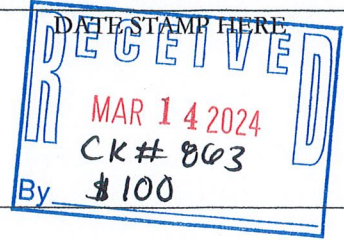




Newport Zoning Application

ZBR 2024 - MAY - 002

(This box for staff use only)



Date: 12 March, 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: 36 Morton Ave

Tax Assessor's Plat: 40 Lot: 075 Zoning District: R-10

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

Property Owner: David Vreeland/Dr. Dianne Pannes

Mailing Address: 36 Morton Ave, Newport, RI 02840

Email Address: pannvree@yahoo.com

Phone Number: (808) 728-5101

How long have you been the owner of the above premise? 9 Years

Legally Authorized Representative *if applicable: _____

Mailing Address: _____

Email Address: _____ Phone Number: _____

Lessee: _____

Mailing Address: _____

Email Address: _____ Phone Number: _____



Newport Zoning Application

Property Characteristics

Dimensions of lot-frontage: 50.01'/189.08' ft. Lot Area: 9,408 sq. ft.

Are there buildings on the premises at present? Single Family Home/Garage

Total square footage of the footprint of existing buildings: 2,203 sq. ft.

Total square footage of the footprint of proposed buildings: 187 (pool) sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	9408 sf	10000 sf	9408 sf (no change)
Coverage Area (sq. ft.)	2203 sf	2120 sf* (2000 sf)	2390 sf
Lot Coverage (%)	23.42%	21.20%* (20.00%)	25.40%
Dwelling Units	1	1	1 (no change)
Parking (# of spaces)	6	1	6 (no change)
Front Setback (ft.)	13.4' (S)	14.1'* (15')	13.4' (S) (no change)
Side Setbacks (ft.)	7.8' (E) / 4.1' (W)	9.4'* (10')	7.8' (E) / 4.1' (W) (no change)
Rear Setback (ft.)	5.3' (N)	18.9'* (20')	5.3' (N) (no change)
Height (ft.)	31' +/-	30'	31' +/- (no change)

*Adjusted for substandard lot as per RI 6061



Newport Zoning Application

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

Present use of Premise: Year Round Owner Occupied Residential Dwelling

Proposed use of Premise: Year Round Owner Occupied Residential Dwelling

Summary of Proposed Alterations

Project proposes to build a small at grade pool (16' x 10' plus 1' on all sides for structure).

Prior Special Use permit Zoning variance was approved in July 2017 for larger at grade pool (28' x 10.6'), but was not built. Coverage for a secondary staircase to the deck was also approved, but the staircase was not constructed.

Proposed coverage of 29.9% was approved in 2017, while new proposal for coverage is 25.4%.

Project will provide therapeutic use for disabled Veteran owners.



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)

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.



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

David J. Vreeland/Dianne D. Pannes

Date



Owner Signature

David J. Vreeland/Dianne D. Pannes

Date

AXON - NORTH-WEST



The Post Office Building
320 Thames Street #353
Newport, RI 02840
T : 401 . 849 . 5100
W : www.A4-arch.com

