APPLICATION FOR SPECIAL USE PERMIT & A REGULATORY (DIMENSIONAL) VARIANCE
CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW

RECEIVED
$100,-
AUG 22 2022
CK# 20044

ZBR Sept-15

DATE: August 22, 2022

Board Members:

The undersigned hereby petition the Zoning Board of Review for a Special Use Permit and 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.: 3 Vaughan Avenue

Tax Assessor's Plat 40 **Lot** 139

Petitioner Information

Applicant: Ash Mart, Inc.

Address: 2 Carroll Avenue
Newport, RI 02840

Owner: Same
Address: Same

Lessee: N/A
Address: N/A

Property Characteristics:

Dimensions of Lot: Frontage: 68' **Depth**: 28.6'; **Area**: 1,873 SF

Zoning District in which premises is located: R-10

How long have you owned above premises? 6 years

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing/approved buildings: 1,277 SF

Total square footage of the footprint of proposed buildings: 1,277 SF

Present use of premises: six bay garage

Proposed use of premises: single-family dwelling with three bay garage

All of the following information and questions must be filled in and answered completely: Give extent of proposed alterations:

Applicant seeks a special use permit and variance from the dimensional requirements to allow for the conversion of a single-story, six-bay garage to a two-story, single-family dwelling with a three-bay garage on a lot having 68.2% lot coverage (20% permitted), a front setback of 6.5' (15' required), a rear setback of 1.25' (20' required), and side setbacks of .84' and 1.09' (10' required), applying to the real property located at 3 Vaughan Avenue, Newport, RI 02840, A.P. 40-39. All work to be done within existing building footprint and setbacks.

Zoning Characteristics Matrix

	Existing/Approved	Required/Allowed	Proposed
Lot Size (sq. ft.)	1,873 SF	10,000 SF	No Change
Lot Coverage (%)	68.2%	20%	No Change
Dwelling Units	0	0	1
Parking	6	2	3
Front Setback (east)	6.5'	15'	No Change
Side Setback (north)	.84'	10'	No Change
Side Setback (south)	1.09'	10'	No Change
Rear Setback (west)	1.25'	20'	No Change
Height	± 12'	30'	± 25'

What provisions of the Comprehensive Land Use Plan are applicable to this project?

L.U.-1.6
L.U.-1.7

What special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district?

Plat 40, Lot 39 is unique in that it is less than 20% of the allowable lot size in the R-10 District. Moreover, the existing structure covers 70% of the lot.

Explain how the literal interpretation of the provisions of this zoning code deprive the applicant of rights commonly enjoyed by other property owners in the same district under the provisions of this zoning code?

A literal interpretation of the Zoning Code would prevent the applicant from converting the exiting six bay garage into a single-family dwelling with three-bay garage. The R-10 District is residential. It the application is not granted, the applicant will be unable to utilize the land for its best purpose in

the district: housing. Moreover, Newport's dearth of housing has led to rising prices, making many homes unaffordable. An increase in housing inventory helps moderate this problem.

Explain why this is the minimum variance that will make possible the reasonable use of the land, building or structure.

The reasonable use of this property given its size and location, being in the R-10 District, is use as a modest, single-family dwelling. Applicant's plan achieves that goal without increasing lot coverage or setbacks. It is therefore the minimum variance to make possible the reasonable use of the land.

The Zoning Board's Role

Special use permits shall be granted only where the zoning board of review finds that the proposed use or the proposed extension or alteration of an existing use is in accord with the public convenience and welfare, after taking into account, where appropriate:

1. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of the structure;
2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;
3. The nature of the surrounding area and the extent to which the proposed use or feature will be in harmony with the surrounding area;
4. The proximity of dwellings, churches, schools, public buildings and other places of public gathering;
5. The fire hazard resulting from the nature of the proposed buildings and uses and the proximity of existing buildings and uses;
6. All standards contained in this zoning code;
7. The comprehensive plan for the city.

The burden of proof in a special-use permit/variance application is on the applicant. This means that if the applicant fails to present adequate competent evidence to prove the applicable standard for issuing a special-use permit/variance has been met, the board must deny the application.

By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read the section entitled "The Zoning Board's Role".

Ash Mart, Inc.
By its Attorneys,

Michael Monti, Esq.
Peter Regan, Esq.
Sayer Regan & Thayer, LLP
130 Bellevue Avenue
Newport, RI 02840
(401) 849-3040
pregan@srt-law.com
mmonti@srt-law.com

CHAMSEDDINE RESIDENCE

RENOVATION

3 VAUGHAN AVE. NEWPORT, RI 02840

PERMIT SET

08-09-2022

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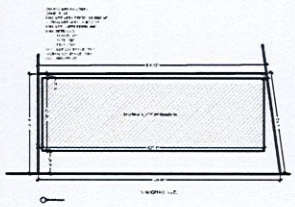
VICINITY MAP

PLOT PLAN



ADDRESS:	3 VAUGHAN AVE.
	NEWPORT
	RI 02840
PLAT NO.	40
PLOT NO.	139
LAND USE:	-
ZONING TYPE:	R-10
LOT AREA:	1,756 SF
HISTORICAL STATUS:	NON-CONTRIBUTING

GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH ALL LOCAL BUILDING CODES, LAWS, ORDINANCES, RULES AND REGULATIONS OF THE PUBLIC AUTHORITIES GOVERNING THE WORK.
2. OBTAIN AND PAY FOR ALL PERMITS, INSPECTIONS AND FINAL SIGN-OFFS REQUIRED BY THE PUBLIC AUTHORITIES GOVERNING THE WORK.
3. THE DRAWINGS AND PROJECT MANUAL ARE COMPLEMENTARY AND THEIR INTENT IS TO INCLUDE ALL ITEMS NECESSARY FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK. THE CONTRACTOR IS RESPONSIBLE TO PROVIDE ALL LABOR, MATERIALS AND EQUIPMENT REQUIRED FOR THE CONSTRUCTION OF THE PROJECT. THE ORGANIZATION OF THE DRAWINGS AND PROJECT MANUAL SHALL NOT CONTROL THE CONTRACTOR IN DIVIDING WORK AMONG THE SUBCONTRACTORS OR IN ESTABLISHING THE EXTENT OF WORK PERFORMED BY ANY TRADE.
4. REVIEW DOCUMENTS, VERIFY DIMENSIONS AND FIELD CONDITIONS AND CONFIRM THAT WORK IS BUILDABLE AS SHOWN. THE CONTRACTOR SHALL REPORT ANY CONFLICTS AND/OR OMISSIONS TO THE DESIGNER PRIOR TO PERFORMING ANY WORK IN QUESTION. OTHERWISE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS TO COMPLETE THE WORK STATED IN ON THE CONTRACT DOCUMENTS BASED UPON THE OPTIMAL ESTABLISHED QUALITY STANDARD.
5. SUBMIT REQUESTS FOR SUBSTITUTIONS, REVISIONS AND/OR CHANGES TO THE DESIGNER, IN WRITING, FOR REVIEW PRIOR TO PURCHASE, FABRICATION OR INSTALLATION.
6. COORDINATE WORK WITH THE OWNER, INCLUDING SCHEDULING TIME AND LOCATIONS FOR DELIVERIES, SITE ACCESS, USE OF SITE SERVICES AND FACILITIES.
7. PROTECT AREA OF WORK AND ADJACENT AREAS FROM DAMAGE FOR DURATION OF WORK. ALL DAMAGE DUE TO IMPROPER PROTECTION SHALL BE REPAIRED AT NO ADDITIONAL COST TO THE OWNER.
8. SUBMIT SAMPLES, DATA SHEETS AND SHOP DRAWINGS TO DESIGNER FOR REVIEW.
9. MAINTAIN THE CONSTRUCTION PREMISES IN A NEAT AND ORDERLY CONDITION.
10. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN. IN CASE OF CONFLICT, THE CONTRACTOR SHALL SUBMIT A WRITTEN REQUEST FOR CLARIFICATION OR INFORMATION TO THE DESIGNER. TELEPHONE INQUIRIES WILL NOT BE PERMITTED.

DEMOLITION NOTES

1. COMPLY WITH APPLICABLE LOCAL, STATE AND FEDERAL CODES AND REGULATIONS PERTAINING TO SAFETY OF PERSONS, PROPERTY AND ENVIRONMENTAL PROTECTION.
2. PROVIDE AND MAINTAIN BARRICADES, LIGHTING AND GUARDRAILS AS REQUIRED BY APPLICABLE CODES AND REGULATIONS TO PROTECT WORKERS AND OCCUPANTS OF THE BUILDING.
3. ERECT AND MAINTAIN DUSTPROOF PARTITIONS AS REQUIRED TO PREVENT THE SPREAD OF DUST, FUMES, SMOKE, ETC. TO OTHER PARTS OF THE BUILDING. UPON COMPLETION OF WORK, REMOVE PARTITIONS AND REPAIR SURFACES DAMAGED TO MATCH ADJACENT SURFACES.
4. IF DEMOLITION IS PERFORMED IN EXCESS OF THAT REQUIRED, RESTORE EFFECTED AREAS AT NO ADDITIONAL COST TO THE OWNER.
5. REMOVE FROM THE SITE DAILY AND LEGALLY DISPOSE OF REFUSE, DEBRIS, RUBBISH AND OTHER MATERIALS RESULTING FORM DEMOLITION OPERATIONS.
6. FOR ALL ITEMS SCHEDULED FOR REMOVAL AND REINSTALLATION, CONTRACTOR SHALL VERIFY AND DOCUMENT, IN WRITING, THE CONDITION AND FUNCTIONALITY OF THE ITEM(S) PRIOR TO REMOVAL. ANY DAMAGE TO ITEM(S) NOT DOCUMENTED SHALL BE REPAIRED BY CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.

FEMA FLOOD NOTE

1. PROPERTY IS LOCATED IN A X REGION PER FEMA GUIDELINES X - 0.2% ANNUAL CHANCE FLOOD

PROFESSIONAL STATEMENT

1. TO THE BEST OF MY KNOWLEDGE, BELIEF, AND PROFESSIONAL JUDGEMENT, THESE PLANS AND SPECIFICATIONS ARE IN COMPLIANCE WITH THE 2012 RHODE ISLAND BUILDING & FIRE CODE.

CONSTRUCTION NOTES

1. ALL DIMENSIONS ARE DIMENSIONED FROM FINISH FACE TO FINISH FACE, UNLESS OTHERWISE NOTED. MAINTAIN DIMENSIONS MARKED 'CLEAR OR HOLD' ALLOW FOR THICKNESS OF FINISHES.
2. COORDINATE AND PROVIDE BLOCKING WITHIN PARTITIONS FOR ALL MILLWORK AND ITEMS ATTACHED OR MOUNTED TO WALLS OR CEILINGS.
3. UNDERCUT DOORS TO CLEAR TOP OF FLOOR FINISHES BY 1/4" UNLESS OTHERWISE NOTED.
4. MARK THE LOCATION OF ALL PARTITIONS ON THE SLAB FOR REVIEW BY THE ARCHITECT PRIOR TO INSTALLATION. REVIEW SHALL BE FOR DESIGN INTENT. CONTRACTOR TO VERIFY ALL CONDITIONS IN ORDER TO ENSURE PROPER FIT.
5. WHERE EXISTING ACCESS PANELS CONFLICT WITH CONSTRUCTION, RELOCATE PANELS TO ALIGN WITH AND FIT WITHIN NEW CONSTRUCTION. (REVIEW WITH ARCHITECT IN THE FIELD)
6. PATCH AND REPAIR ALL EXISTING WALLS, COLUMNS AND SURFACES SCHEDULED TO REMAIN AS REQUIRED TO LEAVE THEM SMOOTH AND EVEN TO RECEIVE NEW SCHEDULED FINISHES. REFER TO FINISH PLAN FOR ADDITIONAL INFORMATION.

