

ZBR 2024 - MAY - 616

(This box for staff use only)



Date: 4/9/2024

#### **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: 2 Wheatland Ct
Tax Assessor's Plat: 37 Lot: 036-4 Zoning District: R10-A
Special Use Permit (Non-Conforming Alteration) Regulatory (Dimensional) Variance
Special Use Permit (New Use) Use Variance Modification
Property Owner: Andrew McHugh & Avani McHugh
Mailing Address: vanimchugh@gmail.com
Email Address: vanimchugh@gmail.com
Phone Number: 401-408-7263
How long have you been the owner of the above premise? 3/14/2018
Legally Authorized Representative *if applicable: N/A
Mailing Address: N/A
Email Address: N/A Phone Number: N/A
Lessee: N/A
Mailing Address: N/A
Email Address: N/A  Phone Number: N/A



## **Property Characteristics**

Dimensions of lot-frontage: 50.89 ft. Lot Area: 2433	_sq. ft.
Are there buildings on the premises at present? Yes- demo approved 11/2018	_
Total square footage of the footprint of existing buildings: 973.2	_sq. ft.
Total square footage of the footprint of <u>proposed</u> buildings: 935	_sq. ft.

## **Zoning Characteristics Matrix**

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	2433 sq ft	10000 sq ft	2433 sq ft
Coverage Area (sq. ft)	973.2 sq ft	854.7 sq ft	1400 sq ft
Lot Coverage (%)	40%	35.13%	57.54%
Dwelling Units	1	1	1
Parking (# of spaces)	1	2	2
Front Setback (ft.)	north/street = 12.75'	north/street = 3.65'/2.33'	north/street = 4'
Side Setbacks (ft.)	west = 4.33'/ east = 8'	west/east = 2.43'	west = 3'/ east = 13.5'
Rear Setback (ft.)	south = 4.5'	south = 4.87'	south = 4.87
Height (ft.)	20'	30'+5' freeboard +2' flood=37'	38.5'



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: single family dwelling				
Summary of Proposed Alterations				

Demolish existing structure to replace with newly constructed FEMA flood compliant single family home located in non-historic R-10A district. Extensive black mold and water damage noted, homeowner's experienced health effects from black mold and consulted with homeowner's insurance and obtained mold testing report. Mold abatement and renovations approximately >50% value of home, and decision made to proceed with new construction for single family, year round use resident home.

Prior applications in: 2019 denied application, 2021 approved application which is currently being appealed by abutters since there was a City of Newport administrative error for filing recorded/approved decision with land evidence. As the current 2021 approved decision is pending with the Land Use Superior Court, construction is on hold. This new application is submitted with consideration of the new statewide zoning changes for substandard lots noted in the RI Zoning Enabling Act effective January 1, 2024.

In comparison the 2021 approved zoning application was a greater deviation from the zoning code than this current 2024 application. Despite a greater lot coverage request in this application, there is a lesser modification from the current zoning code. For reference the 2021 approved modification was 100% and this most recent 2024 application is a modification of 63% from the proportioned lot coverage.



### **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)

- 1. 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 §45-24-30(a)(16); Our property is a substandard lot that is 75.7% deficient
- 2. That the hardship is not the result of any prior action of the applicant; The substandard lot deficiency was not the result of any of our prior actions.
- 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; Our home would be a single family, year round use. The height of the structure is increased due to property location in the AE flood zone. A height variance of an additional 1.5' is requested. There is no street parking allowed on our street Wheatland Court granted per abutters' requests dated 2014 and 2016. There are minor changes to the house size and the addition of architectural features, and verandas for personal use. This application increases the number of off street parking spaces to be provided and justifies reasonable use of the land and structure by right.
- 4. In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dmensional 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; Our hardship is a 75.7% deficient lot size which is more than a mere inconvenience and the relief sought is minimal and reasonable with a small structure, exterior verandas for personal use (prior applications removed decks, overhangs, and roof decks per abutter's objections).