No	Description	Date

Project Number: 16021

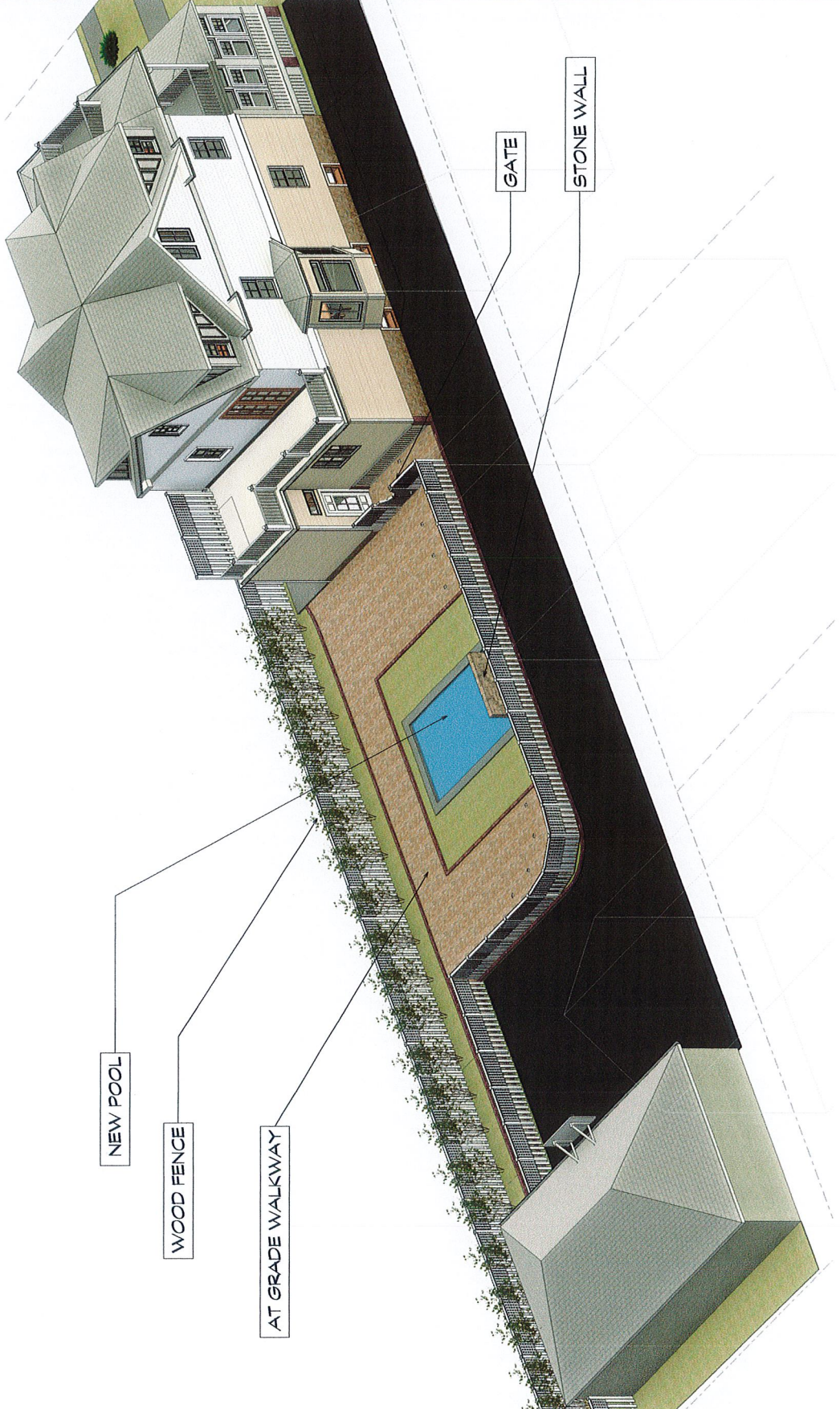
**VBRELAND /
PANNES RESIDENCE**
36 MORTON AVE
NEWPORT, RI 02840

Description:
**AXON -
NORTH-WEST**

Date Issued:
3/12/2024

Scale:
AS NOTED

A0.07



NEW POOL

WOOD FENCE

AT GRADE WALKWAY

GATE

STONE WALL

1 AXON - NORTH-WEST
A0.07

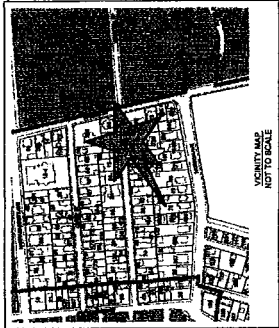
NOTE: PRINTED AT HALF SCALE @ 11x17

NORTHEAST ENGINEERS & CONSULTANTS, INC.



SITE/CIVIL
LAND PLANNING
WATERFRONT SURVEYING
GEOTECHNICAL
ENVIRONMENTAL
TRANSPORTATION
STRUCTURAL
MATERIALS TESTING

A KNOWLEDGE CORPORATION
65 JOHN CLARKE ROAD MIDDLETOWN RHODE ISLAND 02842
PHONE (401) 846-8110 FAX (401) 844-4185
WWW.NORTHEASTENGINEERS.COM



No.	Revision	Date	App.

