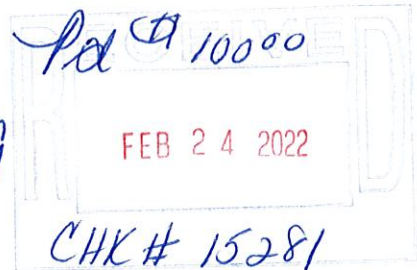


APPLICATION FOR DIMENSIONAL VARIANCE

CITY OF NEWPORT, RI  
ZONING BOARD OF REVIEW



DATE: 2/17/22

*ZON MAR 9*

Board members:

The undersigned hereby petitions the Zoning Board of Review for 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: 31 Prescott Hall Rd.

Tax Assessor's Plat 9 Lot 313

Petitioner Information

Applicant Richard Hart Address 96A Unity Dr.

Middletown, RI 02842

Owner same Address \_\_\_\_\_

Lessee n/a Address \_\_\_\_\_

Property Characteristics

Dimensions of lot-frontage 49'10" depth 100' area 5,000 sqsq.ft.

Zoning District in which premises is located R-10

How long have you owned above premises? 6 months

Are there buildings on the premises at present? yes

Total square footage of the footprint of existing buildings 1,006 Sq. Ft.

Total square footage of the footprint of proposed buildings 1,474.5 sq.ft.

Present use of premises two family dwelling

Proposed use of premises two Family dwelling

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

Give extent of proposed alterations: add two-story garage/living space, bring both dwelling units up to current standards, have 2 off street parking spaces, protect household systems from frequent flooding

**Zoning Characteristics Matrix**

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	5,000	10,000	5,000
Lot Coverage (%)	20.12%	20%	29.49%
Dwelling Units	2	2	2
Parking (# of spaces)	0	2	2
Front Setback	3'9"	15'	7'11"
Side Setbacks	5'2"	10'	5'
Rear Setback	52.8'	20'	46.8'
Height	23'2"	35'	30'

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?

"Two dwelling units are existing on site; however they are functionally constrained, and the upper unit is substandard per code in size and clearances. Vertically expanding the property within the existing footprint will allow the owner to live on premises with his growing family and have a code compliant second dwelling unit. This part of the proposed work does not further impact or increase any non-compliance. Adding the single-car garage onto the property creates two off-street parking spaces in return for one on-street space and allows the critical location of mechanical & electrical systems above ground instead of in the often-flooding basement (due to endemic neighborhood flooding). The single car garage while causing additional non-compliance is the minimum footprint to locate a single vehicle and household systems and it protrudes into the Side Setback no more than 50%. The garage is located to not interfere with the Front Setback."

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?

As stated earlier, the non-conforming lot size of 5,000 sq.ft. is half of required 10,000 sq,ft, yet is held to the same dimensional building requirements. Of the neighboring 58 lots, all but 7 have lot coverage over 20%. The remaining 51 lots go from 20.20% up to 85.07% coverage.

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

The two dwelling units exist. However, the units are functionally constrained and one is substandard. The applicant is simply requesting relief to bring both dwelling units to modern standards, improving the housing stock as encouraged within the land use standards of the Comprehensive plan.

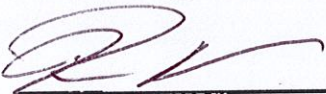
#### The Zoning Boards Role

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	
(    )	(401) 855 0006
Telephone Number	Telephone Number
Email address	ihartroofing@gmail.com

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

**Zoning Review Site Plan Existing / Proposed:**

Existing Zoning --- R-10  
 Existing Lot Size --- 5,000 sf (Town data)  
 Existing Footprint --- 1,128 sf (Town & Field data)  
 Existing Lot Coverage --- 22.56%  
 Proposed Footprint --- 1,505 sf  
 Proposed Lot Cvg. --- 30%

Existing Parking --- 0 off-street

Proposed Parking Changes --- Add TWO off-street parking spaces  
 Proposed Lot Cvg. Changes --- Increase from 22.56% to 30%  
 Proposed Height Changes --- Currently 23'-2" Proposed 30'-0"  
 Proposed Set-back Changes --- Setbacks are existing non-compliant and proposed work will increase max side setback non-compliance by an additional 2" to 5'-0" at the Sidewall of the House and a max of 4'-8" from Eave to Property Line.

