

**COMBINED APPLICATION FOR A SPECIAL USE PERMIT &
A REGULATORY (DIMENSIONAL) VARIANCE**

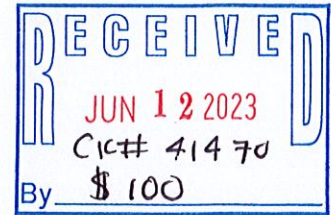
**CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW**

DATE: June 12, 2023

ZBR

Board Members:

2023 - Jul - 015



The undersigned hereby petitions the Zoning Board of Review for a Special Use Permit and a Regulatory (Dimensional) 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.: 275 Harrison Avenue

Tax Assessor's Plat: 44, Lot: 121

Petitioner Information

Applicants: Sean M. Maloney &
Margaret Chai Maloney

Addresses: c/o J. Russell Jackson, Esq.
Miller Scott Holbrook & Jackson
122 Touro Street
Newport, RI 02840

Owner: Same

Same

Leasee: N/A

N/A

Property Characteristics

Dimensions of Lot: **Frontage:** 654.2 ft. +/-
Depth: 638.1 ft. +/-
Area: 391,889 sf. +/-

Zoning District in which premises is located:	R-160
How long have you owned above premises?	2.5 Years (December 2020)
Are there buildings on the premises at present?	Yes
Total square footage of the footprint of existing buildings:	9,631 sf. (2%)
Total square footage of the footprint of proposed buildings:	10,938 sf. (3%)
Present use of premise:	Single Family Residential
Proposed use of premises:	Single Family Residential

Give extent of proposed alterations: The Applicants propose to construct a three stall carriage house in the service court adjacent to Harrison Avenue on the east side of the historic Ker Arvor estate.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft)	391,889 sf.	160,000 sf.	391,889 sf.
Lot Coverage	2%	6 %	3 %
Dwelling Units	1	1	1
Parking (# of spaces)	3+	1	6+
Front Setback (ft.)	76'4" Residence N/A = Carriage House	100'	76'4" Residence (No Change) 16' Carriage House
Side Setbacks (ft.)	North = 247' +/- South = 287' +/- Residence South = 170' +/- Pool	50'	North = 247' +/- South = 287' +/- Residence South = 170' +/- Pool No Changes
Rear Setback (ft.)	412' +/-	50'	412' +/- (No Change)
Height (ft.)	≤ 35' Residence N/A Carriage House	35'	≤ 35' (Residence) No Change 22'3" +/- Carriage House

Project Summary:

The Applicants seek relief under:

Section 17.108.020 (Special Use Permits)

Section 17.108.010 (Variances)

Section 17.72.030 (Alteration to Nonconforming Development)

Section 17.48.040 (R-160 Front Setback Requirements)

The subject parcel is a legal conforming lot of record containing 391,889 sf +/- of land. However, the property is considered non-conforming development based on the location of the east wing of the residence, which sits almost entirely within the front setback along Harrison Avenue. Adjacent to the east wing is an area which has historically been used as a parking area and service court. This area has an independent curb cut and entrance from Harrison Avenue, separate and apart from the main entrance which sits approximately three hundred feet to the north along Harrison Avenue.

The Applicants are undertaking a number of significant upgrades to the estate. Part of the renovations focus on the east wing, which was historically the service wing, containing a service kitchen, pantry and three stall garage. The service kitchen and pantry are historic in nature, yet do not meet standards of modern living. Rather than remove the historic service kitchen and pantry, the Applicants expanded and modernized the interior living space by converting the three stall garage at the southern end of the east wing into a large modern eat-in kitchen. All modifications to the exterior which have accompanied these interior renovations have been approved by the Historic District Commission ("HDC").

The Applicants also worked on plans to develop a new accessory structure for garage and utility space. They explored various locations on the grounds, however, a number of these options were rejected by the HDC. Both the building and the grounds of Ker Arvor are considered contributing elements to the historic character of the estate. As such, the HDC did not want to see alteration to essential elements of the estate such as the front arrival through the main gate. This has limited the areas where an additional accessory structure can be placed. Ultimately, the current proposal, with the carriage house generally located at the southern side of the service court was determined to be most appropriate and was approved by the HDC.

The property is in the R-160 Zone. It conforms to all dimensional requirements other than the front setback. The entire estate was developed on the eastern side of the property, in close proximity to Harrison Avenue. This, in part, is due to the fact that the western portion of the grounds were historically a pasture and are now designated by DEM as wetlands. Upon the adoption of the current zoning code, the property became non-conforming with the entire east wing of the residence located within the front setback. The proposed carriage house will encroach into the front setback and be located sixteen feet (16') from the east property line along Harrison Avenue. Lot coverage will increase to 3%, but will still remain well below the 6% limit. No building height relief will be needed. Overall, the requested relief is modest considering the limitations on locating a new accessory structure, including the wetland features of the site, together with the contributing historic nature of the grounds, main entrance and arrival. The plan proposed by the Applicants will be harmonious with the surrounding neighborhood and will not create dimensional non-conformities which are injurious to neighbors or inconsistent with the purpose and intent of the R-160 Zone.

What provisions of the Comprehensive Land Use Plan are the applicable to this project?

The Applicants state that the proposed development is consistent with many provisions of the Comprehensive Land Use Plan, including, but not limited to the following:

Land Use:

Goal LU-1: To provide a balanced City consisting of residential, commercial, and employment uses consistent with the character, environmental resources and vision of the community.

