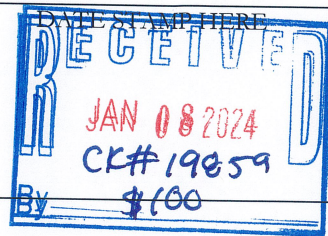




# Newport Zoning Application

ZBR 2024 - Feb - 006

(This box for staff use only)



Date: January 8, 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: 129 Ruggles Ave.

Tax Assessor's Plat: 40 Lot: 404 Zoning District: R-10A

☒ Special Use Permit (Non-Conforming Alteration)

☒ Regulatory (Dimensional) Variance

☐ Special Use Permit (New Use)

☐ Use Variance

☐ Modification

Property Owner: Joseph & Brittany Covill

Mailing Address: c/o Matthew H. Leys, 43B Memorial Blvd., Newport, RI 02840

Email Address: mleys@cphnpt.com

Phone Number: 401-847-0872

How long have you been the owner of the above premise? 6 1/2 years

Legally Authorized Representative \*if applicable: Matthew H. Leys

Mailing Address: 43B Memorial Blvd., Newport, RI 02840

Email Address: mleys@cphnpt.com

Phone Number: 401-847-0872

Lessee: N/A

Mailing Address: N/A

Email Address: N/A

Phone Number: N/A





# Newport Zoning Application

## Property Characteristics

Dimensions of lot-frontage: 83 ft. Lot Area: 10,080 sq. ft.

Are there buildings on the premises at present? yes

Total square footage of the footprint of existing buildings: 2,524 sq. ft.\*

Total square footage of the footprint of proposed buildings: 3,123 sq. ft.\*

## Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	10,080	10,000	no change
Coverage Area (sq. ft)	2,524	2,016	3,123
Lot Coverage (%)	25%	20%	31%
Dwelling Units	1	1 by right	no change
Parking (# of spaces)	2+	2	no change
Front Setback (ft.)	36' 11"	15'	no change
Side Setbacks (ft.)	14'6" (east); 10' 3" (west)	10'	30' (east); 19' (west)(new additions)
Rear Setback (ft.)	56'	20' (principal); 10' (accessory)	15' (pool)
Height (ft.)	25' 2"	30'	addition same as existing

\* Square footage of footprint of buildings includes raised landscape/patio area pursuant to Zoning Officer interpretation.



# Newport Zoning Application

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

Present use of Premise: Single family dwelling

Proposed use of Premise: No change

## Summary of Proposed Alterations

Add a 404 square foot 2-story addition over an existing raised patio with stairs extending off the west side, slightly extend raised landscape area, and install a 288 square foot pool, all as shown on the plans submitted.





# 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 house on the property was built in the 1950s and features a raised patio/landscape area in the back yard constructed prior to the applicants' ownership of the property, which is a unique characteristics of the subject land or structure and not characteristic of the surrounding area. The existing house and garage, without the raised patio/landscape area, is only 16% lot coverage. However, the existing raised patio/landscape area puts the total coverage over the lot coverage limit. The variance is requested primarily for a modestly sized pool and to allow a slight extension of the raised landscape area to create level access to the pool from the raised landscape area with a reasonable distance between the house and pool. The variance will also allow for steps and a roof overhang for the proposed addition, which is being added to allow the house to have reasonable, modern spaces, especially on the second floor where such spaces are presently lacking. Other than a portion of the steps and a sliver of the roof overhang, the proposed addition to the house will be entirely over the raised patio that is already counted as lot coverage and does not require a variance.

Pools are a common amenity in single family homes in Newport and the pool proposed by the applicants is minimally sized (24' x 12' or 288 sq. ft.) to provide a reasonable pool for the applicants' residence. The stairs and roof overhang on the proposed addition are also minimal. Thus, the proposed relief is minimal to a reasonable enjoyment of the permitted by right single family use of the property. The granting of the relief will not alter the general character of the surrounding area because other properties have pools in the area and the improvements for which the variance is sought will have little, if any, visibility from the street. Also, the improvements will be well screened by vegetated screening from neighbors (the largest to the rear being a large open lot owned by the City of Newport). The relief will not impair the intent or purposes of the zoning ordinance or comprehensive plan because the proposed improvements are in furtherance of a permitted by right single family use of the property. The hardship is not the result of any prior action of the applicants because the existing conditions were created prior to their ownership. Moreover, the hardship is not due to the physical or economic disability of the applicants, but for the reasons stated above.

The application also meets the standards outlined in 17.109.020 (F) related to nonconforming development because the application satisfies the standards for a dimensional variance as stated above, will not alter the character of the area within 200' of the property as described above, and provides for accommodation of stormwater onsite. Moreover, no new lighting is proposed with the application and any new lighting that is installed will be dark sky compliant.





