

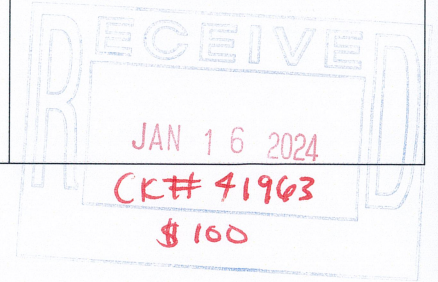


Newport Zoning Application

ZBR 2024 - Feb - 014

(This box for staff use only)

DATE STAMP HERE



Date: January 12, 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: 215 Gibbs Avenue

Tax Assessor's Plat: 20 Lot: 199 Zoning District: R-10A

☒ Special Use Permit (Non-Conforming Alteration)

☒ Regulatory (Dimensional) Variance

☐ Special Use Permit (New Use)

☐ Use Variance

☐ Modification

Property Owner: Jeffrey & Susan Baril

Mailing Address: 7 Blueberry Lane, Burlington MA 01803-1544

Email Address: _____

Phone Number: _____

How long have you been the owner of the above premise? 8.5 Years (8/7/2015)

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: N=75.32, E=78.85 ft. Lot Area: 5,893 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 1,921 sq. ft.

Total square footage of the footprint of proposed buildings: 1,921 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	5,893	10,000	5,893
Coverage Area (sq. ft)	1,921	1,662.4	1,921
Lot Coverage (%)	32.6	28.21	32.6
Dwelling Units	1	1	1
Parking (# of spaces)	2+	2	2+
Front Setback (ft.)	N=7.5'+/-, E=5'+/-	8.84"	N=7.5'+/-, E=5'+/-
Side Setbacks (ft.)	W=4.5', S=2'	5.89'	W=4.5', S=2'
Rear Setback (ft.)	N/A	11.78'	N/A
Height (ft.)	Garage=16'	30'	Garage=23'



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 Applicants seek relief under the following provisions of the Zoning Code:

Section 17.108.020 (Special Use Permits)

Section 17.108.010 (Variances)

Section 17.72.030 (Alteration to Nonconforming Development)

Section 17.24.040 (R10A Zone Setback Requirements)

The Applicants propose to modify the detached garage to construct a full second floor to provide space for an art studio. The garage sits within the west and south side setbacks. The garage roof will be raised and designed to match the existing architecture of the house. There will be no expansion of the garage footprint. There is no proposed alteration of the main residence. This project relates strictly to raising the roof of the garage. Because the existing garage structure sits within setbacks, zoning relief is required.

The existing parcel is a legal non-conforming lot of record containing only 5,893 square feet of land. The property is in the R-10A Zone and is a corner lot with two front setbacks. The existing house and garage exceed lot coverage at 32.6% and both structures encroach into setbacks. As a result of the existing non-conforming conditions, modifications will require zoning relief. In this case, there is no alteration or intensification of setback encroachments and no change in lot coverage. Relief is needed simply because the Applicants are putting a second floor on an accessory structure which already encroaches into side setbacks. No building height relief is required. The plan proposed by the Applicants 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 legal non-conforming lot of record containing only 5,893 square feet of land. The existing structures already exceed lot coverage and encroach into setbacks. As a result of the existing conditions and circumstances that are peculiar to this non-conforming development, the proposed improvements will result in alterations to existing non-conformities.

The subject property is located on the corner of Gibbs Avenue and Ellery Avenue. 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 to the garage 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 or intensify the non-conforming lot coverage or setback encroachments. Lot coverage will remain at 32.6%.

The Applicants have taken great care to develop a modification plan for the garage which provides additional space for an art studio without increasing non-conformities. The hardship and non-conforming features of this property relate to the size of the lot, the application of two front setbacks, the existing lot coverage and existing 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

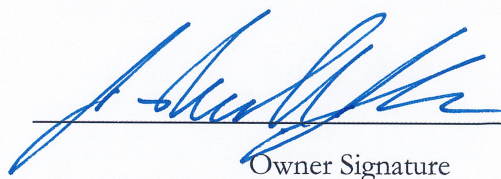
Upon submittal of this application, please make sure you have also reviewed our Zoning Application Submittal Requirements packet, and included with your application, a copy of the Submittal Checklist which can also be found here: [Zoning Application Submittal Requirements](#). If an application is missing 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

January 12, 2024

Date


Owner Signature

Attorney for Applicant/Owner

Date



Newport Zoning Application

Applicable Standards for Approval of Variances and Special Use Permits for alterations to non-conforming developments

A. Variances – Newport Municipal Code Chapter 17.108

17.108.020.C.1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in GLRI §45-34-30(a)(16).

