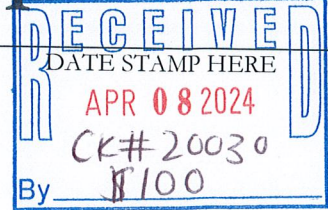




Newport Zoning Application

ZBR 2024 - MAY - 008

(This box for staff use only)



Date: April 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: 33 Red Cross Avenue

Tax Assessor's Plat: 29 Lot: 165 Zoning District: R-10

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

Property Owner: James and Anne Fleet

Mailing Address: c/o Matthew H. Leys

Email Address: mleys@cphnpt.com

Phone Number: 401-847-0872

How long have you been the owner of the above premise? 13 1/2 years

Legally Authorized Representative *if applicable: Matthew H. Leys

Mailing Address: 43B Memorial Boulevard, 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: 55 ft. Lot Area: 11,000 sq. ft.

Are there buildings on the premises at present? yes

Total square footage of the footprint of existing buildings: 2,393 sq. ft.

Total square footage of the footprint of proposed buildings: 2,843 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	11,000	10,000	no change
Coverage Area (sq. ft.)	2,393	2,200	2,843
Lot Coverage (%)	21.8%	20%	25.9%
Dwelling Units	1	2	no change
Parking (# of spaces)	2+	2	no change
Front Setback (ft.)	over 35'	15'	no change
Side Setbacks (ft.)	4.1' (n); 13.8' (s)	10'	10' (pool)(n)
Rear Setback (ft.)	5.6' (garage); main structure over 50'	20'	23.9' (pool); 7' (pool equipment)
Height (ft.)	33' +/-	30'	no change



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

Construct a 30' x 15' in ground pool and related pool equipment.



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)

Pools are a common amenity in single family homes in Newport and the pool proposed by the applicants is minimally sized (30' x 15' or 450 sq. ft.) to provide a reasonable pool for the applicants' residence. 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 pool is in the back yard of a deep lot and will have no visibility from the street. Also, the improvements will be well screened by existing fences and vegetated screening from neighbors. 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. Moreover, the hardship is not the prior result of any action of the applicants and 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 a stormwater management plan or report will be provided. 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.

James and Anne Fleet,
By their attorney,

Applicant Signature

4/8/24

Date

James and Anne Fleet,
By their attorney,

Owner Signature

4/8/24

Date



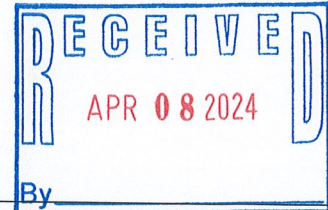
Newport Zoning Application Submittal Requirements