Housing:

Goal H-1: To preserve and protect existing housing resources in the community.

Policy H-1.3 The City shall continue to promote the repair, revitalization or rehabilitation of residential structures and neighborhoods.

Policy H-1.4 The City shall encourage resident involvement in identifying and addressing the maintenance of housing in their neighborhood.

Transportation & Circulation:

Goal T-5: To provide sufficient and suitably located parking, designed to eliminate, mitigate or reduce impacts.

Historical & Cultural Resources:

Goal HC-1: To identify, protect, and enhance the City's cultural and historical resources.

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 buildings in the same district?

The frontage for the subject parcel runs along Harrison Avenue, however the estate is orientated such that the front door and historic long driveway and arrival face north. The east side of the residence faces Harrison Avenue. The entire east wing of the building already encroaches into the front setback. The east wing is the portion of the building with the kitchen and service areas. There is an existing service court with a curb cut and service gate on Harrison Avenue which provides direct access to the east wing. This is the area which is most appropriate from both a practical and historic perspective. Because of the way the estate was developed, this entire area now sits in the front setback. Based on the unique historic layout of the estate, any reasonable improvements, additions or modifications to the east wing of the building or in the area of the service court will require dimensional relief. As a result of the conditions and circumstances that are peculiar to this non-conforming development, the proposed improvements will require a dimensional variance.

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 Applicants propose to continue the single family residential use of the property and will be seeking relief for a dimensional variance and a special use permit for the alteration of a non-conforming development for permission to construct a three stall carriage house on the south side of the existing service court, within the front setback. The subject property is located on the west side of Harrison Avenue, across from the Newport Country Club. The neighborhood is essentially fully

developed and characterized by larger estates. Other properties in this area have accessory structures sitting within setbacks. The literal interpretation of the zoning code, resulting in the denial of the relief requested, would unreasonably deny these Applicants the ability to make the requested improvements for the full use and enjoyment of their property. The proposed location of the new carriage house respects the historic nature of the estate grounds and main arrival, and appropriately utilizes the existing service court. The proposed improvements will be appropriate and harmonious with the surrounding neighborhood, and the rights enjoyed by other property owners in this area of the R-160 Zone.

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

The Applicants are before the Board for permission to construct a new three stall carriage house within the front setback. The existing residence already significantly encroaches into the front setback along Harrison Avenue. There already exists an independent service gate and service court which has historically been used to access the east wing of the residence. Although the carriage house will be in the front setback, it will remain sixteen feet (16') from the property line. This location was approved by the HDC, as it respects the historic nature of the grounds and places a utilitarian structure in an area that has always been used for such purposes. Other locations were considered, however given the layout of the estate, the proposed location made the most sense. No other dimensional relief is needed. Upon completion of carriage house, lot coverage will be at 3%, well below the 6% limit. No other setbacks will change, and no building height relief is required. The construction of the proposed carriage house is consistent with similar uses and structures for a number of properties in this general estate area. The improvements will allow for efficient use of the service court without disrupting the historic grounds. The proposed carriage house will provide much needed vehicle storage, and storage space. The Applicants have taken great care to develop a proposed improvement plan which meets their reasonable needs and is appropriate in scope, scale and size for this historic estate. The hardship is driven by the western portion of the estate being occupied by wetlands; the limitations for such a structure at other locations given the historic character of the grounds; and the fact that the east wing of the residence and existing service court all sit within the front setback. Granting the request for a dimensional variance relating to the front setback, given the totality of circumstances relative to this unique estate is the minimum relief necessary to allow the reasonable use and enjoyment of the property. Accordingly, the proposed use of the property and the relief sought by the Applicants will not be injurious to, or create a burden for abutting property owners, will be harmonious with the neighborhood, and will be an appropriate use for this area of the R-160 Zoning District.

The Zoning Boards Role

Special use permits shall be granted only where the zoning board of review finds that the proposed use or the proposed extension or alteration of an existing use is in accord with the public convenience and welfare, after taking into account, where appropriate:

1. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of the structure;
2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;
3. The nature of the surrounding area and the extent to which the proposed use or feature will be in harmony with the surrounding area;
4. The proximity of dwellings, churches, schools, public buildings and other places of public gathering;
5. The fire hazard resulting from the nature of the proposed buildings and uses and the proximity of existing buildings and uses;
6. All standards contained in this zoning code;
7. The comprehensive plan for the city.

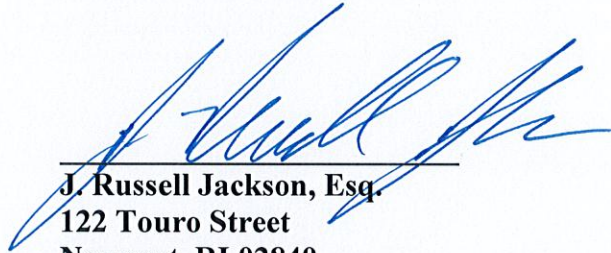
The burden of proof in a special-use permit application is on the applicant. This means that if the applicant fails to present adequate competent evidence to prove the applicable standard for issuing a special-use permit has been met, the board must deny the application.

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 are; 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".

Applicants & Owners,
By Their Attorneys,
Miller Scott Holbrook & Jackson

A handwritten signature in blue ink, appearing to read "J. Russell Jackson", is written over a horizontal line.

