Newport Zonir	ng Applicatio
ZBR 2024 - Feb - 012	DATE STAMP HERE
(This box for staff use only)	JAN 1 6 2024 CK # 41 904
Date: January 12, 2024	\$ 100
Board members:	
The undersigned hereby petitions the Zoning Boa or a variance in the application of the provisions or	
affecting the following described premises in the manner a	-
Location of Prem	nises
Street & No: 26 Tilley Avenue	
Tax Assessor's Plat: 13 Lot: 075 Zoning District:	R-10
Special Use Permit (Non-Conforming Alteration)	Regulatory (Dimensional) Variance
Special Use Permit (New Use)	riance Modification
Property Owner: Shana B. Speer	
Mailing Address: 26 Tilley Avenue, Newport, RI 02840	
Email Address:	
Phone Number:	
How long have you been the owner of the above premise? $18$ Y	/ears ( 3/30/2006)
Legally Authorized Representative *if applicable:	ell Jackson, Esq.
Mailing Address: 122 Touro Street, Newport RI 02840	
Email Address: jrjackson@millerscott.com Phor	no Number 401-847-7500
Lessee: N/A	
Mailing Address:	



## **Property Characteristics**

Dimensions of lot-frontage: 38.08 ft. Lot Area: 2,998	_sq. ft.
Are there buildings on the premises at present?	
1 204	_sq. ft.
Total square footage of the footprint of <u>proposed</u> buildings: <b>1,499</b>	_sq. ft.

### **Zoning Characteristics Matrix**

	Existing	Required/Allowed	Proposed	
Lot Size (sq. ft.)	2,998 sf	10,000 sf	2,998 sf	
Coverage Area (sq. ft)	1,394 sf	1,019.32 sf	1,499 sf	
Lot Coverage (%)	46.5%	34%	50%	
Dwelling Units	1	1	1	
Parking (# of spaces)	2	2	2	
Front Setback (ft.)	1.6'	4.5'	1.6'	
Side Setbacks (ft.)	See Attached	See Attached	See Attached	
Rear Setback (ft.)	See Attached	See Attached	See Attached	
Height (ft.)	28.5'	30'	28.5'	

### 26 Tilley Avenue

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Lot Coverage (%)	46.5%	34%	50%	
Dwelling Units	1	1	1	
Parking (# of spaces)	2	2	2	
Front Setback (ft.)	1.6'	15'	1.6'	
Side Setbacks (ft.)				
House	North = 1.8' South = 12'	3.0'	North = $1.8$ ' Southeast = $10.7$ '	
Garage	North > 25' South = 0.02'	10'	North > 25' South = 0.02'	
Rear Setback (ft.)				
House	> 20'	6'	23.1'	
Garage	3.7'	3'	3.7'	
Height (ft.)	28.5'	30'	28.5'	



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 17.108.020 (Special Use Permits) Section 17.108.010 (Variances) Section 17.72.030 (Alteration to Nonconforming Development) Section 17.20.040 (R-10 Setback Requirements) Section 17.20.050 (R-10 Lot Coverage Requirements)

The Applicant's single family residence sustained a significant fire in 2023. She is in the process of rebuilding and restoring her residence. As a result of the necessary restoration, the Applicant has decided to take this opportunity to also complete additional modifications to her home. The entire residence is being renovated, modernized and upgraded. As part of that project the Applicant is proposing to expand the livable square footage on the third floor with dormers. In conjunction with the third floor expansion, the Applicant proposes an exterior system of stairs and landings on the rear of the house with a modified first floor deck. This will allow a second means of emergency egress from the second and third floors.

The expanded third floor will be used by the Applicant as part of her residence, however she has designed the space to also serve as a home occupation for short term rentals. Ultimately the space may be converted to a second dwelling or Accessory Dwelling Unit in the future if there are further changes to the zoning laws which allow for the change of use.

The existing parcel is a legal non-conforming lot of record containing only 2,998 square feet of land. The property is in the R-10 Zone and is significantly substandard in size. The house encroaches into both the modified and proportional front setback as well as the north side setback. The existing garage encroaches into the south side setback. Existing lot coverage is at 46.5%, exceeding the modified proportional limit of 34%. As a result of the existing conditions and dimensional non-conformities, any modest addition or expansion to the property will result in the need for zoning relief. The new improvements will result in modifications within the north side setback and will increase lot coverage. Lot coverage is increasing by only 105 square feet. The resulting lot coverage of 50% is not unreasonable given the extremely small size of the lot. No building height relief is required for the third floor dormers. The property is not in the Newport Historic District. 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-10 Zone.



### **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 2,998 square feet of land. The lot is significantly substandard for the R-10 Zone. The existing structures already exceed lot coverage and encroach into the front and side setbacks. Based on the size of the lot and the location of existing structures, any reasonable improvement, addition or modification will require dimensional relief. As a result of the existing conditions and circumstances that are peculiar to this non-conforming development, the proposed improvements will result in a modest increase of lot coverage. The construction of third floor dormers above the existing footprint will encroach into the north side setback and be 1.8' from the property line. The exterior stair and landing system will align with the north wall of the house, encroaching slightly into the north side setback.

The subject property is located on the west side of Tilley 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 this Applicant 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-10 Zone. The proposal will require only a minor increase of 105 square feet of lot coverage. This represents a 3.5% increase from 46.5% to 50% coverage. The house and garage already encroach into setbacks. Those non-conformities will not be increased intensified. The new dormers will extend from the existing center roof gable and will not exceed the building height limit. The improvements will allow for a complete restoration from the devasting fire and allow for an expanded residence with amenities consistent with modern living. The Applicant has taken great care to develop a proposed improvement plan which restores her home and meets her present and future needs. The plan is appropriate in scope, scale and size for this property. The overall proposal has been designed to meet the reasonable living needs of the Applicant with minimal dimensional variances. The hardship is driven by the significantly substandard lot and the fact that the existing structures already exceed lot coverage and encroach into setbacks. The Applicant is seeking the minimum variance which will allow the reasonable use of the property. Accordingly, the proposed use of the property and the relief sought by the Applicant 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-10 Zoning District.



