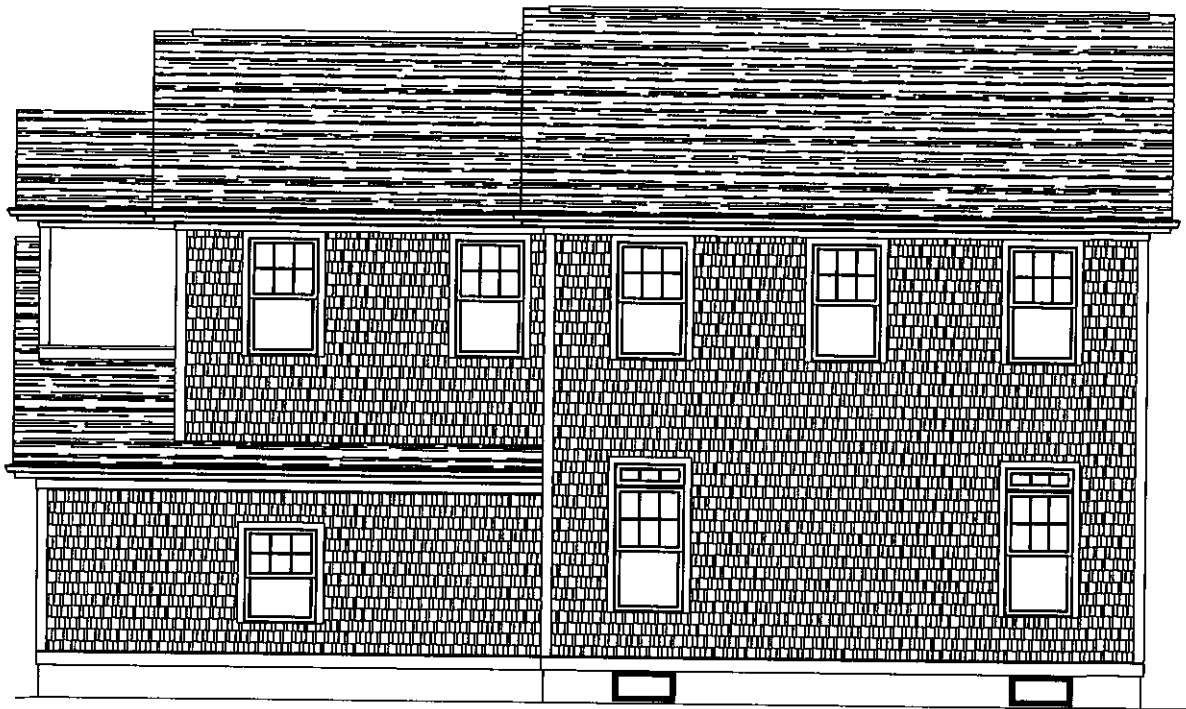
WEST ELEVATION

SCALE: $\frac{1}{8}" = 1'-0"$



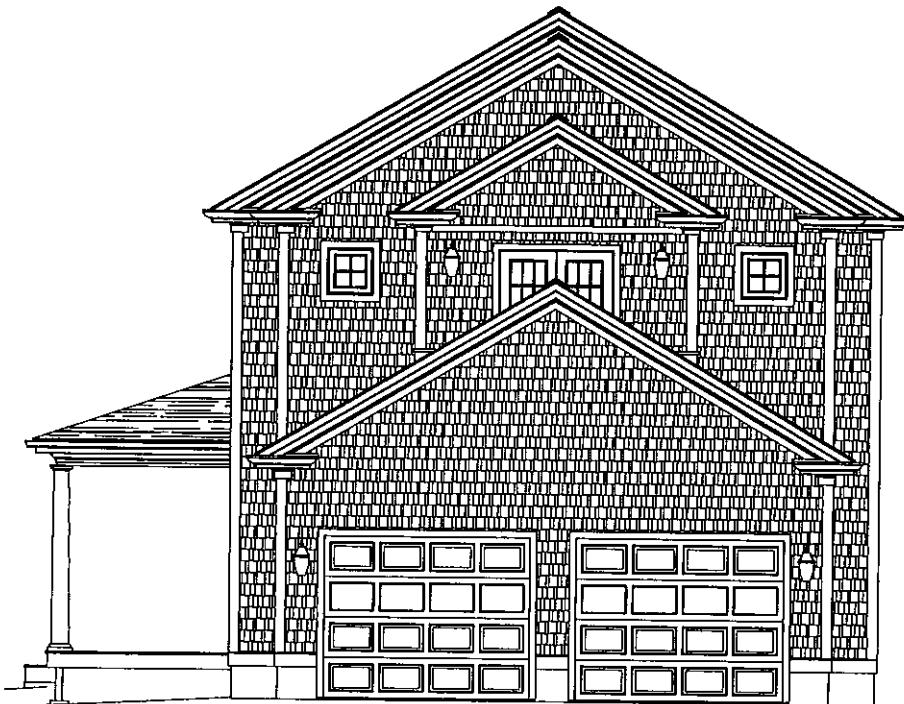
SOUTH ELEVATION

SCALE: $\frac{1}{8}" = 1'-0"$



