

**COMBINED APPLICATION FOR A SPECIAL USE PERMIT & A  
REGULATORY (DIMENSIONAL) VARIANCE**

**CITY OF NEWPORT, RI  
ZONING BOARD OF REVIEW**

*PA \$10000*  
**MAR 28 2022**

*CHK# 1241*

DATE: 3/28/2022

Board members:

*ZON APRIL 14*

The undersigned hereby petitions the Zoning Board of Review for a special use permit 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: 7 MALBONE RD

Tax Assessor's Plat 10 Lot 5-4

**Petitioner Information**

Applicant ALEXANDER DONLAN Address 7 MALBONE RD, NEWPORT RI 02840

Owner ELLINOR WALTERS Address 7 MALBONE RD, NEWPORT RI 02840

Lessee \_\_\_\_\_ Address \_\_\_\_\_

**Property Characteristics**

Dimensions of lot-frontage 42FT depth 82FT area 3265 sq. ft.

Zoning District in which premises is located R10

How long have you owned above premises? 1YR 10 MONTHS

Are there buildings on the premises at present? YES

Total square footage of the footprint of existing buildings 816 SQ FT

Total square footage of the footprint of proposed buildings 1037 SQ FT

Present use of  
premises SINGLE FAMILY DWELLING

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

Proposed use of premises SINGLE FAMILY DWELLING:

Replace failing structure with improved space for storage and access to home and adding outdoor space

Proposed by Alexander Donlan, (tenant & partner) on behalf of Ellinor Walters

Give extent of proposed alterations Proposal to remove existing rear entry "covered deck"  
and replace with 61 sqft mudroom. Additionally proposing to add 10' x 17' deck to space adjacent  
to proposed structure.

### **Zoning Characteristics Matrix**

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	3265	10000	3265
Lot Coverage	25%	20%	31.7%
Dwelling Units	1	1	1
Parking (# of spaces)	2	2	2
Front Setback	0'	15	0'
Side Setbacks	E: 11'-2", S:1' - 4"	10	E: 11'-2", S:1' - 4"
Rear Setback	32' - 10"	20	32' - 10"
Height	24'	30'	24'

What provisions of the Comprehensive Land Use Plan are the applicable to this project?  
The proposed work is consistent with policy H-1.3 and H-1.4, in that the previous owner  
allowed these items to fall into a state of disrepair and are bordering on dangerous while the

proposed work would improve and revitalize the existing property.

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

The lot size of this home is below the standard of the zoning regulations at 3,265 SQ FT  
of the required 10,000 SQ FT. Additionally, the age of this home and surrounding structures  
provide irregular and non-compliant setbacks in the front (0ft) and the east side (1' - 4")  
Any improvements will increase lot coverage as well as dimensional relief for new structures  
due to the nature of the lot.

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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?

The existing property is seeking dimensional relief and lot coverage relief. The dimensional  
relief is coincident with the existing structures, while the proposed lot coverage would bring the  
property to be consistent with the surrounding properties and provide an improved and more  
private space to the property, which is lacking due to the height of surrounding properties.

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

The existing structure is in poor condition and needs replacing. The  
replacement structure does not encroach on any setbacks. The proposed patio  
deck will encroach on an setback already encroached upon by the house and is  
the minimum size to be safe and functional. The height of the proposed  
structure is only 7" taller than the existing, a design choice to match the house's  
character unlike the existing. Many other properties in the area use equal or  
more of the percentage of lot provided The substandard lot size is the limiting  
factor, such a structure on an appropriately size lot would consume only 11% of  
the lot

### The Zoning Boards 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 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 has been met, the board must deny the application.