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

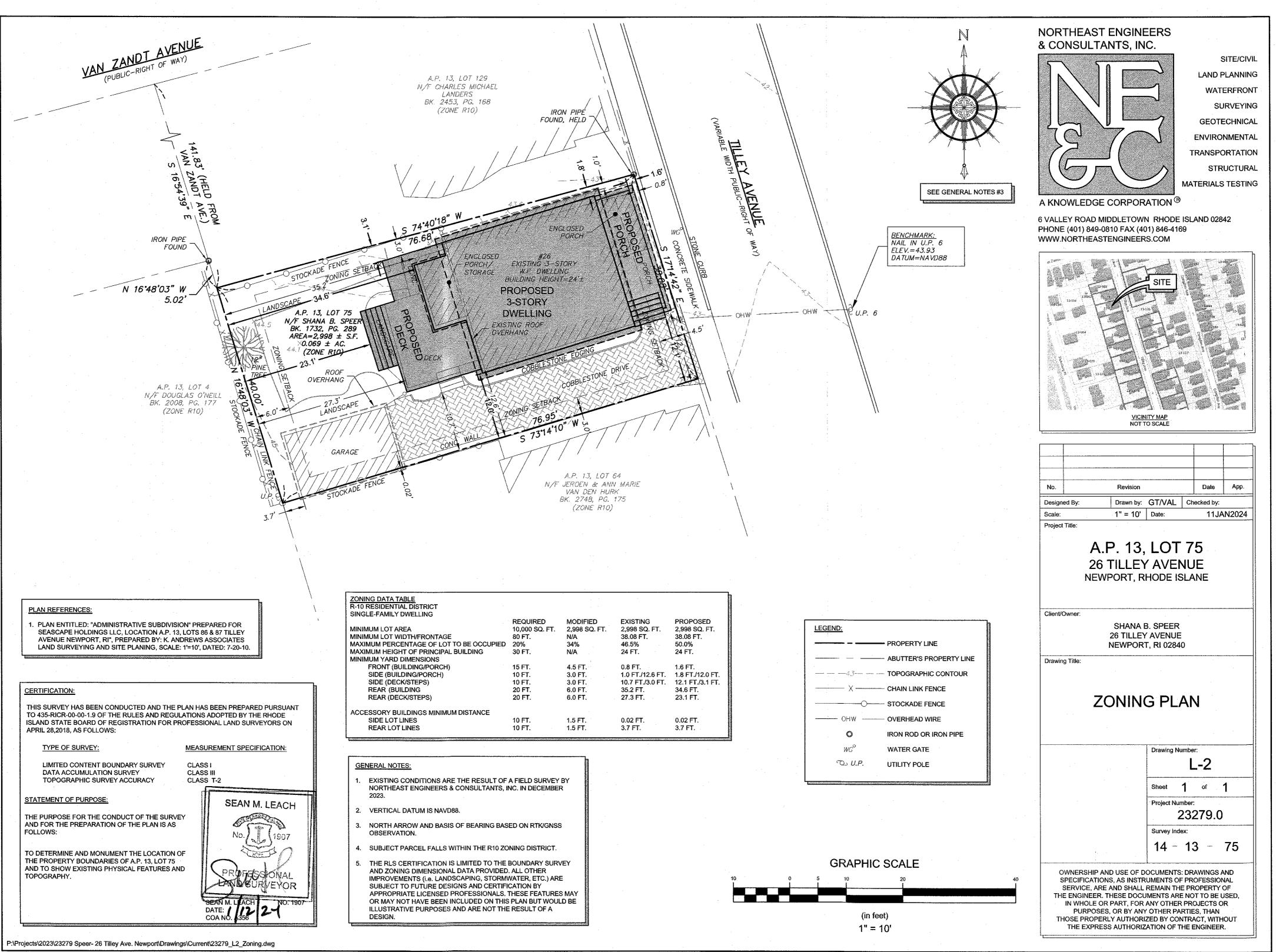
Date

Owner Signature Attorney for Applicant/Owner

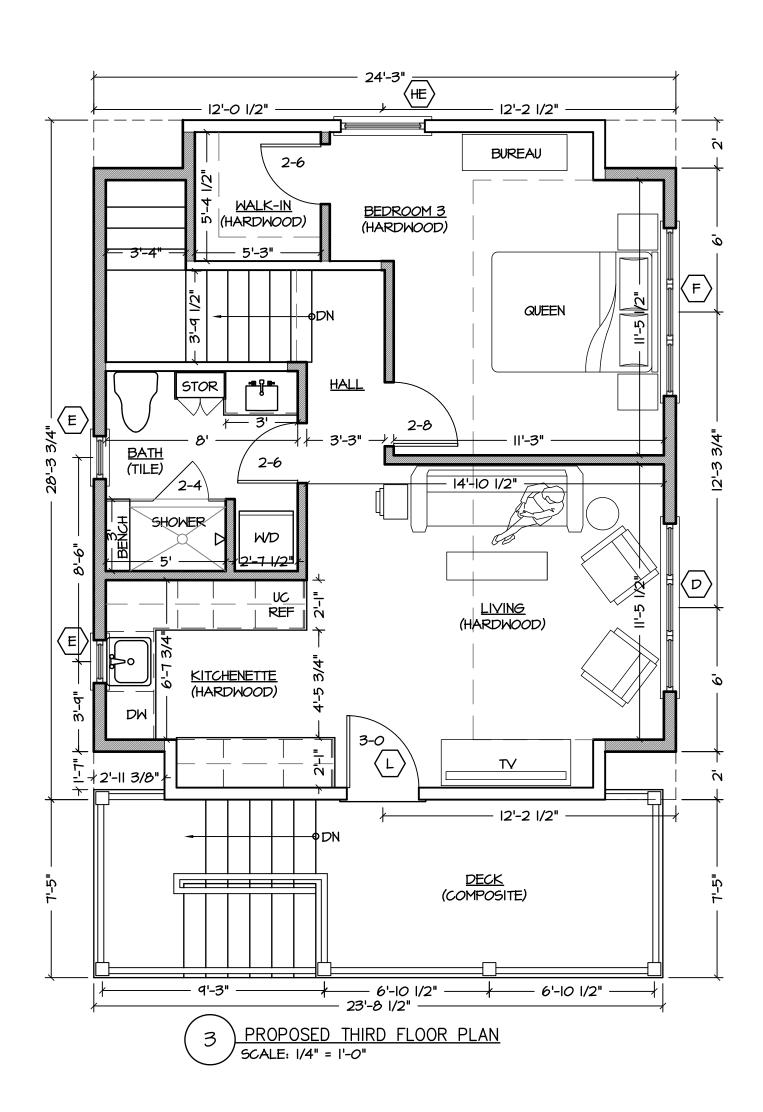
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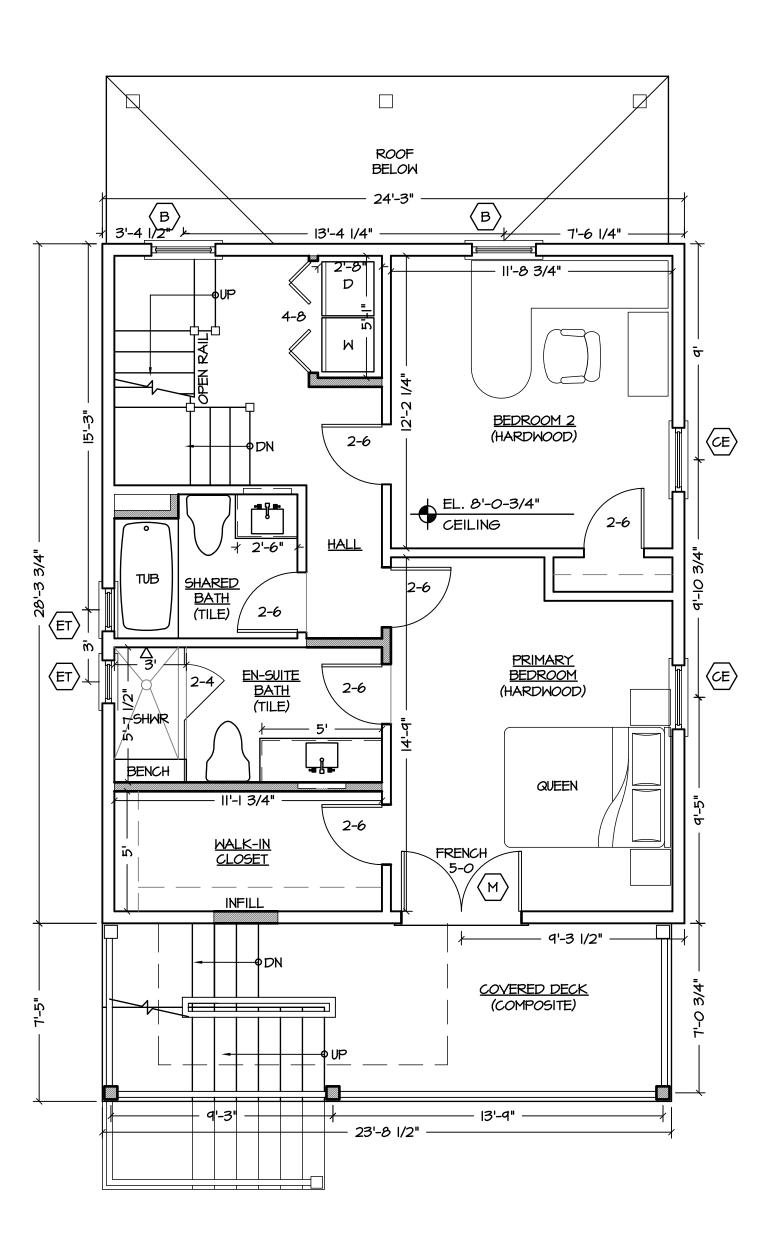
Newport Z	Coning Application
	al Requirements
ZBR 2024 - Feb - 01	
Special Use Permit (new)	
□ Special Use Permit (modification) □ Modif	
(This box for staff use only)	By \$100
SUBMITTAL REOUIR	EMENTS CHECKLIST
Applications that are missing materials in th	
Section 1 – Application Forms – Page 3 of the	
Required for All Projects	Guide
A. Completed Zoning Project Application	Packet comprised of the following individual
sections: 1.  Zoning Project Application Form	
	lication Submittal Requirements Checklist (Page 2)
<b>D.</b> Request to Waive any Submittal Requireme	nts ( <i>if applicable</i> )
C. Application Fee (Please Refer to Current Fe	
Section 2 – Plan Package – Pages 4-7 of the Gu Required for All Development Projects (Involving Ne Individual requirements of the Plan Package (listed	W Structures Additions Full : All
	below) may differ depending on the project
A. Class I Site Survey	E. Stormwater Management Plan
B. Proposed Site Plan	F. 🗌 Landscape Plan
<ul> <li>C. Lot Coverage Diagram</li> <li>D. Floor Plans</li> </ul>	G. Building Elevations
D. THOOP Plans	H. Change of Use
Section 3 – Supporting Documents, Studies, Gr May be required for certain Development Projects	aphics, and Depictions – Page 8 of the Guide
A. Site Photographs	<b>D.</b> Parking Survey
B. Photo Simulations	E. Traffic Impact Analysis

