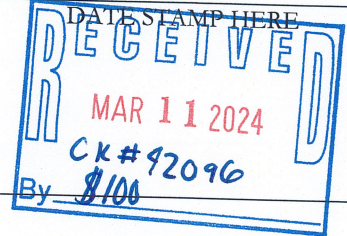




# Newport Zoning Application

ZBR 2024 - Apr - 005

(This box for staff use only)



Date: March 11, 2024

### Board members:

The undersigned hereby petitions the Zoning Board of Review for a special use permit or 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: 6 Xavier Terrace

Tax Assessor's Plat: 11 Lot: 652 Zoning District: R-10A

- Special Use Permit (Non-Conforming Alteration)       Regulatory (Dimensional) Variance
- Special Use Permit (New Use)       Use Variance       Modification

Property Owner: Ian C. Nielsen & Leah Staats

Mailing Address: 6 Xavier Terrace, Newport, RI 02840

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

How long have you been the owner of the above premise? 6 Months (9/1/2023)

Legally Authorized Representative \*if applicable: J. Russell Jackson, Esq.

Mailing Address: 122 Touro Street, Newport RI 02840

Email Address: jrjackson@millerscott.com Phone Number: 401-847-7500

Lessee: N/A

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_



# Newport Zoning Application

## Property Characteristics

Dimensions of lot-frontage: 84 ft. Lot Area: 6,300 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 1,990 sq. ft.

Total square footage of the footprint of proposed buildings: 1,988.9 sq. ft.

## Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	6,300	10,000	6,300
Coverage Area (sq. ft)	1,990	1,762.2	1,988.9
Lot Coverage (%)	31.6	27.4	31.5
Dwelling Units	1	1	1
Parking (# of spaces)	2	2	2
Front Setback (ft.)	6.6	4.5	5.13
Side Setbacks (ft.)	W=5.83 E=21.08	6.3	W=5.83, E=21.08
Rear Setback (ft.)	13.125	12.6	13.125
Height (ft.)	22' +/-	30'	22' +/-



# Newport Zoning Application

All of the following information and questions must be filled in and answered completely.

Present use of Premise: Single Family Residence

Proposed use of Premise: Single Family Residence

## Summary of Proposed Alterations

The Applicant seeks relief under the following provisions of the Zoning Code:

Section 17.109 (Special Use Permits)

Section 17.109.020 (F) (Category 6 Special Use Permit)

Section 17.72.030 (E) (Alteration to Nonconforming Development)

The Applicants are in the process of a full renovation and modernization of the Subject Property. The Applicants will be living in the home as their primary residence. As part of those improvements, the Applicants propose to significantly reduce the size of an existing rear deck, and alter the front entrance with the creation of a farmer's porch. The net result will be a small reduction in lot coverage. The proposed modifications will meet all the proportional dimensional requirements for the parcel. Existing dimensional non-conformities will not be increased or intensified.

The existing parcel is a non-conforming lot of record containing only 6,300 square feet of land. The property is in the R-10A Zone. The existing house, garage, decking and improvements exceed allowable lot coverage at 31.6%. The existing garage encroaches into the west side setback. As a result of the existing non-conforming conditions, any modifications require a Category 6 Special Use Permit. After the reduction of the existing rear deck and the creation of the front farmer's porch, resulting lot coverage will be 31.5%, slightly below existing conditions.

The abutting property to the west has a structure located 4.5' from the property line that runs along Xavier Terrace. As a result, the front setback for the property at 6 Xavier Terrace is also 4.5'. The proposed farmer's porch will meet the 4.5' front setback requirement. The existing west side setback encroachment will not be altered or intensified. No building height relief is required. The plan proposed by the Applicant is harmonious with the surrounding neighborhood and will not be injurious to, or inconsistent with the area or with the purpose and intent of the R-10A Zone.



# Newport Zoning Application

## Applicant Statement

How does your application meet the required standards for variance(s) or special use permit(s)?  
*(See page 6 for most common applicable standards)*

The existing parcel is a non-conforming lot of record containing 6,300 square feet of land. The existing structures already exceed lot coverage and encroach into the west side setback. As a result of the existing conditions and circumstances that are peculiar to this non-conforming development, alterations require a Category 6 Special Use Permit.