In granting a variance, the zoning board of review shall **require** that evidence of the following standards be entered into the record of the proceedings:

- a. That the reasons set forth in the application justify the granting of the variance and that the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;
- b. That the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will not impair the intent or purpose of the zoning code or the comprehensive plan upon which this zoning code is based;
- c. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general

characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant; and

- d. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
- e. That the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. 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;

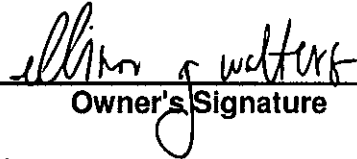
**By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read the section entitled "The Zoning Board's Role".**



**Applicant's Signature**

(774 )212-5407

**Telephone Number**



**Owner's Signature**

( 843 ) 367 3999

**Telephone Number**

**Email address** alex.donlan@gmail.com

ellinorwalters@icloud.com

**Be sure all required drawings are attached to this application at the time of the submittal.**

Parcel: 10-005-4	Location: 7 MALBONE RD	Owner: WALTERS ELLINOR G	Zoning: R10
Account: 1414	User Acct: R01485	LUC: 01 - Single Fam	

<b>Parcel Values</b>				
Total: \$307,000	Land: \$114,800	Land Area: 3,265 SF	Building: \$192,200	Assessed: \$307,000

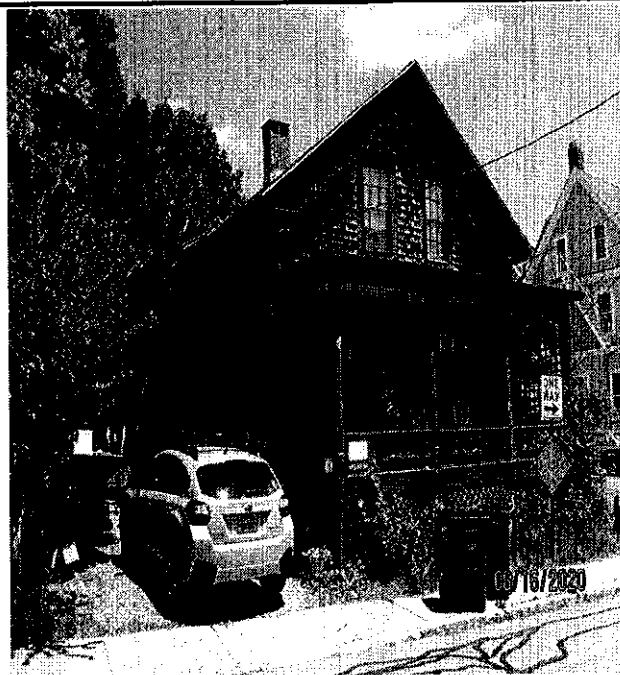
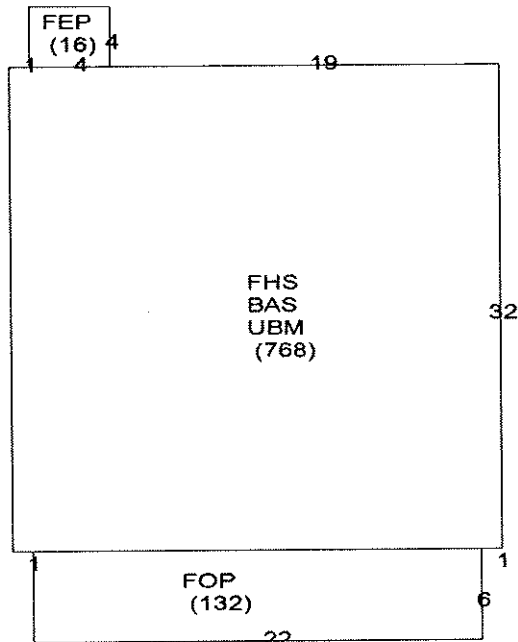
<b>Sales Information</b>				
<b>Book and Page</b>	<b>Instrument Type</b>	<b>Date</b>	<b>Price</b>	<b>Grantor</b>
2889-313	Warranty	05/04/2020	\$357,500	WOLFSKEHL ROBERT S &
1855-20		05/25/2007	\$305,000	MEDEIROS JOHN