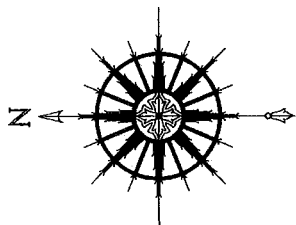
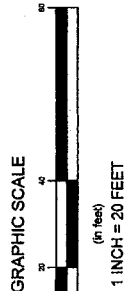
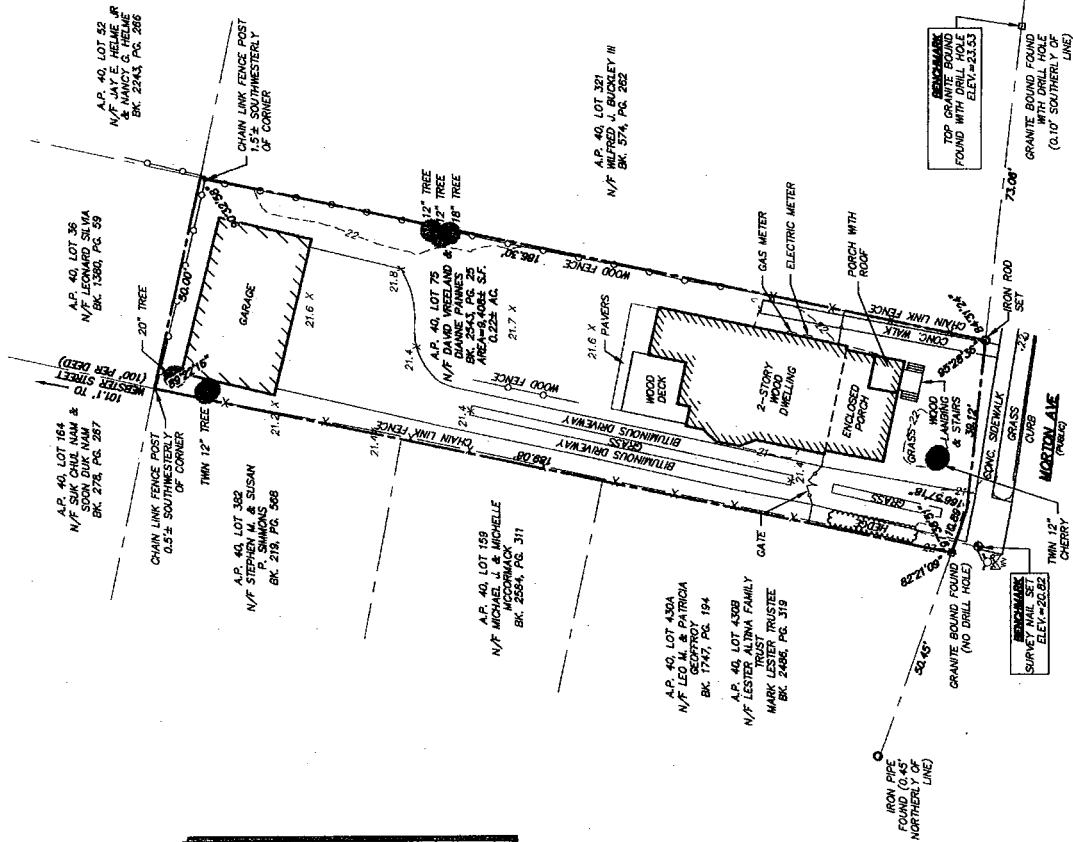
Designed By: MJB | Checked By: RFL
Scale: 1"=20' | Date: 30JAN2017
Project Title: A.P. 40, LOT 75
36 MORTON AVENUE
NEWPORT, RHODE ISLAND

Client/Owner: DAVID VRESELAND
36 MORTON AVENUE
NEWPORT, RI 02840

Drawing Title: **LIMITED CONTENT BOUNDARY SURVEY WITH EXISTING CONDITIONS AND TOPOGRAPHY**

Drawing Number: L-1
Sheet: 1 of 1
Project Number: 17009.0
Survey Index: 14 - 40 - 75

OWNERSHIP AND USE OF DOCUMENTS, DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE HEREBY GRANTED TO THE ENGINEER. THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR PART, FOR ANY OTHER PROJECTS OR PURPOSES, OR BY ANY OTHER PARTIES, THAN THOSE SPECIFICALLY IDENTIFIED HEREON WITHOUT THE EXPRESS AUTHORIZATION OF THE ENGINEER.