17.108.020.C.2. That the hardship is not the result of any prior action of the applicant

17.108.020.C.3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.

The zoning board of review, shall, in addition to the above standards, require that evidence is entered into the record of the proceedings showing that:

- a. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring lands or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and
- b. In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. 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. The zoning board of review, or planning board where unified development review is enabled shall have the power to grant dimensional variances where the use is permitted by a special use permit.

B. Special Use Permit – Newport Municipal Code Chapter 17.109

For applicable Standards for Special Use Permit Categories 1-5, please see Newport Municipal Code Chapter 17.109.020 A-E

Category 6

A structure or land which is nonconforming by dimension, but the use of which is a use permitted by right in the district in which the land or structure is located, shall only be altered, changed, enlarged or subject to addition or intensification with respect to its nonconforming element(s) by obtaining a special use permit from the zoning board of review. Special use permits for alterations, changes, enlargements, or subject to addition or intensification with respect to its nonconforming element(s) must comply with the following:

1. The alteration, change, enlargement, addition or intensification will not increase the dimensional nonconformity, or a variance shall be obtained from the zoning board of review, subject to the affirmative determination of the standards for variances under 17.108.020.C.
2. Will not alter the character of the surrounding area within 200' of the property lines.
3. No net increase in stormwater runoff from the site.
4. All proposed lighting is Dark-Sky compliant.

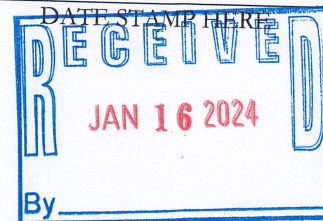


Newport Zoning Application Submittal Requirements

ZBR 2024 - Feb - 20 014

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

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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. <input type="checkbox"/> Class I Site Survey | E. <input type="checkbox"/> Stormwater Management Plan |
| B. <input checked="" type="checkbox"/> Proposed Site Plan | F. <input type="checkbox"/> Landscape Plan |
| C. <input checked="" type="checkbox"/> Lot Coverage Diagram | G. <input checked="" type="checkbox"/> Building Elevations |
| D. <input checked="" type="checkbox"/> Floor Plans | H. <input type="checkbox"/> Change of Use |

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

- | | |
|---|---|
| A. <input type="checkbox"/> Site Photographs | D. <input type="checkbox"/> Parking Survey |
| B. <input type="checkbox"/> Photo Simulations | E. <input type="checkbox"/> Traffic Impact Analysis |
| C. <input type="checkbox"/> Structural Evaluation | |

MILLER SCOTT HOLBROOK & JACKSON
Attorneys and Counselors at Law

122 Touro Street, Newport, RI 02840

J. Russell Jackson, Esq.
jrjackson@millerscott.com

Tel: 401-847-7500
Fax: 401-848-5854

January 16, 2024

Nicholas Armour
Zoning Officer
Newport City Hall
43 Broadway
Newport, RI 02840

RE: Zoning Application of Jeffrey & Susan Baril
215 Gibbs Avenue – TAP: 20, Lot: 199
Application Waiver Request

Mr. Armour:

I am writing at this time to request that the Zoning Application requirement for a Class One Survey in regards to the above captioned matter be waived.

The enclosed Zoning Application seeks to put a second floor on an existing garage, which sits within setbacks. There will be no change or alteration to the footprints of the garage or main residence. There is going to be no change in the setbacks or lot coverage. For this reason, requiring the Applicants to incur the expense of a full Class One Survey seems burdensome considering the nature of the proposed project.

The Application packet includes a boundary and construction site plan created a number of years ago by Land Development Engineering & Consulting, LLC, together with a site plan created for this project by the Applicants' architect, Spencer McCombe. Given there are no alterations to setbacks and lot coverage, we believe these submittals are sufficient to support the Application.

Thank you for your consideration.