PROTECTION NOTES

1. GENERAL
   - 1.A. STRUCTURAL CONTRACTOR TO PROVIDE ADEQUATE TEMPORARY BRACING AND SHORING WHEREVER ANY STRUCTURAL WORK IS INVOLVED.
   - 1.B. MEANS OF EGRESS: ALL EXISTING MEANS OF EGRESS FOR TENANTS OF THE BUILDING TO BE MAINTAINED CLEAR AND FREE OF ALL OBSTRUCTIONS, SUCH AS BUILDING MATERIALS.
2. FIRE SAFETY
   - 2.A. ALL BUILDING MATERIALS WHICH ARE STORED AT THE SITE OR ANY AREA OF THE BUILDING ARE TO BE STORED IN LOCKED AREA, ACCESS TO THE AREA TO BE CONTROLLED BY THE OWNER, OR GENERAL CONTRACTOR.
   - 2.B. ALL MATERIALS TO BE STORED IN AN ORDERLY FASHION.
   - 2.C. ALL FLAMMABLE MATERIALS TO BE USED AND STORED IN AN ADEQUATELY VENTILATED SPACE.
   - 2.D. ALL ELECTRICAL POWER TO BE SHUT OFF WHERE THERE ARE EXPOSED CONDUITS.
   - 2.E. ALL ELECTRICAL POWER IN THE CONSTRUCTION AREA TO BE SHUT OFF AFTER WORKING HOURS.
   - 2.F. CONTRACTOR, AT ALL TIMES, TO ENSURE THERE IS NO NATURAL GAS LEAKAGE IN THE BUILDINGS, OR ANY FLAMMABLE GAS TO BE USED DURING CONSTRUCTION.
3. DUST CONTROL
   - 3.A. DEBRIS, DIRT, AND DUST TO BE KEPT TO MINIMUM AND CONFINED TO THE IMMEDIATE CONSTRUCTION AREA.
   - 3.B. CONTRACTOR TO ISOLATE CONSTRUCTION AREA FROM THE OCCUPIED BUILDING AREA BY THE MEANS OF TEMPORARY PARTITIONS OR HEAVY WEIGHT DROP CLOTHS.
   - 3.C. DEBRIS, DIRT, AND DUST TO BE CLEANED UP AND CLEARED FROM THE BUILDING SITE PERIODICALLY TO AVOID EXCESSIVE ACCUMULATION.
4. NOISE AFTER HOURS
   - 4.A. CONSTRUCTION OPERATIONS WILL BE CONFINED TO WORKING HOURS SET FORTH BY THE BUILDING RULES AND REGULATIONS WITH THE PROPERTY OWNER AND IN COMPLIANCE WITH NEWPORT NOISE CONTROL CODE

FINISH NOTES

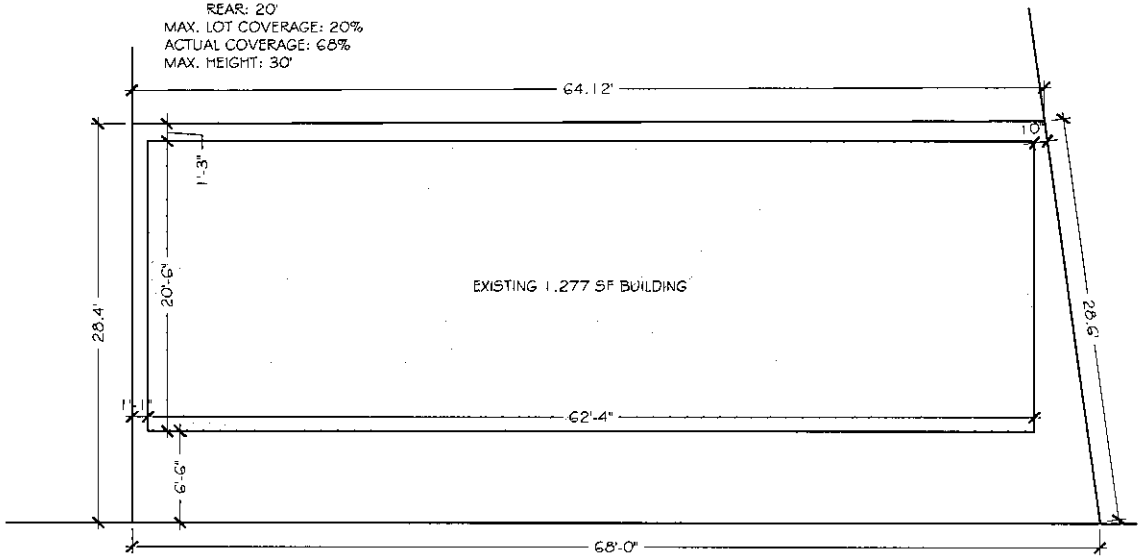
1. ENSURE SURFACES TO RECEIVE NEW FINISHES ARE CLEAN, TRUE AND FREE OF IRREGULARITIES. DO NOT PROCEED WITH WORK UNTIL UNSATISFACTORY CONDITIONS HAVE BEEN CORRECTED. STARTING OF WORK INDICATES INSTALLERS ACCEPTANCE OF SUBSTRATE.
2. REPAIR EXISTING SURFACES SCHEDULED TO REMAIN AS REQUIRED FOR THE APPLICATION OF NEW FINISHES.
3. UNLESS OTHERWISE NOTED, PROVIDE MINIMUM THREE-COAT PAINT SYSTEMS FOR EACH SUBSTRATE.

STAMP

SHEET NO.

G001

ZONING INFORMATION:
ZONE: R-10
MIN. LOT AREA REQ'D: 10,000SF
ACTUAL LOT AREA: 1,873 SF
MIN. LOT WIDTH REQ'D: 80'
MIN. SETBACKS
FRONT: 15'
SIDE: 10'
REAR: 20'
MAX. LOT COVERAGE: 20%
ACTUAL COVERAGE: 68%
MAX. HEIGHT: 30'



VAUGHAN AVE.