LEGEND:

---	PROPERTY LINE
- - -	ADJUTER PROPERTY LINE
---	TOPOGRAPHIC CONTOUR
- - -	CHAIN LINK FENCE
---	WOOD FENCE
---	HEDGE
○	HYDRANT
⊗	WATER GATE
□	BOUND
○	IRON PIPE/IRON ROD
◆	SURVEY NAIL
21.6 X	SPOT ELEVATION

GENERAL NOTES:

- EXISTING CONDITIONS ARE THE RESULT OF A FIELD SURVEY BY NORTHEAST ENGINEERS & CONSULTANTS, INC. IN JANUARY 2017.
- VERTICAL DATUM IS NAVD83.
- NORTH ARROW REFERENCES MAGNETIC NORTH (MAY, 2017).

PLAN REFERENCES:

- PLAT SHOWING PROPERTY OF LOUIS S. MERRITT'S 25TH COURSE IMPROV'D, DATED DEC. 1850, SCALE: 1"=10'; RECORDED PLAN 71-42
- "BUILDING LOTS OF CHARLES H. RUSSELL, BY WM. DAME, DATED 1874, SCALE: 1"=50'; RECORDED IN D.S. 52, PG. 514
- "LAND OF MICHAEL & BARBARA HARRINGTON," BY H.E. ST. JOHN, DATED DEC. 1978, SCALE: 1"=10'; RECORDED PLAN 10-8-81
- "PLAN OF LAND A.P. 40, LOT 430," BY NORTHEAST ENGINEERS & CONSULTANTS, INC.; DATED 10-05-2005; SCALE: 1"=10'

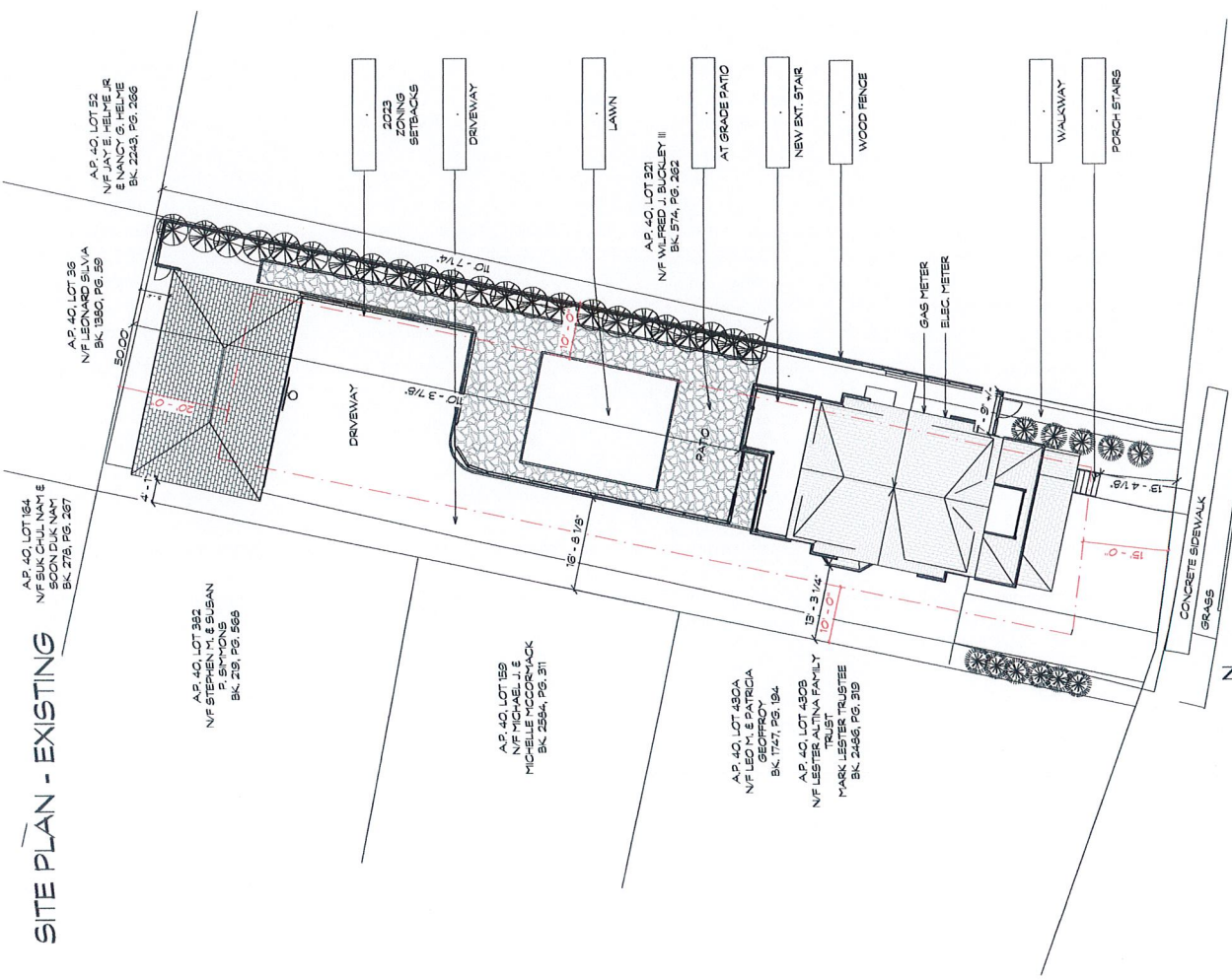
CERTIFICATION:
THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 8 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 24, 2016, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: LIMITED CONTENT BOUNDARY SURVEY
MEASUREMENT SPECIFICATION: CLASS I
DATA ACCUMULATION SURVEY CLASS III
TOPOGRAPHIC SURVEY ACCURACY CLASS T-2