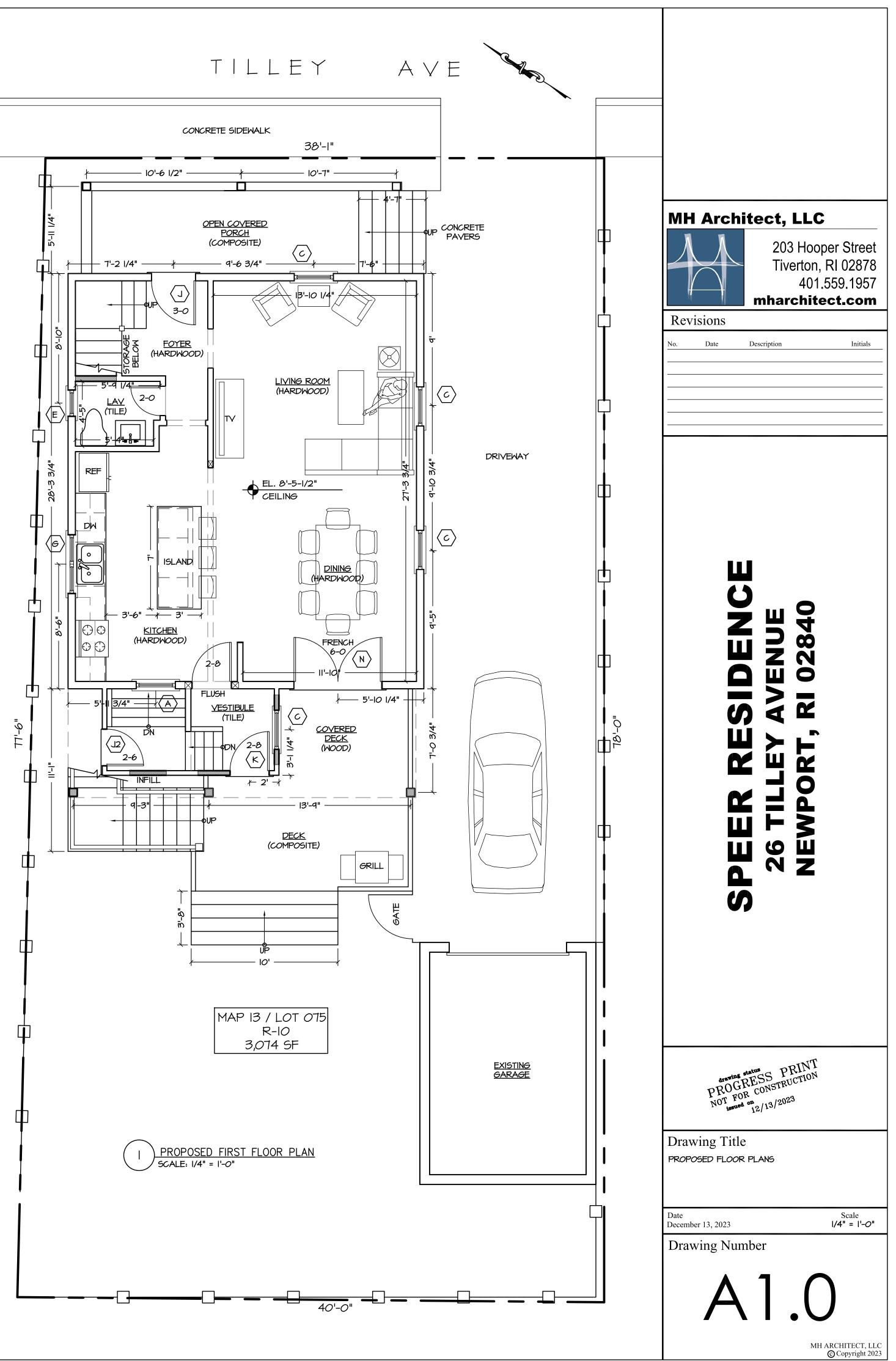
C. Structural Evaluation

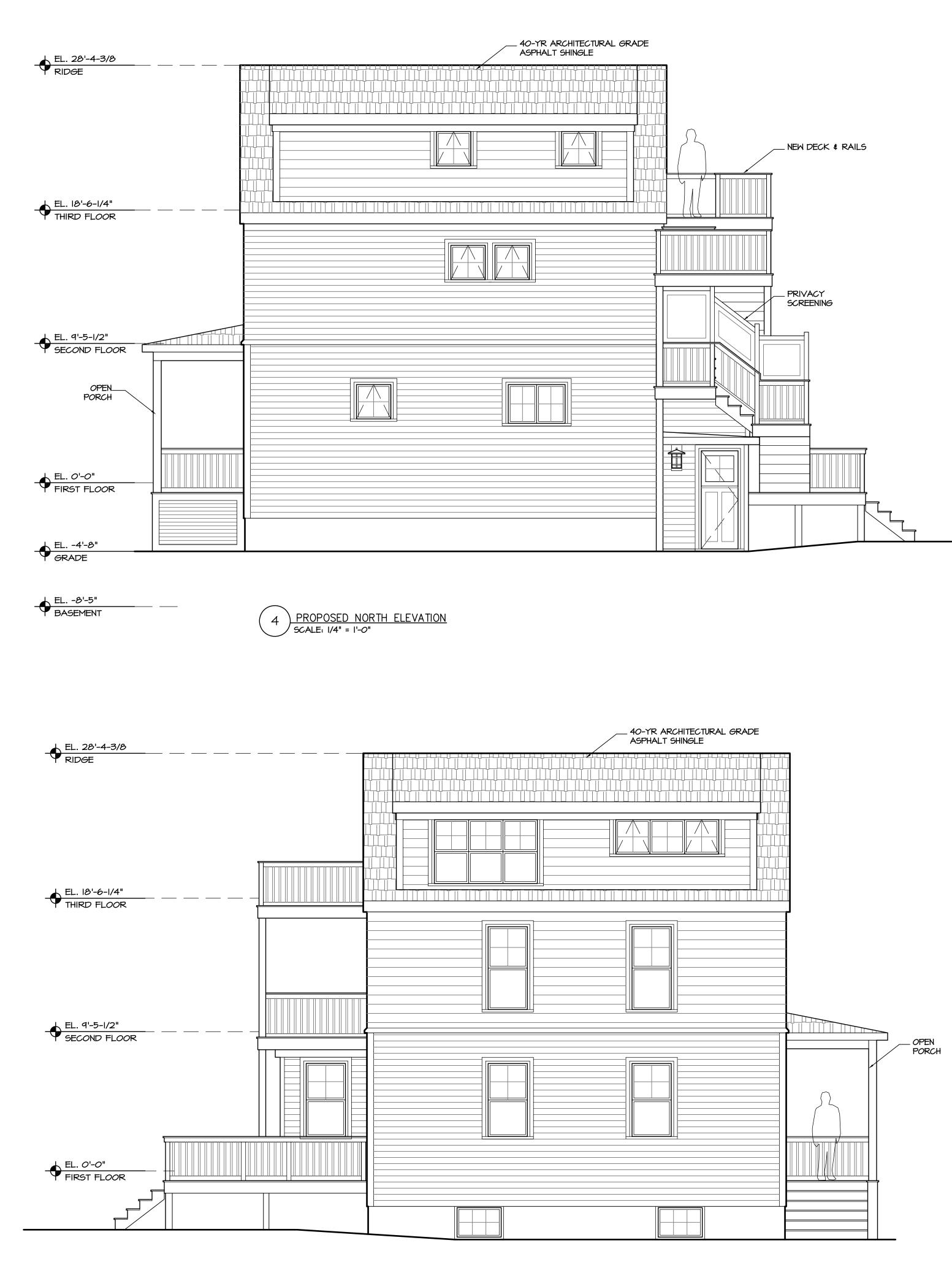


	REQUIRED	MODIFIED	EXISTING	PF
MINIMUM LOT AREA	10,000 SQ. FT.	2,998 SQ. FT.	2,998 SQ. FT.	2,
MINIMUM LOT WIDTH/FRONTAGE	80 FT.	N/A	38.08 FT.	38
MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED	20%	34%	46.5%	50
MAXIMUM HEIGHT OF PRINCIPAL BUILDING	30 FT.	N/A	24 FT.	24
MINIMUM YARD DIMENSIONS				
FRONT (BUILDING/PORCH)	15 FT.	4.5 FT.	0.8 FT.	1.
SIDE (BUILDING/PORCH)	10 FT.	3.0 FT.	1.0 FT./12.6 FT.	1.
SIDE (DECK/STEPS)	10 FT.	3.0 FT.	10.7 FT./3.0 FT.	12
REAR (BUILDING	20 FT.	6.0 FT.	35.2 FT.	34
REAR (DECK/STEPS)	20 FT.	6.0 FT.	27.3 FT.	23
ACCESSORY BUILDINGS MINIMUM DISTANCE				
SIDE LOT LINES	10 FT.	1.5 FT.	0.02 FT.	0.
 REAR LOT LINES	10 FT.	1.5 FT.	3.7 FT.	3.