ZBR 2024 - MAY - 008

DATE STAMP HERE

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

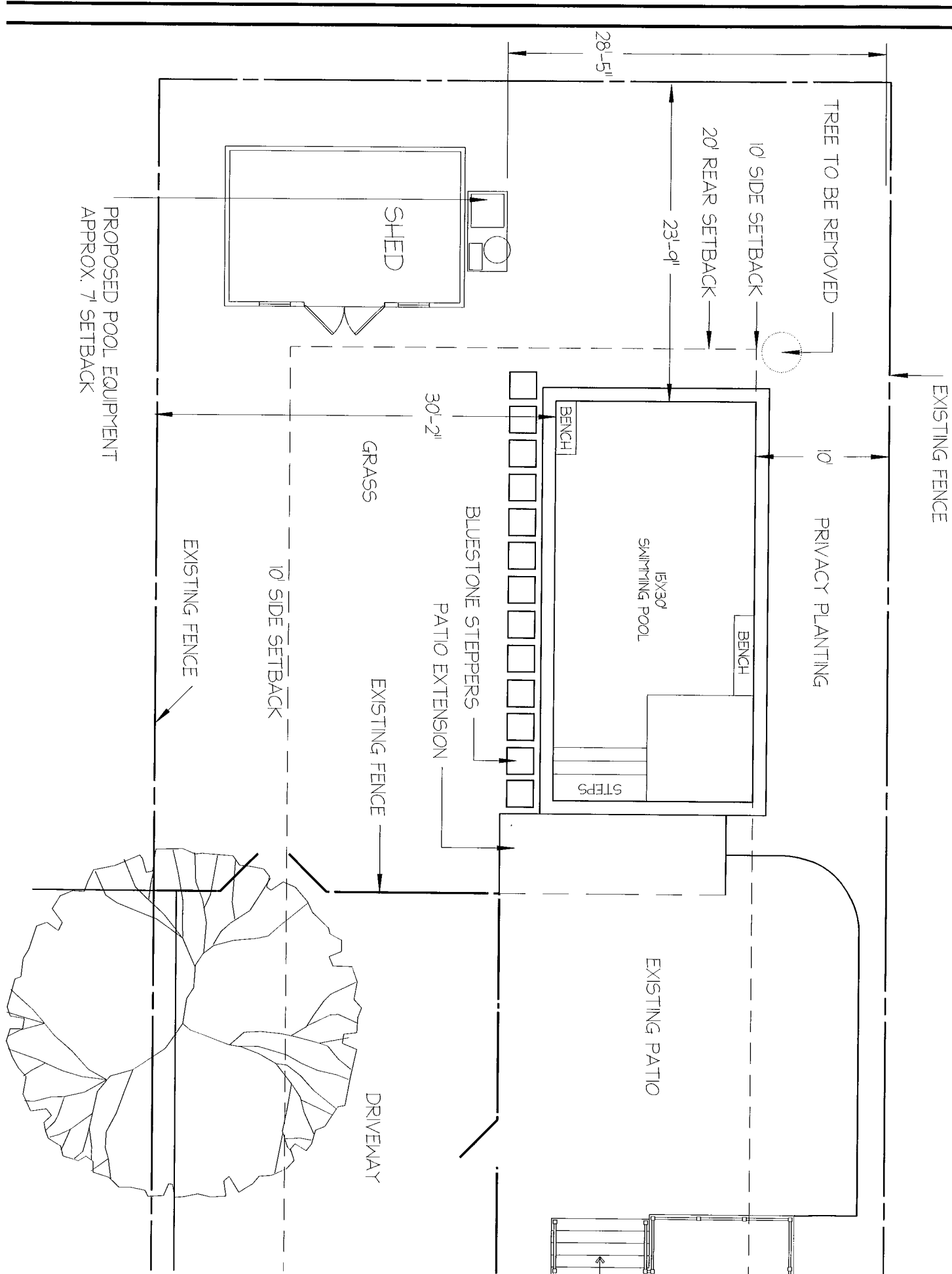
- A. Completed Zoning Project Application Packet comprised of the following individual sections:
 1. Zoning Project Application Form
 2. Completed copy of this Zoning Application Submittal Requirements Checklist (Page 2)
- B. Request to Waive any Submittal Requirements *(if applicable)*
- C. Application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



EXISTING FENCE

TREE TO BE REMOVED

10' SIDE SETBACK

20' REAR SETBACK

23'-9"

28'-5"