1 EXISTING SITE PLAN
SCALE 1/4" = 1'-0"

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3 VAUGHAN AVENUE

NEWPORT RI 02840

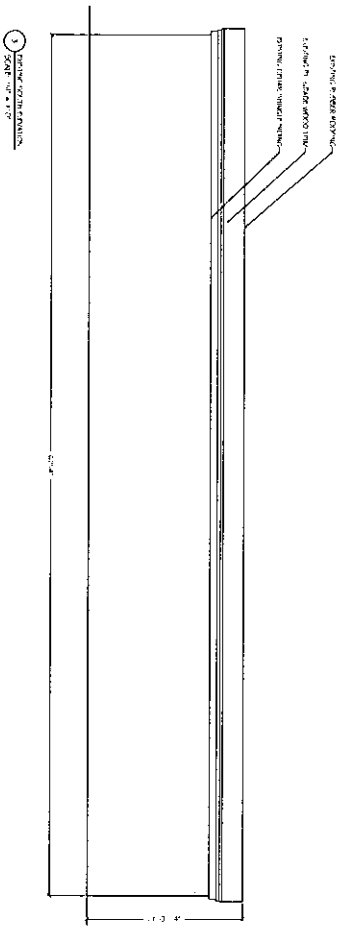
SITE PLAN

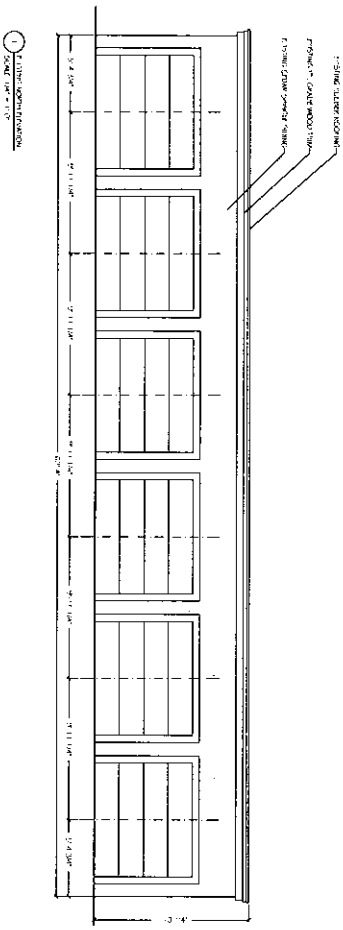
PHASE CD	DATE 8/9/2022
DRAWN BY MAU/AC	CHECKED BY HCD

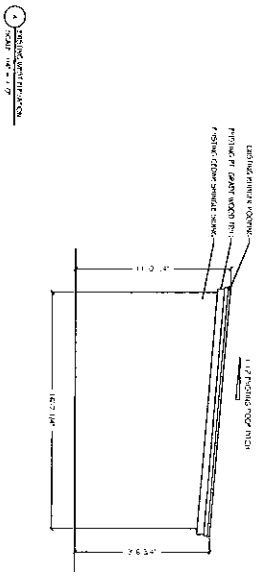
REVISIONS

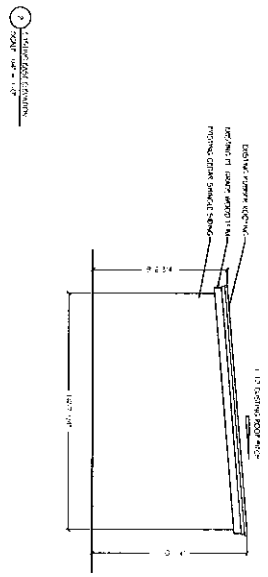
SHEET NO.

A000









3 VAUGHAN AVENUE

NEWPORT RI 02840

FLOOR PLANS

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EX 1.0

EX 1.1
3 VAUGHAN AVENUE
NEWPORT, RI 02840
FLOOR PLANS
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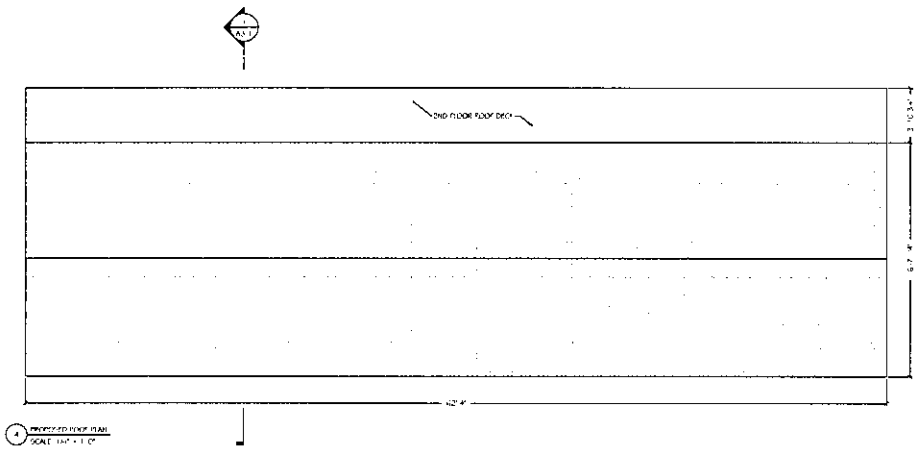
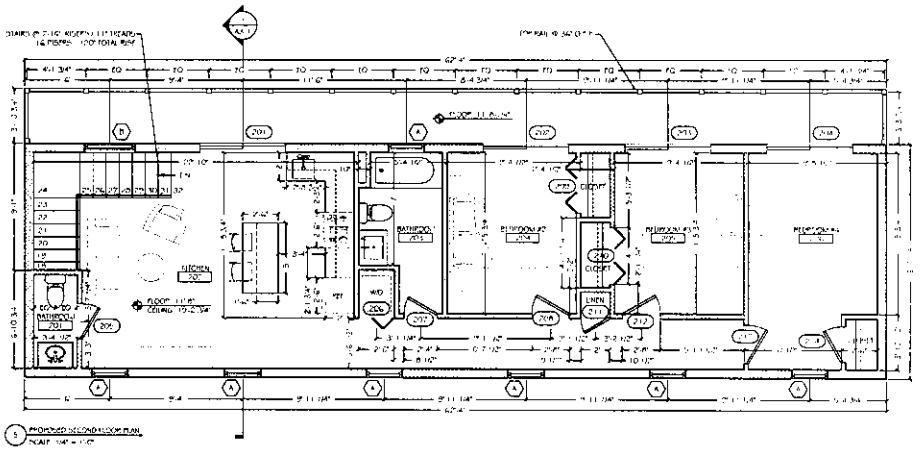
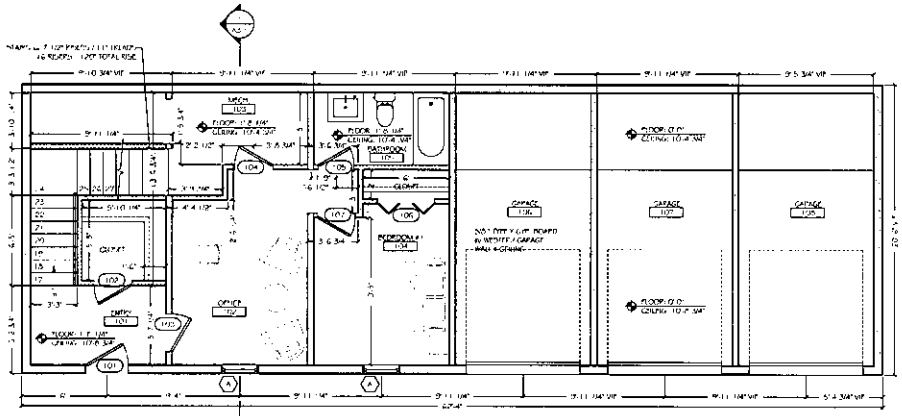
GARAGE
GARAGE
GARAGE
GARAGE
STORAGE
CUT WALL FOR OPENING
REMOVE EXISTING GARAGE DOOR
ROOF TO BE DEMOLISHED
EXISTING ROOF PLAN
EXISTING FIRST FLOOR PLAN