STATEMENT OF PURPOSE:
TO DETERMINE AND MONUMENT THE LOCATION OF THE BOUNDARIES OF A.P. 40, LOT 75 AND TO SHOW EXISTING PHYSICAL FEATURES AND TOPOGRAPHY.

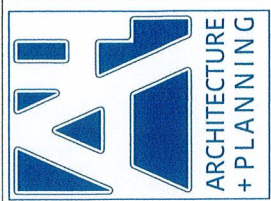
BY: *Robert F. Luzzitte* NO. 1825
ROBERT F. LUZZITTE NO. 1825
COA NO. A386 1/31/17
PROFESSIONAL LAND SURVEYOR

SITE PLAN - EXISTING



EXISTING SITE DATA:

PLAT:	40
LOT:	075
PID:	7869
ZONING:	R-10
EXISTING MAIN BLDG. FOOTPRINT:	1,352 SF
EXISTING GARAGE FOOTPRINT:	651 SF
TOTAL PROPOSED FOOTPRINT:	2,203 SF
LOT SIZE: (0.216 ACRES)	9,408 SF
ALLOWED COVERAGE:	20%
EXISTING COVERAGE:	23.42%
ALLOWED BLDG HEIGHT:	30'
EXISTING BLDG HEIGHT:	31' +/-
MINIMUM SETBACKS: (PRIMARY)	
FRONT:	15'
SIDE:	10'
REAR:	20'
EXISTING SETBACKS:	
N:	5.33'
S:	13.35'
E:	7.75'
W:	4.08'



The Post Office Building
320 Thames Street #353
Newport, RI 02840
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Revisions:	No.	Description	Date