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

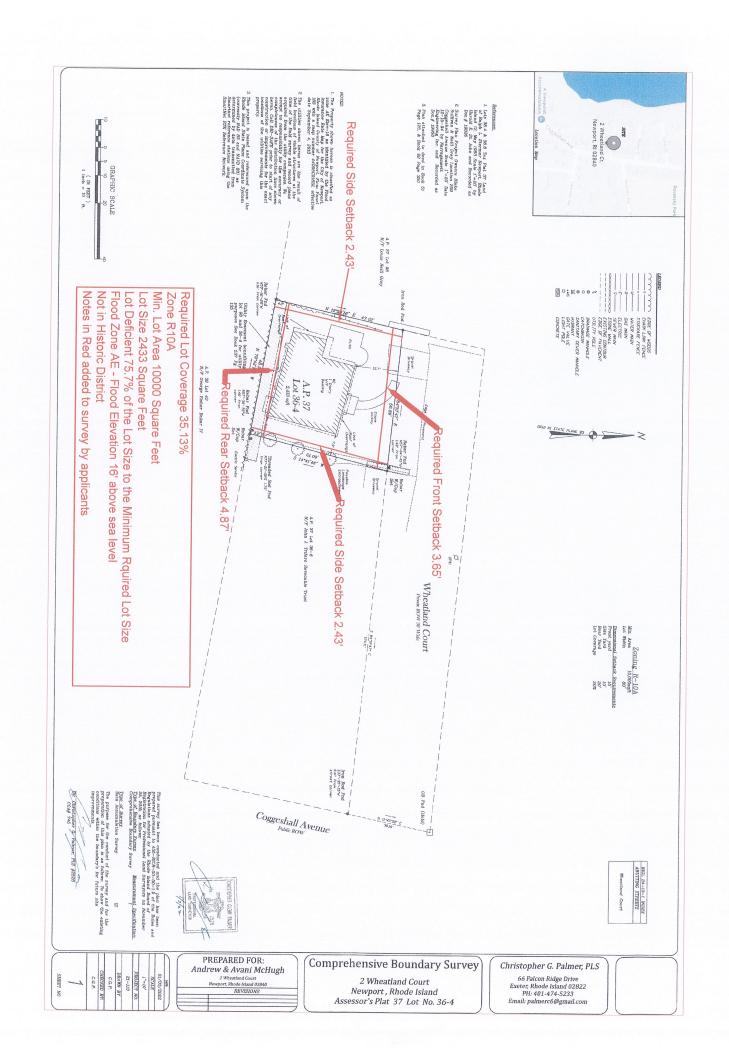
4924

Owner Signature

4924

Date

Date



#### U.S. DEPARTMENT OF HOMELAND SECURITY Federal Emergency Management Agency National Flood Insurance Program

OMB No. 1660-0008 Expiration Date: November 30, 2022

## **ELEVATION CERTIFICATE**

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION	FOR INSU	JRANCE COMPANY USE		
A1. Building Owner's Name Andrew & Avani McHugh	Policy Nu			
<ul><li>A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.C Box No.</li><li>2 Wheatland Court</li></ul>	). Route and Company	NAIC Number:		
City State Newport Rhode Island				
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal D Assessor's Plat 37 Lot 36-4	escription, etc.)			
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.)	Residential			
A5. Latitude/Longitude: Lat. 41-27-31.84 Long. 71.1834.12	Horizontal Datum: NAD	1927 X NAD 1983		
A6. Attach at least 2 photographs of the building if the Certificate is being used	The control of the co			
A7. Building Diagram Number6_				
A8. For a building with a crawlspace or enclosure(s):				
a) Square footage of crawlspace or enclosure(s)935.	00 sq ft			
b) Number of permanent flood openings in the crawlspace or enclosure(s) w	vithin 1.0 foot above adjacent gi	rade 5		
c) Total net area of flood openings in A8.b sq in				
d) Engineered flood openings? X Yes No				
A9. For a building with an attached garage:				
a) Square footage of attached garagesq ft				
b) Number of permanent flood openings in the attached garage within 1.0 fo	ot above adiacent grade			
c) Total net area of flood openings in A9.b sq in				
d) Engineered flood openings?				
SECTION B – FLOOD INSURANCE RATE MAP	(FIRM) INFORMATION			
B1. NFIP Community Name & Community Number City of Newport 445403  B2. County Name Newport	)	B3. State Rhode Island		
Number Date Effective/ Zone	Flood B9. Base Flood E (Zone AO, us	 Elevation(s) se Base Flood Depth)		
44005C0183 J 09-04-2013 Revised Date 09-04-2013 AE	Elev=16			
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9:  ☐ FIS Profile ☐ FIRM ☐ Community Determined ☐ Other/Source:				
B11. Indicate elevation datum used for BFE in Item B9: NGVD 1929 NAVD 1988 Other/Source:				
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)?   Yes   No				
Designation Date: CBRS				

#### **ELEVATION CERTIFICATE**

OMB No. 1660-0008 Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.		FOR INSURANCE COMPANY USE		
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 2 Wheatland Court			Policy Number:	
City Newport	State ZIP Rhode Island 028	Code 40	Company NA	AIC Number
SECTION C – BUILDIN	IG ELEVATION INFORMA	TION (SURVEY RI	EQUIRED)	
	struction Drawings*	ding Under Construng is complete. FE), AR, AR/A, AR/ in Item A7. In Puert NAVD 1988 w. BFE.	Check the 15.0 × fe 25.0 × fe 14.3 × fe	a measurement used.  a meters  a met
h) Lowest adjacent grade at lowest elevation				eet ☐ meters
structural support	VOD ENGINEED OD AD	PUITECT CEPTIEI		
SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION  This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.  Were latitude and longitude in Section A provided by a licensed land surveyor?  Yes No Check here if attachments.				
Certifier's Name Christopher G. Palmer	License Number 2526			
Title Professional Land Surveyor  Company Name Christopher Glenn Palmer PLS  Address 66 Falcon Ridge Drive  City Exeter	State Rhode Island	ZIP Code 02822		Place Seal Here
Signature	Date 12-29-2021	Telephone (401) 474-5233	Ext.	
Copy all pages of this Elevation Certificate and all att			agent/company	v, and (3) building owner.
Comments (including type of equipment and location, per C2(e), if applicable) Floor elevations were taken from drawing provided by the owner.				