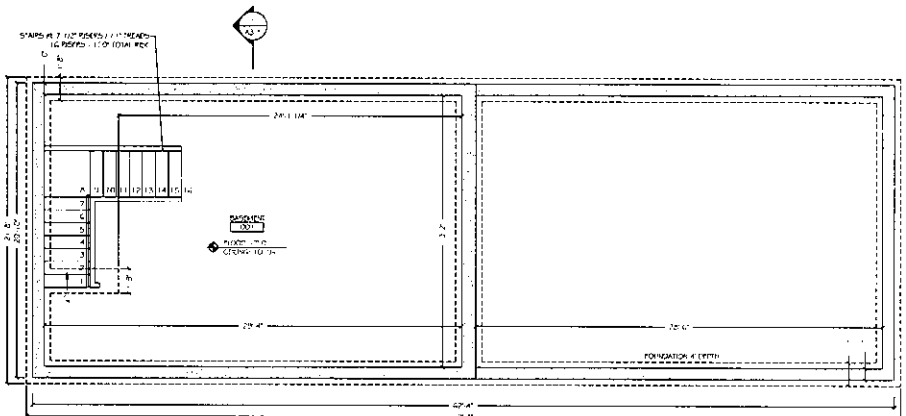
4 PROPOSED ROOF PLAN
SCALE: 1/4" = 1'-0"



5 PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



6 PROPOSED GARAGE FLOOR PLAN
SCALE: 1/4" = 1'-0"
LEASE 3 BEDROOM DWELLING
1,022 SF UNFINISHED



7 PROPOSED BASEMENT PLAN
SCALE: 1/4" = 1'-0"

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3 VAUGHAN AVENUE

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FLOOR PLANS

PHASE: CD
DATE: 09.20.22
DRAWN BY: MAA / AC
CHECKED BY: HCD
REVISIONS
STAMP

SHEET NO.
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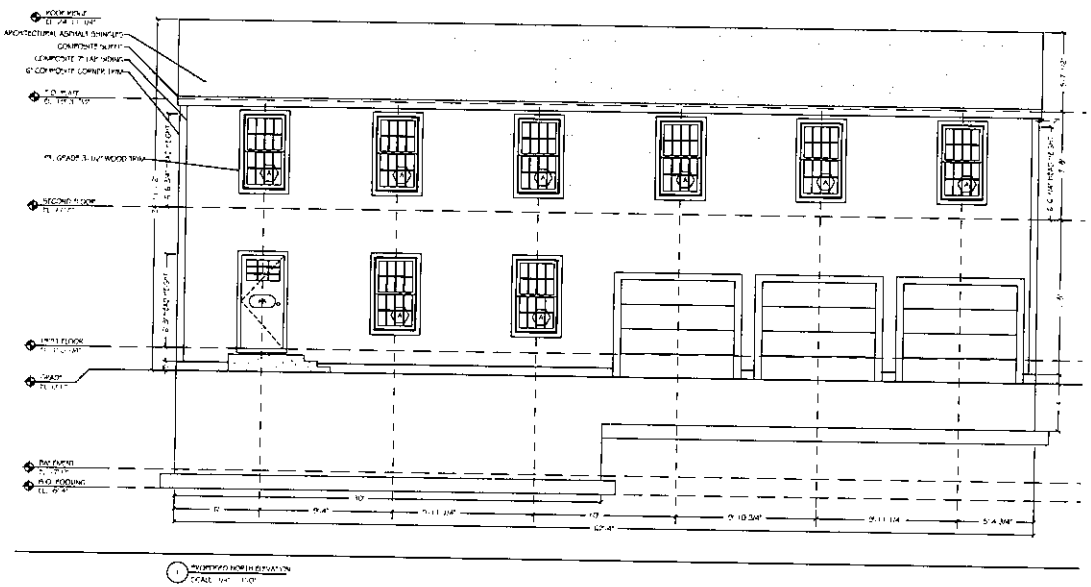