<b>Building Type:</b> Conventional	<b>Year Built:</b> 1872	<b>Grade:</b> C	<b>Condition:</b> AV
<b>Heat Fuel:</b> Gas	<b>Heat Type:</b> Forced Air-D	<b>% Air Conditioned:</b> 0.00	<b>Fireplaces:</b> 1
<b>Exterior Wall:</b> Wood Shingle	<b>Bsmnt Garage:</b> 0	<b>Roof Cover:</b> Asph/F Gls/C	<b># of Units:</b> 1
<b># of Rooms:</b> 6	<b># of Bedrooms:</b> 3	<b>Full Bath:</b> 1	<b>1/2 Baths:</b> 0

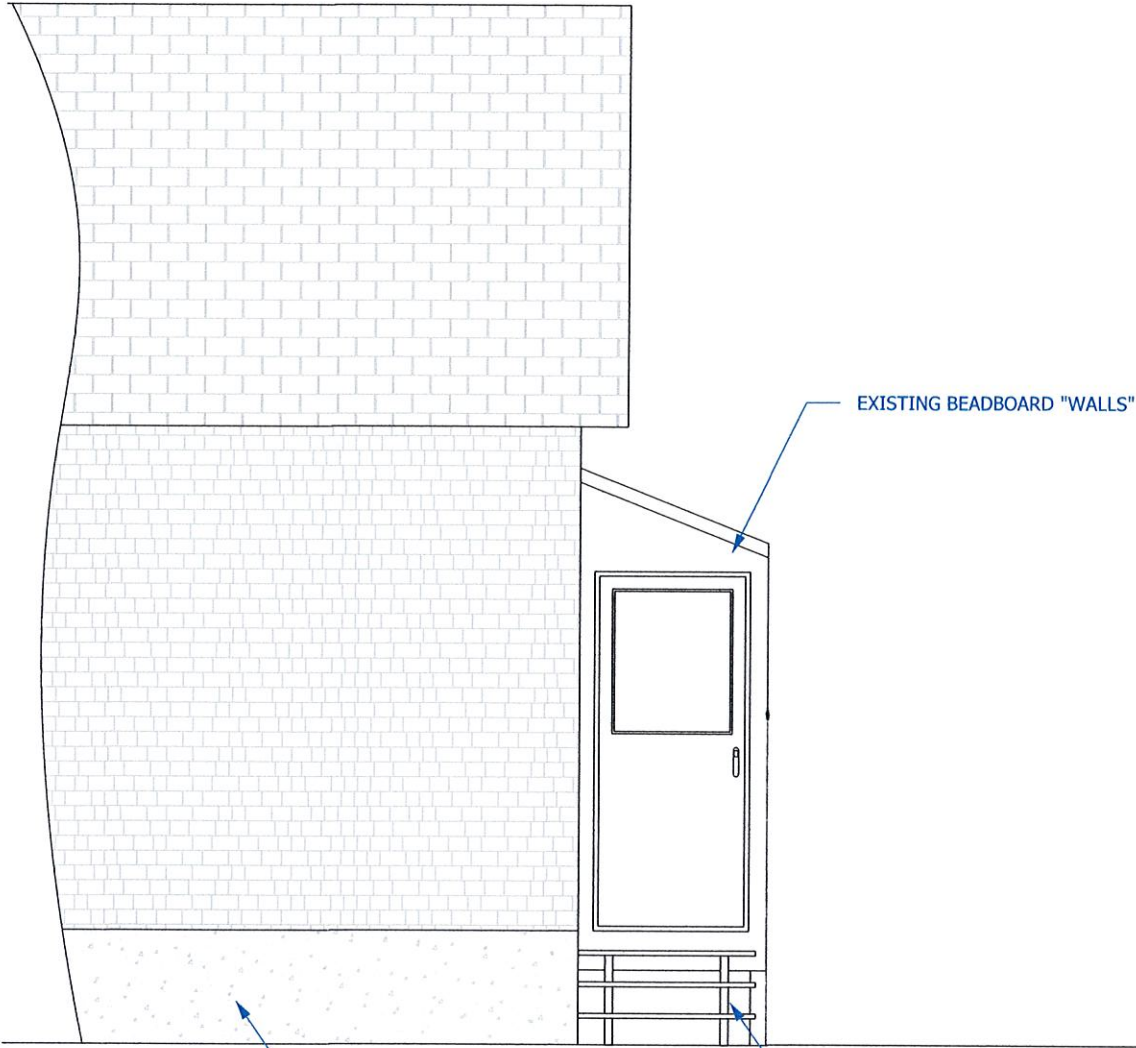
<b>Yard Item(s)</b>						
<b>Description</b>	<b>Quantity</b>	<b>Size</b>	<b>Year</b>	<b>Condition</b>	<b>Quality</b>	<b>Value</b>