Sincerely,

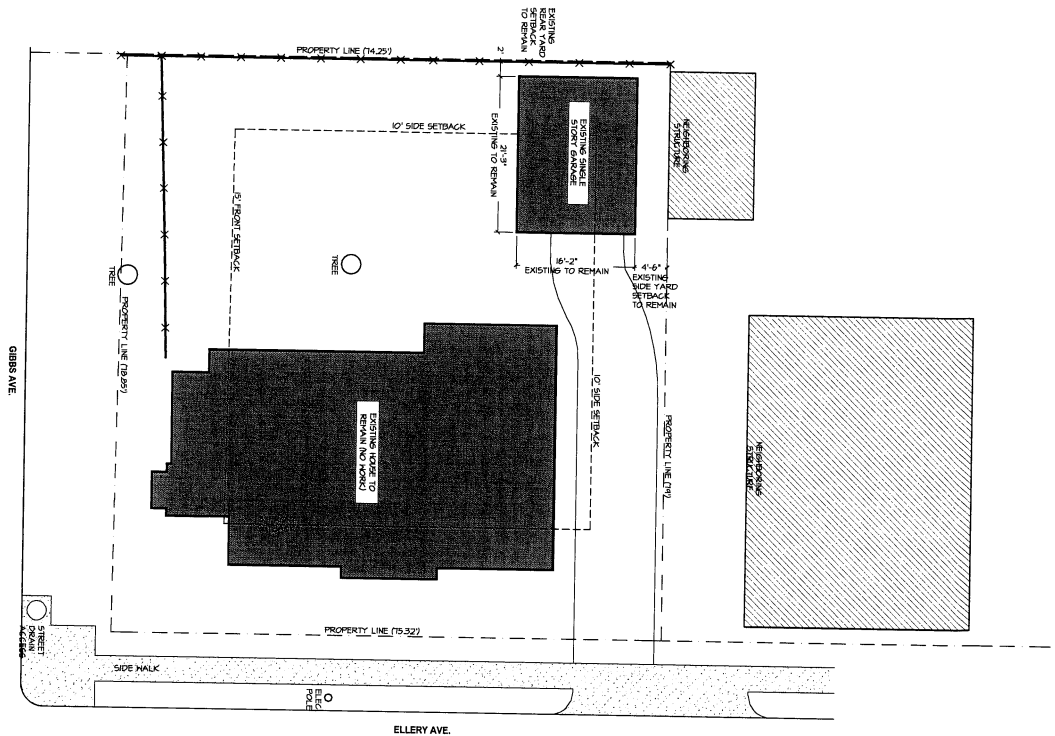
/s/ J. Russell Jackson

J. Russell Jackson, Esq.

Cc: Client
S. McCombe

NEWPORT ZONING:

MAP 20, LOT 199
 ZONING DISTRICT: R1A
 ZONING USE: SINGLE FAMILY DWELLING
 REQUIRED LOT SIZE: 10,000 SQ. FT.
 EXISTING LOT SIZE: 5,893 SQ. FT.
 YARD SETBACKS, MINIMUM REQUIRED ACCESSORY STRUCTURE:
 10'-0" FRONT
 10'-0" SIDE
 5'-0" REAR
 YARD SETBACKS, PROPOSED ACCESSORY STRUCTURE:
 5'-0" FRONT (EAST) (EXISTING TO REMAIN)
 2'-0" SIDE (WEST) (EXISTING TO REMAIN)
 4'-0" SIDE (WEST) (EXISTING TO REMAIN)
 BUILDING HEIGHT: MAXIMUM ALLOWED: 30'-0"
 BUILDING HEIGHT: EXISTING: 23'-0"
 LOT COVERAGE ALLOWED: 20% OF 5,844 SF = 1,169 SF
 LOT COVERAGE EXISTING: 1,921 SF = 32%
 LOT COVERAGE PROPOSED: 1,921 SF = 32% (EXISTING TO REMAIN)



1 ARCHITECTURAL SITE PLAN

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



NOT FOR CONSTRUCTION
 THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION. IT IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION. IT IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION. IT IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION.