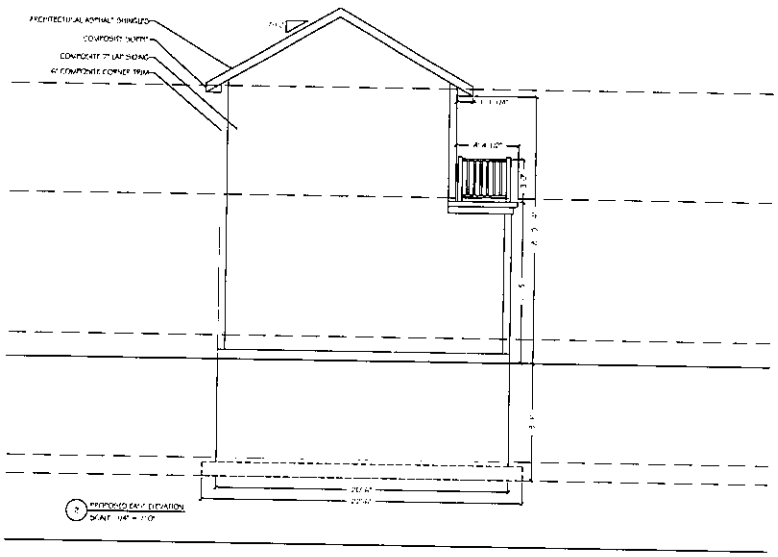

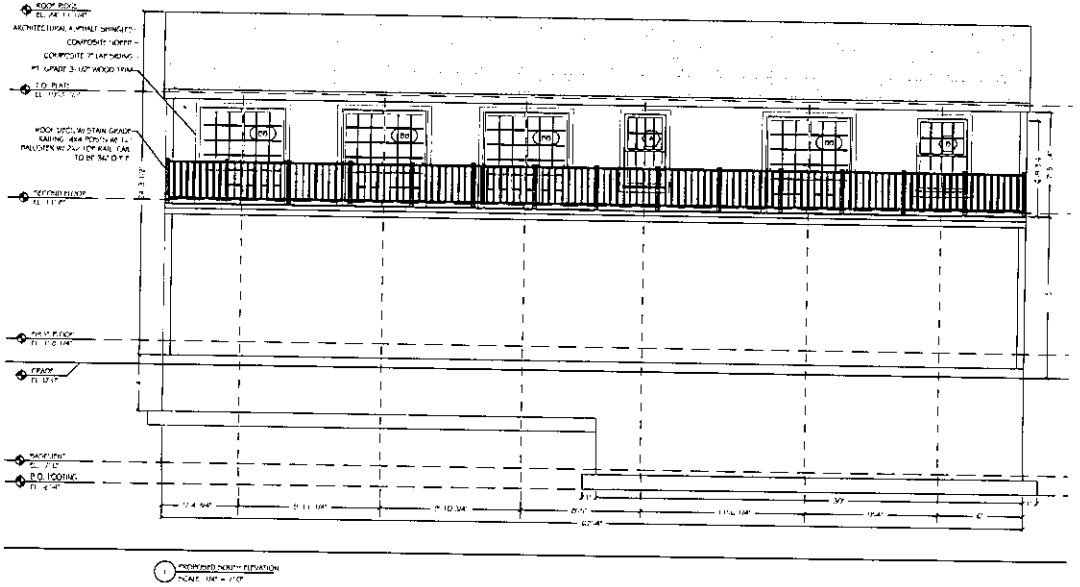

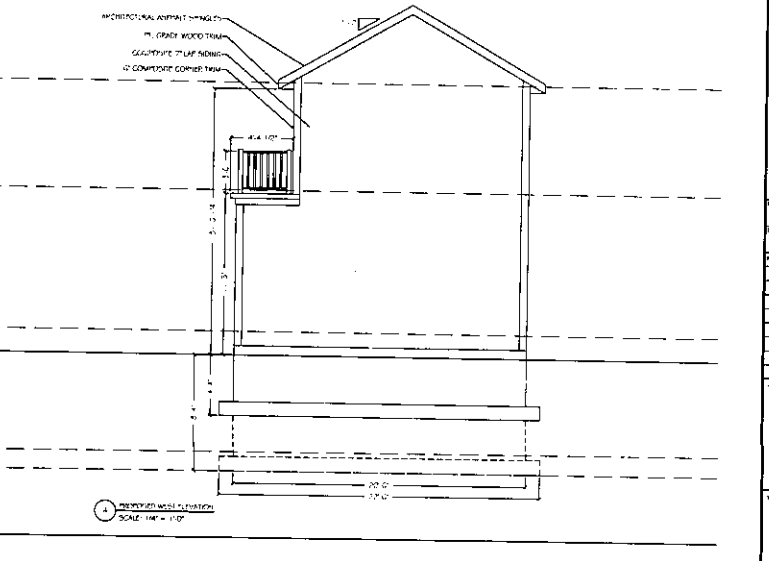

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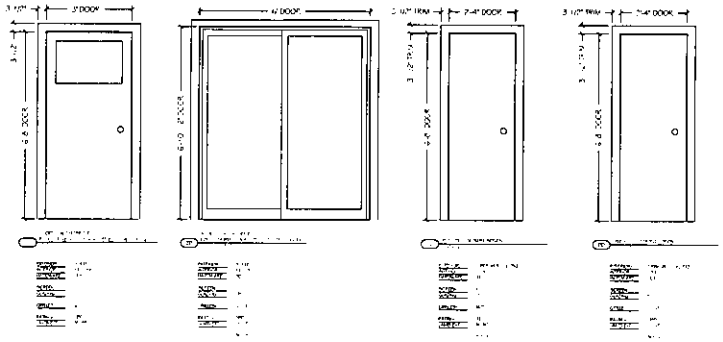
3 VALIGHAN AVENUE