<b>Building Areas</b>		
<b>Area</b>	<b>Net Area</b>	<b>Finished Area</b>
Basement, Unfinished	768 SF	0 SF
First Floor	768 SF	768 SF
Half Story, Finished	384 SF	384 SF
Porch, Enclosed, Finished	16 SF	0 SF
Porch, Open, Finished	132 SF	0 SF

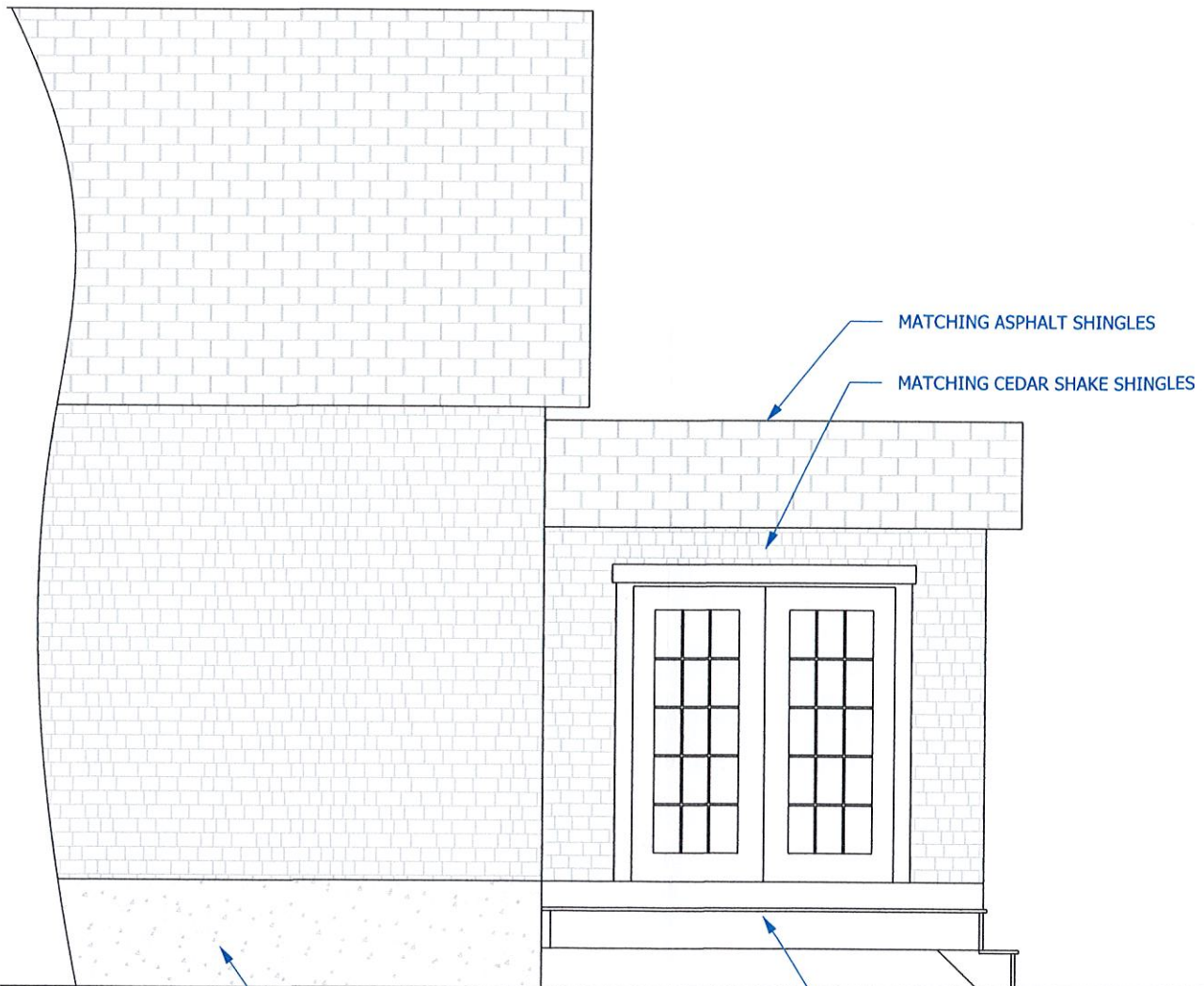
Disclaimer: This information is for tax  
assessing purposes  
and is not warranted