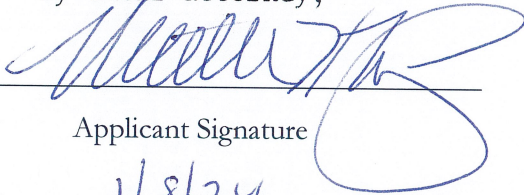
# Newport Zoning Application

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.**

Joseph & Brittany Covill,

By their attorney,



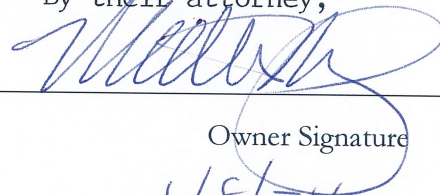
Applicant Signature

1/8/24

Date

Joseph & Brittany Covill,

By their attorney,



Owner Signature

1/8/24

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.

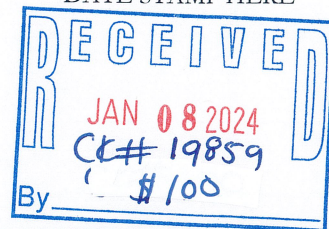




# Newport Zoning Application Submittal Requirements

ZBR 2024 - Feb - 006

DATE STAMP HERE



☒ Special Use Permit (new)

☒ Variance

☐ Special Use Permit (modification)

☐ Modification

(This box for staff use only)

## 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

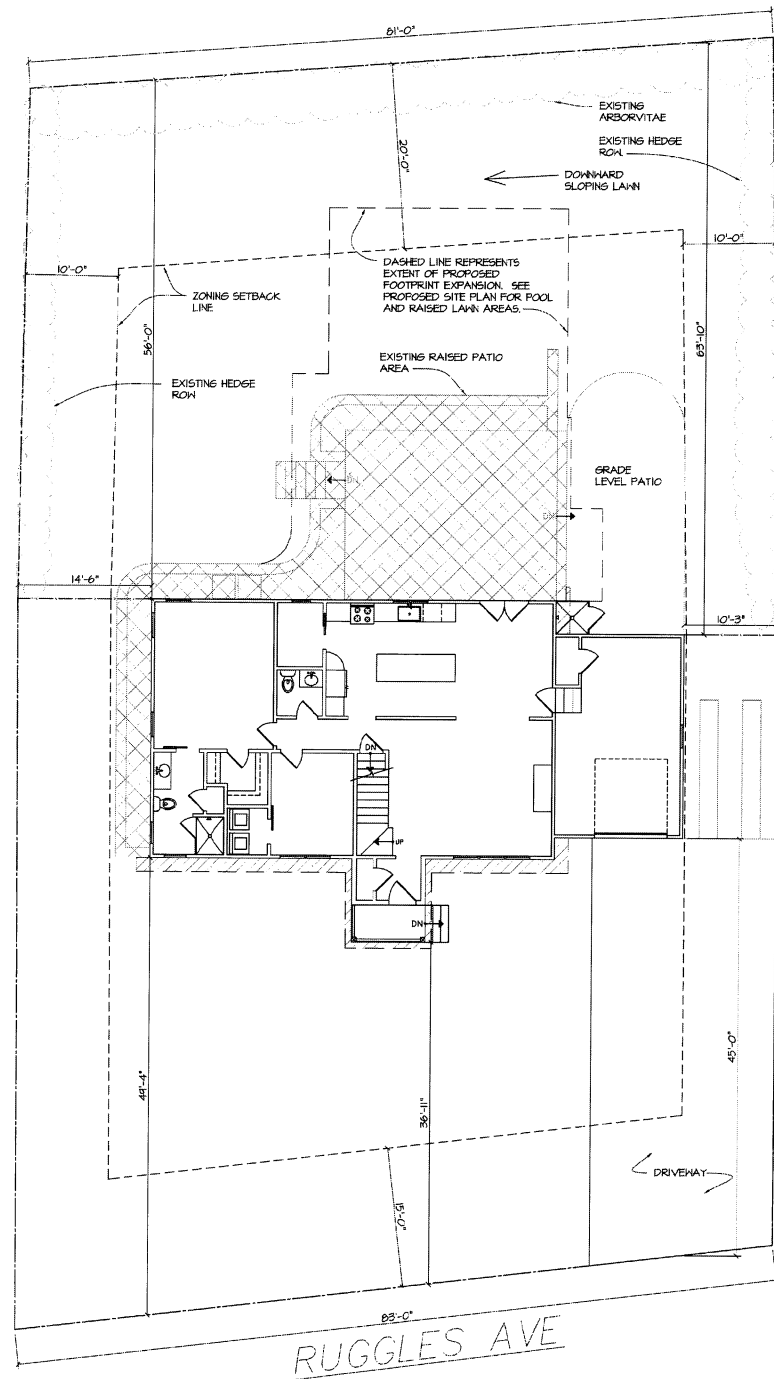
- A. ☒ Completed Zoning Project Application Packet comprised of the following individual sections:
1. ☒ Zoning Project Application Form
  2. ☒ Completed copy of this Zoning Application Submittal Requirements Checklist (Page 2)
- B. ☐ Request to Waive any Submittal Requirements (*if applicable*)
- C. ☒ 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 checked="" type="checkbox"/> Stormwater Management Plan (see site plan) |
| B. <input checked="" type="checkbox"/> Proposed Site Plan   | F. <input checked="" type="checkbox"/> Landscape Plan (see site 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 |   |



