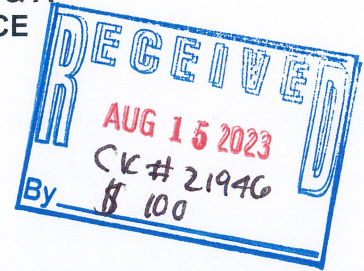


APPLICATION FOR SPECIAL USE PERMIT & A
REGULATORY (DIMENSIONAL) VARIANCE
CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW



DATE: August 12, 2023

Board Members:

ZBR
2023 - Sept - 008

The undersigned hereby petition the Zoning Board of Review for a Special Use Permit and 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.: 437 Bellevue Avenue

Tax Assessor's Plat 36 Lot 008

Petitioner Information

Applicant: Robert & Kathleen Qutub

Address: 437 Bellevue Avenue

Owner: Same

Newport, RI 02840

Lessee: N/A

Address: Same

Address: N/A

Property Characteristics:

Dimensions of Lot: Frontage: 140'; Depth: 210'; Area: 29,537 SF ±

Zoning District in which premises is located: R-60

How long have you owned above premises? Less than 1 year

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing/approved buildings: 3,804 SF

Total square footage of the footprint of proposed buildings: 4,570 SF

Present use of premises: Two Family Dwelling

Proposed use of premises: Two Family Dwelling

All of the following information and questions must be filled in and answered completely:
Give extent of proposed alterations:

Applicant seeks a special use permit and variance from the dimensional requirements for permission to construct a 32' by 20' in-ground pool having a front setback on the south property line of 21' 2.5" (50' required), replace the existing mudroom entry stairs with a covered entry porch, extend the kitchen entry porch by 4' 1.5", add new rear stairs to the patio and add an outdoor kitchen/grill counter, which will increase lot coverage from 12.87% to 15.47% (10% allowed), applying to the property located at 437 Bellevue Avenue and identified as Lot 008 on Assessor's Plat 36 in the R-60 Zone.

Zoning Characteristics Matrix

	Existing/Approved	Required/Allowed	Proposed
Lot Size (sq. ft.)	29,800 SF	60,000 SF	No Change
Lot Coverage (%)	12.87%	20%	15.47%
Dwelling Units	2	2	No Change
Parking	>4	2	No Change
Front Setback (East)	65.5'	50'	No Change
Front Setback (South)	51' 2.5"	50'	21' 2.5"
Rear Setback*	N/A	20'	No Change
Side Setbacks	14' & 2'	40'	No Change
Height	35' ±	35'	No Change

*As a corner lot, the property has 2 front setbacks, 2 side setbacks, and no rear setback.

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

LU - 1.4 & LU - 1.7.

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

The property is unique in several respects. It has a lot size of 29,537 square feet, which is less than 50% of the size required in the R-60 zone. The property is also a corner lot, with 2 50' front setbacks and two 40' side setbacks. In addition, based on the configuration of the lot, the existing structures and the driveways/parking areas, the only appreciable yard area is located almost entirely within the front setbacks. As a result, there is no other viable location for the proposed pool outside of the required setbacks.

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 proposed work is part of a project to restore the historic main house to its original design intent, while modernizing it to make it more useful as the primary residence for the Qutub family. Denial of the requested relief would prevent the Applicants from constructing common amenities, such as covered entry porches and a swimming pool.

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

The requested relief is modest and is in line with the surrounding neighborhood. In addition, the pool accounts for approximately 84% of the proposed increase in lot coverage (640 SF), which will not have the same impact as a raised structure. The applicants will agree to a condition that the lot coverage associated with the pool may not be converted to lot coverage for any raised structure without first obtaining the approval of the Zoning Board. The increase in the footprint of the main house is limited to 105 SF for the porches/stairs and 21 SF for the outdoor kitchen/grill counter. Lastly, if the property were not a corner lot with two front setbacks, the proposed location of the pool would meet the required accessory use setbacks.

The Zoning Board's 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/variance 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/variance has been met, the board must deny the application.

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".