REVISIONS			
REV	DESCRIPTION	DATE	APPROVED
P1	DESC	XXX	XXX
P2	DESC	XXX	XXX




EXISTING - VIEW FACING WEST  
1/4":1'



PROPOSED - VIEW FACING WEST  
1/4":1'

APPLICATION	USED ON
NEXT ASSEMBLY	



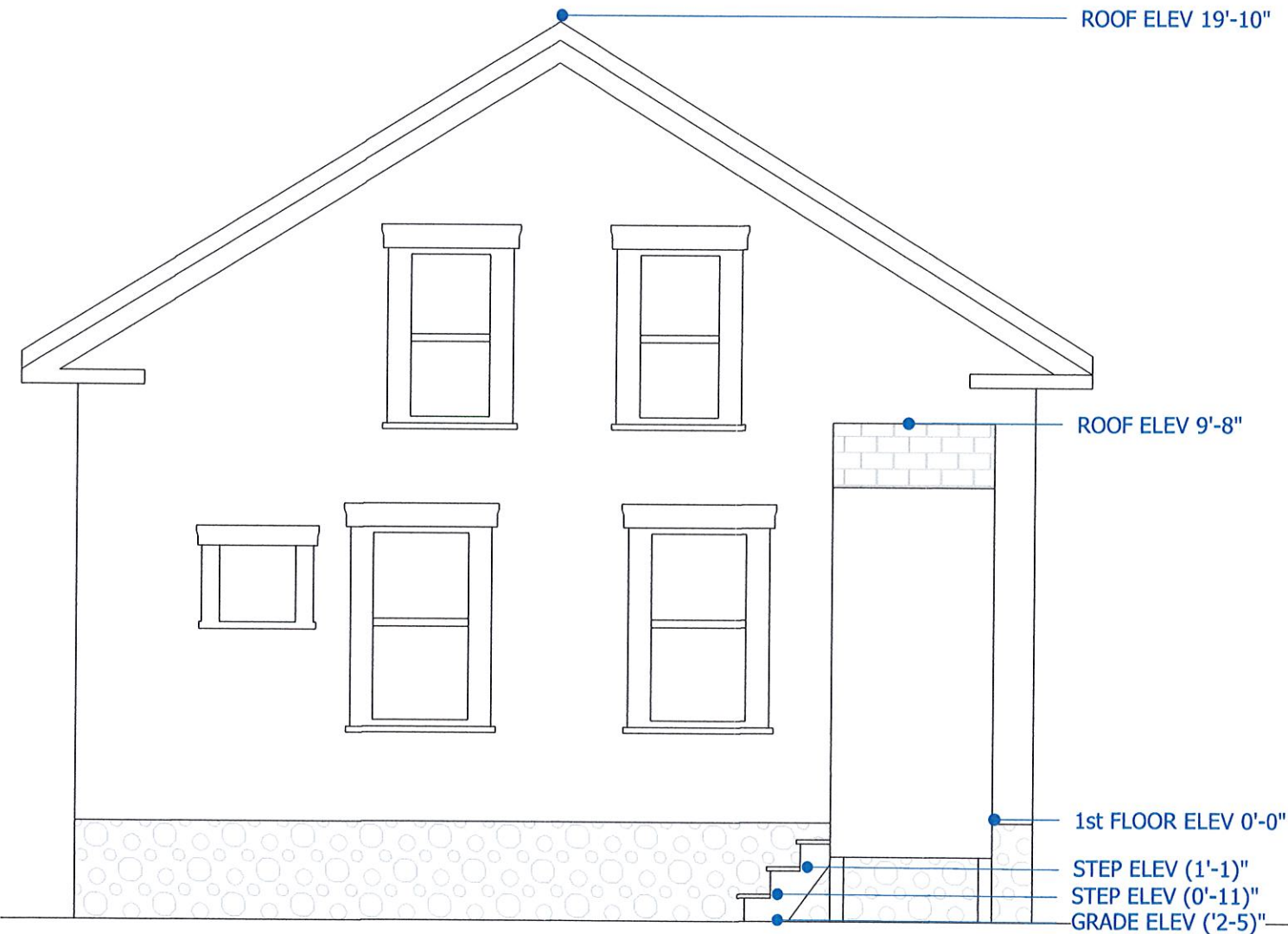
**A. A. DONLAN  
DESIGNS**

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DRAWN: AD		DATE: 3/27/202
ISSUE HISTORY		
ISSUE DATE:	ISSUE NAME:	
3/27/2022	ISSUED TO ZONING	
DO NOT SCALE DRAWING AT PRINT		

PROJECT: <b>7 MALBONE RD</b>	
DRAWING TITLE: <b>MUDROOM &amp; DECK ELEVATIONS</b>	
DRAWING NUMBER: <b>N/1</b>	REV.: <div>P1</div>
SCALE: 1:96	SHEET SIZE: TABLOID
SHEET 2 OF 2	

REVISIONS			
REV	DESCRIPTION:	DATE:	APPROVED:
P1	DESC	XXX	XXX
P2	DESC	XXX	XXX




EXISTING - VIEW FACING SOUTH  
1/4":1'



PROPOSED - VIEW FACING SOUTH  
1/4":1'