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

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

**STORMWATER PLAN:**  
SITE NATURALLY SLOPES DOWNWARD TOWARD THE SE CORNER (UPPER-LEFT WHEN VIEWING PLAN). REFERENCED AREA TO BE EXCAVATED AND FILLED WITH 1" DIA. CRUSHED STONE TO A DEPTH OF 6". STORMWATER AND DOWNSPOUTS TO BE DIRECTED TOWARD COLLECTION BASIN. TOP WITH FILTER FABRIC, LOAM AND SEED TO BLEND TO ADJACENT LAWN AREAS, TYP. PROVIDE 6" STORMWATER POP-UP DRAIN.

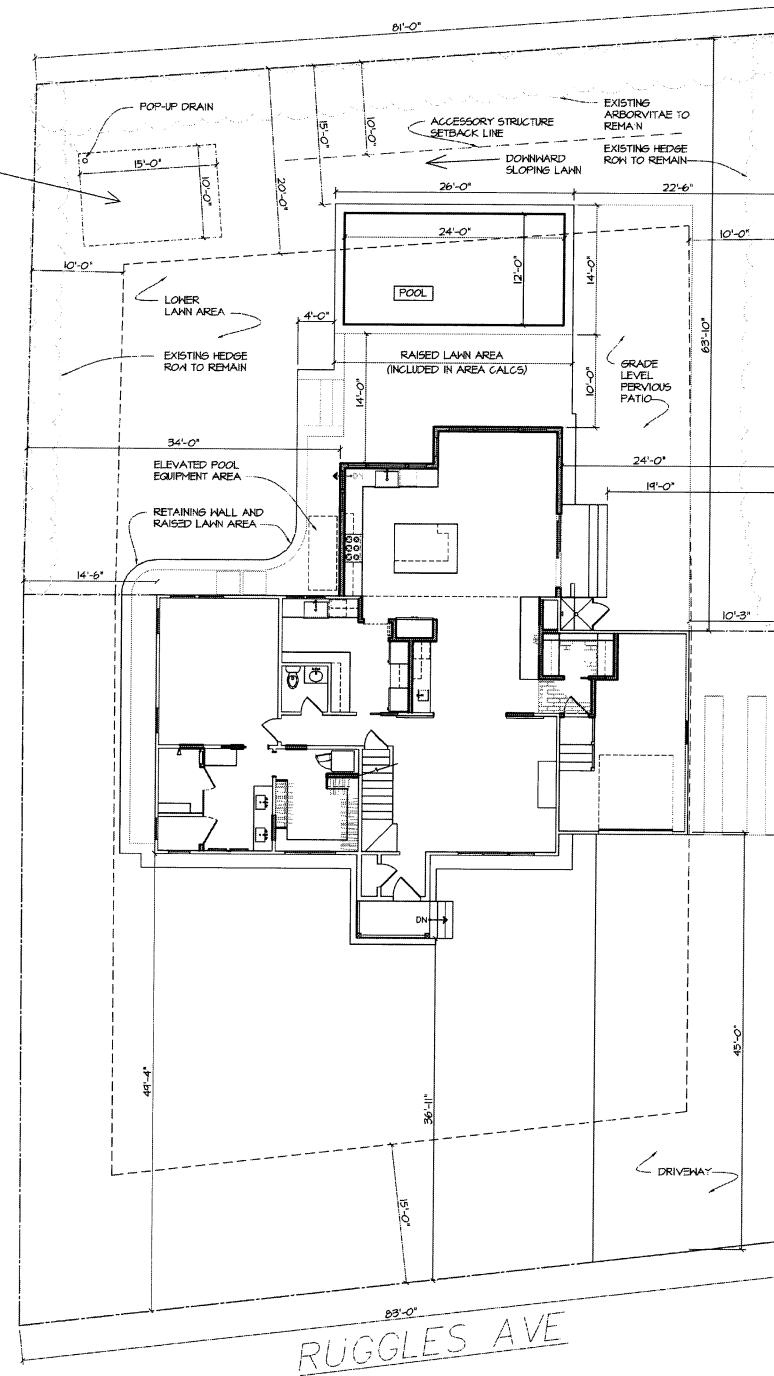
ZONING CRITERIA	
124 RUGGLES AVENUE	
ZONING DISTRICT	R10A
EXISTING FOOTPRINT	2524 SF
PROPOSED FOOTPRINT	3,123 SF
LOT SIZE	
EXISTING (PER TAX ASSESS)	10,080 SF
REQUIRED	10,000 SF
PROPOSED	10,080 SF
LOT COVERAGE %	
EXISTING	25% (2524 SF)
ALLOWED	20% (2016 SF)
PROPOSED	31% (3,123 SF)
FRONT (NORTH) SETBACK	
EXISTING	36'-11"
REQUIRED	15'-0"
PROPOSED	NO CHANGE
SIDE (EAST) SETBACK	
EXISTING	14'-6"
REQUIRED	10'-0"
PROPOSED	NO CHANGE
REAR (SOUTH) SETBACK	
EXISTING	56'-0"
REQUIRED	20'-0"
PROPOSED	15'-0" (10' REQUIRED)
SIDE (WEST) SETBACK	
EXISTING	10'-3"
REQUIRED	10'-0"
PROPOSED	NO CHANGE
HEIGHT	
EXISTING	25'-2"
ALLOWED	30'-0"
PROPOSED	NO CHANGE