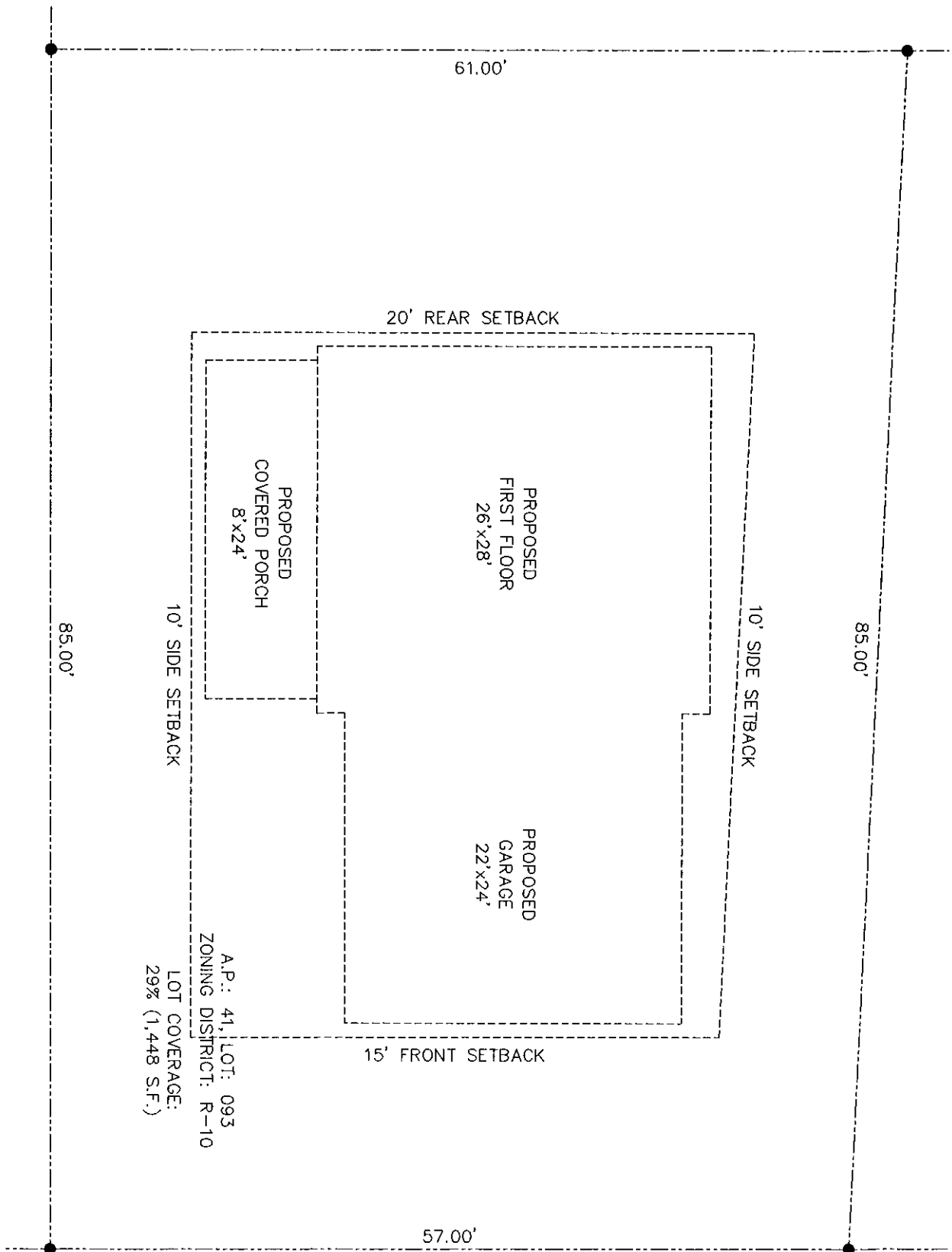
NORTH ELEVATION

SCALE: $\frac{1}{8}" = 1'-0"$



EAST ELEVATION

SCALE: $\frac{1}{8}" = 1'-0"$



CARROLL AVENUE