#### **ELEVATION CERTIFICATE**

OMB No. 1660-0008 Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.	FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box N 2 Wheatland Court	o. Policy Number:
CityStateZIP CodeNewportRhode Island02840	Company NAIC Number
SECTION E – BUILDING ELEVATION INFORMATION (SURVEY FOR ZONE AO AND ZONE A (WITHOUT BFE)	NOT REQUIRED)
For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to sup complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the merenter meters.  E1. Provide elevation information for the following and check the appropriate boxes to show with the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).  a) Top of bottom floor (including basement, crawlspace, or enclosure) is feet feet feet	port a LOMA or LOMR-F request, asurement used. In Puerto Rico only, hether the elevation is above or below meters above or below the HAG. meters above or below the LAG. and/or 9 (see pages 1–2 of Instructions), meters above or below the HAG.
	must certify this information in Section G.
The property owner or owner's authorized representative who completes Sections A, B, and E frommunity-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are	for Zone A (without a FFMA-issued or
Property Owner or Owner's Authorized Representative's Name	e correct to the best of my knowledge.
Address City	State ZIP Code
Signature Date	Telephone
Comments	
	Check here if attachments.

### **ELEVATION CERTIFICATE**

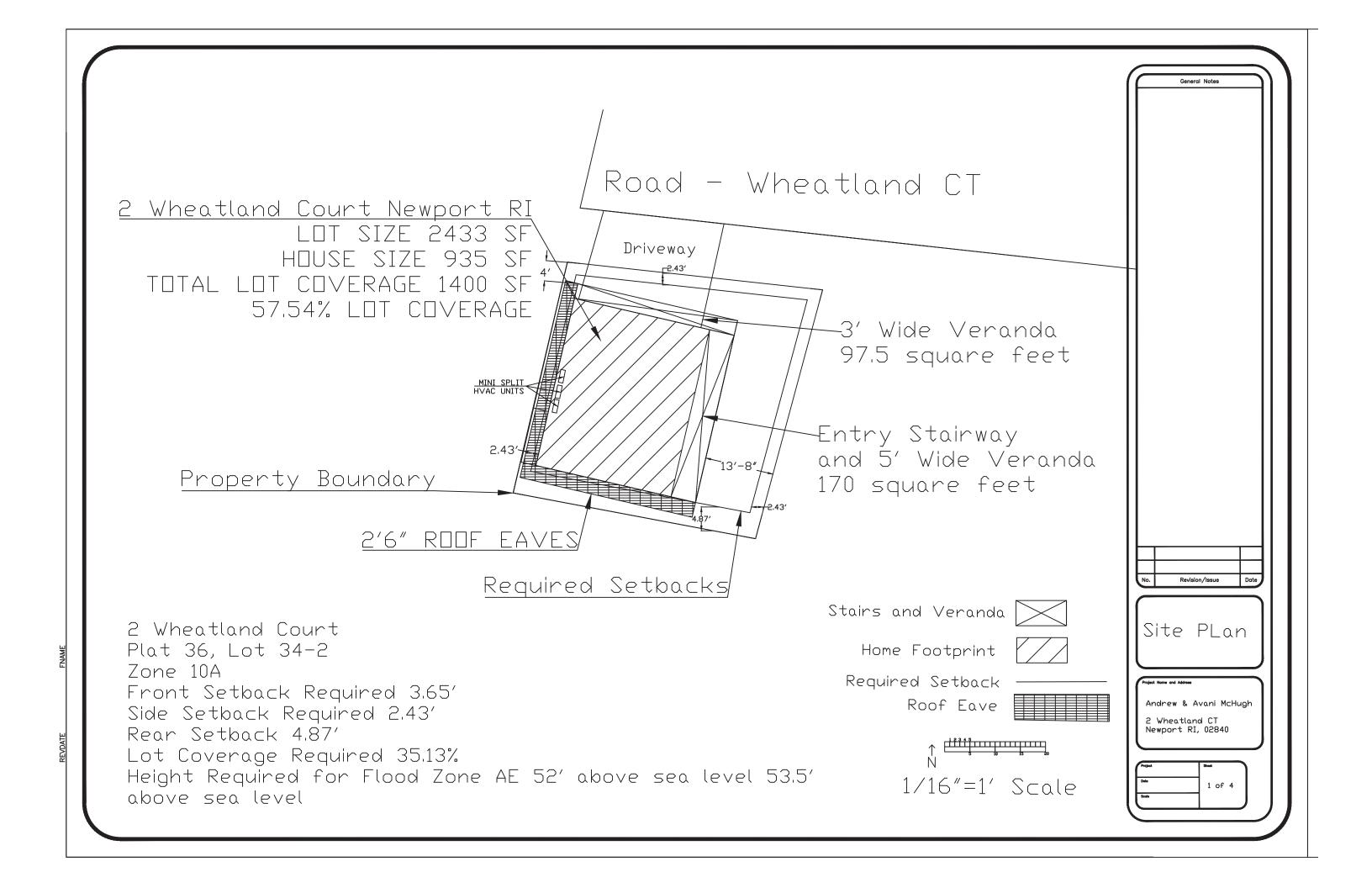
OMB No. 1660-0008 Expiration Date: November 30, 2022