The subject property is located on Xavier Terrace. The neighborhood is fully developed with a number of other abutting parcels with existing dimensional nonconformities. Other properties also exceed lot coverage and encroach into 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 the property. The proposed improvements will be appropriate and consistent with the surrounding neighborhood and the rights enjoyed by other property owners in this area of the R-10A Zone. The proposal will not increase the non-conforming lot coverage and will simply trade the square footage of an existing rear deck for the proposed farmer's porch at the front entrance. Lot coverage will be reduced slightly to 31.5%. The farmer's porch will meet all setbacks. None of the existing setback encroachments will be intensified.

Overall, the project will be in compliance with the criteria for a Category 6 Special Use Permit. As stated, the project as proposed will not increase the existing dimensional nonconformities. The property is in the R-10A residential zone. The Applicants will continue to use the premises as a single family primary residence, and therefore will it will not alter the character of the surrounding area within two hundred (200) feet of the property lines. The proposed modifications will not increase lot coverage or impervious surface and will therefore not result in an increase in stormwater runoff from the site. Lastly, any new exterior lighting on the site will be dark sky compliant.

The Applicants have taken great care to develop a proposed overall improvement plan which renovates and modernizes the property and provides additional south facing outdoor living space. The overall plan, including the front farmer's porch, is appropriate in scope, scale and size for this property. The hardship and non-conforming features of this property relate to the existing lot coverage and setback encroachments. 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 appropriate for this area of the R-10A Zoning District.



# Newport Zoning Application

Upon submittal of this application, please make sure you have also reviewed our Zoning Application Submittal Requirements packet, and included with your application, a copy of the Submittal Checklist which can also be found here: [Zoning Application Submittal Requirements](#). If an application is missing any submittal requirements and/or necessary application information, your application may be regarded incomplete. Incomplete applications will not be publicly advertised or appear on an agenda until the project is deemed complete.

**By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read through this application thoroughly and understand what is required to submit a completed application.**

  
\_\_\_\_\_  
Applicant Signature

March 11, 2024  
\_\_\_\_\_

Date

  
\_\_\_\_\_  
Owner Signature  
Attorney for Applicants/Owners

\_\_\_\_\_  
Date



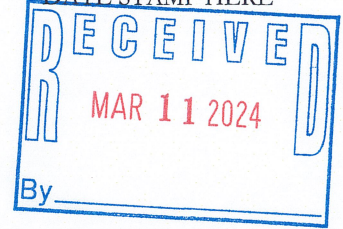
# Newport Zoning Application Submittal Requirements

ZBR 2024 - Apr - 005

- Special Use Permit (new)
- Special Use Permit (modification)
- Variance
- Modification

*(This box for staff use only)*

DATE STAMP HERE



## SUBMITTAL REQUIREMENTS CHECKLIST

*Applications that are missing materials in this checklist will not be accepted for review.*

### Section 1 – Application Forms – Page 3 of the Guide *Required for All Projects*

- A.  Completed Zoning Project Application Packet comprised of the following individual sections:
  1.  Zoning Project Application Form
  2.  Completed copy of this Zoning Application Submittal Requirements Checklist (Page 2)
- B.  Request to Waive any Submittal Requirements (*if applicable*)
- C.  Application Fee (Please Refer to Current Fee Schedule)

### Section 2 – Plan Package – Pages 4-7 of the Guide *Required for All Development Projects (Involving New Structures, Additions, Exterior Alterations, etc.) Individual requirements of the Plan Package (listed below) may differ depending on the project*

- A.  Class I Site Survey
- B.  Proposed Site Plan
- C.  Lot Coverage Diagram
- D.  Floor Plans
- E.  Stormwater Management Plan
- F.  Landscape Plan
- G.  Building Elevations
- H.  Change of Use

### Section 3 – Supporting Documents, Studies, Graphics, and Depictions – Page 8 of the Guide *May be required for certain Development Projects*

- A.  Site Photographs
- B.  Photo Simulations
- C.  Structural Evaluation
- D.  Parking Survey
- E.  Traffic Impact Analysis

**Address**  
 6 Xavier Terrace  
 Zone R-10  
 Lot Area: 6300  
 Min. Lot Area 10000

**Calculating % Deficient**

$$\frac{6300 \text{ (L.S.)}}{10000 \text{ (M.L.S.)}} = 63.00\% \text{ (M.L.S. \%)}$$

$$- 0.63 \text{ (M.L.S. \%)} = 37.0\% \text{ (\% Deficient)}$$

**Setbacks**

<b>Front</b>	15 (Req. FYSB)	X	63.00% (M.L.S. %)	=	9.45 (New FYSB)
<b>Side</b>	10 (Req. SYSB)	X	63.0% (M.L.S. %)	=	6.30 (New SYSB)
<b>Rear</b>	20 (Req. RYSB)	X	63.0% (M.L.S. %)	=	12.60 (New RYSB)