APPLICATION	
NEXT ASSEMBLY	USED ON



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SHEET 1 OF 2	

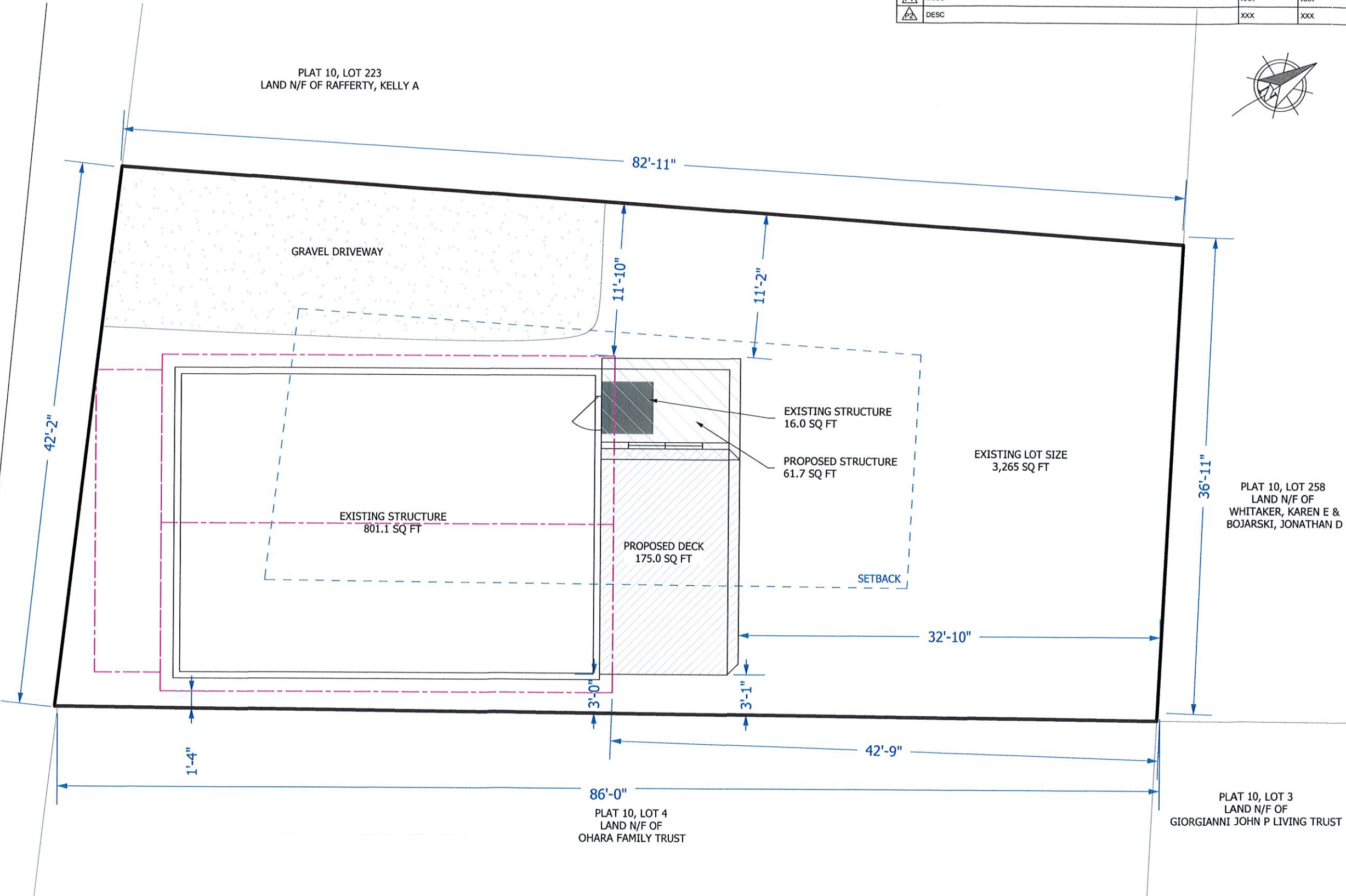
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REVISIONS			
REV	DESCRIPTION	DATE	APPROVED
1	DESC	XXX	XXX
2	DESC	XXX	XXX



Malbone Rd



7 MALBONE RD,  
 NEWPORT RI 02840  
 PLAT 10, LOT 5-4  
 R-10 RESIDENTIAL  
 LOT SIZE (SQ FT): 3265  
 CURRENT USAGE (SQ FT, %): 817, 25%  
 PROPOSED USAGE (SQ FT, %): 1037, 32%

APPLICATION	USED ON
NEXT ASSEMBLY	

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3/27/2022	ISSUED TO ZONING
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PROJECT:	7 MALBONE RD
DRAWING TITLE:	MUDROOM & DECK SITE PLAN
DRAWING NUMBER:	N/1
SCALE: 1:96	SHEET SIZE: TABLOID
REV.:	SHEET 1 OF 2