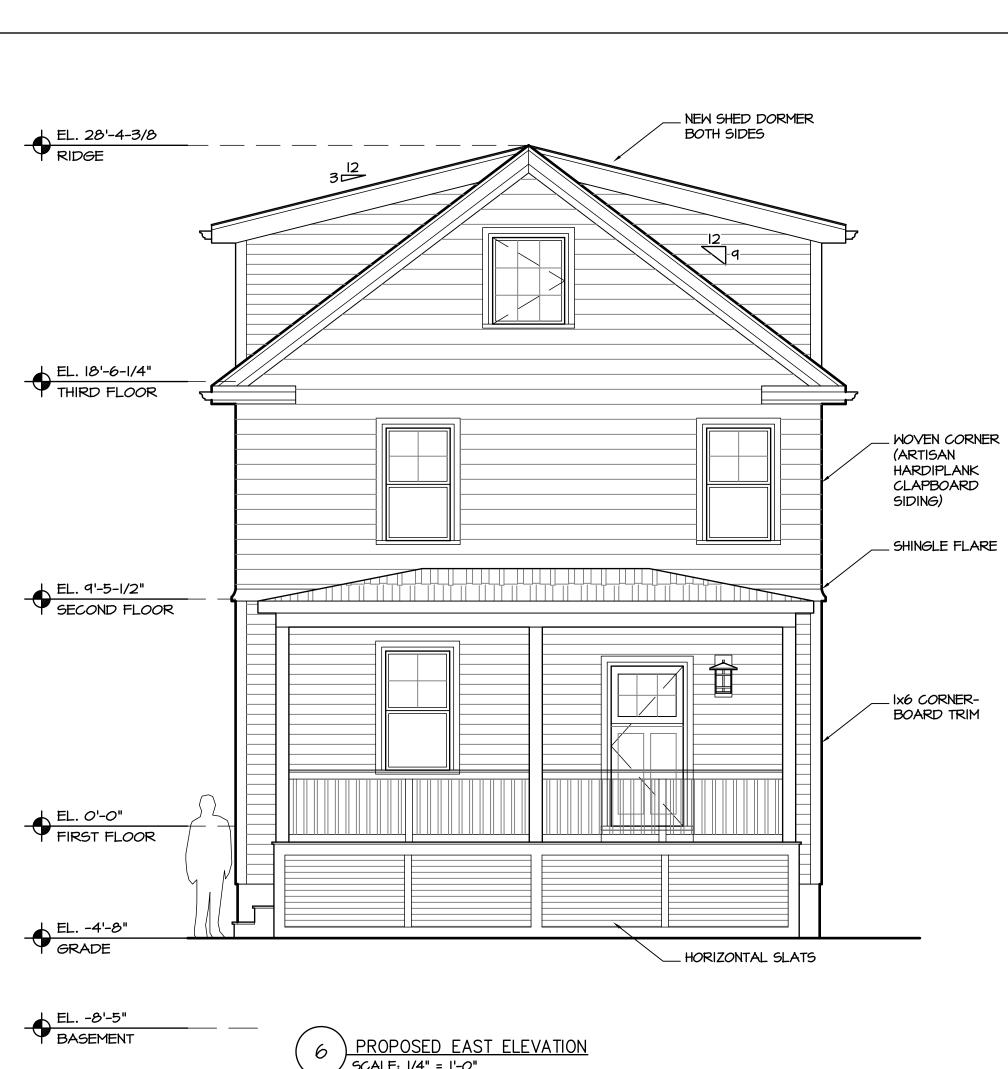


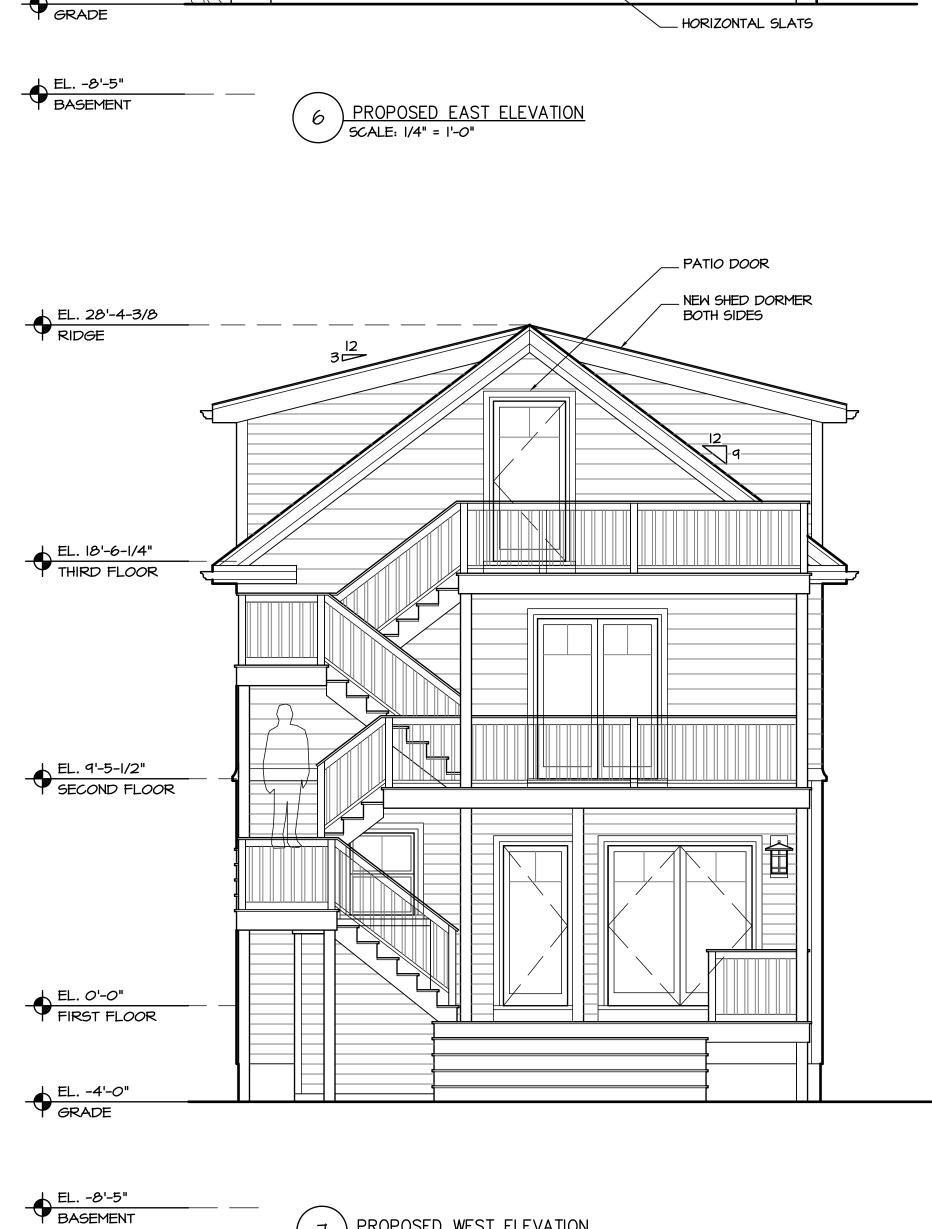


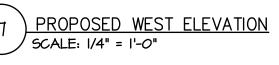




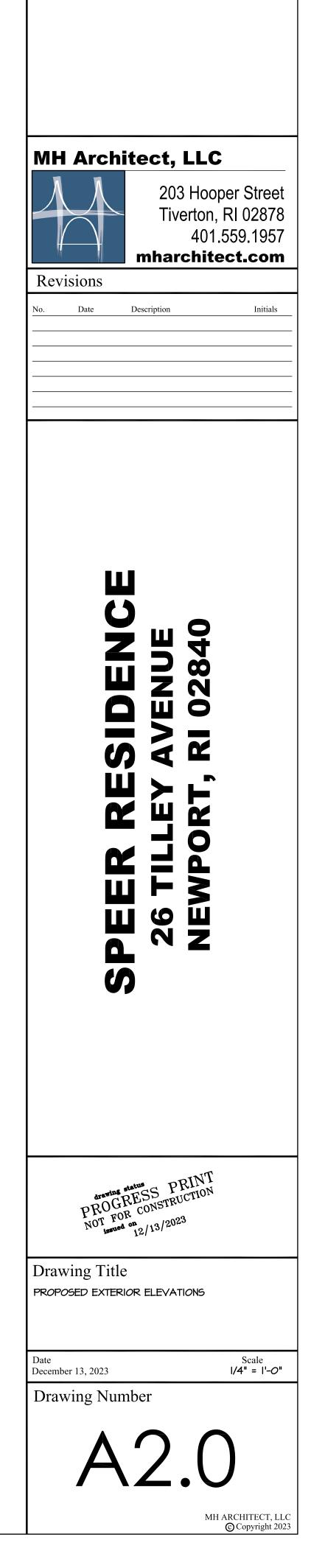


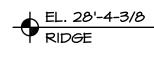






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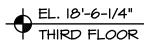


TYP WALL CONSTRUCTION: 2x6 K.D. WALL STUDS @ 16" O.C.

1/2" CDX FIR (WEATHERPROOF I) PLYWOOD WALL SHEATHING FASTENED TO WALL STUDS WITH 80 RING-SHANK NAILS @ 6" O.C. AT PANEL EDGES, 12" IN THE FIELD FASTEN TO BOTH SILL PLATES WITH 8d NAILS @ 4" O.C.