Project Number: 16021

PANNE'S RESIDENCE / O'BRIEN
36 MORTON AVE
NEWPORT, RI 02840

Description:
SITE PLAN - EXISTING

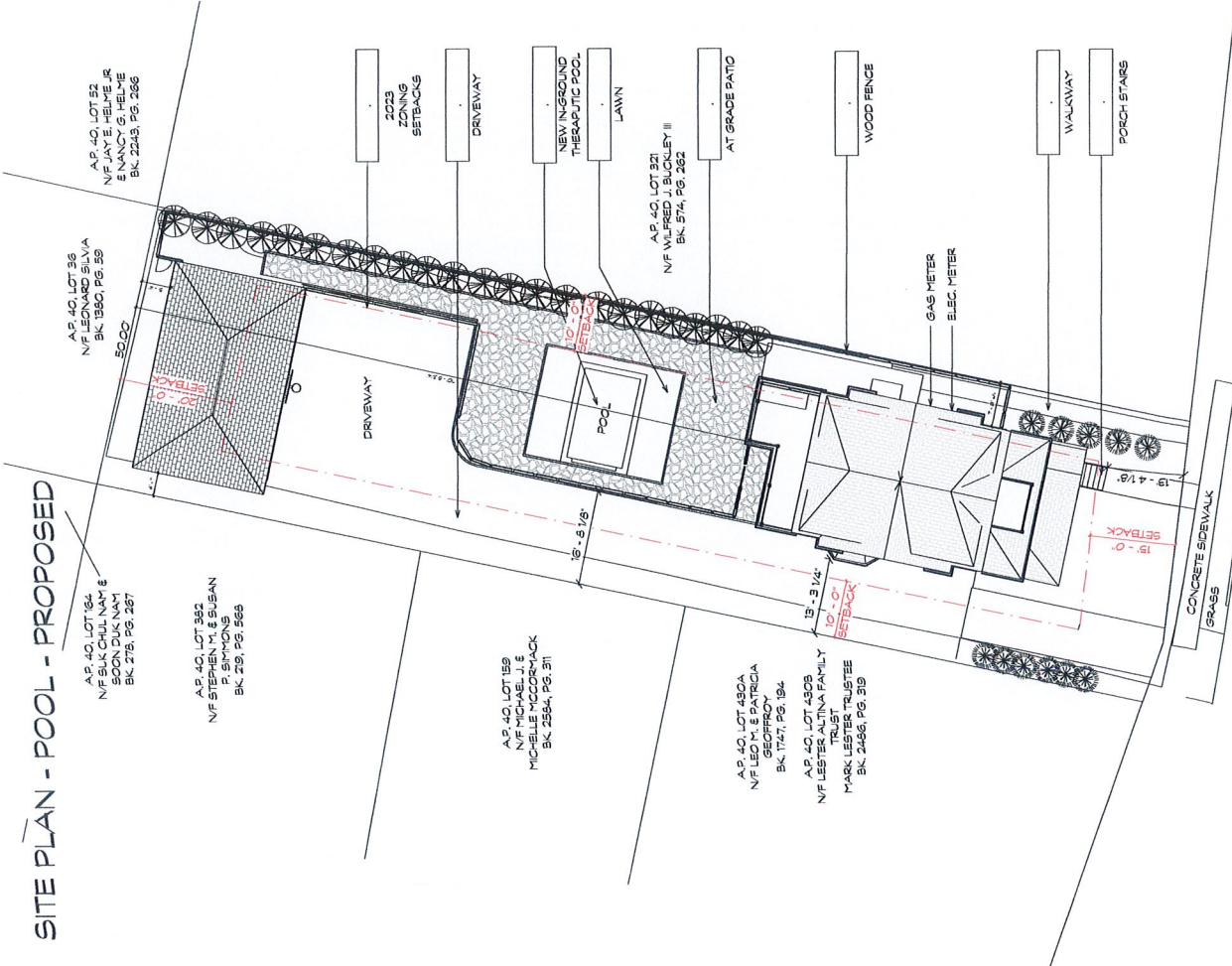
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3/12/2024
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A0.20

NOTE: PRINTED AT HALF SCALE @ 11x17

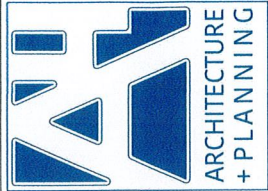
1 SITE PLAN - PROPOSED
A0.20 3/32" = 1'-0"

SITE PLAN - POOL - PROPOSED



PROPOSED SITE DATA:

PLAT:	40
LOT:	075
PID:	7869
ZONING:	R-10
EXISTING MAIN BLDG. FOOTPRINT:	1,352 SF
EXISTING GARAGE FOOTPRINT:	651 SF
PROPOSED POOL FOOTPRINT:	187 SF
TOTAL PROPOSED FOOTPRINT:	2,390 SF
LOT SIZE: (0.216 ACRES)	9,408 SF
ALLOWED COVERAGE:	20%
EXISTING COVERAGE:	23.42%
PROPOSED COVERAGE:	25.40%
ALLOWED BLDG HEIGHT:	30'
EXISTING BLDG HEIGHT:	31' +/-
MINIMUM SETBACKS: (PRIMARY)	
FRONT:	15'
SIDE:	10'
REAR:	20'
PROPOSED SETBACKS:	
N:	5.33'
S:	13.35'
E:	7.75'
W:	4.08'



The Post Office Building
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Revisions:	No.	Description	Date
	1		

Project Number: 16021

BRELAND /
PANES RESIDENCE
36 MORTON AVE
NEWPORT, RI 02840

Description:
SITE PLAN -
POOL -
PROPOSED

Date Issued:
3/12/2024
Scale:
AS NOTED

A0.21

NOTE: PRINTED AT HALF SCALE @ 11x17

1 SITE PLAN - POOL - PROPOSED
3/12/24 3/12/24 11-0

Newport

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

Parcel: 40-075 Location: 36 MORTON AVE Owner: VREELAND DAVID
 Account: 7401 User Acct: R07898 LUC: 35 - Resident Single Family Zoning: R10