Robert & Kathleen Qutub,
By Their Attorneys,



Peter Brent Regan, Esq.
Sayer Regan & Thayer, LLP
130 Bellevue Avenue
Newport, RI 02840
(401) 849-3040
pregan@srt-law.com



South Elevation



South Elevation (continued)



East Elevation (Facing Bellevue)

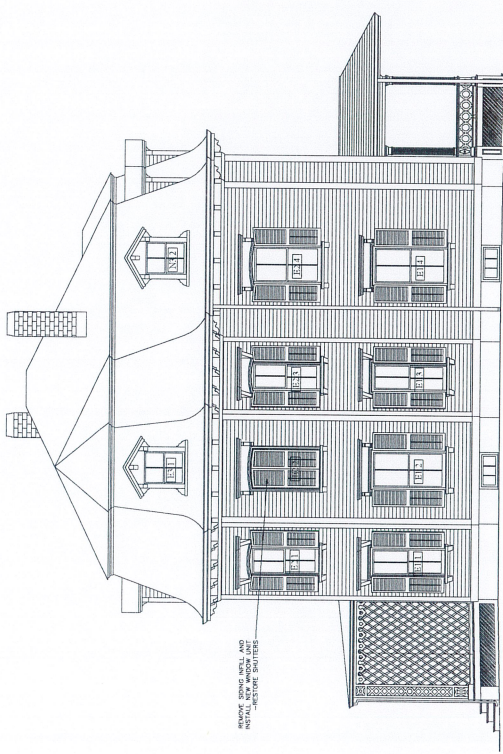


North Elevation

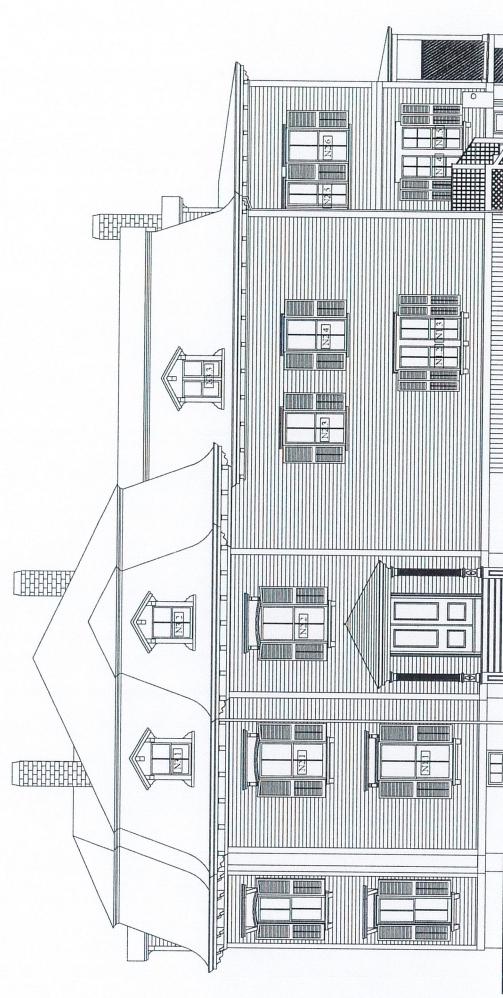


West Elevation

NO.	ISSUED TO:	DATE
1	DRG APPLICATION	4-17-23



1. EXISTING EAST ELEVATION
1/8" = 1'-0"



2. EXISTING NORTH ELEVATION
1/8" = 1'-0"

NOTE: This is a drawing of the property of the Myra Kirby and has been prepared for the use of the Myra Kirby and is not to be used for any other purpose. Any use of this drawing without the written consent of the Myra Kirby is prohibited.	
PROPOSED INTERIOR RENOVATION FOR: MYRA KIRBY 407 BELLEVUE AVE, NEWPORT, RI 02840	
PROJECT NO. MYRA KIRBY	DATE 2-27-23
DRAWN BY AI	CHECKED BY AI

NOTES: DO NOT SCALE DRAWINGS.
 ALL DIMENSIONS ARE IN FEET.

NO.	ISSUED TO:	DATE
1	REVISION SET	7-19-23
2	REVISION SET	8-22-23



1
A1
EXISTING EAST ELEVATION
SCALE: 3/16" = 1'-0"



2
A1
EXISTING NORTH ELEVATION
SCALE: 3/16" = 1'-0"

NOTE:
This drawing is the property of the Myra Kirby and has been prepared specifically for the owner for this project at this site and is not to be used for any other purpose, location or owner without the written consent of Myra Kirby.

PROPOSED INTERIOR RENOVATION FOR:
THE VILLA
437 BELLEVUE AVE, NEWPORT, RI 02840

MYRA
KIRBY

EXISTING
EXTERIOR
ELEVATIONS

DRAWN BY:
JRM

DATE:
2/27/23

JOB NO.:

DWG NO.:

A1

NOTE: DO NOT SCALE DRAWINGS.
REFER TO WRITTEN DIMENSIONS ONLY.