**Modification Numbers**

	Basic	20%	Proportioned	5% Mod. Prop.	15% Mod. Prop.
Lot Coverage		20%	27.40%	28.770%	31.51%
Height		30	30	31.5	34.5
Setbacks		F 15 S 10 R 20	9.45 6.30 12.60	8.9775 5.985 11.97	8.0325 5.36 10.71

**Lot Coverage**

$$20\% \text{ (Permitted L.C.)} + (37\% \text{ (\% Deficient)}) \times 20\% \text{ (Permitted L.C.)} = 27.4\% \text{ (New Lot Cov.)}$$

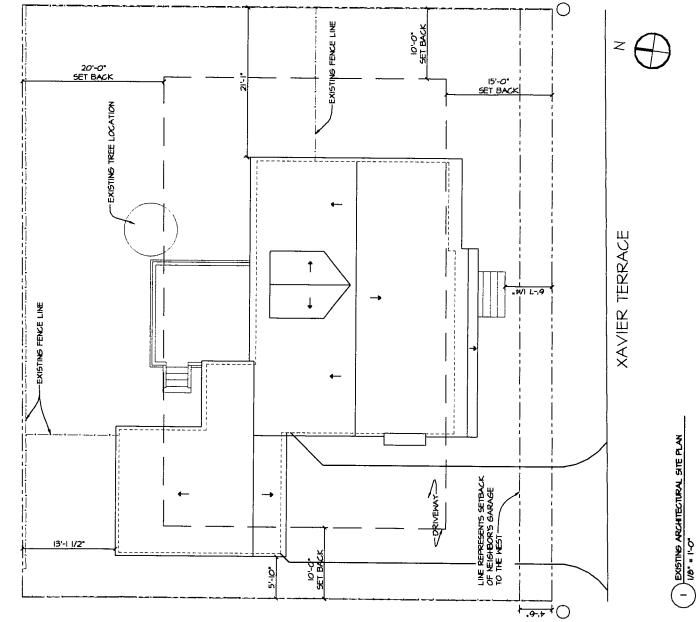
**Legend**

L.S.	Actual Lot Size of Subject Property
M.L.S.	Minimum Lot Size for the District
M.L.S. %	% of the Minimum Lot Size
% Deficient	Deficiency of the Lot Size to the Minimum Required Lot Size
FYSB	Front Yard Setback (in feet)
SYSB	Side Yard Setback (in feet)
RYSB	Rear Yard Setback (in feet)
Permitted L.C.	Permitted Lot Coverage in the District

NOTE: This ONLY applies to properties that have a lot size smaller than the minimum lot area required by the zoning district. Properties that exceed the minimum lot size follow the standards requirements

# NIELSEN RESIDENCE

6 XAVIER TERRACE, NEWPORT RI 02883



1 EXISTING ARCHITECTURAL SITE PLAN  
1/8" = 1'-0"

ZONING CRITERIA	
6 XAVIER TERRACE, NEWPORT RI 02840 PLAT II, LOT 692	
ZONING DISTRICT	R-10A
EXISTING HOUSE FOOTPRINT	1840 SF
PROPOSED HOUSE FOOTPRINT	1684 SF
LOT SIZE	6,800 SF
REQUIREMENTS PER TAX ASSESSOR	10,000 SF
PROPOSED	NO CHANGE
LOT COVERAGE & DECK	31.6% (1840 SF)
EXISTING	25% (1260 SF)
PROPOSED	31.5% (1684 SF)
SETBACK - PRINCIPAL BUILDING	
FRONT (SOUTH) SETBACK	6'-1 1/4"
REQUIREMENT	5'-1 1/2"
PROPOSED	5'-10"
EXISTING	10'-0"
PROPOSED	NO CHANGE
SIDE (EAST) SETBACK	15'-1 1/2"
REQUIREMENT	20'-0"
PROPOSED	NO CHANGE
REAR (NORTH) SETBACK	21'-1"
EXISTING	10'-0"
PROPOSED	NO CHANGE
SIDE (WEST) SETBACK	21'-1"
EXISTING	30'-0"
PROPOSED	NO CHANGE
HEIGHT	NO CHANGE
ALLOWED	NO CHANGE
PROPOSED	NO CHANGE

LOT COVERAGE CALCULATION	
EXISTING LOT COVERAGE	1840 SQFT.
REMOVAL OF LOT COVERAGE	222.44 SQFT
EXISTING DECK	243 SQFT
EXISTING FRONT STAIRS	1742.56 SQFT
TOTAL	141.21 SQFT
ADDITION OF LOT COVERAGE	105.22 SQFT
FRONT PORCH	169.94 SQFT
NEW DECK	
PROPOSED LOT COVERAGE	169.94 SQFT

THIS SITE PLAN IS NOT A SURVEY. SITE PLAN INFORMATION HAS BEEN OBTAINED FROM THE CITY OF NEWPORT TAX DATABASE AND FIELD MEASUREMENTS TO BEST REPRESENT CURRENT CONDITIONS.