BLOCK & NAIL ALL HORIZONTAL PANEL EDGES WITHIN 48" OF BUILDING CORNERS

R-21 BATT INSULATION



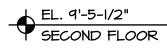
TYP WALL CONSTRUCTION: EXISTING 2×6 WALL STUDS @ 16" O.C.

EXISTING EXTERIOR SHEATHING

NEW WEATHER RESISTIVE BARRIER

R-21 BATT INSULATION

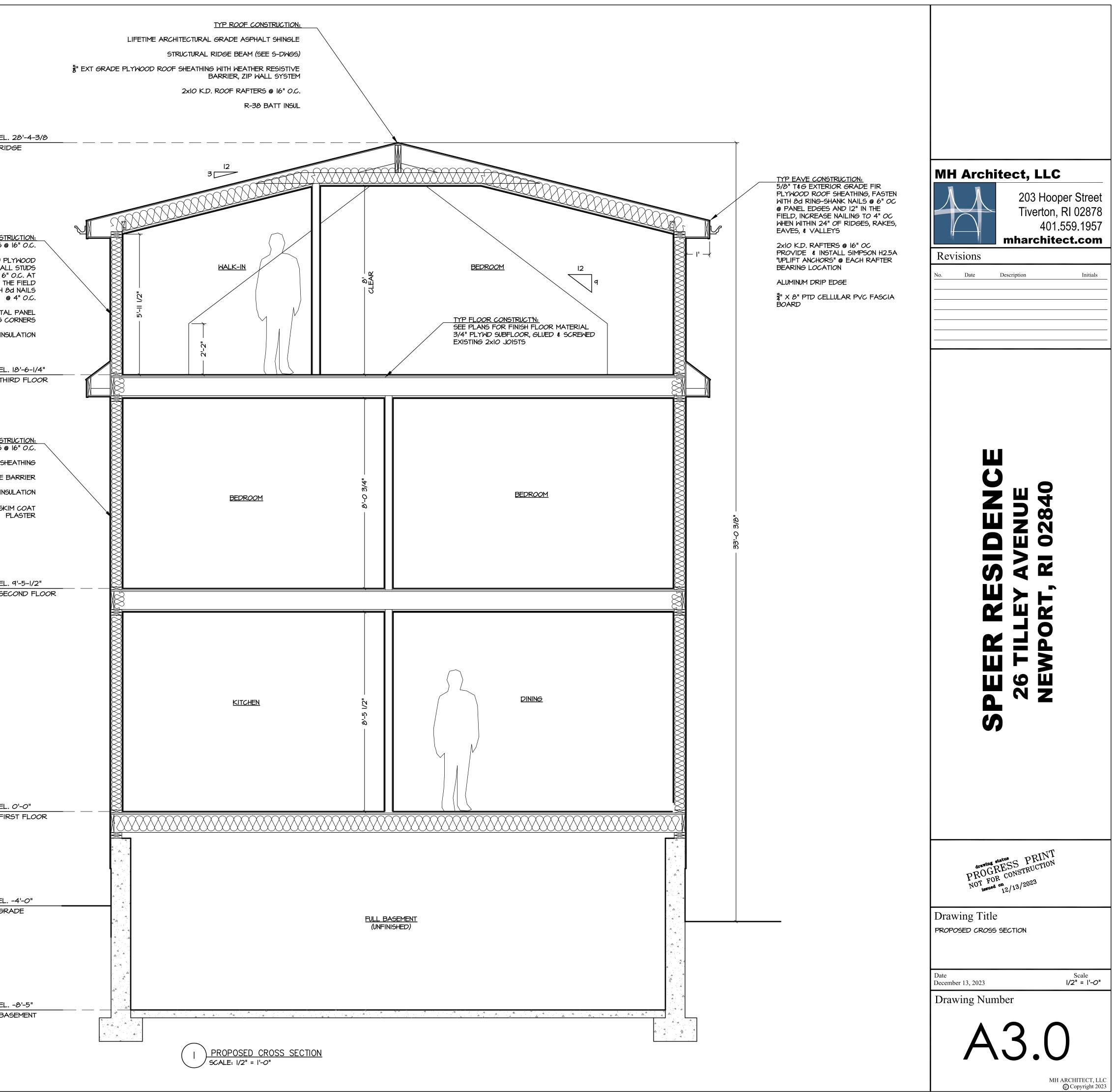
NEW  $\frac{1}{2}$ " IMPERIAL BOARD WITH SKIM COAT