A0.2

BARIL GARAGE
 215 GIBBS AVE
 NEWPORT, RI 02840

DESCRIPTION:
 ARCHITECTURAL SITE PLAN

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

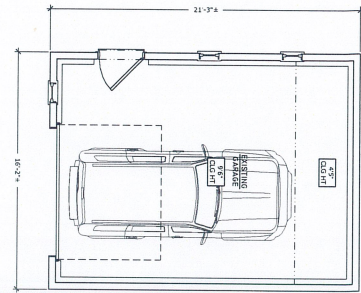
DATE: December 8th, 2023

REVISIONS:

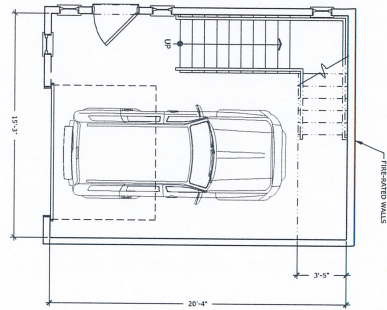
PROCESS PRINT
 12/08/2023
 NOT FOR CONSTRUCTION

CORROSEN
 DESIGN
 ARCHITECTURE
 40 West Main Road
 Middletown, RI 02842
 CorrosenDesign.com
 401.619.4689

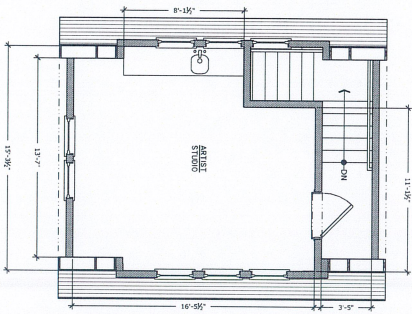




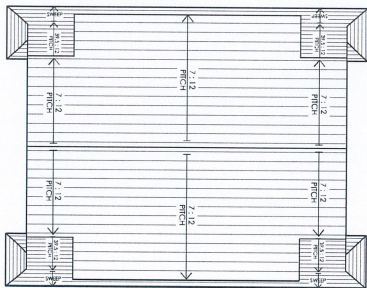
1 EXISTING GARAGE PLAN
Scale: 1/4" = 1'-0"



2 PROPOSED GARAGE PLAN
Scale: 1/4" = 1'-0"



3 PROPOSED 2ND FLOOR PLAN
Scale: 1/4" = 1'-0"



4 PROPOSED ROOF PLAN
Scale: 1/4" = 1'-0"

NOT TO SCALE. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION. IT IS FOR INFORMATION ONLY. ANY CHANGES TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT. ALL DIMENSIONS ARE IN FEET AND INCHES. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE TO FACE.

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BARIL GARAGE
215 GIBBS AVE
NEWPORT, RI 02840

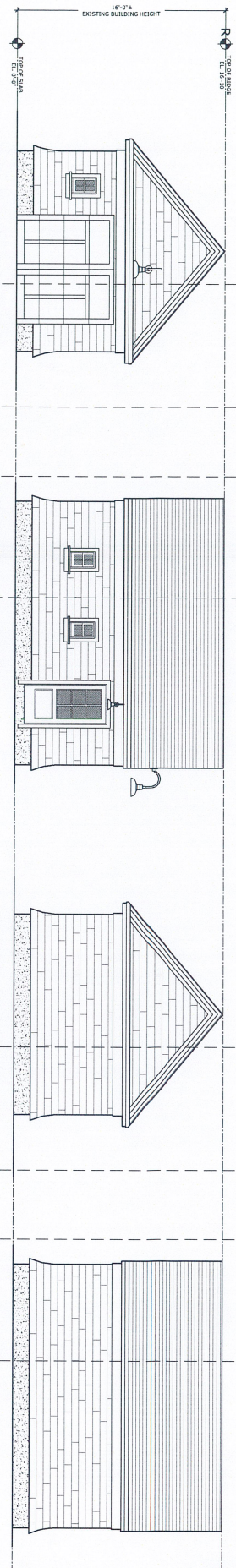
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EXISTING AND PROPOSED
GARAGE PLANS
SCALE: 1/4" = 1'-0"
DATE: December 8th, 2023

REVISIONS:

PROGRESS PRINT
12/08/2023
NOT FOR CONSTRUCTION

CORTISEN
DESIGN
ARCHITECTURE
43 West Main Road
Middletown, RI 02842
CortisenDesign.com
401.619.4889