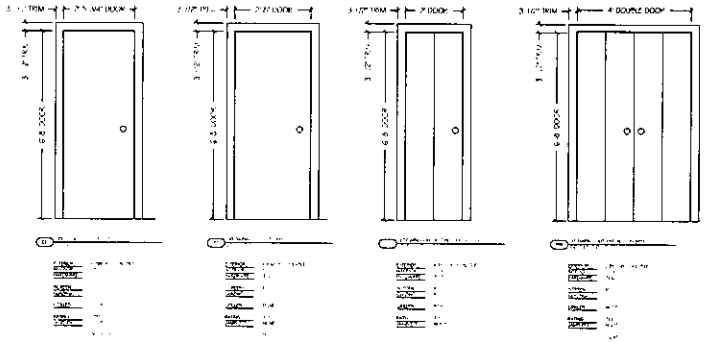
NEWPORT RI 02840

PROPOSED ELEVATIONS

STAGE	DATE
CD	8/9/2022
DRAWN BY	CHECKED
AC	HCD

A2.0



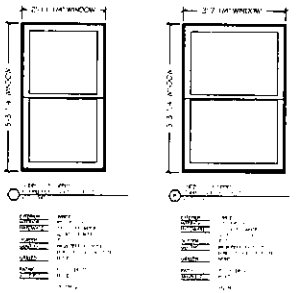


DOOR SCHEDULE

DOOR #	TYPE	SIZE	MANUFACTURER	DESCRIPTION	HARDWARE TYPE
101	AA	36" X 80"	ANDERSON	EXTERIOR 400 SERIES W/ GLASS	PRIVATE
102	FF	32" X 80"	JELD-WEN	SINGLE SWING	PASSAGE
103	FF	32" X 80"	JELD-WEN	SINGLE SWING	PRIVATE
104	BB	72" X 82 1/2"	ANDERSON	PERMA-SHIELD GLIDING DOOR	PRIVATE
105	EE	30" X 80"	JELD-WEN	SINGLE SWING	PRIVATE
106	HH	48" X 80"	JELD-WEN	DOUBLE BI-FOLD	DUMMY
107	EE	30" X 80"	JELD-WEN	SINGLE SWING	PRIVATE
201	BB	72" X 82 1/2"	ANDERSON	PERMA-SHIELD GLIDING DOOR	PRIVATE
202	BB	72" X 82 1/2"	ANDERSON	PERMA-SHIELD GLIDING DOOR	PRIVATE
203	BB	72" X 82 1/2"	ANDERSON	PERMA-SHIELD GLIDING DOOR	PRIVATE
204	BB	72" X 82 1/2"	ANDERSON	PERMA-SHIELD GLIDING DOOR	PRIVATE
205	EE	30" X 80"	JELD-WEN	SINGLE SWING	PRIVATE
206	GG	24" X 80"	JELD-WEN	BI-FOLD	DUMMY
207	DD	28" X 80"	JELD-WEN	SINGLE SWING	PRIVATE
208	FF	32" X 80"	JELD-WEN	SINGLE SWING	PRIVATE
209	HH	48" X 80"	JELD-WEN	DOUBLE BI-FOLD	DUMMY
210	HH	48" X 80"	JELD-WEN	DOUBLE BI-FOLD	DUMMY
211	CC	24" X 80"	JELD-WEN	SINGLE SWING	DUMMY
212	FF	32" X 80"	JELD-WEN	SINGLE SWING	PRIVATE
213	FF	32" X 80"	JELD-WEN	SINGLE SWING	PRIVATE
214	EE	30" X 80"	JELD-WEN	SINGLE SWING	DUMMY

WINDOW SCHEDULE

TYPE	SIZE	MANUFACTURER	DESCRIPTION	HARDWARE TYPE
A	30" X 54"	ANDERSON	A-SERIES ADH3054	DOUBLE HUNG
B	38" X 54"	ANDERSON	A-SERIES ADH3854	DOUBLE HUNG



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3 VAUGHAN AVENUE
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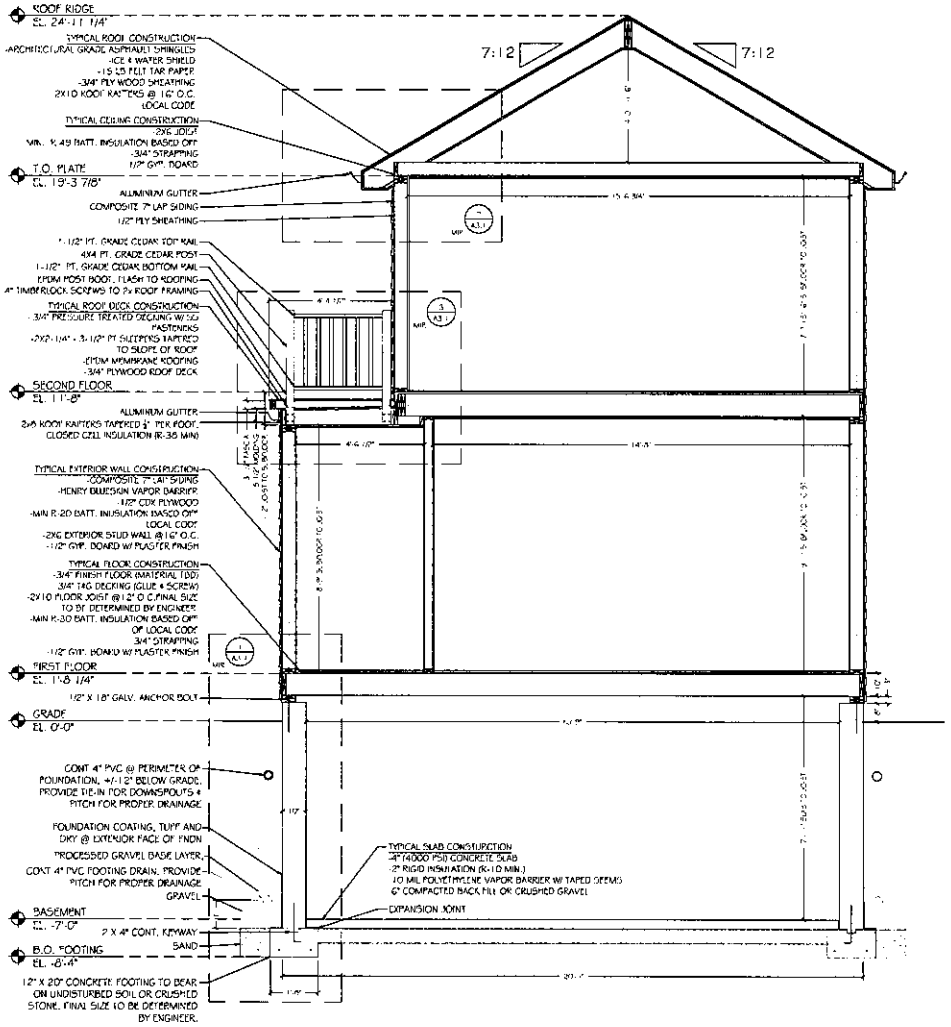
DOOR & WINDOW SCHEDULE