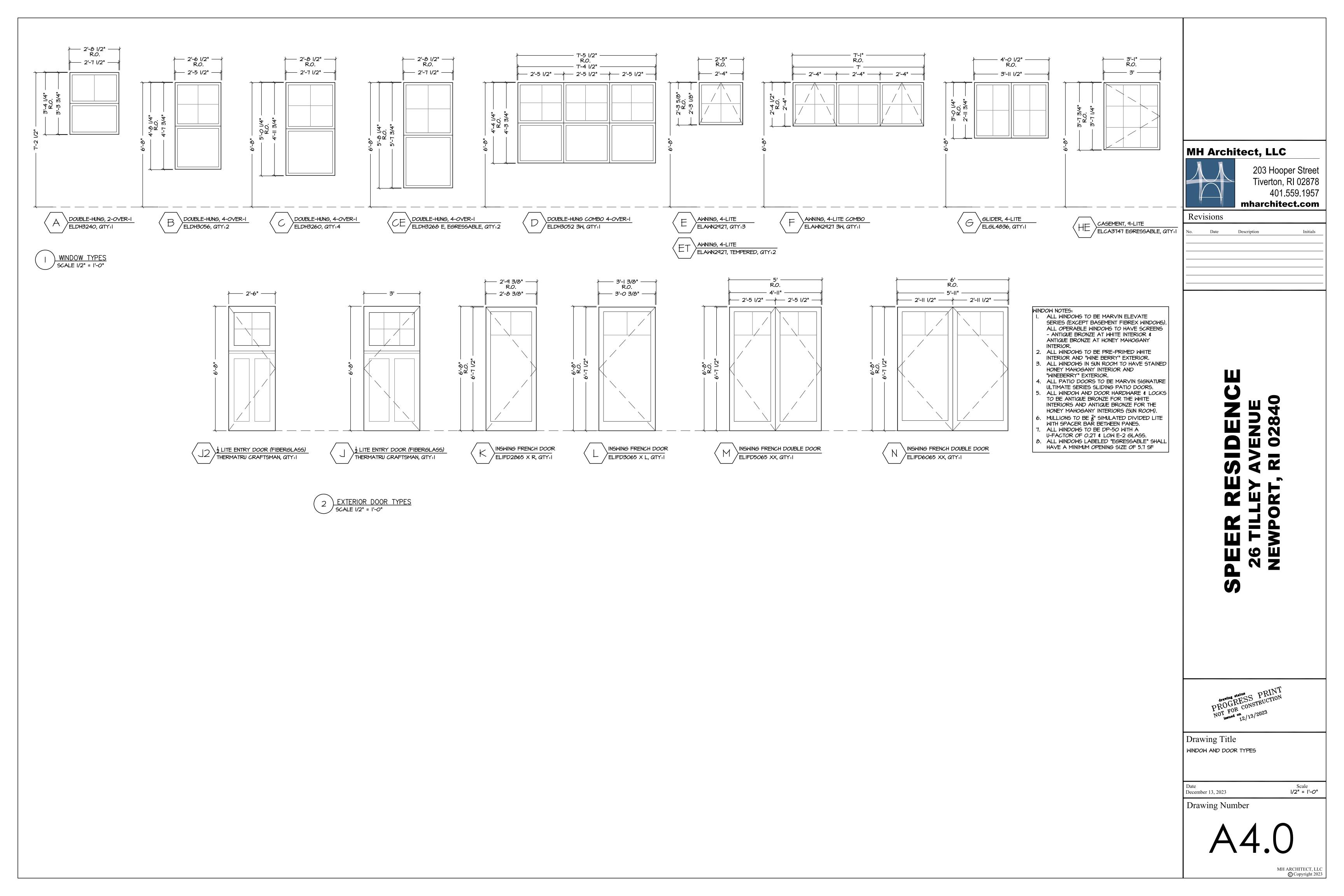


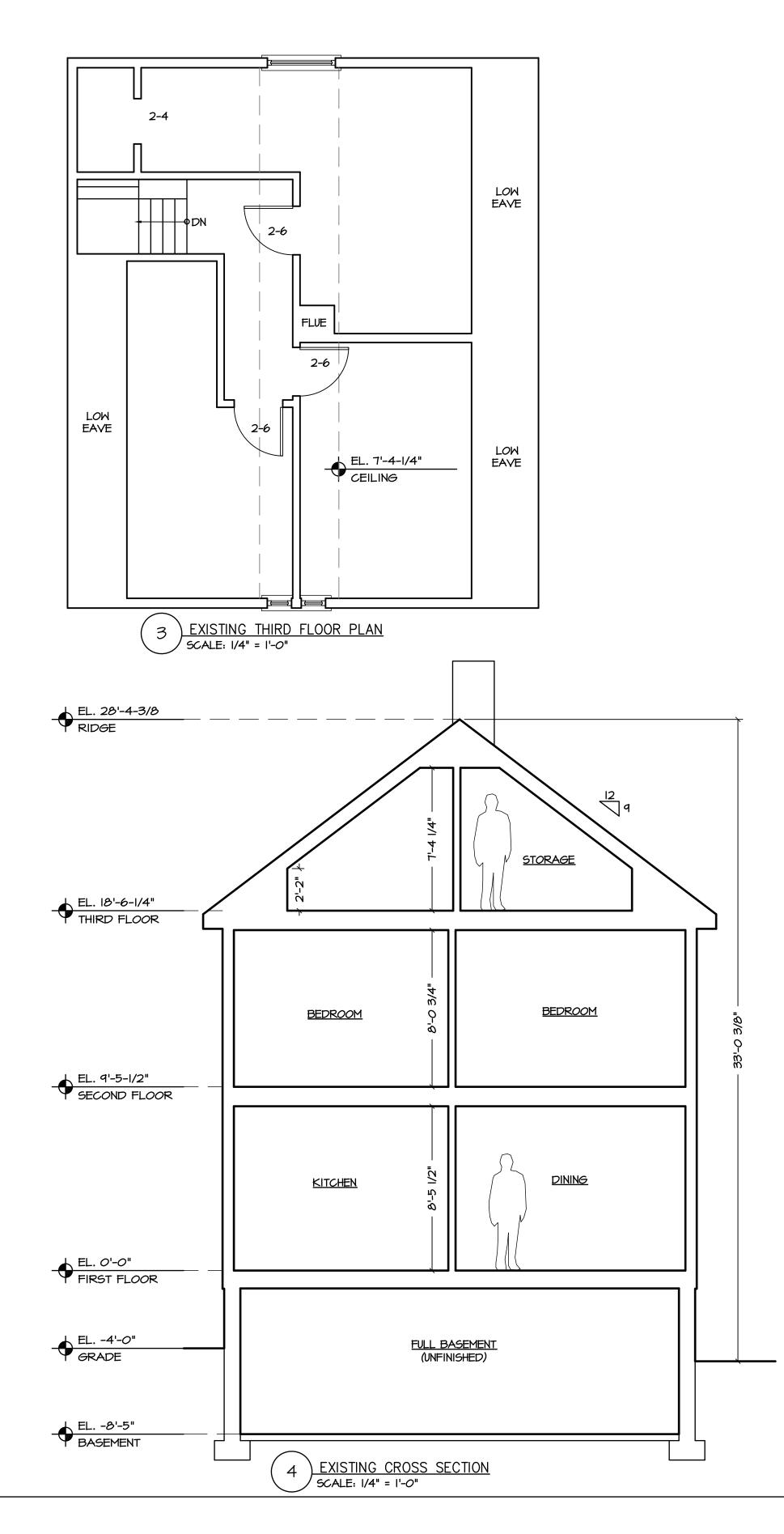
EL. 0'-0" FIRST FLOOR

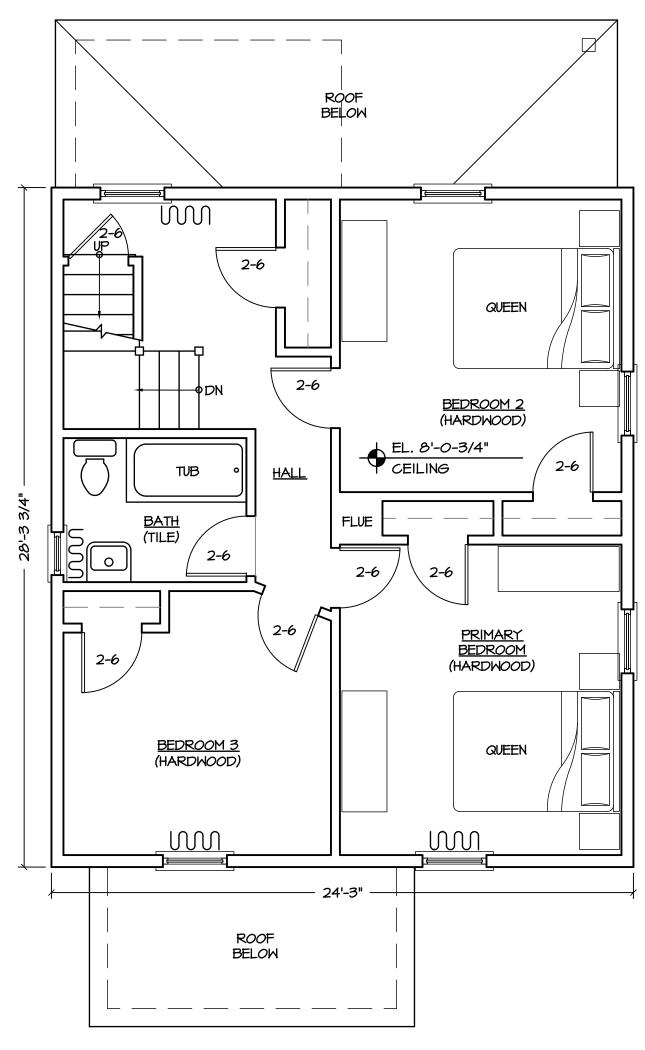
EL. -4'-0" GRADE

EL. -8'-5" BASEMENT

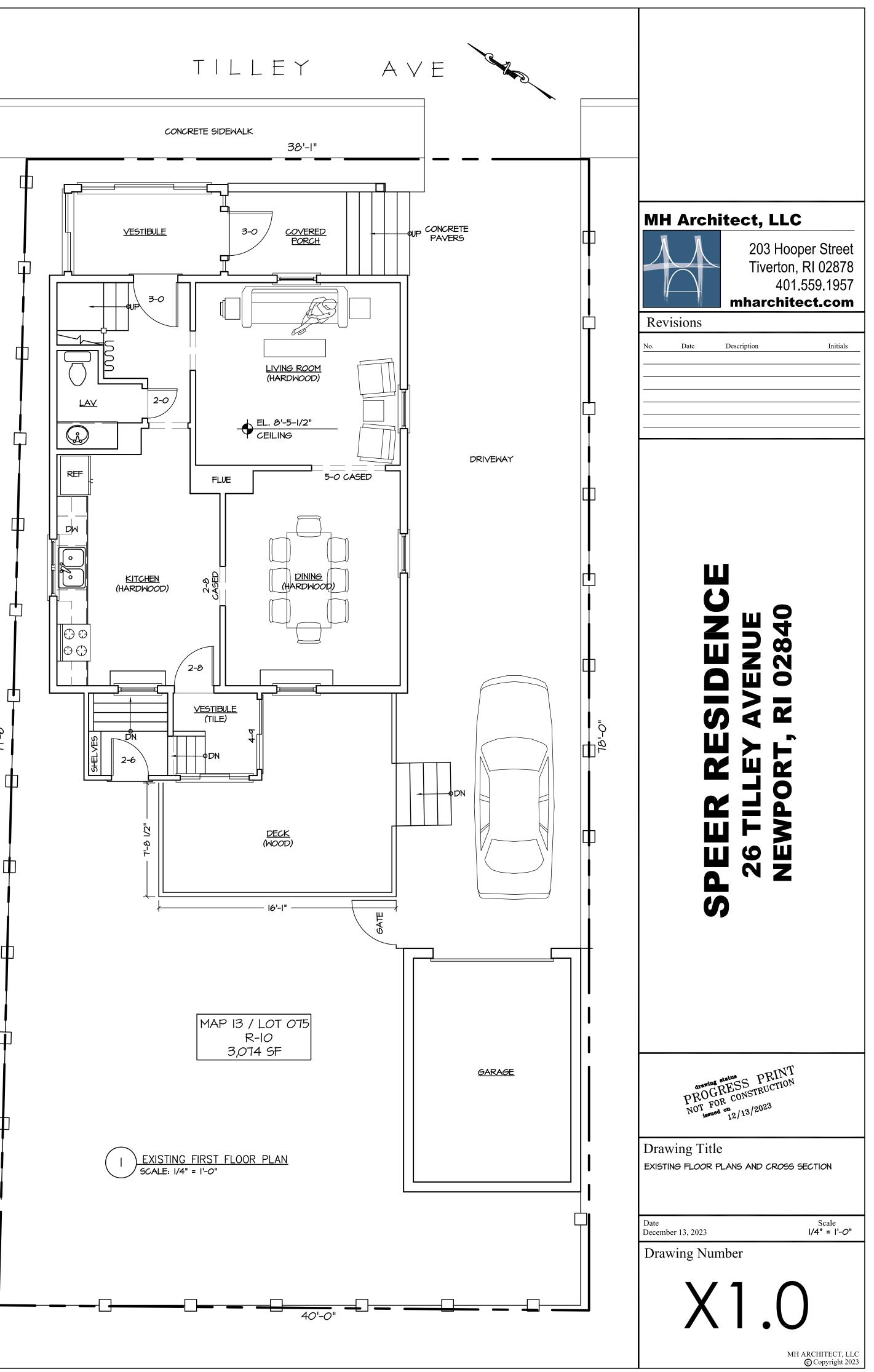


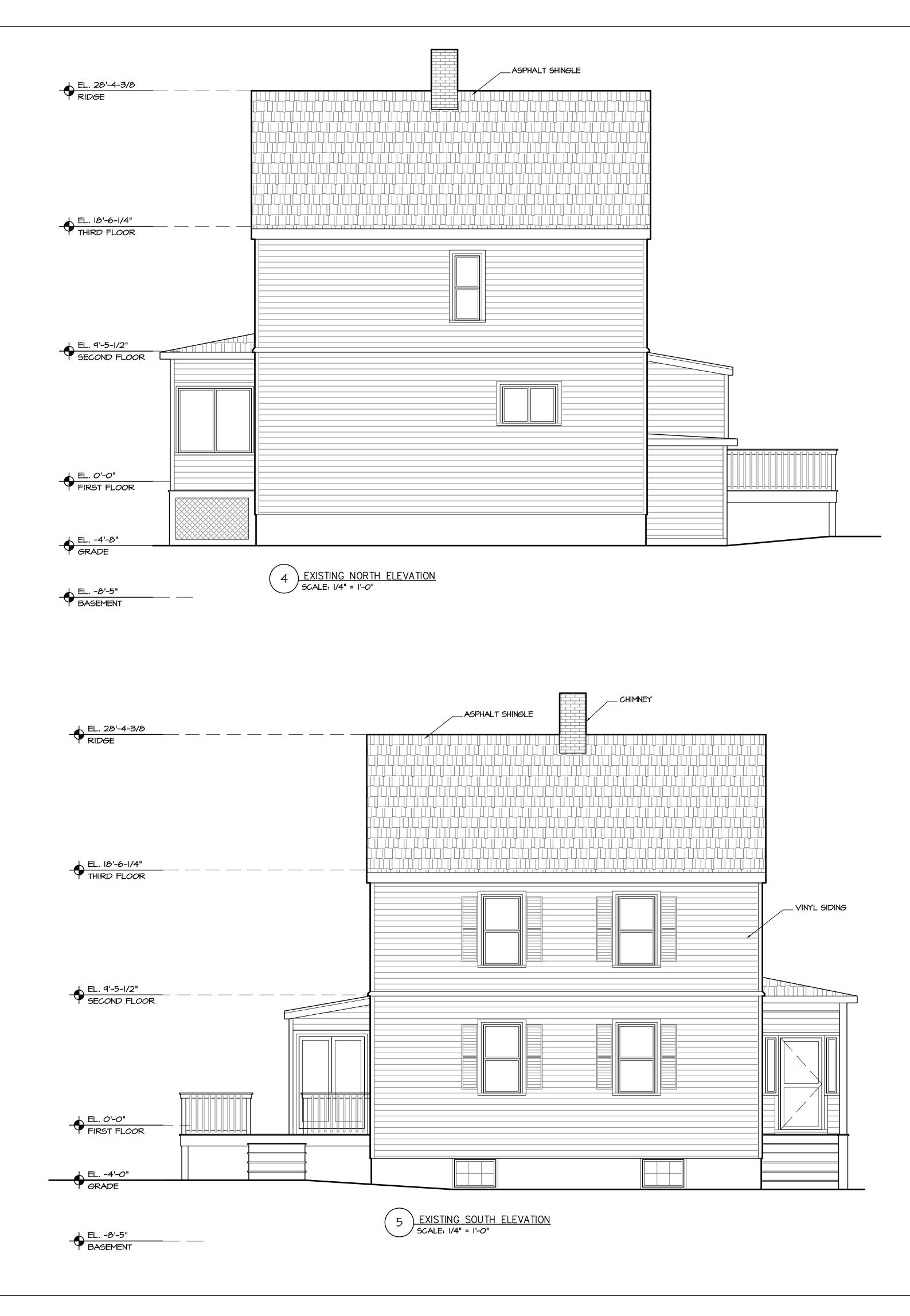


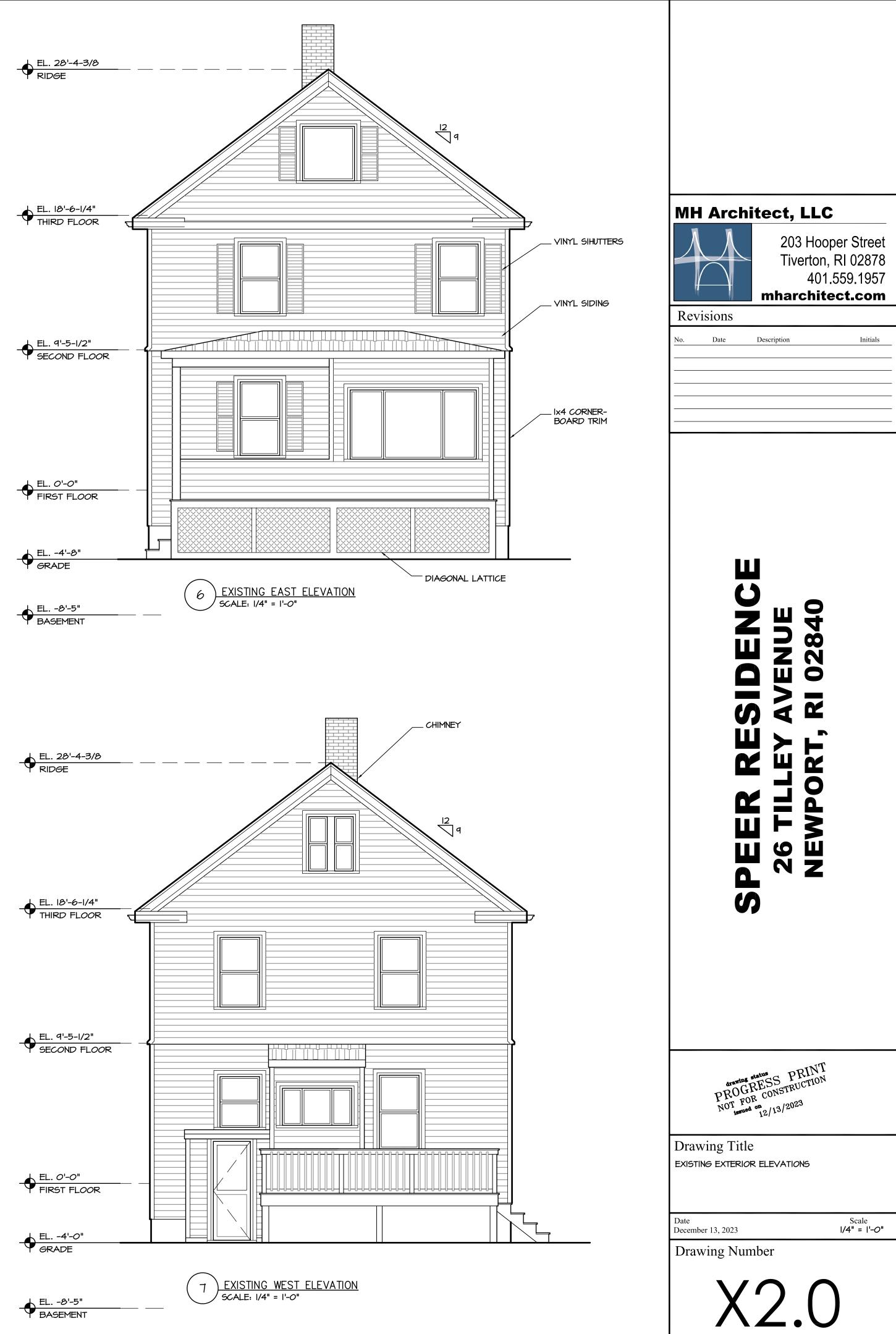


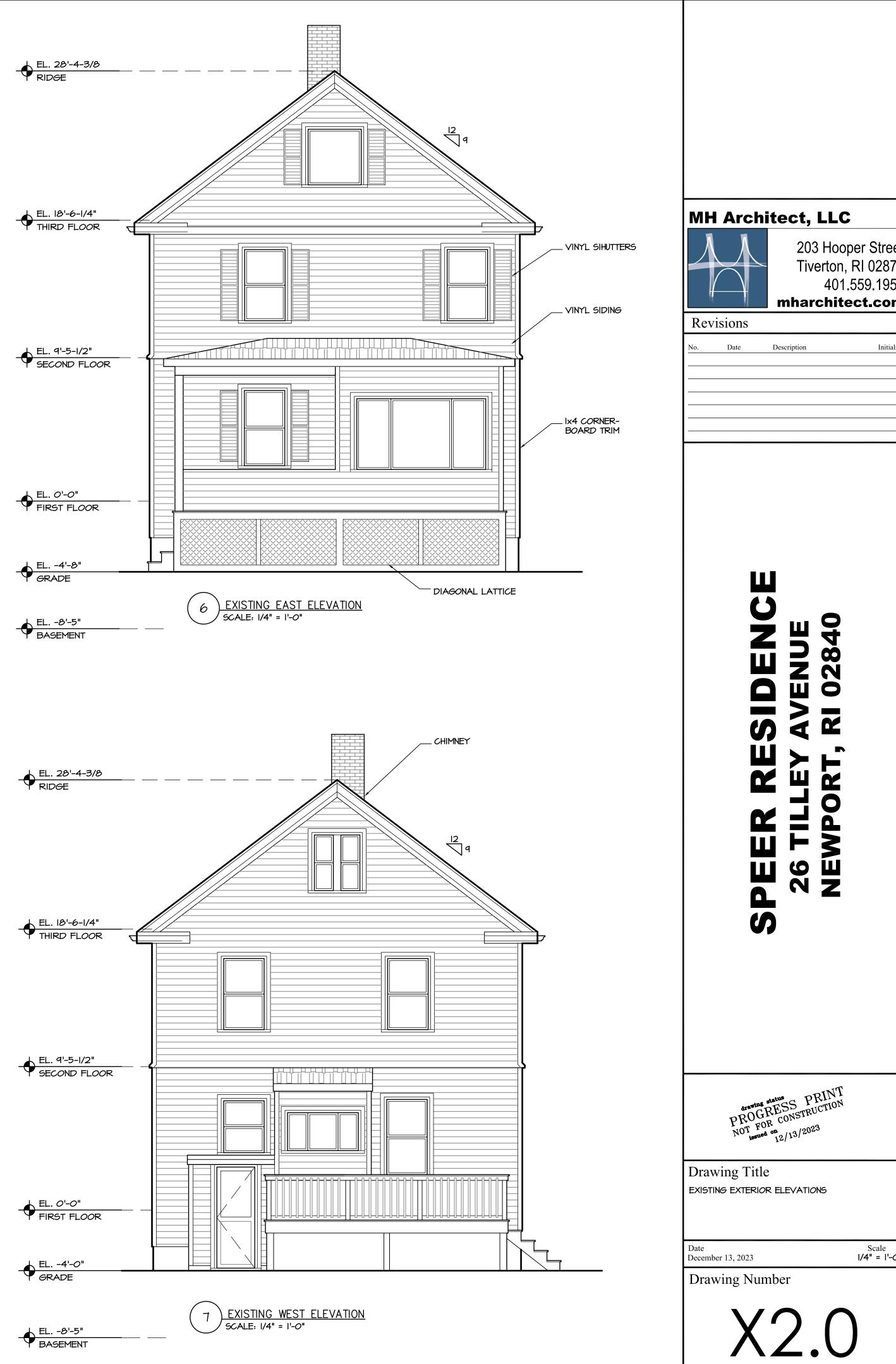


2 EXISTING SECOND FLOOR PLAN SCALE: 1/4" = 1'-0"

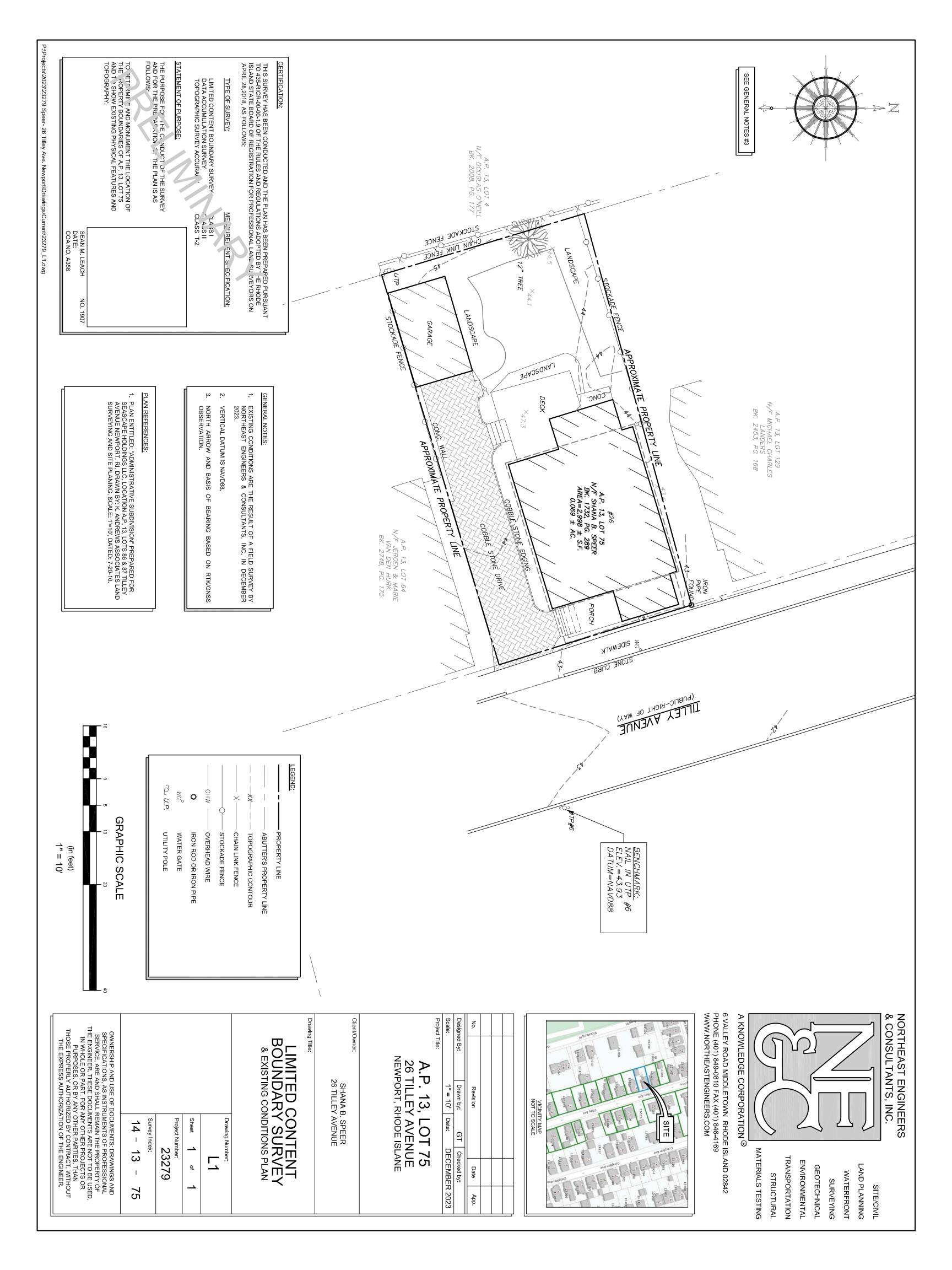








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	/Gum	marry Data ma	Newp	<b>Drt</b> ete Representatio	on of Proportizi	
	(Sum	mary Data - ma	y not be Comple	ete Representatio	on of Property)	