CDA

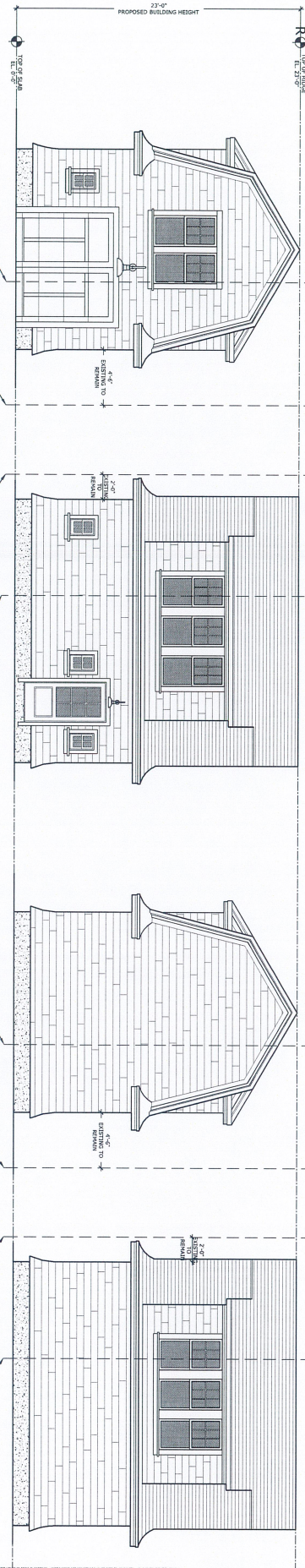


1 EXISTING NORTH ELEVATION
Scale: 1/4" = 1'-0"

2 EXISTING EAST ELEVATION
Scale: 1/4" = 1'-0"

3 EXISTING SOUTH ELEVATION
Scale: 1/4" = 1'-0"

4 EXISTING WEST ELEVATION
Scale: 1/4" = 1'-0"



5 PROPOSED NORTH ELEVATION
Scale: 1/4" = 1'-0"

6 PROPOSED EAST ELEVATION
Scale: 1/4" = 1'-0"

7 PROPOSED SOUTH ELEVATION
Scale: 1/4" = 1'-0"

8 PROPOSED WEST ELEVATION
Scale: 1/4" = 1'-0"

2022 ELEVATION: THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE ARCHITECT. ANY REVISIONS TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT. ANY REVISIONS TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT. ANY REVISIONS TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT.

A2.0

BARIL GARAGE
215 GIBBS AVE
NEWPORT, RI 02840

DESCRIPTION:
EXISTING AND PROPOSED
EXTERIOR ELEVATIONS
SCALE: 1/4" = 1'-0"
DATE: December 8th, 2023

REVISIONS:

PROCESS PRINT
12/08/2023
WEST FOR CONSTRUCTION

CORDISEN
DESIGN
ARCHITECTURE
40 West Main Road
Middletown, RI 02842
CordisenDesign.com
401.619.6689