J. Russell Jackson, Esq.

122 Touro Street

Newport, RI 02840

Tel: 401-847-7500

Fax: 401-848-5854

jackson@millerscott.com

2023-06-09



SHEET # <div style="text-align: center; font-size: 2em;">000</div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; font-size: 0.8em;">TITLE</td> <td style="text-align: center; font-size: 1.5em;">KER ARVOR CARRIAGE HOUSE</td> </tr> <tr> <td style="font-size: 0.8em;">ADDRESS</td> <td style="text-align: center;">275 HARRISON AVE. NEWPORT, RI 02840</td> </tr> <tr> <td style="font-size: 0.8em;">SHEET CONTENTS</td> <td style="text-align: center;">TITLE</td> </tr> </table>	TITLE	KER ARVOR CARRIAGE HOUSE	ADDRESS	275 HARRISON AVE. NEWPORT, RI 02840	SHEET CONTENTS	TITLE	 <p style="font-size: 0.8em;">NEWPORT • RI</p> <p style="font-size: 0.7em;">WWW.HULLCOVEDSIGN.COM</p> <p style="font-size: 0.7em;">401.367.0807</p>
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DATE	06-09-2023							

N/F RICHMOND DEVELOPMENT COMPANY, INC.

ASSESSORS MAP 44, LOT 15
DEED BOOK 171 - PAGE 232

N/F RICHMOND DEVELOPMENT COMPANY, INC.

ASSESSORS MAP 44, LOT 15
DEED BOOK 171 - PAGE 232

LOCATION MAP



SCALE 1"=50'

SCALE 1"=100'

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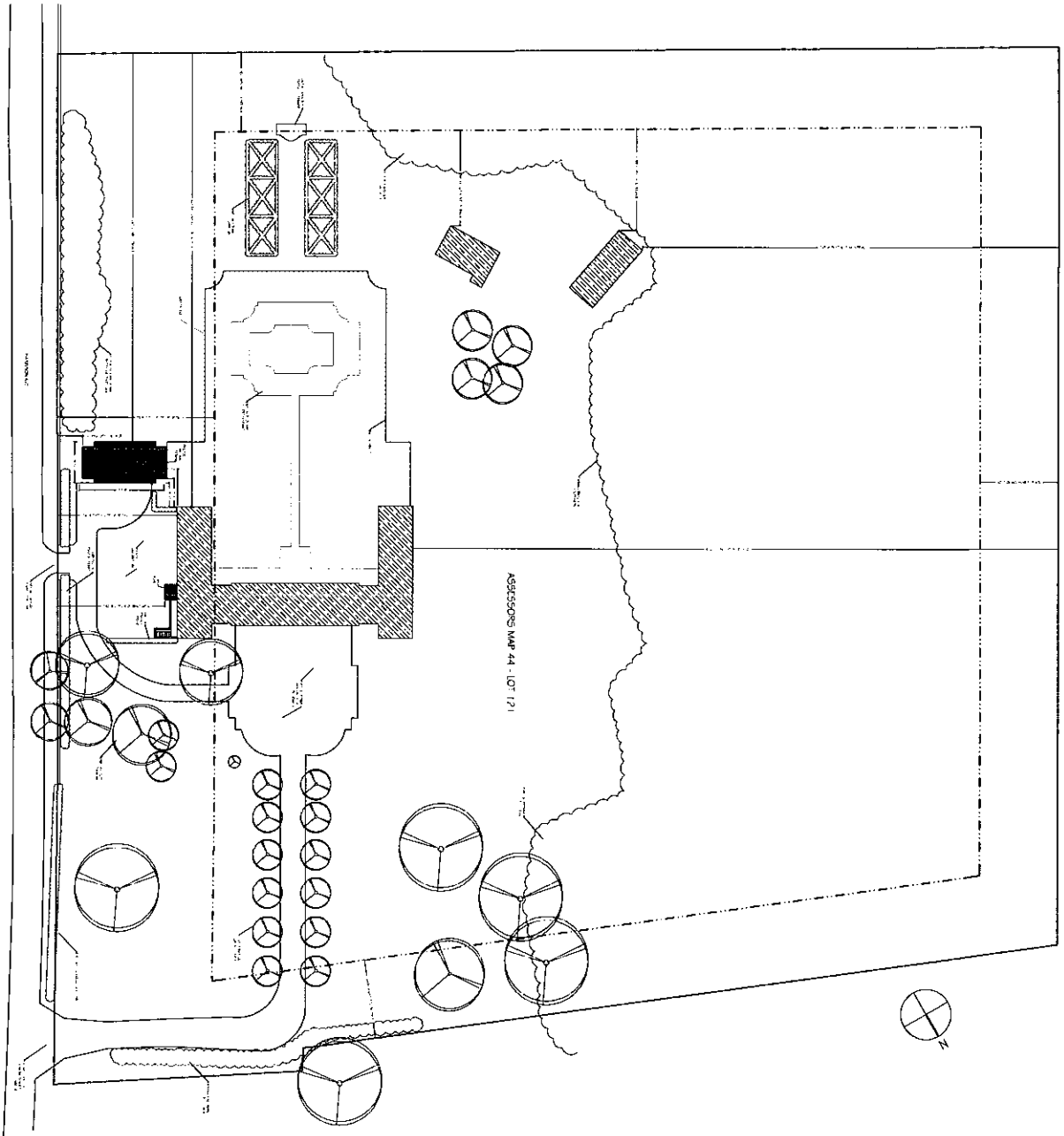
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LOT SIZE	39,889 S'	REQUIRED	PROPOSED
LOT COVERAGE	96.31 % (2%)	160,000 S'	99,889 S'
DWELLING UNITS	1	1	1
BUILDING HEIGHT	28 FT	35 FT	26 FT
FRONT SETBACK	76.4 FT	100 FT	16 FT
SIDE SETBACK	50 FT	50 FT	50 FT
REAR SETBACK	50 FT	50 FT	50 FT
ACCESSORY HEIGHT	35 FT	35 FT	22.3 FT
ACCESSORY SIDE	N/A	N/A	20 FT
ACCESSORY REAR	N/A	N/A	20 FT