10' PRIVACY PLANTING

BENCH

15x30'
SWIMMING POOL

STEPS

BENCH

BLUESTONE STEPPERS

PATIO EXTENSION

GRASS

10' SIDE SETBACK

EXISTING FENCE

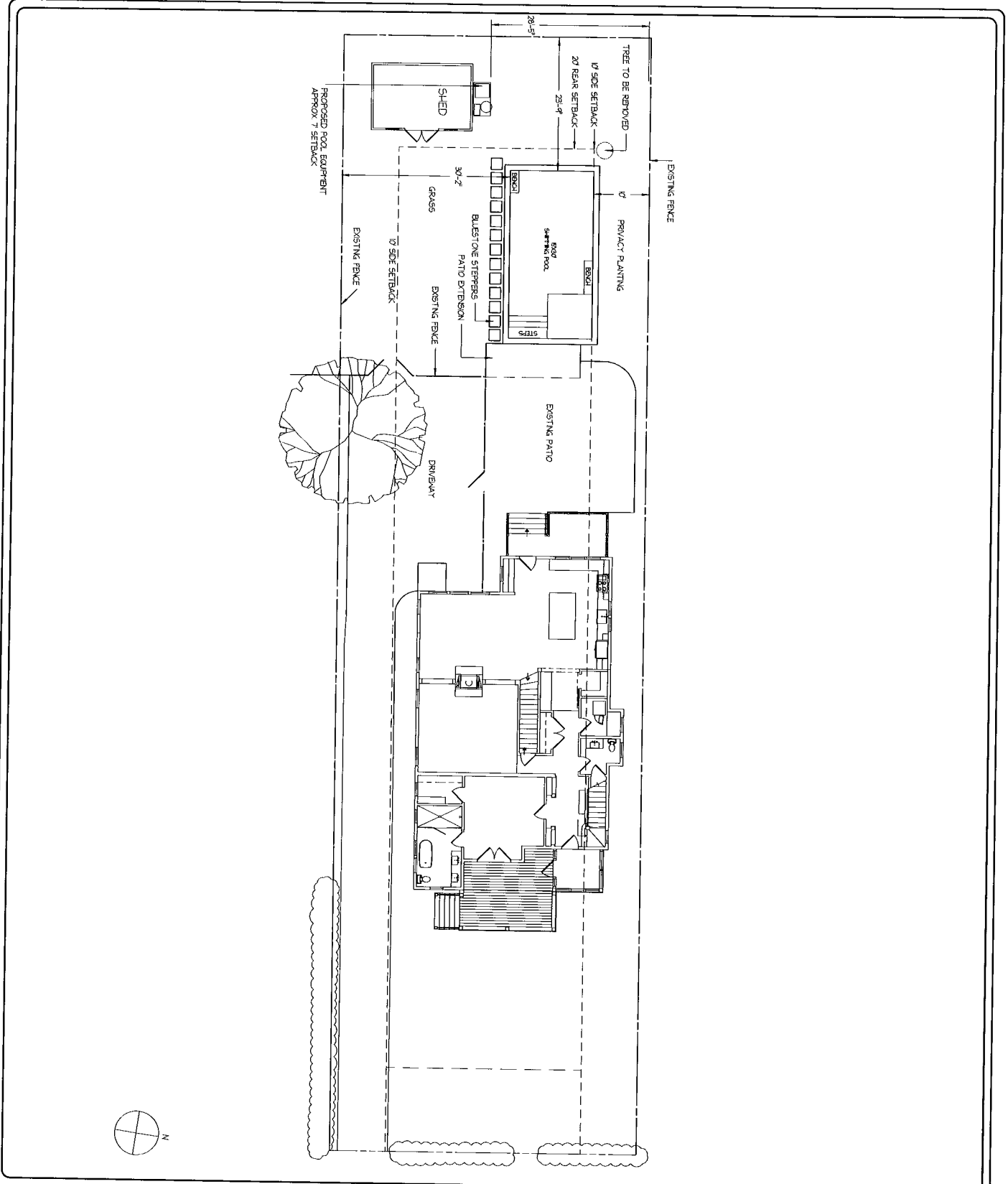
PROPOSED POOL EQUIPMENT
APPROX. 7' SETBACK

DRIVEWAY

EXISTING PATIO

SHED

DRIVEWAY



NOTES

ZONE: R10

SETBACKS:
 FRONT: 15'
 SIDES: 10'
 BACK: 20'

LOT TOTAL: 11,000 SF

LOT COVER ALLOWANCE: 20

EXISTING LOT COVERAGE:

EXIST. STRUCTURE - 1,864 SF
 ACC. STRUCTURE - 224 SF
 WOOD DECK - 164 SF
 FRONT PORCH - 144 SF
 TOTAL - 2,396 SF (21%)

PROPOSED LOT COVERAGE

POOL - 450 SF

NEW TOTAL - 2,846 SF (25%)

NO.	DESCRIPTION	AREA (SQ. FT.)	TOTAL

POOLScape LAYOUT PLAN

FLEET RESIDENCE
 33 RED CROSS AVE
 NEWPORT, RI

DATE	DESCRIPTION	BY	DATE

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



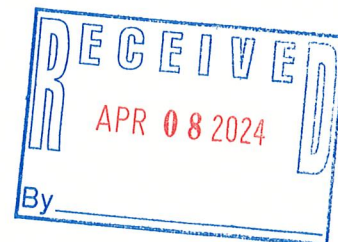
CORCORAN, PECKHAM, HAYES, LEYS & OLAYNACK, P. C.
ATTORNEYS AND COUNSELORS AT LAW