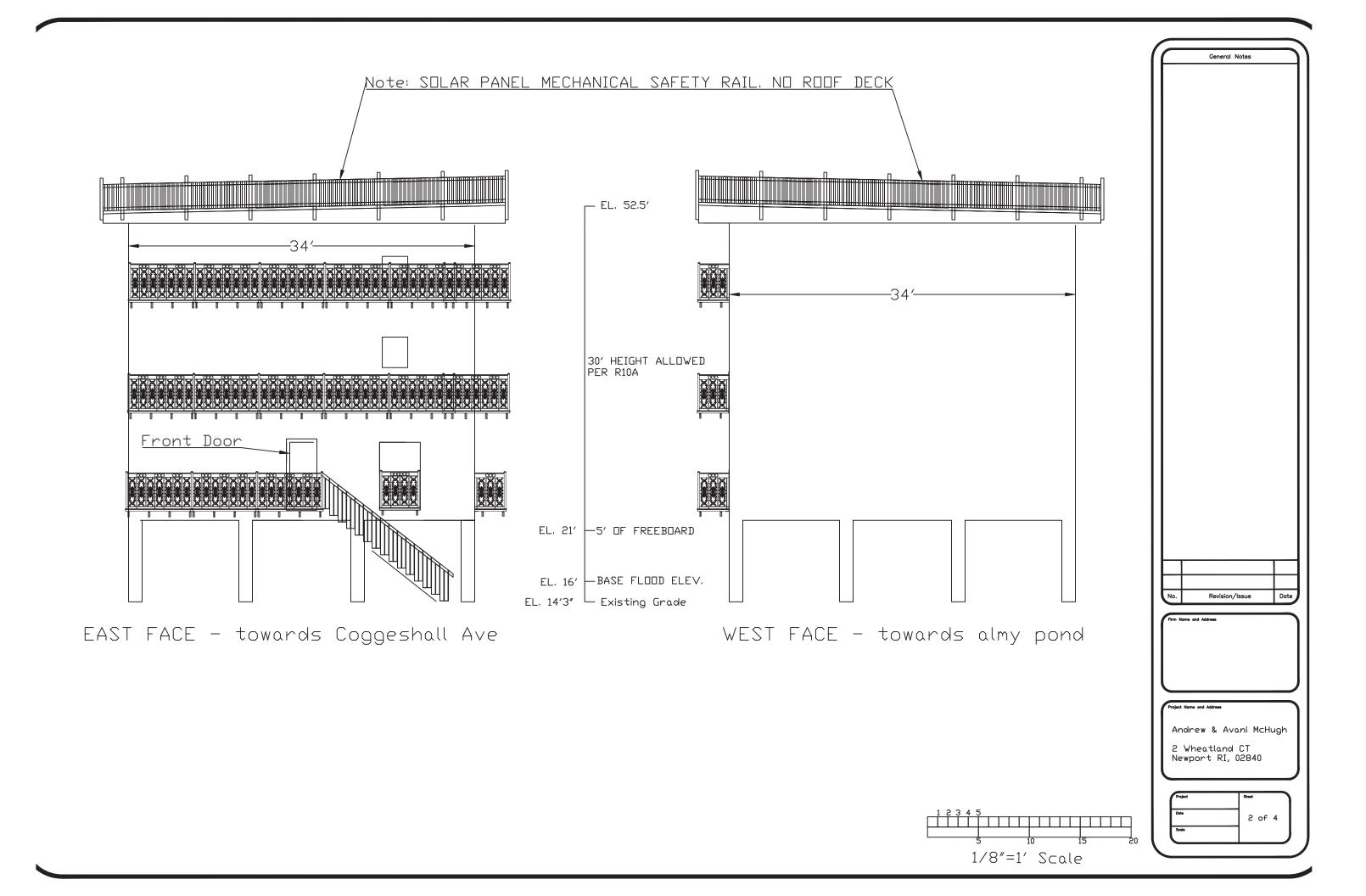
IMPORTANT: In these spaces, copy the corresponding information from Section	A. FOR INSURANCE COMPANY US
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and 2 Wheatland Court	d Box No. Policy Number:
CityStateZIP CodeNewportRhode Island02840	Company NAIC Number
SECTION G - COMMUNITY INFORMATION (	OPTIONAL)
The local official who is authorized by law or ordinance to administer the community's f Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable itel used in Items G8–G10. In Puerto Rico only, enter meters.	loodplain management ordinance can complete n(s) and sign below. Check the measurement
G1. The information in Section C was taken from other documentation that has be engineer, or architect who is authorized by law to certify elevation information data in the Comments area below.)	een signed and sealed by a licensed surveyor, a. (Indicate the source and date of the elevation
G2. A community official completed Section E for a building located in Zone A (wi or Zone AO.	thout a FEMA-issued or community-issued BFE)
G3. The following information (Items G4–G10) is provided for community floodpla	in management purposes.
G4. Permit Number G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued
G7. This permit has been issued for:  New Construction  Substantial Impre	ovement
G8. Elevation of as-built lowest floor (including basement) of the building:	feet meters Datum
G9. BFE or (in Zone AO) depth of flooding at the building site:	feet meters Datum
G10. Community's design flood elevation:	feet meters Datum
Local Official's Name Title	
Community Name Telephone	
Signature Date	
Comments (including type of equipment and location, per C2(e), if applicable)	
	☐ Check here if attachments.