1' = 100'-0" (1" = 100'-0")



C1.0

CHAI-MALONEY: CARRIAGE HOUSE

275 HARRISON AVE
02840

TITLE

DATE

BY

NO.

REV.

DATE

BY

NO.

REV.

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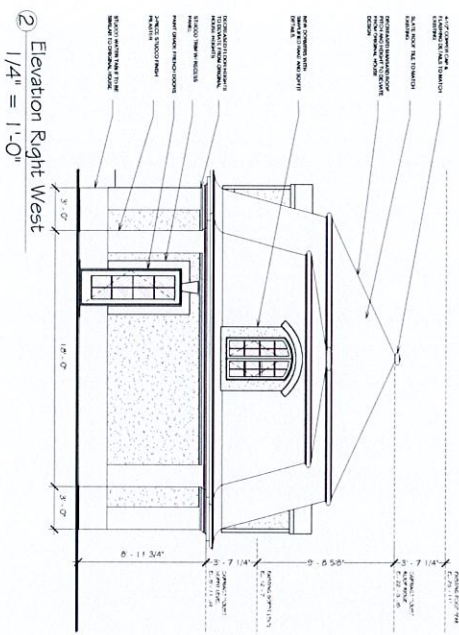
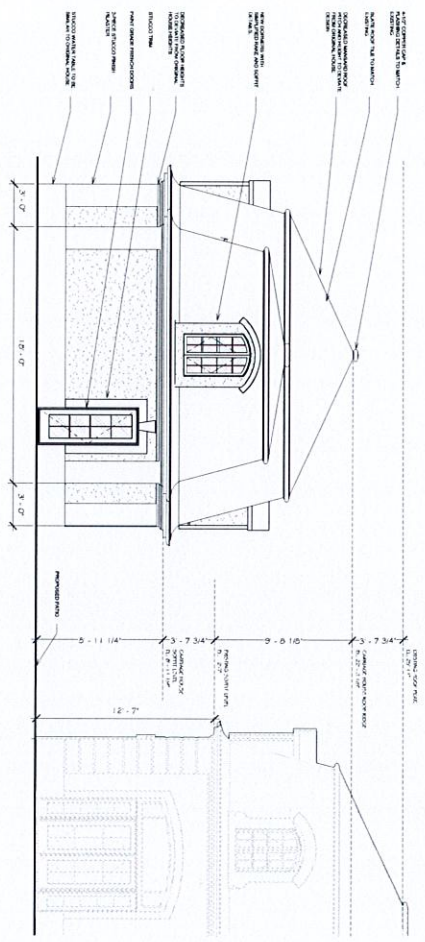
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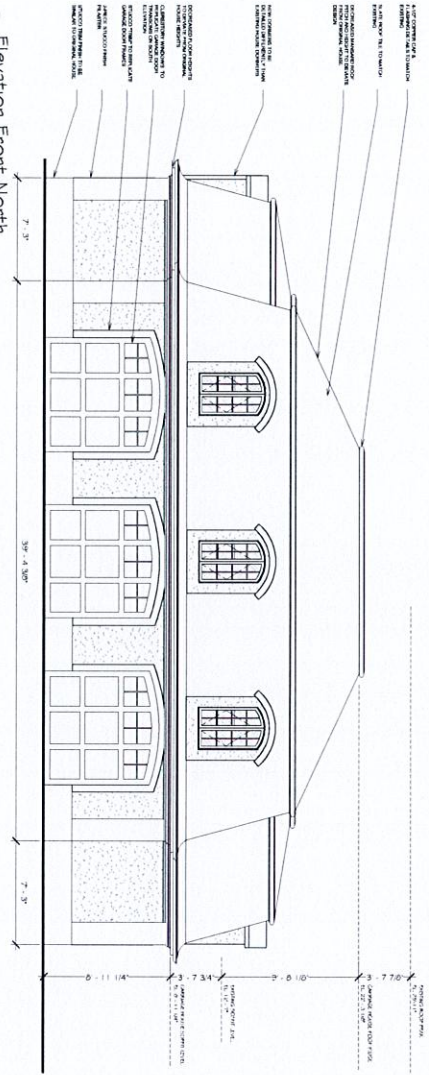
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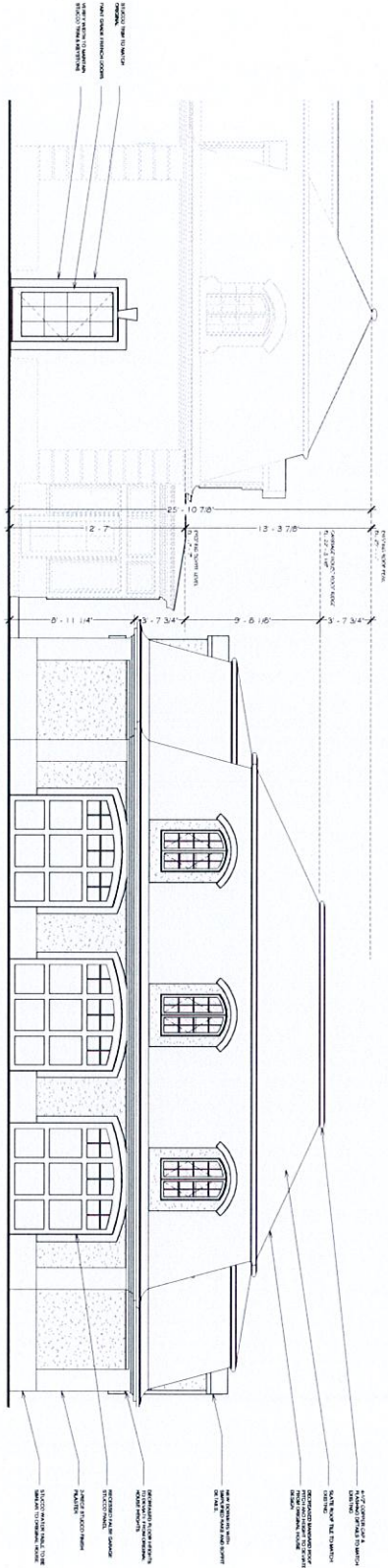
DATE