PATRICK O'N. HAYES, JR.
JOSEPH H. OLAYNACK III
MATTHEW H. LEYS

43-B MEMORIAL BOULEVARD
NEWPORT, R. I. 02840
TELEPHONE 401-847-0872
FAX 401-847-5810
www.cphnpt.com

OF COUNSEL
WILLIAM J. CORCORAN

April 8, 2024



Mr. Nicholas Armour
Newport City Hall
43 Broadway
Newport, RI 02840
Via Hand Delivery

Re: Application of James and Anne Fleet, 33 Red Cross Ave. (Plat 29, Lot 165)

Dear Nick:

Please find enclosed a completed Submittal Requirements Checklist, a Zoning Application, and supporting documents related to the above referenced property along with a check for the filing fee in the amount of \$100.

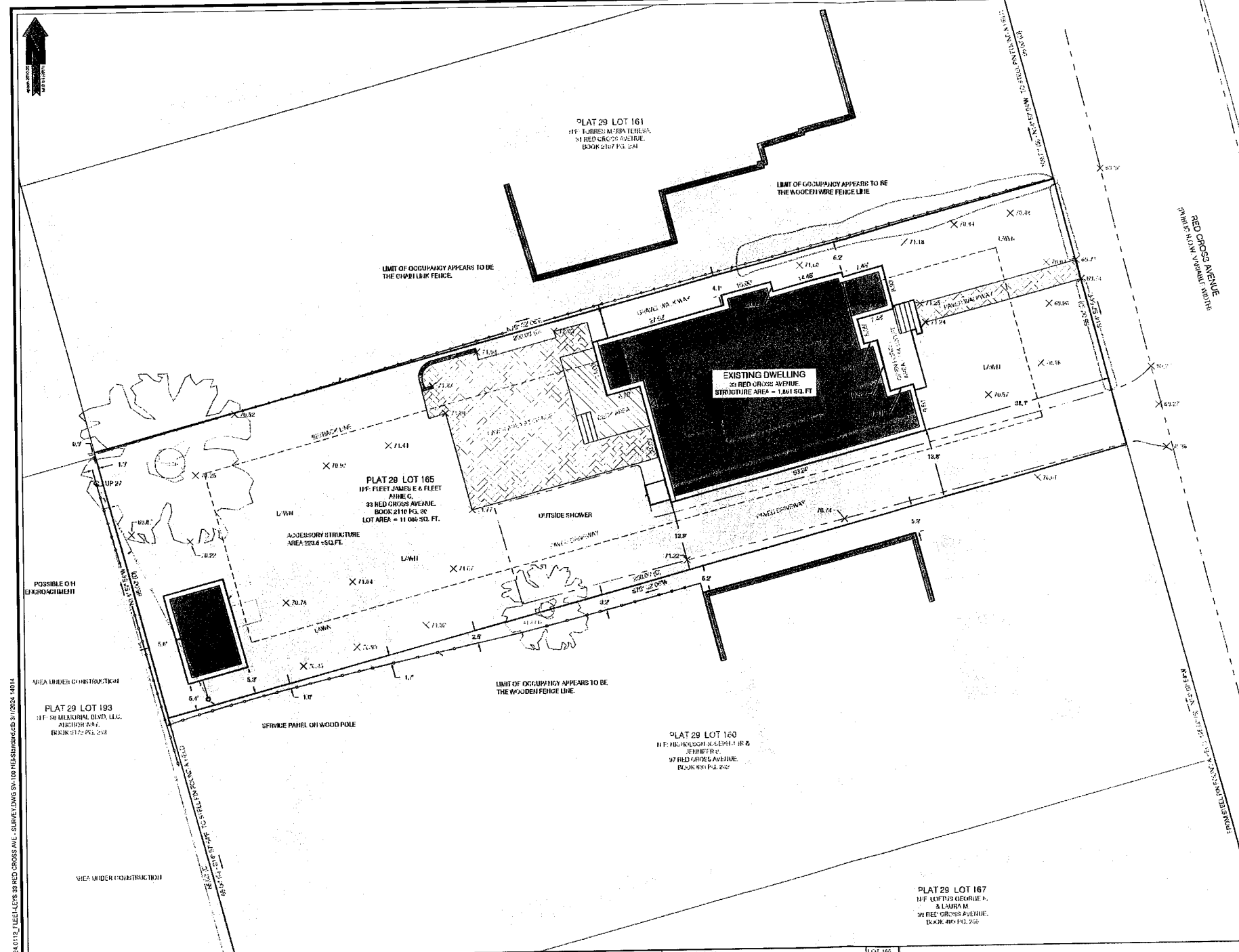
My clients would agree to provide a stormwater management plan or report as a condition of approval and therefore request that the requirement to provide a stormwater management plan with the application be waived. Also, I am enclosing a photograph of the vegetative screening in the backyard, and the proposed site plan reflects that one tree is being removed and that there would be privacy planting. I request that this be accepted as a landscape plan or that, to the extent necessary, the requirement of a landscape plan at the time of application otherwise be waived. Because this is a pool application, floor plans, building elevations and change of use are inapplicable.