EXISTING FOOTPRINT CALCULATIONS:	
EXISTING HOUSE FOOTPRINT	1626 SF
ELEVATED LANDSCAPE AND HALLS	81 SF
ROOF OVERHANGS	81 SF
TOTAL:	2524 SF

PROPOSED FOOTPRINT CALCULATIONS:	
EXISTING BUILDING FOOTPRINT	1626 SF
NEW BUILDING FOOTPRINT	404 SF
POOL	288 SF
ELEVATED LANDSCAPE AND HALLS	662 SF
NEW ROOF OVERHANGS AND ENTRY STEPS	62 SF
EXISTING ROOF OVERHANGS	81 SF
TOTAL:	3,123 SF

**AREA CALCULATIONS NOTES:**  
TOTAL BUILDING FOOTPRINT IS (1626 + 404 SF = 2,030 SF)  
BUILDING FOOTPRINT LOT COVERAGE = 2,030 SF / 10,080 SF = 20%

GRAPHIC LEGEND:	
	ELEVATED GRADE, HALLS, PATIO
	ROOF OVERHANG



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

SPRING STREET STUDIO  
401.662.5621  
203 GODDARD ROW  
NEWPORT, RI 02840

STATUS

FOR ZONING REVIEW  
NOT FOR CONSTRUCTION

OWNERS  
Joseph Covill  
Brittany Covill  
129 Ruggles Ave.  
Newport, RI

129 RUGGLES AVE  
**COVILL RESIDENCE**  
NEWPORT, RI

DO NOT SCALE DRAWINGS

REVISIONS

DATE

1.2.24

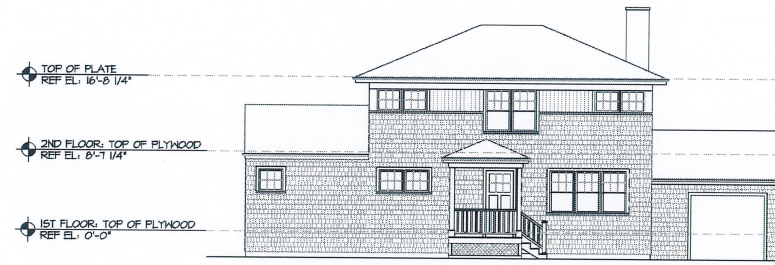
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ARCHITECTURAL  
SITE PLAN

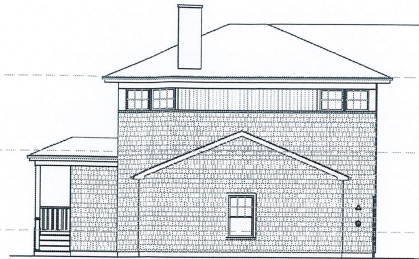
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**A**  
SITE