① Elevation Front North
1/4" = 1'-0"



③ Elevation Rear South
1/4" = 1'-0"



KER ARVOR CARRIAGE HOUSE

275 HARRISON AVE. NEWPORT, RI 02840

TITLE
SHEET CONTENTS
GARAGE ELEVATIONS

PHASE
HO
DATE
06-09-2023

DESIGN BY
AC
DRAWN BY
HCD

SCALE
1/4" = 1'-0"

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
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6		
7		
8		
9		
10		

SHEET #

SHEET #

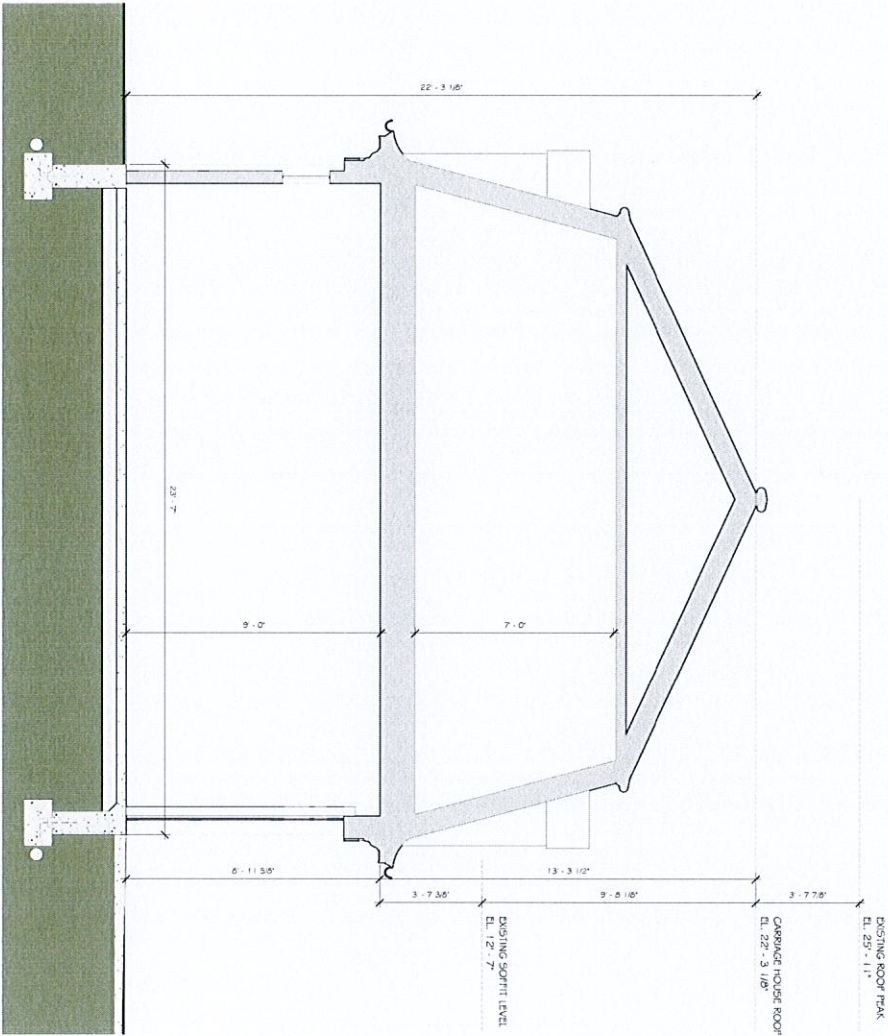
A2.1

HULL COVE
DESIGN
NEWPORT • RI
WWW.HULLCOVEDSIGN.COM
401.367.0007

CONTRACT
Ker Arvor Carriage House
275 Harrison Ave.
Newport, RI 02840
Owner: [Redacted]
Architect: Hull Cove Design
Date: 06-09-2023
Scale: 1/4" = 1'-0"

NOTE: REFER TO DRAWINGS
BY STRUCTURAL ENGINEER

NOTE:
STRUCTURAL ENGINEER IS RESPONSIBLE FOR ALL STRUCTURAL
FRAMING COMPONENTS, INCLUDING BUT NOT LIMITED TO L.V.L. AND STEEL BEAMS,
REFER TO SEPARATE ENGINEER PACKET BY ENGINEER
FOR ALL FRAMING DETAILS.
ENGINEER IS RESPONSIBLE FOR ALL FOUNDATION AND
FOOTING INFORMATION. REFER TO SEPARATE ENGINEER PACKET BY
STRUCTURAL ENGINEERING FOR ALL FOUNDATION INFORMATION.