Parcel Values
 Total: \$1,334,300 Land: \$548,100 Land Area: 9,442 SF Building: \$786,200 Assessed: \$1,334,300

Sales Information

Book and Page	Instrument Type	Date	Price	Grantor
2543-25		10/15/2015	\$625,000	ROTHERMEL JEFFREY S
1531-327		08/31/2004	\$575,000	SURATT ROGER D

Building Type: Colonial **Year Built:** 1920 **Grade:**B **Condition:**GD
Heat Fuel: Gas **Heat Type:** Hot Water **% Air Conditioned:** 75.00 **Fireplaces:** 1
Exterior Wall:Vinyl Siding **Bsmnt Garage:** 0 **Roof Cover:** Asph/F GlS/C **# of Units:** 1
of Rooms: 7 **# of Bedrooms:** 3 **Full Bath:** 2 **1/2 Baths:** 1

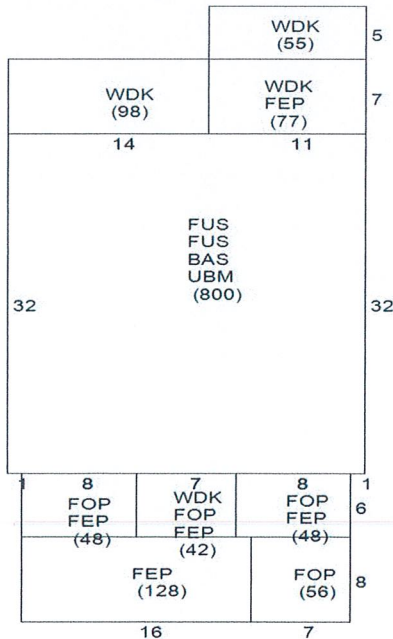
Yard Item(s)

Description	Quantity	Size	Year	Condition	Quality	Value
GARAGE-AVE	1	851	2001	AV	Average	\$25,900.00

Building Areas

Area	Net Area	Finished Area
Basement, Unfinished	800 SF	0 SF
Deck, Wood	272 SF	0 SF
First Floor	800 SF	800 SF
Porch, Enclosed, Finished	343 SF	0 SF
Porch, Open, Finished	194 SF	0 SF
Upper Story, Finished	1,600 SF	1,600 SF

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



Address
36 Morton
Zone
R-10

Parcel ID
40-075

Lot Area: 9408
Min. Lot Area 10000

Calculating % Deficient

$$\frac{9408 \text{ (L.S.)}}{10000 \text{ (M.L.S.)}} = 94.1\% \text{ (M.L.S. \%)}$$

$$100\% - 0.9408 \text{ (M.L.S. \%)} = 5.9\% \text{ (% Deficient)}$$

Setbacks

$$\text{Front: } 15 \text{ (Req. FYSB)} \times 94.08\% \text{ (M.L.S. \%)} = 14.11 \text{ (New FYSB)}$$

$$\text{Side: } 10 \text{ (Req. SYSB)} \times 94.1\% \text{ (M.L.S. \%)} = 9.41 \text{ (New SYSB)}$$

$$\text{Rear: } 20 \text{ (Req. RYSB)} \times 94.1\% \text{ (M.L.S. \%)} = 18.82 \text{ (New RYSB)}$$

Modification Numbers

Lot Coverage	Basic	20%	Proportioned	5% Mod.	15% Mod.	Prop.
Height		30	21.18%	22.243%	30	24.36%
Setbacks	F	15	14.11	13.4064	34.5	11.9952
	S	10	9.41	8.9376	8.00	
	R	20	18.82	17.88	15.99	

Lot Coverage

$$\frac{20\% \text{ (Permitted L.C.)}}{6\% \text{ (% Deficient)}} \times 20\% \text{ (Permitted L.C.)} = 21.18\% \text{ (New Lot Cov.)}$$

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



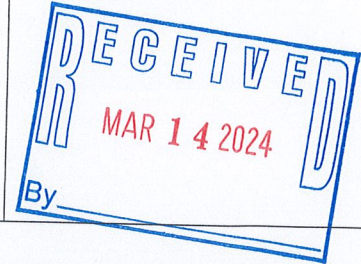
Newport Zoning Application Submittal Requirements

ZBR 2024 - MAY - 002

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. 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