Could you please place the enclosed application on the next available Zoning Board agenda, which I understand to be May 20, 2024?

Please feel free to contact me if you have any questions.

Sincerely yours,


Matthew H. Leys



SURVEY NOTES:

- ZONING INFORMATION SHOWN FROM RECORD MAPS AND/OR GIS ZONING DATA MAY VARY BASED ON USE, LOT SIZE, ORIENTATION AND OTHER FACTORS AND IS SHOWN FOR REFERENCE INFORMATION ONLY.
- ZONING DATA MUST BE CONFIRMED WITH ZONING OFFICIAL AND/OR LEGAL COUNSEL FOR USE IN DESIGN OR PERMITTING.
- COORDINATE SYSTEM IS NAD 83.
- PLAN ELEMENTS ARE IN U.S. SURVEY FEET.
- EPOGRAPHY IS MIX OF CH GROUND POINTS, RECORD DATA AND H SPRINGS 2011 LIDAR ORTHOPHOTOGRAPHY SHOWN PER RIGGS STATEWIDE DIGITAL MULTISPECTRAL ORTHORECTIFIED AERIAL PHOTOGRAPHS, DATED APRIL 2022.
- ELEVATIONS SHOWN WITH 1 PER METER DATA.
- ALL PROPOSED ITEMS MUST BE LAID OUT BY REGISTERED SURVEYOR AS NOTED.
- PLAN IS NOT AS-BUILT UTILITY PLAN.
- ADDITIONAL PROPERTY LINES SHOWN APPROXIMATELY PER TOTAL GIS OR BEST AVAILABLE INFORMATION.
- FLOOD ZONE LINE IS SHOWN PER GRAPHIC PLOTTING ONLY UNLESS OTHERWISE NOTED ON PLAN.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT OF PROBATE SEARCH AND IS SUBJECT TO THE RESTRICTIONS, COVENANTS AND OR EASEMENTS THAT MAY BE CONTAINED THEREIN.
- LOCATION OF SUBSURFACE MARKS, SURFACE FEATURES AND LATERALS ARE OMITTED CONTRACTOR TO CALL OR SAFE AND OR APPLICABLE UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION (GAS SAFE TEL # 1-800-341-7293 / 1-603-865-5461).
 - WATER - SURFACE FEATURES FIELD LOCATED.
 - SEWER - SURFACE FEATURES FIELD LOCATED. SUBSURFACE NOT SHOWN.
 - GAS - SURFACE FEATURES FIELD LOCATED & PER RIGGS. SUBSURFACE OMITTED FROM PLAN.
 - ELECTRIC - SURFACE FEATURES FIELD LOCATED & PER NATIONAL GRID OVERHEAD SIGN OFF BY: NO SURFACE FEATURES IN AREA OF SURVEY.
 - ELECTRIC - SURFACE FEATURES FIELD LOCATED & PER NATIONAL GRID OVERHEAD. ALL UTILITIES DEPICTED AT ASSESS QUALITY LEVEL D.