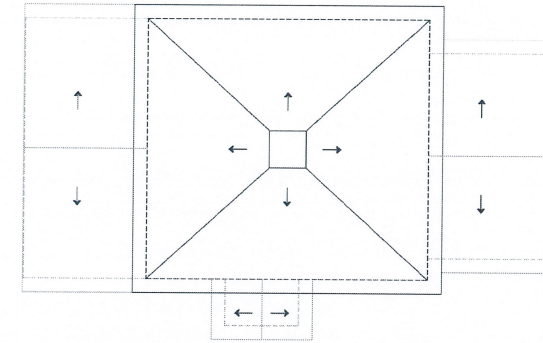




5 EXISTING NORTH ELEVATION  
1/8" = 1'-0"



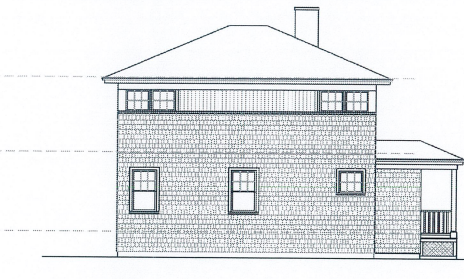
6 EXISTING WEST ELEVATION  
1/8" = 1'-0"



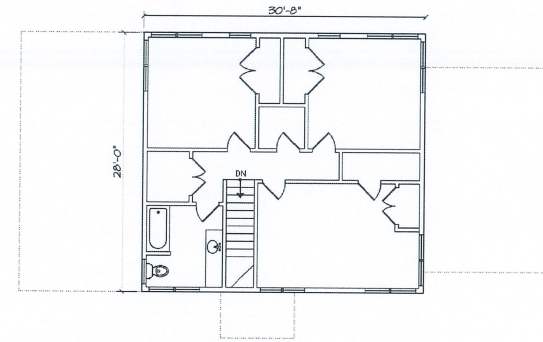
4 EXISTING ROOF PLAN  
1/8" = 1'-0"



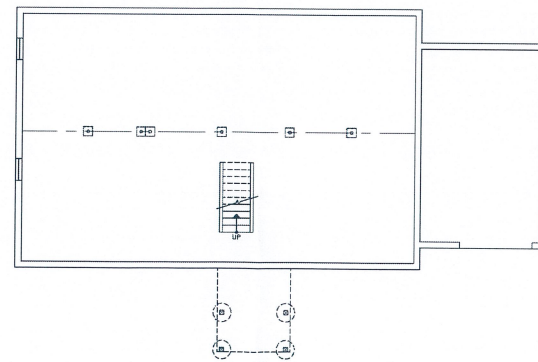
7 EXISTING SOUTH ELEVATION  
1/8" = 1'-0"



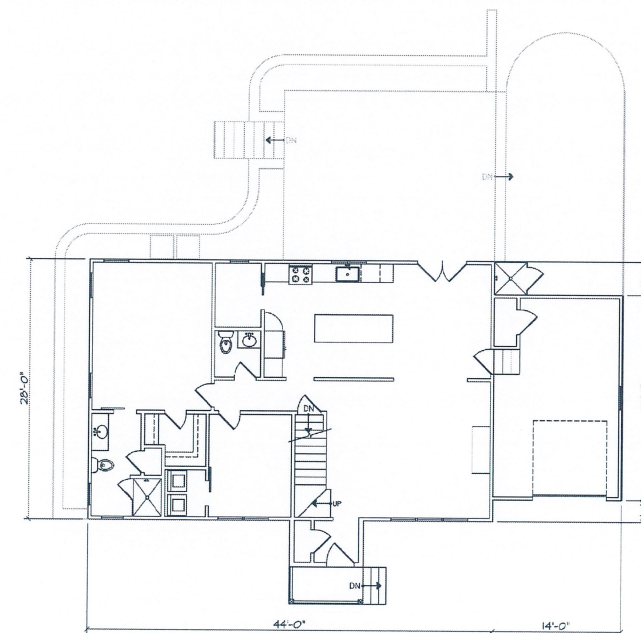
8 EXISTING EAST ELEVATION  
1/8" = 1'-0"



3 EXISTING SECOND FLOOR PLAN  
1/8" = 1'-0"



1 EXISTING BASEMENT PLAN  
1/8" = 1'-0"



2 EXISTING FIRST FLOOR PLAN  
1/8" = 1'-0"

SPRING STREET STUDIO  
401.662.3521  
205 GODDARD ROW  
NEWPORT, RI 02840

STATUS

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REVIEW  
NOT FOR  
CONSTRUCTION

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Brittany Covill  
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Newport, R.I.