<b>Parcel:</b> 13-075 <b>Account:</b> 2646	Location: 26 TILI User Acct: R02779			Owner: LUC:	SPEER SHANA H 01 - Single Fam	3 Zoning: R10
Parcel Values Total: \$381,300	<b>Land:</b> \$112,700	Land Area:	3,074 SF	Building: S	\$268,600	<b>Assessed:</b> \$381,300
Sales Information Book and Page 1732-289 1441-26	Instrument Type		<b>Date</b> 03/30/2 01/12/2		<b>Price</b> \$341,000 \$275,000	<b>Grantor</b> WEAVER MICHAEL AND NELLA MORGAN VIOLET J
Building Type: Conventio Heat Fuel: Oil Exterior Wall:Vinyl Siding # of Rooms: 8	nal Year Built: 1900 Heat Type: Hot Water Bsmnt Garage: 0 # of Bedrooms: 3		<b>ditioned:</b> 0.00 r: Asph/F Gls/C 1	Condition:GD Fireplaces:0 # of Units: 1 1/2 Baths: 1	)	
Yard Item(s) Description Quar GARAGE-AVE 1	ntity Size 198	<b>Year</b> 2001	<b>Condition</b> AV	<b>Quality</b> Average	<b>Value</b> \$3,100.00	
Building Areas Area Attic, Finished Basement, Unfinished Deck, Wood First Floor Porch, Enclosed, Finished Porch, Open, Finished Upper Story, Finished Utility, Storage, Unfinis	<b>Net Area</b> 139.2 SF 696 SF 188 SF 696 SF 102 SF 54 SF 696 SF 24 SF		<b>Finish</b> 139.2 SI 0 SF 0 SF 0 SF 0 SF 0 SF 0 SF 0 SF			Disclaimer: This information is for ta assessing purposes and is not warranted
	16         WDK         (188)         14         FEP         (36)         2       10         6         FAT         FUS         BAS         UBM         (696)	8 6 (24) 4 2 FEP (66) 1 6	29			