ZONING REQUIREMENTS
 ZONE: R10 - RESIDENTIAL SINGLE-FAMILY
 17.20.30 - DIMENSION REQUIREMENTS:
 A. THE MINIMUM LOT AREA SHALL BE TEN THOUSAND (10,000) SQUARE FEET.
 B. THE MINIMUM LOT WIDTH SHALL BE SEVENTY (70) FEET.
 (ORD. 2000-4 (PART), 2000 ORD. 65-94 (PART), 1994 PRIOR CODE § 1260.06.023)
 17.20.40 - SETBACK REQUIREMENTS:
 THE MINIMUM SETBACK REQUIREMENTS ARE:
 A. FRONT LINE, FIFTEEN (15) FEET.
 B. SIDE LINE, TEN (10) FEET.
 C. REAR LINE, TWENTY (20) FEET.
 (ORD. 2000-4 (PART), 2000 ORD. 65-94 (PART), 1994 PRIOR CODE § 1260.06.024)
 17.20.50 - LOT COVERAGE REQUIREMENTS:
 THE PORTION OF A LOT TO BE COVERED BY BUILDINGS SHALL NOT EXCEED TWENTY (20) PERCENT.
 (ORD. 2000-4 (PART), 2000 ORD. 65-94 (PART), 1994 PRIOR CODE § 1260.06.025)
 17.20.60 - BUILDING HEIGHT REQUIREMENTS:
 BUILDING HEIGHT SHALL NOT EXCEED THIRY (30) FEET EXCEPT AS OTHERWISE PROVIDED IN SECTION 17.01.050.
 (ORD. 2000-4 (PART), 2000 ORD. 65-94 (PART), 1994 PRIOR CODE § 1260.06.026)
 17.20.70 - DENSITY REQUIREMENTS:
 A. FOR LOTS OF LESS THAN TEN THOUSAND (10,000) SQUARE FEET IN AREA WHICH EXISTED PRIOR TO APRIL 13, 1977, THE MAXIMUM ALLOWABLE DENSITY IS ONE SINGLE-FAMILY DWELLING.
 B. CONVERSION TO A TWO-FAMILY DWELLING IS PERMITTED FOR BUILDINGS WHICH EXISTED PRIOR TO APRIL 13, 1977 ON LOTS OF LESS THAN TEN THOUSAND (10,000) SQUARE FEET IN AREA BUT GREATER THAN FIVE THOUSAND (5,000) SQUARE FEET IN AREA WHICH EXISTED PRIOR TO APRIL 13, 1977.
 C. A MINIMUM LOT AREA OF TEN THOUSAND (10,000) SQUARE FEET IS NECESSARY FOR A NEW TWO-FAMILY DWELLING.
 D. A MINIMUM LOT AREA OF TEN THOUSAND (10,000) SQUARE FEET IS NECESSARY FOR MULTIFAMILY DWELLINGS. MAXIMUM ALLOWABLE DENSITY IS ONE DWELLING UNIT PER TWO THOUSAND FIVE HUNDRED (2,500) SQUARE FEET OF LOT AREA.
 E. A MINIMUM LOT AREA OF FORTY THOUSAND (40,000) SQUARE FEET IS NECESSARY FOR HIGH-RISE MULTIFAMILY HOUSING FACILITIES FOR THE ELDERLY AND/OR HANDICAPPED. THE MAXIMUM ALLOWABLE DENSITY IS ONE DWELLING UNIT PER TWO THOUSAND (2,000) SQUARE FEET OF LOT AREA.
 (ORD. 2000-4 (PART), 2000 ORD. 65-94 (PART), 1994 PRIOR CODE § 1260.06.027)

NET
 Narragansett
 Engineering Inc.
 Civil - Survey Structural Environmental Design
 3102 East Main Road, Portsmouth RI 02871
 Tel. 401.683.6650 www.net-cds.com

SHEET TITLE
 SURVEY PLAN

FLEET RESIDENCE
 Limited Content Boundary Survey, Survey Property Limits (9.2.20)