① GARAGE SECTION
1/2" = 1'-0"

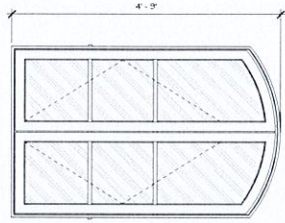
CONTRACT:
275 HARRISON AVE. NEWPORT, RI 02840
DATE: 06-09-2023
PROJECT: HO
DRAWN BY: AC/UT
CHECKED BY: HCD
SCALE: 1/2" = 1'-0"
REVISIONS:
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SHEET #

HULLCOVE
DESIGN
NEWPORT • RI
WWW.HULLCOVEDESIGN.COM
401-367-0007

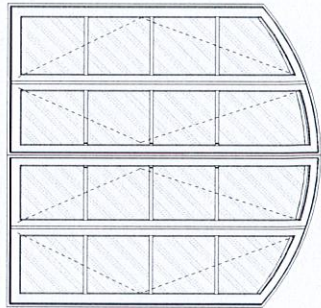
TITLE
KER ARVOR CARRIAGE HOUSE
275 HARRISON AVE. NEWPORT, RI 02840
SHEET CONTENTS
MAIN SECTION GARAGE

SHEET #
A2.2

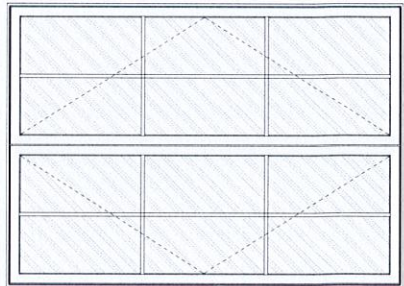
WINDOW ELEVATIONS



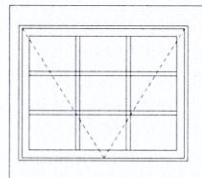
- 1 RENOV. SASH
PAINT GRAB MAROON DOUBLE CASEMENT
INTERIOR FINISH: PINKED
EXTERIOR FINISH: WHITE
HARDWARE FINISH: TBD



- 2 RENOV. SASH
PAINT GRAB MAROON DOUBLE CASEMENT
INTERIOR FINISH: PINKED
EXTERIOR FINISH: WHITE
HARDWARE FINISH: TBD



- 3 RENOV. SASH
PAINT GRAB MAROON DOUBLE CASEMENT
INTERIOR FINISH: PINKED
EXTERIOR FINISH: WHITE
HARDWARE FINISH: TBD



- 4 RENOV. SASH
PAINT GRAB MAROON DOUBLE CASEMENT
INTERIOR FINISH: PINKED
EXTERIOR FINISH: WHITE
HARDWARE FINISH: TBD

WINDOW SCHEDULE
1" = 1'-0"

CONTRACT
KER ARVOR CARRIAGE HOUSE
275 HARRISON AVE. NEWPORT, RI 02840
DATE: 06-09-2023
DRAWN BY: J.T.
CHECKED BY: HOD
SCALE: 1" = 1'-0"

HULLCOVE
DESIGN
NEWPORT • RI
WWW.HULLCOVEDSIGN.COM
401-567-6007

TITLE
KER ARVOR CARRIAGE HOUSE
275 HARRISON AVE. NEWPORT, RI 02840
SHEET CONTENTS
WINDOW SCHEDULES

REVISIONS
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SHEET #

A2.6

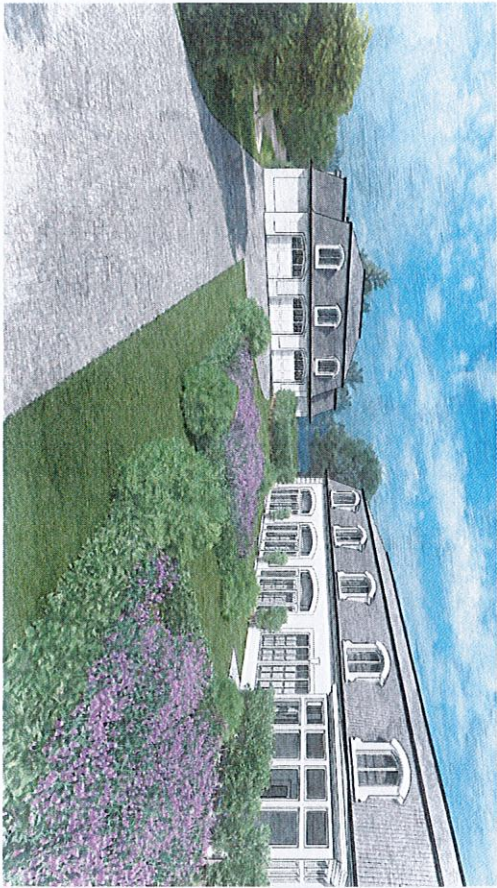
Technical drawing of a window frame. The drawing shows a rectangular frame with a central horizontal mullion. The frame is divided into four rectangular panes by a vertical mullion and the horizontal mullion. Dashed lines indicate the diagonal bracing of the panes. The overall width is labeled as 6' 0" and the overall height is labeled as 6' 0". The drawing is a top-down view of the window frame.