A2.1



1 PROPOSED SECTION CUT
SCALE: 1/2" = 1'-0"

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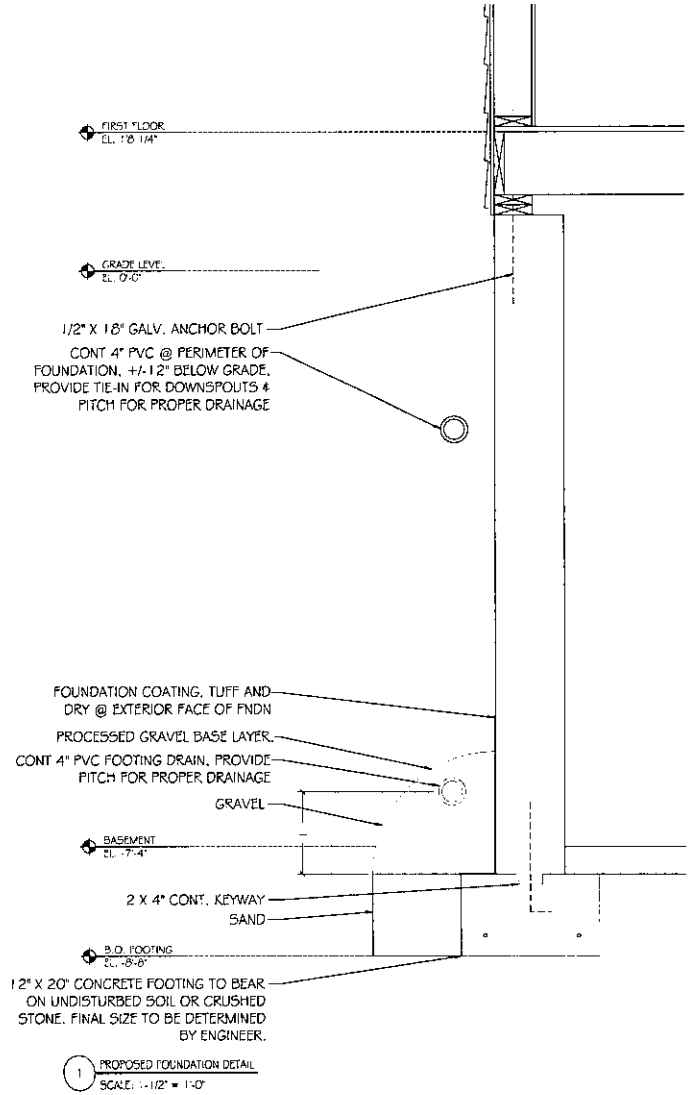
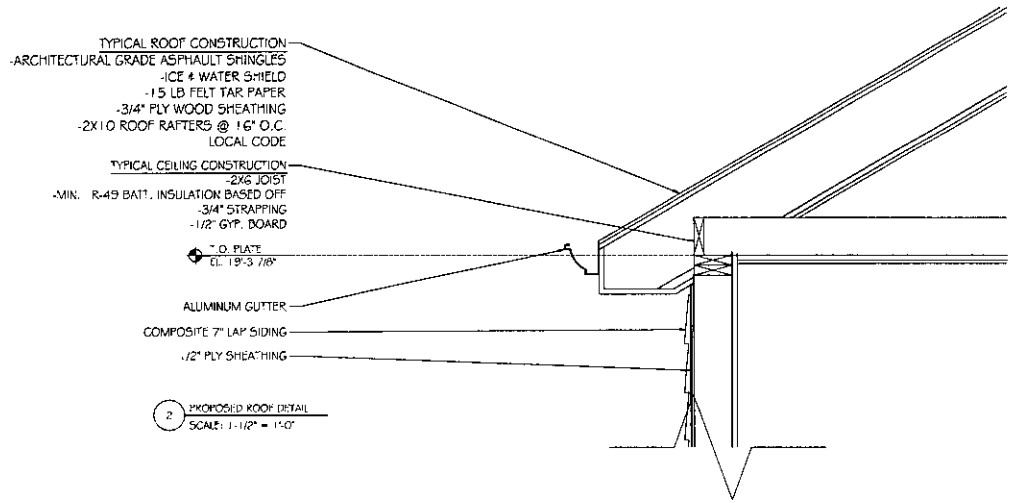
3 VAUGHAN AVENUE

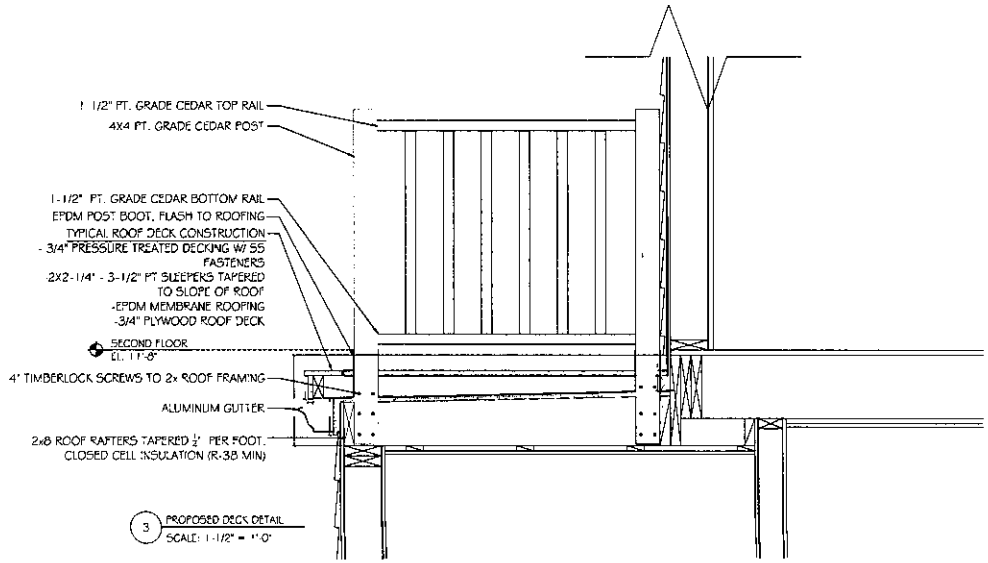
NEWPORT RI 02840

PROPOSED SECTION

TITLE	
DWG CONTENT	
SCALE	1/2" = 1'-0"
DATE	8/9/2022
DRAWN BY	CHECKED BY
AC	HCD
REVISIONS	
STAMP	
SHEET NO.	A3.0







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PROPOSED SECTION

A3.1