SURVEY FOR USE IN CONNECTION WITH ZONING APPLICATION
 James & Anne River

Prepared: Matthew H. Lyle, Esq.
 Corcoran, Peabody, Hayes, Lyle & Lyle, P.C.
 648 Memorial Boulevard
 Newport, RI 02840
 Tel: (401) 847-3872
 E: mhls@corplaw.com

Property Record:
 25 Red Cross Ave., Newport RI 02840
 Plat 25, Lot 7E
 Zone: R10
 NE: Fleet James & Anne River

Scale: 1" = 10'

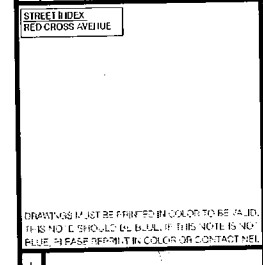
CERTIFICATION
 THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO REGULATION 17.01.050 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF SURVEYORS AND MAPPING ENGINEERS (EFFECTIVE DATE) AS APPLICABLE TO THIS SURVEY. THE PURPOSE OF THIS SURVEY AND FOR THE PURPOSES OF THIS SURVEY IS TO DETERMINE THE PROPERTY LINES AND FEATURES FOR THE PROPOSED CONSTRUCTION OF A FLEET RESIDENCE ON LOT 165 OF PLAT 25 OF THIS SURVEY.

REGISTERED PROFESSIONAL LAND SURVEYOR

REAL ID NUMBER REG. 2515
 COA: A38

PROJECT #	DATE	DRAWN	CHECK
24.0112	2-28-24	AJP	NKH

No.	DATE	REVISIONS/DESCRIPTION	BY

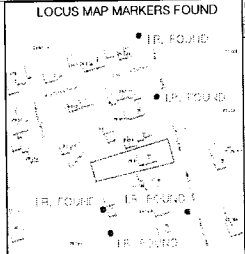


DRAWINGS MUST BE PRINTED IN COLOR TO BE VALID. THIS IS NOT A SHADOW COPY. IF THIS NOTE IS NOT BLUE PLEASE REPORT IT IN COLOR OR CONTACT NET.

SCALE
 1" = 10'

SV-100

Limited Content Boundary Survey, Survey Property Limits (9.2.20)
 Scale 1" = 10'



LOT COVERAGE TABLE

NO.	DESCRIPTION	AREA SQ. FT.	LOTS SQ. FT.
1	TOTAL LOT AREA	11,000	
2	EXISTING STRUCTURE	1,881	
3	ACCESSORY STRUCTURE	224	
4	DRIVEWAY	64	
5	FRONT PORCH AND STAIRS	54	
	TOTAL AREA	2,224	
	PERCENT COVER	20.1%	
	MAX. VERTICAL LOT COVERAGE ZONE R-10 = 20%		

DEED RESEARCH & PLAN REFERENCE

NO.	PLAT	LOT	BOOK	PAGE	DESCRIPTION	DATE
1	29	160	215	26	FLEET JAMES & ANNE RIVER, 33 RED CROSS AVENUE, NEWPORT, RI 02840	11/17/2019
2	29	161	215	27	FLEET JAMES & ANNE RIVER, 33 RED CROSS AVENUE, NEWPORT, RI 02840	11/17/2019
3	29	162	215	28	FLEET JAMES & ANNE RIVER, 33 RED CROSS AVENUE, NEWPORT, RI 02840	11/17/2019
4	29	163	215	29	FLEET JAMES & ANNE RIVER, 33 RED CROSS AVENUE, NEWPORT, RI 02840	11/17/2019
5	29	164	215	30	FLEET JAMES & ANNE RIVER, 33 RED CROSS AVENUE, NEWPORT, RI 02840	11/17/2019
6	29	165	215	31	FLEET JAMES & ANNE RIVER, 33 RED CROSS AVENUE, NEWPORT, RI 02840	11/17/2019
7	29	166	215	32	FLEET JAMES & ANNE RIVER, 33 RED CROSS AVENUE, NEWPORT, RI 02840	11/17/2019
8	29	167	215	33	FLEET JAMES & ANNE RIVER, 33 RED CROSS AVENUE, NEWPORT, RI 02840	11/17/2019