OWNERS  
Ian Nielsen  
&  
Leah Staats  
6 Xavier Terrace  
Newport, RI  
02840

6 XAVIER TERRACE  
NIELSEN RESIDENCE  
NEWPORT, RI

DO NOT SCALE  
DRAWINGS

REVISIONS

DATE  
3.8.24  
DESCRIPTION  
TITLE SHEET  
AND SITE PLAN  
DRAWING #

A  
SITE

STATUS  
PENDING

SPRING STREET STUDIO  
401.662.5621  
203 GOODRAB RDW  
NEWPORT, RI 02840

## LIST OF DRAWINGS

A-SITE ARCHITECTURAL SITE PLAN  
A2.0 SOUTH & EAST ELEVATION  
A2.1 WEST & NORTH ELEVATION

2 PROPOSED ARCHITECTURAL SITE PLAN  
1/8" = 1'-0"



STATUS



OWNERS  
 Ian Nielsen  
 &  
 Leah Staats  
 6 Xavier Terrace  
 Newport, RI

NEWPORT, RI  
 6 XAVIER TERRACE  
**NIELSEN RESIDENCE**

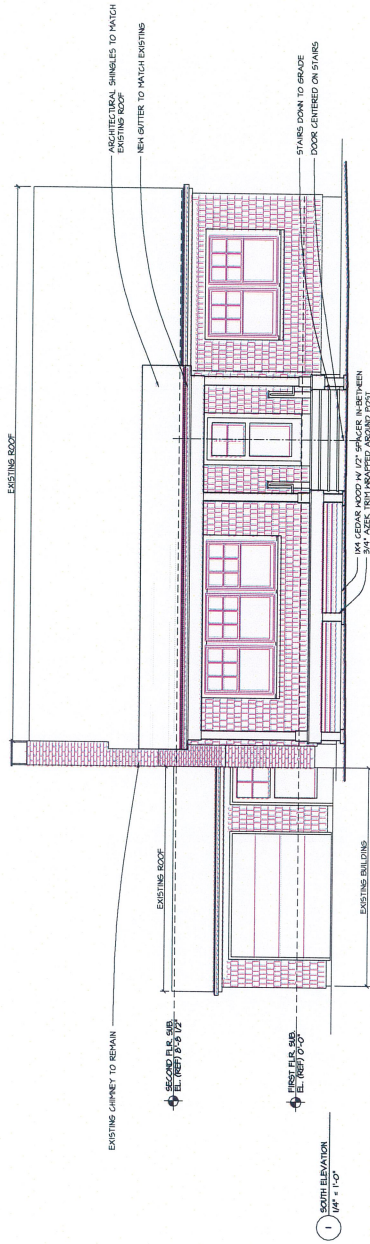
DO NOT SCALE  
 DRAWINGS

REVISIONS

DATE  
 3.8.24

DESCRIPTION  
 SOUTH & EAST  
 ELEVATION

DRAWING #  
**A2.0**



1 SOUTH ELEVATION  
 1/4" = 1'-0"



2 EAST ELEVATION  
 1/4" = 1'-0"



OWNERS  
 Ian Nielsen  
 &  
 Leah Steals  
 6 Xavier Terrace  
 Newport, RI

NIELSEN RESIDENCE  
 6 XAVIER TERRACE  
 NEWPORT, RI

DO NOT SCALE  
 DRAWINGS

REVISIONS

DATE  
 3.8.24

DESCRIPTION  
 WEST & NORTH  
 ELEVATION

DRAWING #  
**A2.1**



1 WEST ELEVATION  
 1/4" = 1'-0"



2 NORTH ELEVATION  
 1/4" = 1'-0"

# Newport

(Summary Data - may not be Complete Representation of Property)

Parcel: 11-652      Location: 6 XAVIER TER      Owner: NIELSON IAN C  
 Account: 2230      User Acct: R02352      LUC: 01 - Single Fam      Zoning: R10A