129 RUGGLES AVE  
**COVILL RESIDENCE**  
NEWPORT, RI

DO NOT SCALE  
DRAWINGS

REVISIONS

DATE

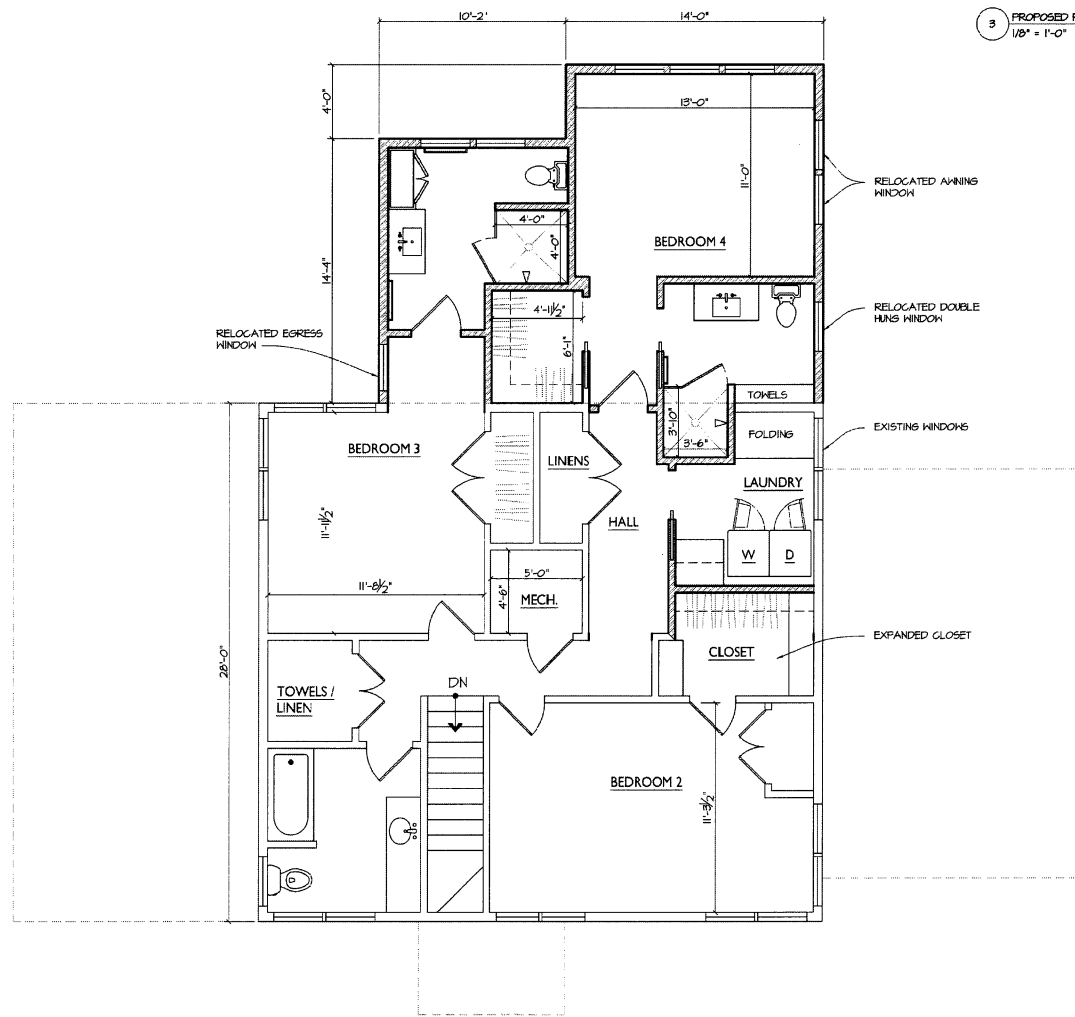
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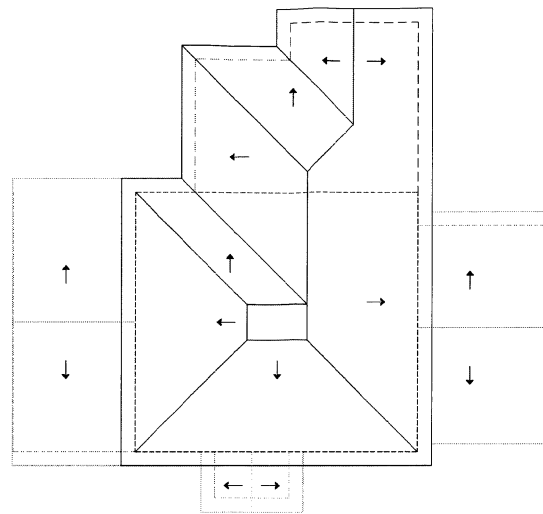
**EXISTING  
PLANS &  
ELEVATIONS**