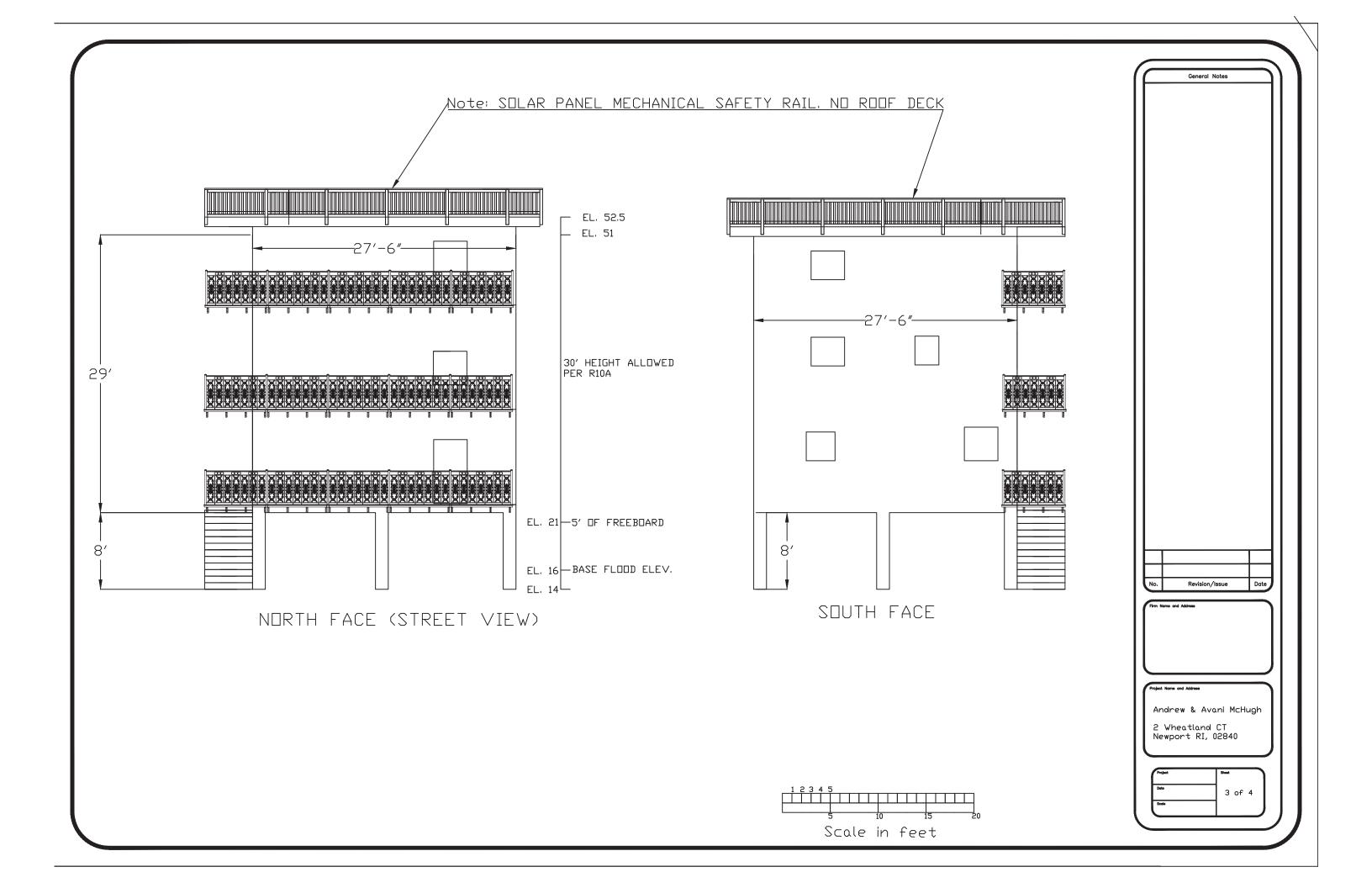


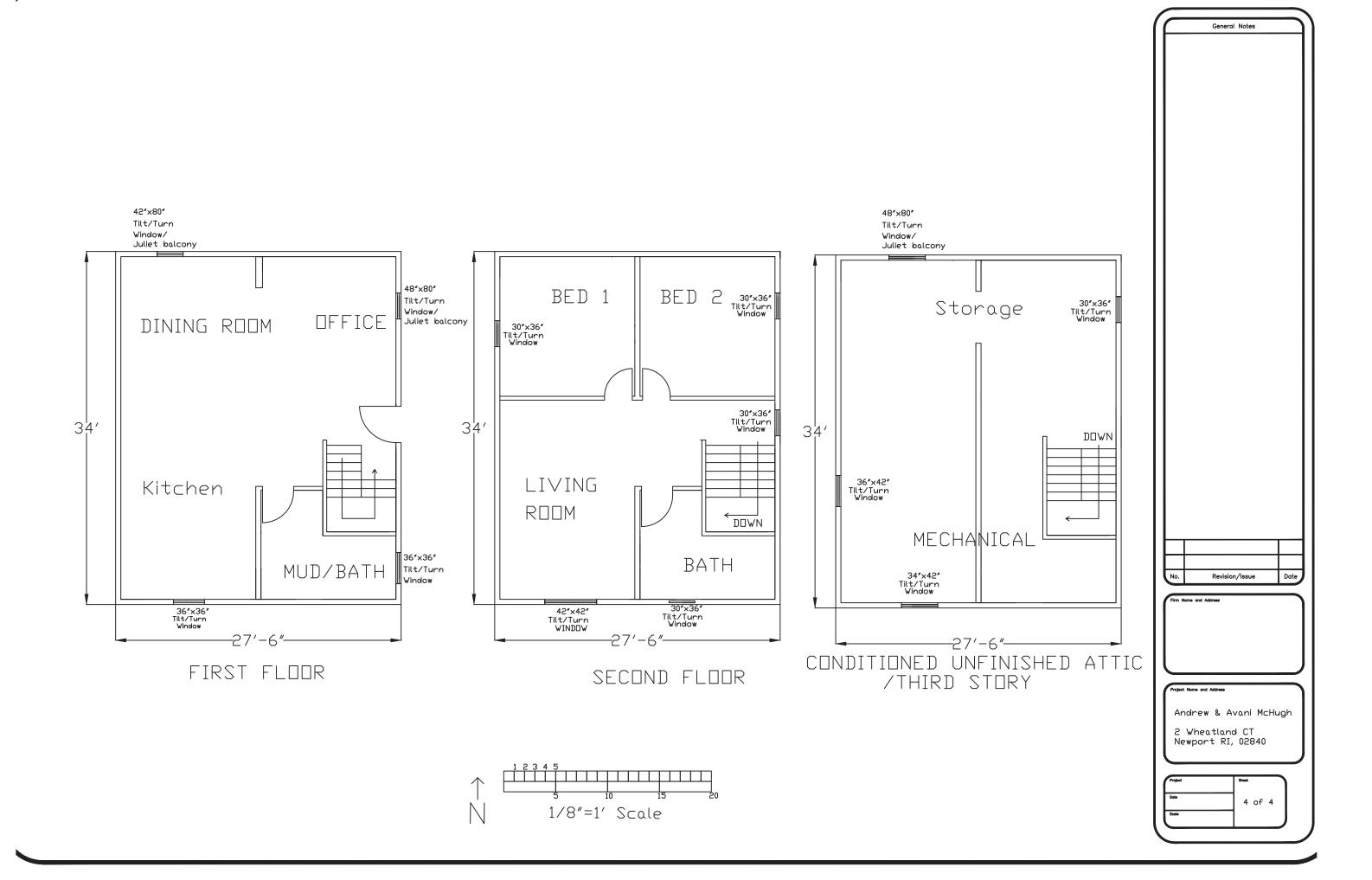
THE STATE OF THE S		vport Zoning abmittal Requ	
Special Use Per	rmit (new) rmit (modification)  (This box for so	Variance  Modification	APR <b>0 9</b> 2024
		REQUIREMEN'. I materials in this checklist will	
Section 1 – Ap Required for All		Page 3 of the Guide	
A. Complete	ed Zoning Project	Application Packet comp	rised of the following individual

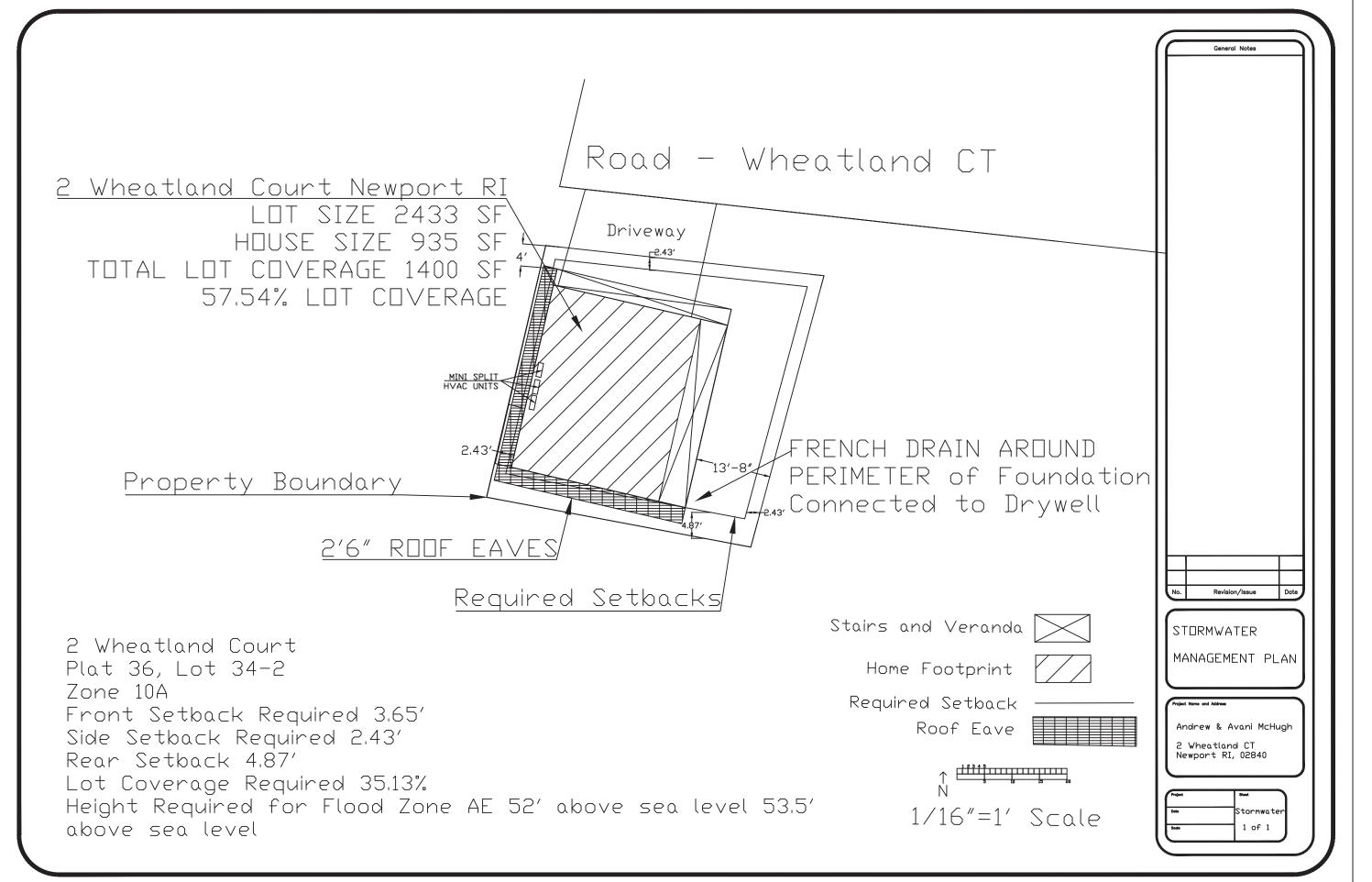
Section 1 – Application Forms – Page 3 of the Required for All Projects	Guide
A. Completed Zoning Project Application sections:	Packet comprised of the following individual
1. 🌣 Zoning Project Application Form	
2. 🌣 Completed copy of this Zoning App	lication Submittal Requirements Checklist (Page 2)
B. Request to Waive any Submittal Requirement	
C. Application Fee (Please Refer to Current F	ee Schedule)
Section 2 – Plan Package – Pages 4-7 of the Gu Required for All Development Projects (Involving Ne Individual requirements of the Plan Package (listed	ew Structures, Additions, Exterior Alterations, etc.)
A. Class I Site Survey	E. Stormwater Management Plan
B. 🄀 Proposed Site Plan	F.   Landscape Plan
C.   Lot Coverage Diagram	G. Building Elevations
D. X Floor Plans	H. Change of Use
Section 3 – Supporting Documents, Studies, G May be required for certain Development Projects	raphics, and Depictions – Page 8 of the Guide
A. Site Photographs	D. Parking Survey
B. Photo Simulations	E. Traffic Impact Analysis
C. Structural Evaluation	