NO.	ISSUED TO:	DATE
1	REVISION SET	7-19-23
2	REVISION SET	8-22-23



1
A2
EXISTING WEST ELEVATION
SCALE: 3/16" = 1'-0"



2
A2
EXISTING SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

NOTE:

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PROPOSED INTERIOR RENOVATION FOR:

THE VILLA

437 BELLEVUE AVE, NEWPORT, RI 02840

MYRA
KIRBY

EXISTING
EXTERIOR
ELEVATIONS

DRAWN BY:
JRM

DATE:
2/27/23

JOB NO.:

DWG NO.:

A2

NOTE: DO NOT SCALE DRAWINGS.
REFER TO WRITTEN DIMENSIONS ONLY.

NO.	ISSUED TO:	DATE
1	REVISION SET	7-19-23
2	REVISION SET	8-22-23



1
A3
PROPOSED EAST ELEVATION
SCALE: 3/16" = 1'-0"



2
A3
PROPOSED NORTH ELEVATION
SCALE: 3/16" = 1'-0"

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PROPOSED INTERIOR RENOVATION FOR:
THE VILLA
437 BELLEVUE AVE, NEWPORT, RI 02840

MYRA
KIRBY

PROPOSED
EXTERIOR
ELEVATIONS

DRAWN BY:
JRM

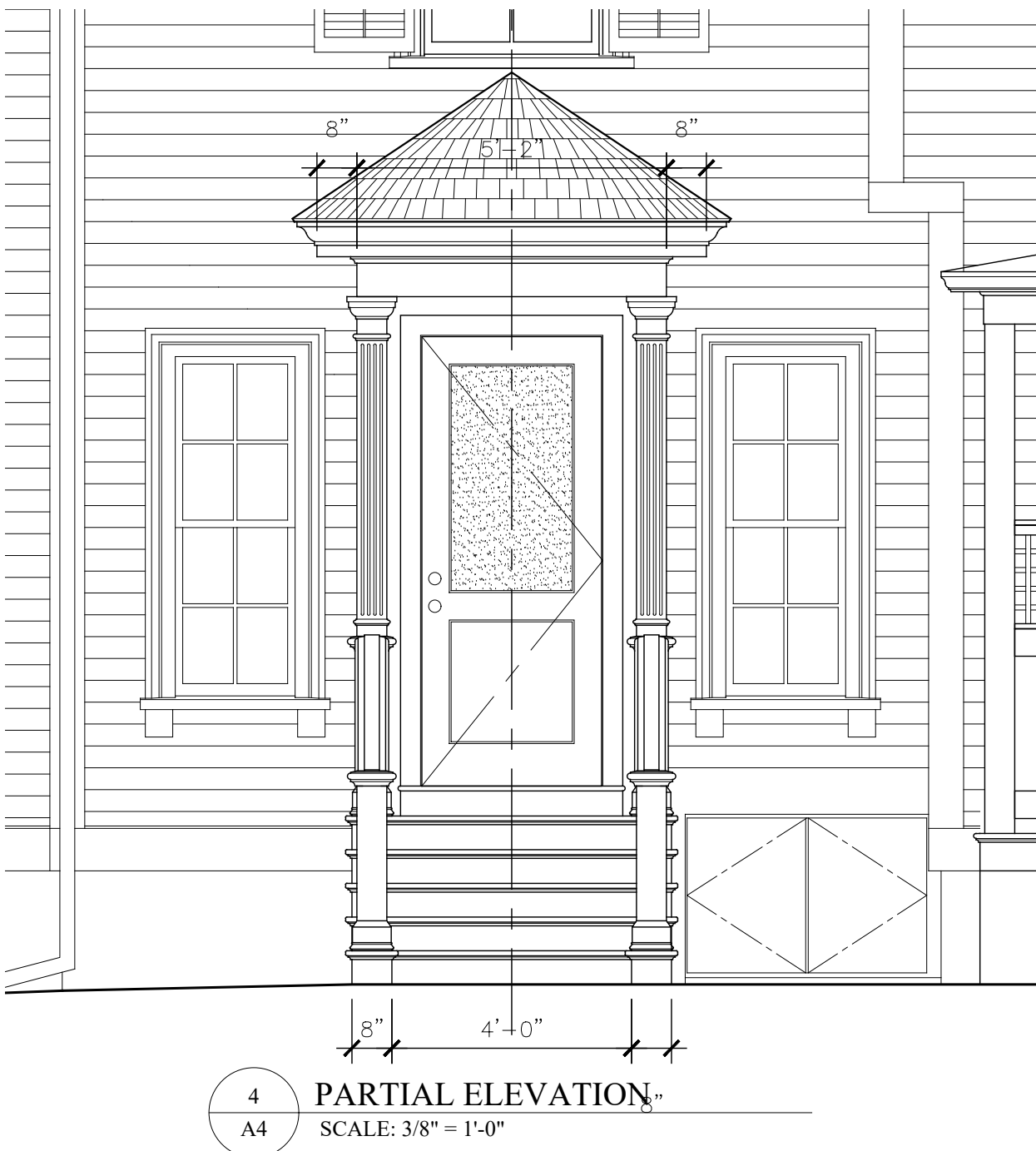
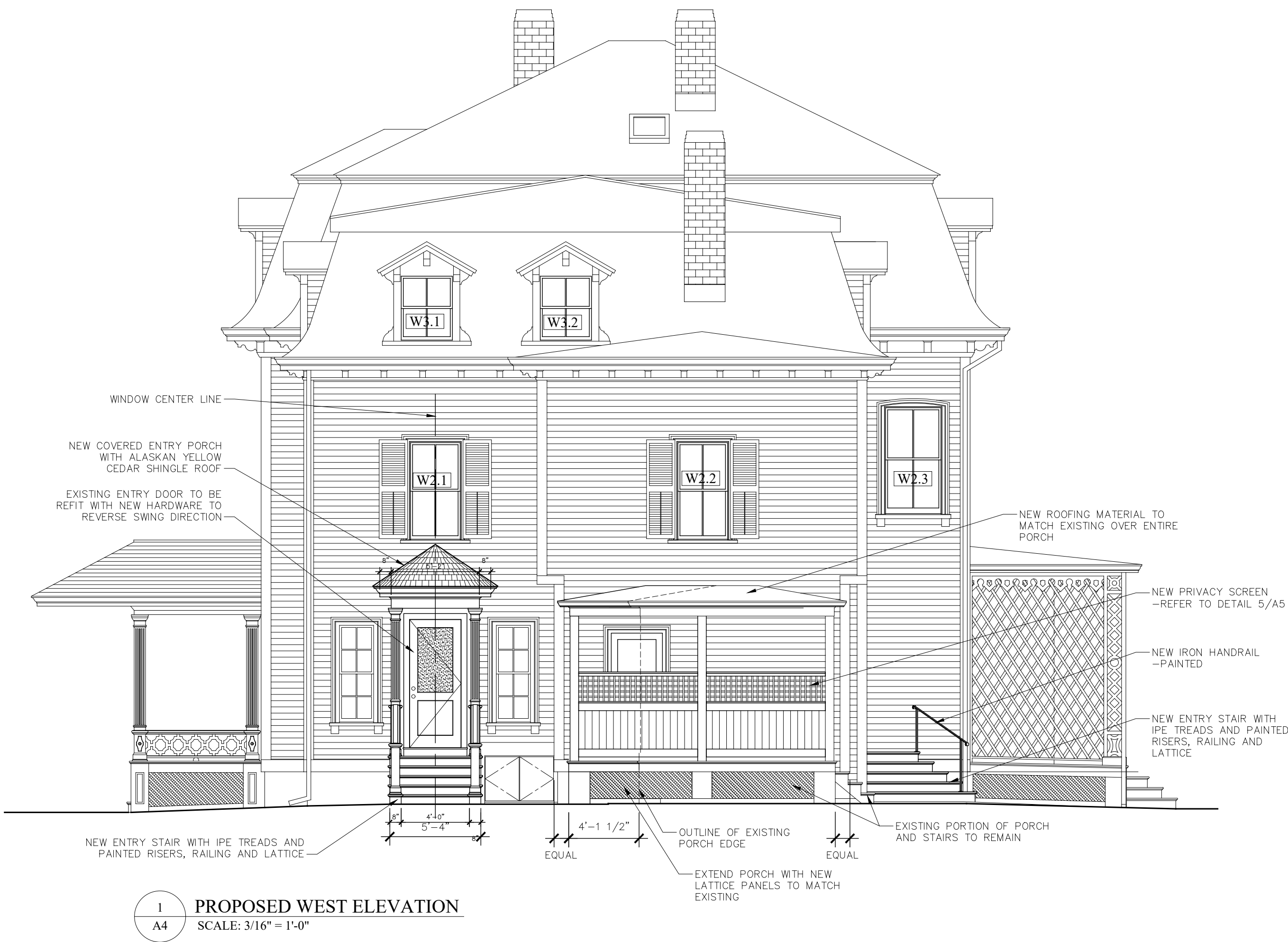
DATE:
2/27/23

JOB NO.:

DWG NO.:
A3

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NO.	ISSUED TO:	DATE
1	REVISION SET	7-19-23
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PROPOSED INTERIOR RENOVATION FOR: THE VILLA 437 BELLEVUE AVE, NEWPORT, RI 02840	
MYRA KIRBY	DRAWN BY: JRM
	DATE: 2/27/23
	JOB NO.:
PROPOSED EXTERIOR ELEVATIONS	DWG NO.: A4