DRAWING #

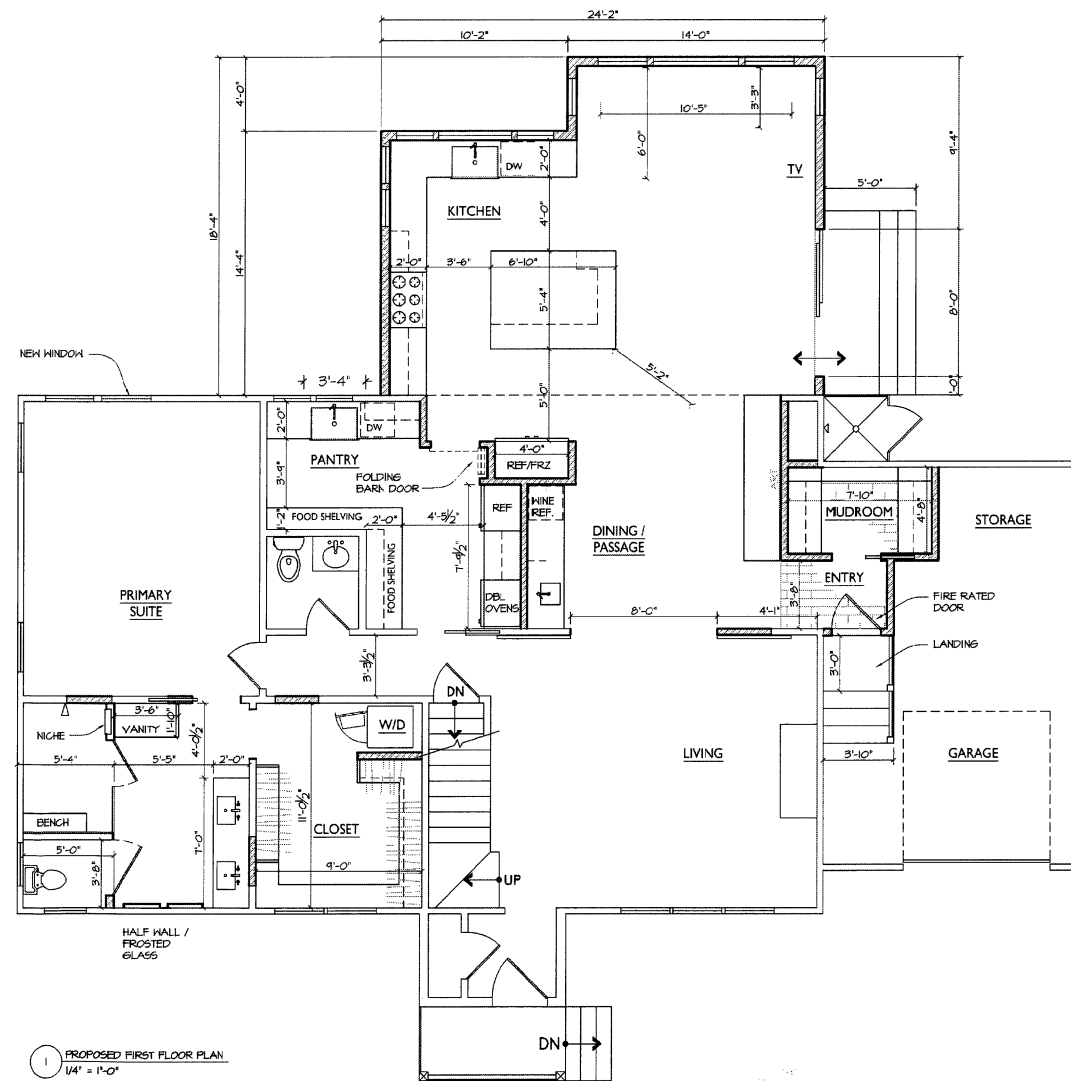
**E1**



2 PROPOSED SECOND FLOOR PLAN  
1/4" = 1'-0"



3 PROPOSED ROOF PLAN  
1/8" = 1'-0"



1 PROPOSED FIRST FLOOR PLAN  
1/4" = 1'-0"

SPRING STREET STUDIO  
401.662.3621  
303 GODDARD ROW  
NEWPORT, RI 02840

STATUS

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DRAWINGS

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DATE

1.2.24

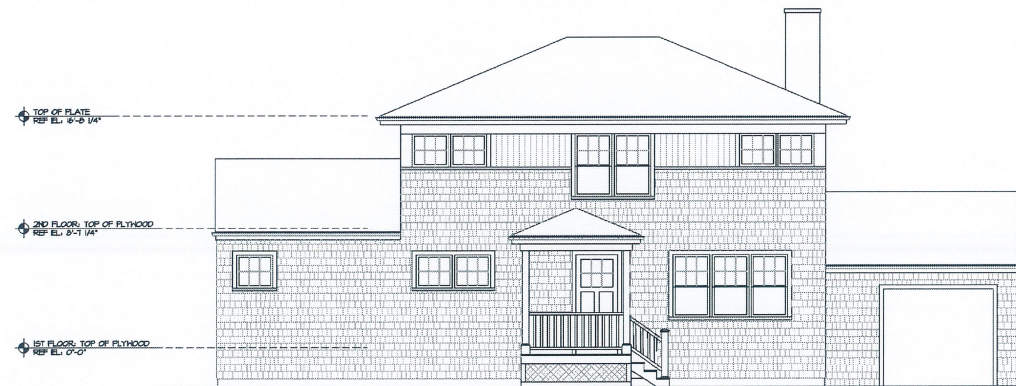
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**PROPOSED  
FLOOR PLANS**

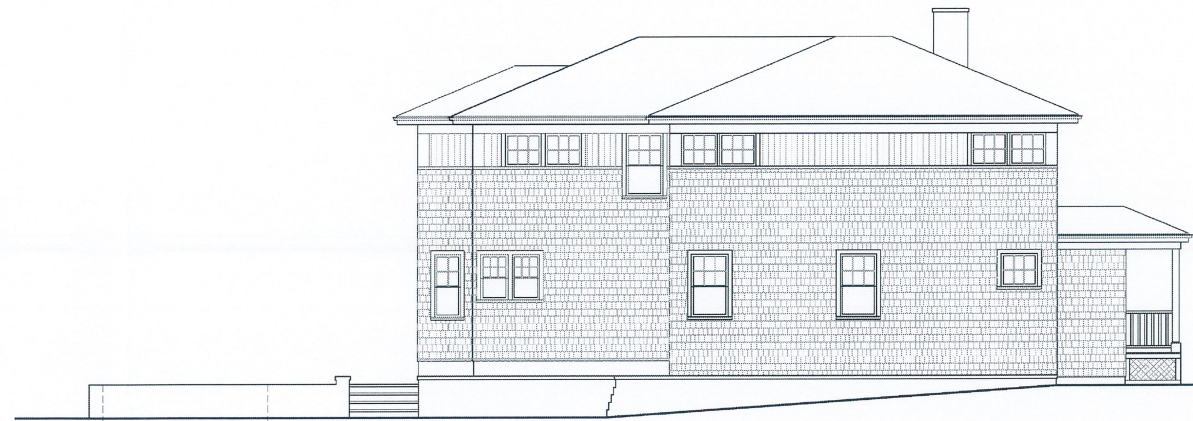
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**A1**