CDA

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

Zoning: R10A

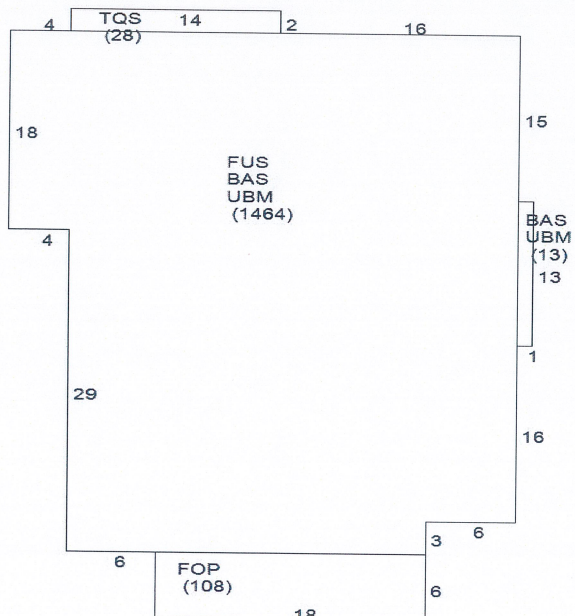
Total: \$1,004,400	Land: \$334,400	Land Area: 5,893 SF	Building: \$670,000	Assessed: \$1,004,400
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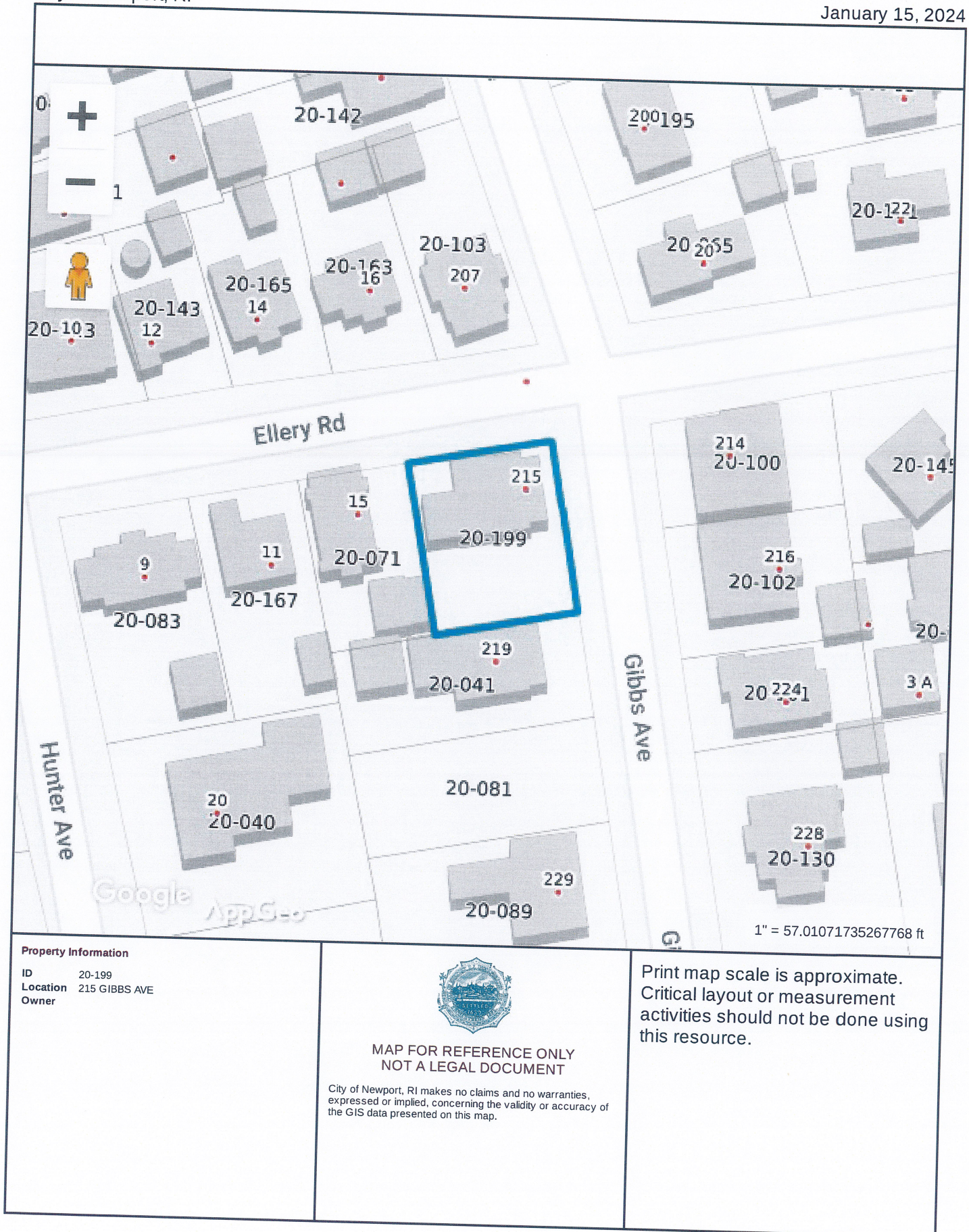
Book and Page	Instrument Type	Date	Price	Grantor
2529-44		08/07/2015	\$829,000	215 GIBBS LLC
2397-272		10/23/2013	\$230,000	STEIN JOSEPHINE H REVOCABLE TR

Description	Quantity	Size	Year	Condition	Quality	Value
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Area	Net Area	Finished Area
Basement, Unfinished	1,477 SF	0 SF
First Floor	1,477 SF	1,477 SF
Porch, Open, Finished	108 SF	0 SF
Three Quarter Story	22.4 SF	22.4 SF
Upper Story, Finished	1,464 SF	1,464 SF

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





Property Information

ID 20-199
Location 215 GIBBS AVE
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.

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