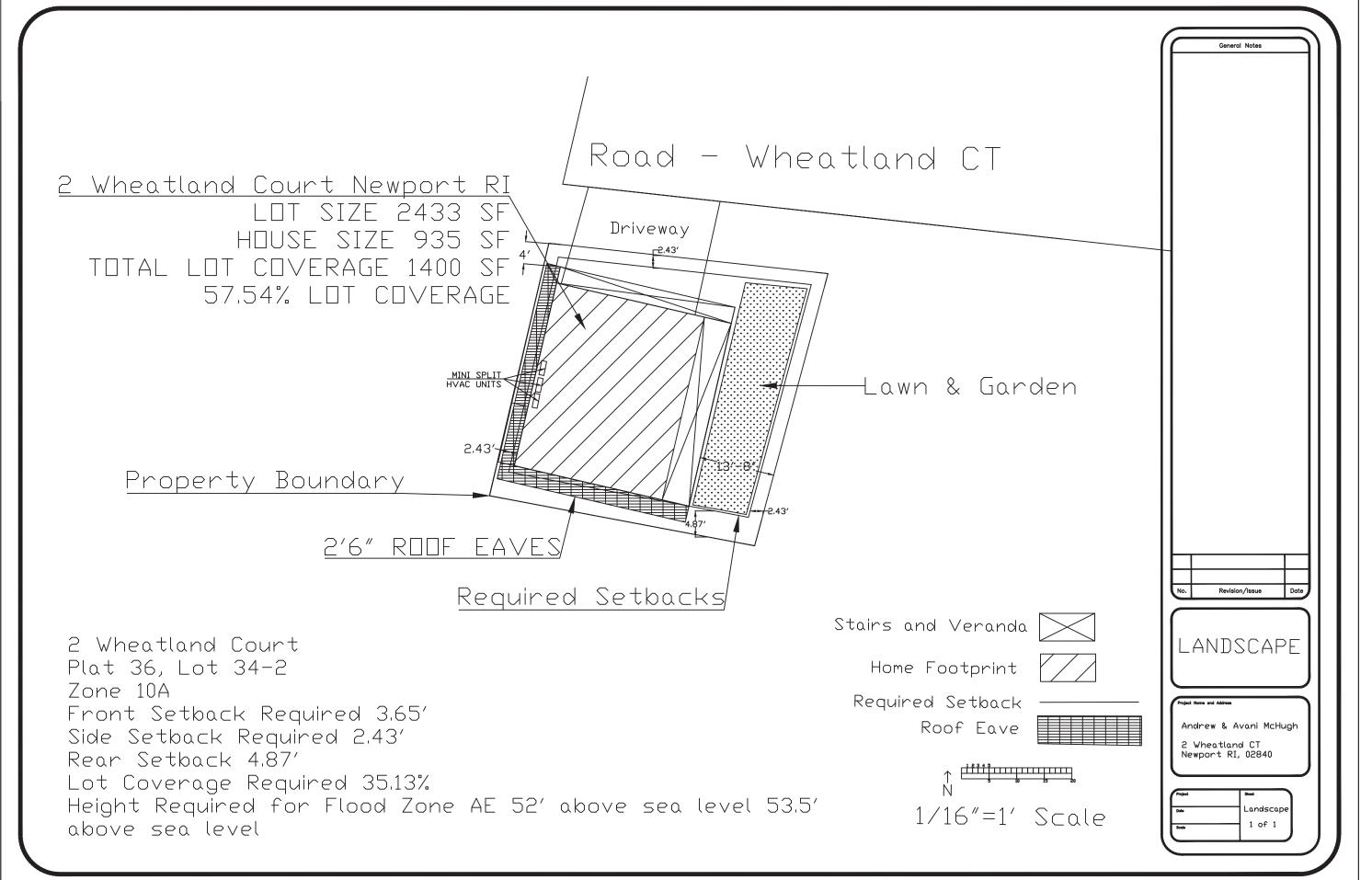






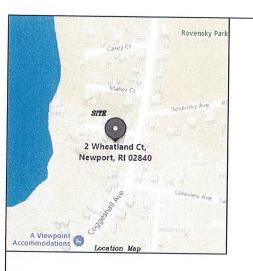
FNAME

DEVINATE



FNAME

EVOATE



LEGEND EDGE OF WOODS CHAIN LINK FENCE N STOCKADE FENCE WATER MAIN GAS MAIN ELECTRIC S SEWER MAIN
STONE WALL
EXISTING CONTOUR
EDGE OF PAVEMENT UTILITY POLE DRAINAGE MANHULF JRAINAGE MANHOLE CATCHBASIN SANITARY SEWER MANHOLE HYDRANT GATE VALVE LIGHT POLE 議議 CONCRETE

Zoning R-10A ea 10,000sqft th 80' Min. Area Lot Width

Front yard
Side Yard
Rear Yard
Lot Coverage

RIGL 34-13-1 INDEX
ABUTTING STREETS

Wheatland Court

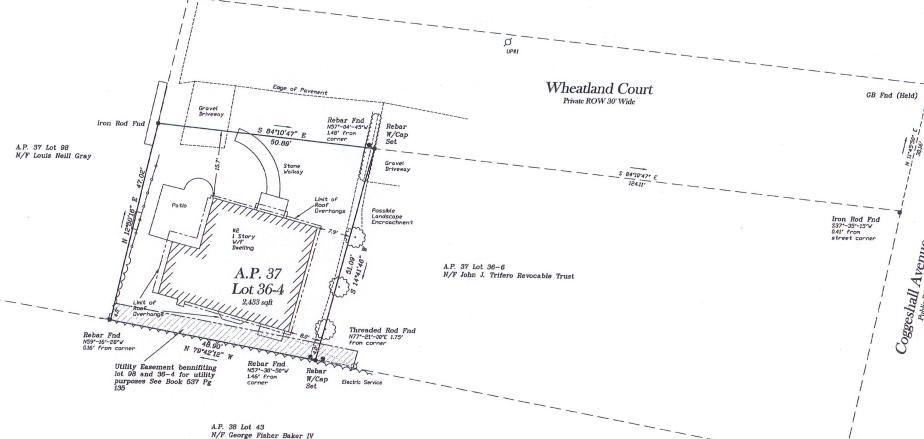
References:

Lots 36.4 & 36.6 Tax Plat 37 Land of Ralph L. Stermer Newport, Rhode Island 12, May 1983 Scale 1"=20" by Harold E. St. John and Recorded as Doc.# 19836

- 2. Survey Plan Project Owners Blake Sullivan & Neill Gray Location 209 Coggeshall Avenue Scale 1"=20' Date 12-15-94 by Narragansett Engineering Inc. and Recorded as Doc.# 19958
- Plan attached to deed in Book 51 Page 125, & Book 92 Page 350

NOTES:

- The Property shown hereon is classified as zone AE Elev=16 as identified by the Flood Insurance Rate Map for the City of Newport, Rhode Island County of Newport, Firm Panel 163 with a map number 44005C0183J, effective date September 4, 2013
- 2. The utilities shown heron are the result of field locations of visible structures at the time of the field survey and record plans acquired from the utility companies. We accept no responsibility for the accuracy or completeness of the distribution lines shown heron. Call DIG-SAFE prior to start of any construction or improvements for the exact locations of the utilities servicing this property.