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- A2.7



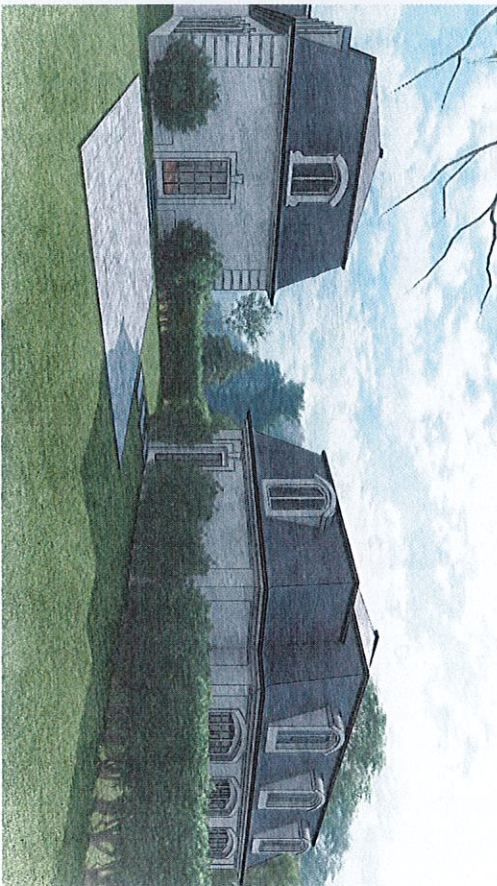
VIEW FROM DRIVEWAY FACING S



VIEW FROM GARDEN ENTRY FACING S



VIEW FROM BACKYARD FACING N



VIEW FROM BACKYARD FACING NE

KER ARVOR CARRIAGE HOUSE

275 HARRISON AVE. NEWPORT, RI 02840

TITLE: SHEET CONTENTS: RENDERINGS

PHONE: (401) 347-0007

DATE: 06-09-2023

DESIGN BY: HCD

ARCHITECT: HCD

SCALE: 1/8" = 1'-0"

REVISIONS:

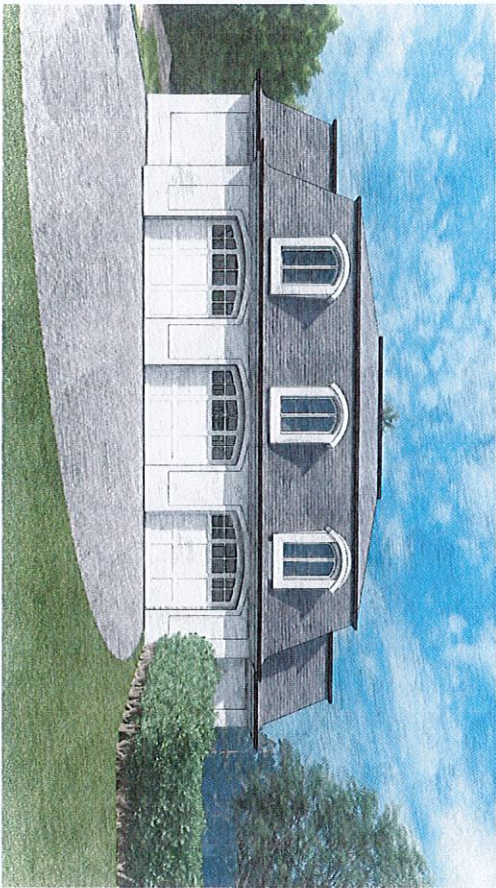
NO.	DATE	DESCRIPTION
1		Initial Design
2		Final Design
3		Construction Documents
4		Final Renderings

SHEET #

A7.1

HULL COVE
DESIGN
NEWPORT, RI
WWW.HULLCOVEDSIGN.COM
401-347-0007

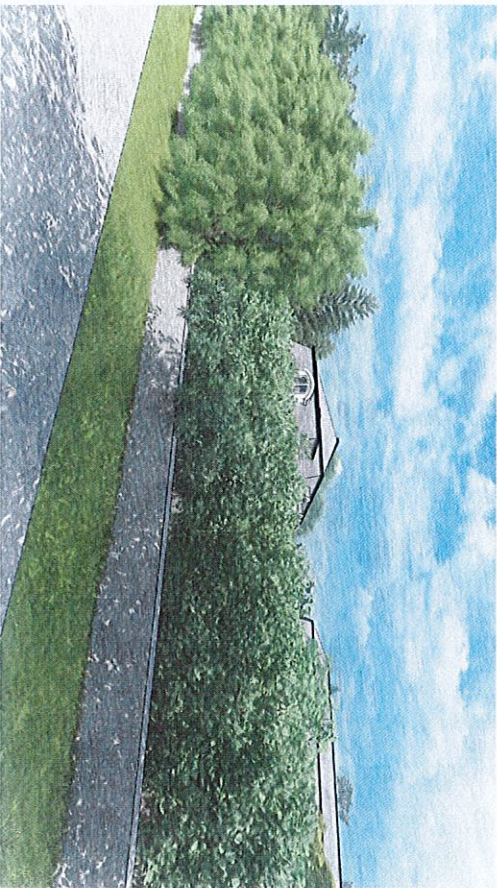
CONSENT:
I, the undersigned, hereby consent to the use of the above information for the purpose of the design and construction of the above project.