**Parcel Values**  
 Total: \$762,100      Land: \$362,500      Land Area: 6,300 SF      Building: \$399,600      Assessed: \$762,100

**Sales Information**

Book and Page	Instrument Type	Date	Price	Grantor
3160-161	Trustee	09/01/2023	\$770,000	MARY TERESA JACKSON
2840-313	Quit Claim	09/19/2019	\$0	JACKSON MARY T HEIRS OF

**Building Type:** Cape Cod    **Year Built:** 1956    **Grade:**C+    **Condition:**AV  
**Heat Fuel:** Oil    **Heat Type:** Forced Air-D    **% Air Conditioned:** 0.00    **Fireplaces:** 1  
**Exterior Wall:**Wood Shingle    **Bsmnt Garage:** 0    **Roof Cover:** Asph/F Gls/C    **# of Units:** 1  
**# of Rooms:** 6    **# of Bedrooms:** 4    **Full Bath:** 3    **1/2 Baths:** 0

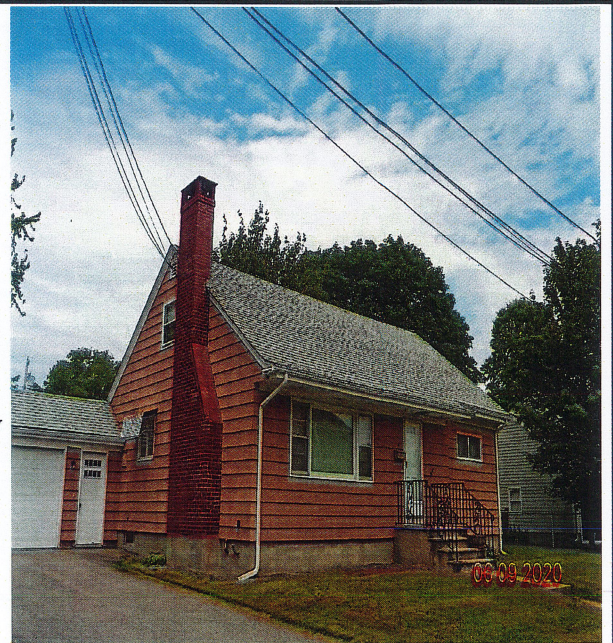
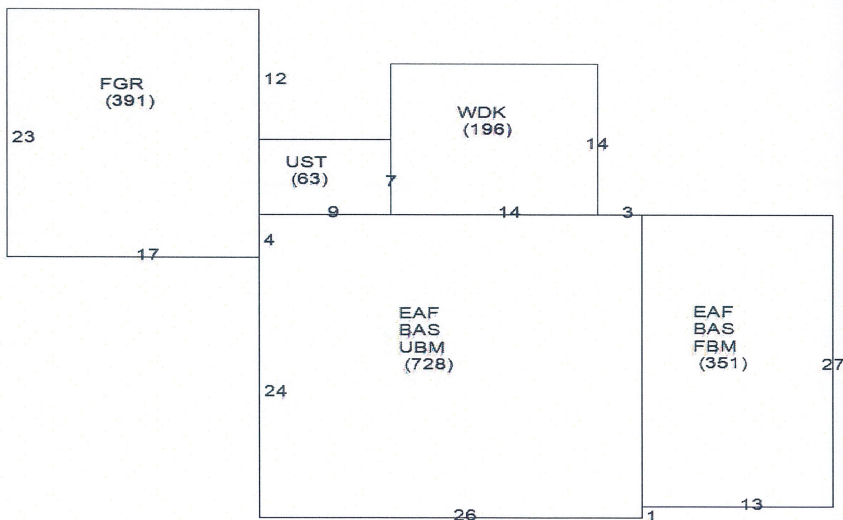
**Yard Item(s)**

Description	Quantity	Size	Year	Condition	Quality	Value
-------------	----------	------	------	-----------	---------	-------

**Building Areas**

Area	Net Area	Finished Area
Attic, Expansion, Finishe	323.7 SF	323.7 SF
Basement, Finished	351 SF	351 SF
Basement, Unfinished	728 SF	0 SF
Deck, Wood	196 SF	0 SF
First Floor	1,079 SF	1,079 SF
Garage	391 SF	0 SF
Utility, Storage, Unfinis	63 SF	0 SF

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





**Property Information**

ID 11-652  
 Location 6 XAVIER TER  
 Owner



**MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT**

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.

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.





















D&D FENCE CO., INC.  
SERVING THE SOUTH ATLANTA AREA  
401-848-8432