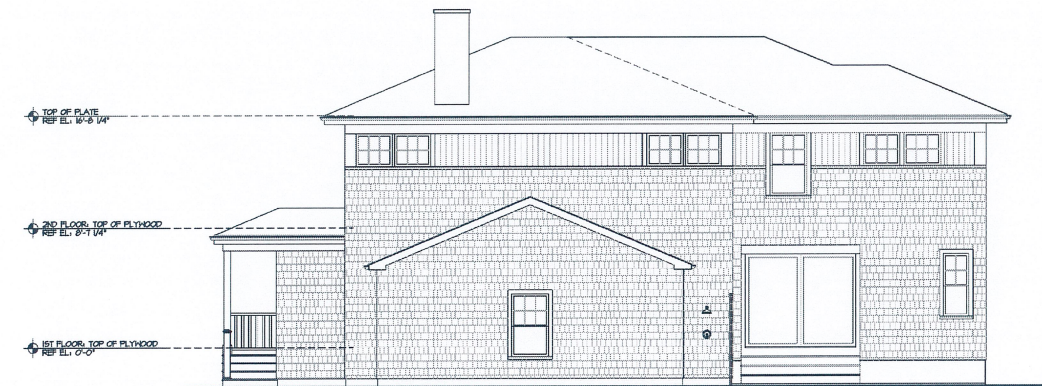
1 NORTH ELEVATION  
1/4" = 1'-0"



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



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



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

SPRING STREET STUDIO  
401.662.5621  
203 GODDARD ROW  
NEWPORT, RI 02840

STATUS

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Newport, RI.

129 RUGGLES AVE  
**COVILL RESIDENCE**  
NEWPORT, RI

DO NOT SCALE  
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REVISIONS

DATE

1.2.24

DESCRIPTION

**PROPOSED  
ELEVATIONS**

DRAWING #

**A2**