VIEW FROM DRIVEWAY FACING SW



VIEW FROM REAR PATIO FACING E



VIEW FROM HARRISON AVE., FACING W



VIEW FROM HARRISON AVE., FACING SE

CONSENT:
I hereby consent to the use of the above information for the purpose of the design and construction of the above project.

Date: _____

HULL COVE
— DESIGN —
NEWPORT • RI
WWW.HULLCOVEDSIGN.COM
401-567-0007

KER ARVOR CARRIAGE HOUSE

275 HARRISON AVE. NEWPORT, RI 02840

TITLE

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Parcel: 44-121	Location: 275 HARRISON AVE	Owner: MALONEY MARGARET CHAI & MALONEY SEAN M	
Account: 8416	User Acct: R08966	LUC: 08 - Estate	Zoning: R160

Parcel Values

Total: \$6,889,800	Land: \$1,198,500	Land Area: 396,396 SF	Building: \$5,691,300	Assessed: \$6,889,800
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Sales Information

Book and Page	Instrument Type	Date	Price	Grantor
2955-134	Warranty	12/23/2020	\$7,285,000	KER ARVOR LLC
2504-287		04/20/2015	\$0	DONNELL MAUREEN NAHAS TRUST

Building Type: Estate	Year Built: 1928	Grade: B+	Condition: VG
Heat Fuel: Oil	Heat Type: Hot Water	% Air Conditioned: 100.00	Fireplaces: 7
Exterior Wall: Stucco/Mason	Bsmnt Garage: 0	Roof Cover: Slate	# of Units: 2
# of Rooms: 21	# of Bedrooms: 9	Full Bath: 9	1/2 Baths: 4

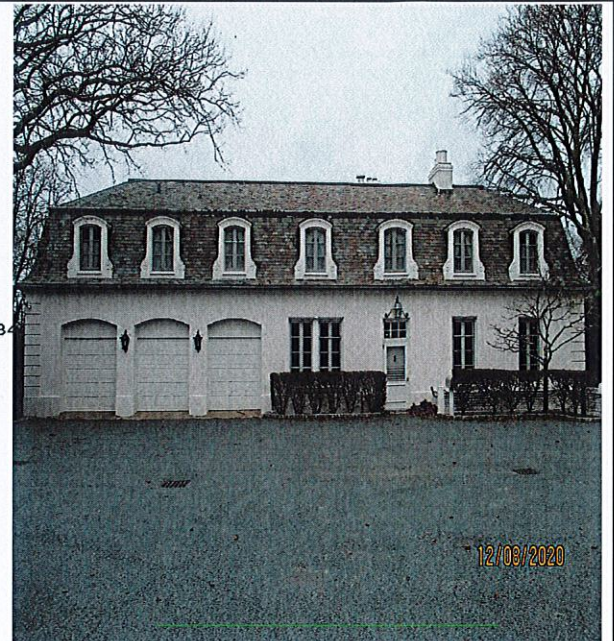
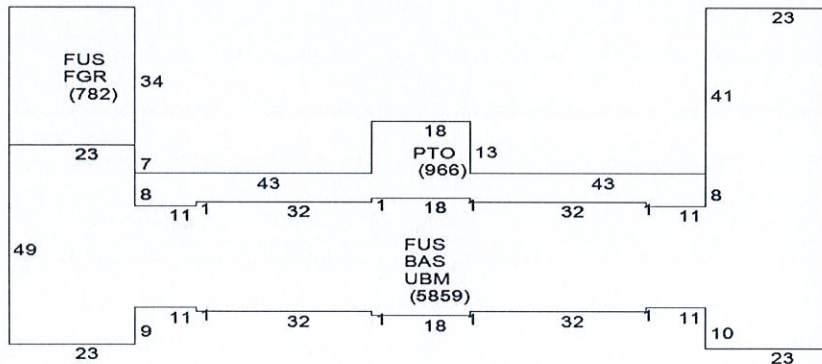
Yard Item(s)

Description	Quantity	Size	Year	Condition	Quality	Value
PATIO-AVG	0	2072	1985	AV	Average	\$2,800.00
PATIO-AVG	0	135	1985	AV	Average	\$200.00
PATIO-AVG	0	308	1985	AV	Average	\$400.00
PUMPHOUSE	0	400	1985	AV	Average	\$21,900.00
SHED FRAME	0	40	1985	AV	Average	\$300.00
SHED FRAME	0	800	1985	AV	Average	\$6,100.00
POOL-INGR CONC	1	800	1985	AV	Average	\$17,100.00
WOOD DECK	0	64	1985	AV	Average	\$400.00
GENERATOR	0	1	2022	EX	Good	\$8,200.00

Building Areas

Area	Net Area	Finished Area
Basement, Unfinished	5,859 SF	0 SF
First Floor	5,859 SF	5,859 SF
Garage	782 SF	0 SF
Patio	966 SF	0 SF
Upper Story, Finished	6,641 SF	6,641 SF

Disclaimer: This information is for tax assessing purposes and is not warranted





<p>Property Information</p> <p>ID 44-121 Location 275 HARRISON AVE Owner</p>	<div data-bbox="760 1507 873 1621"></div> <p>MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT</p> <p>City of Newport, RI makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.</p>	<p>Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.</p>
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