- 3. This project is based and referenced upon the Rhode Island State Plane Coordinate System (currently NAD 83 and NAVD 88) as determined by data transmitted from Smartnet reference stations using the SmartNet RTK Reference Network.



CHRISTOPHER GLENN PALMER PROFESSIONAL LAND SURVEYOR

This survey has been conducted and the plan has been prepared pursuant to 435-RICR-00-00-1.9 of the Rules and Regulations adopted by the Rhode Island Board of Registration for Professional Land Surveyors on November 25, 2015, as follows:

Type of Boundary Survey
Comprehensive Boundary Survey

Comprehensive Boundary Survey

Type of Survey
Data Accumulation Survey

The purpose for the conduct of the survey and for the preparation of this plan is as follows: To show the existing conditions within the boundary's for future site

By: Christopher G. Palmer, PLS #2526 COA# 745

Survey 2 Wheatland Court Newport , Rhode Island Assessor's Plat 37 Lot No. 36-4 Comprehensive Boundary

Christopher G. Palmer, PI 66 Falcon Ridge Drive Exeter, Rhode Island 02822 PH: 401-474-5233 Email: palmerc6@gmail.com

PREPARED FOR:
Andrew & Avani McHugh
2 Wheathand Court
Newport Rhode Island 02840
REVISIONS

01/03/2022 SCALE 1"=10" PROJECT NO: 21-113 DRAWN BY C.G.P. CHECKED BY: C.G.P.

SHEET NO.

GRAPHIC SCALE ( IN FEET ) 1 inch = 10 ft.