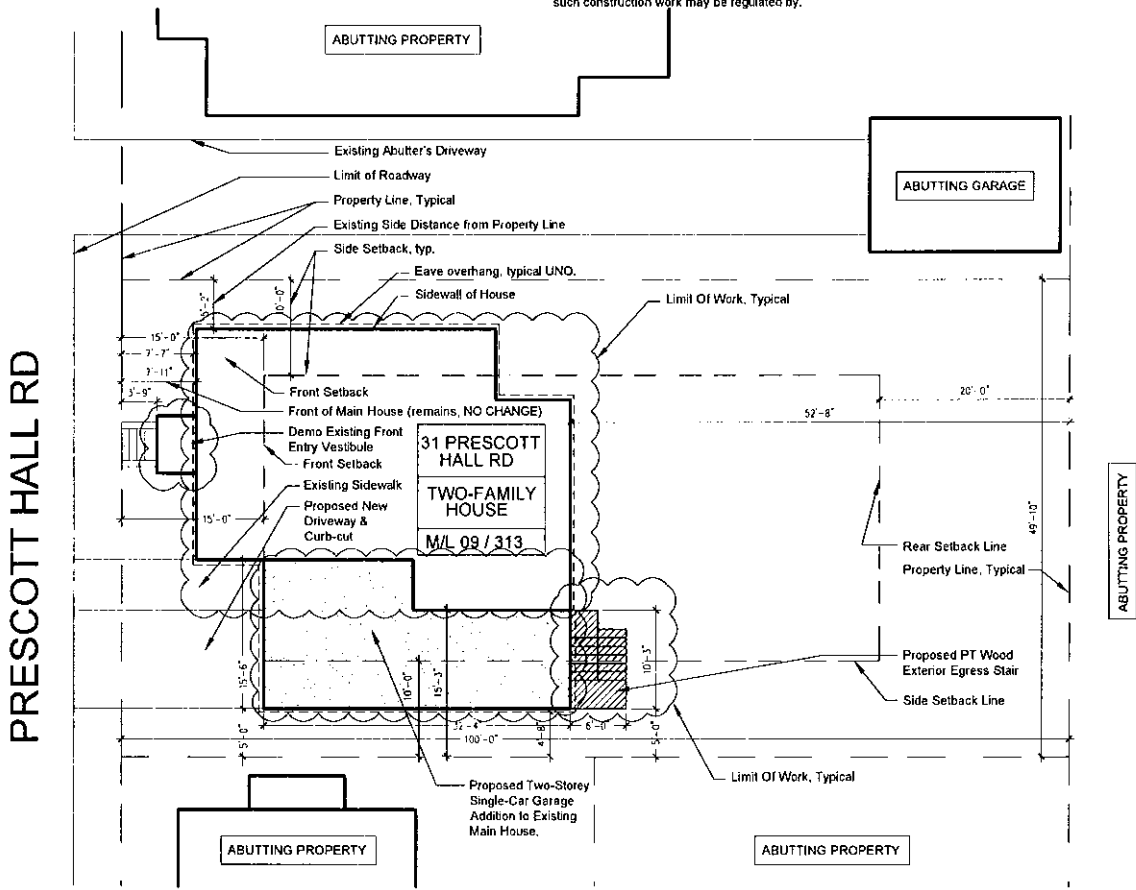
Front Setback Allowed --- 15' --- Current --- 3'-9" --- Proposed --- 7'-11" (REDUCED non-compliance)  
 Side Setback Allowed --- 10' --- Current --- 5'-2" --- Proposed --- 5'-0"  
 Lot Coverage Allowed --- 20% --- Current --- 20.12% --- Proposed --- 29.49%

**SITE PLAN NOTES:**

1. This drawing is not a Boundary Survey nor was it prepared by an RLS or other licensed or registered engineering professional.
2. This drawing is a composite of information collected from public and private sources, field measurements, and is for the purpose of illustrating the site impact of the proposed Two Family Residential Addition planned by the Property Owner(s). Dimensional & Object Information included on this plan includes information gathered from field observations in Oct and Dec of 2021; City of Newport Tax Maps; City of Newport GIS Data Portal; City of Newport Land Records Deed for the subject property, and City of Newport, RI Public Works Documents.
3. Field measurements were taken to verify location of certain items including existing wooden fence, approximate foundation corner locations, Iron Rods previously set, etc.

**PROJECT NARRATIVE:**

- This proposed work is for an addition to an existing Two Family Residence, in an R-10 Zone, in Newport, RI. The property setbacks are Existing Non-Compliant, however any proposed work reduces the Front Setback non-compliance and increases the Side Setback non-compliance to 5'-0" on the RIGHT side of the property at the Sidewall of the Garage portion of the structure - the LEFT side currently is at 5'-2" from the Property Line and is existing non-compliant. There is no proposed Change of Use of the existing Two Family Residence. The Scope of Work is as follows:
1. Addition to consist of a two-story Single Car Garage and removing the Roof of the existing Main House and building a NEW full height Second Story with a stick-built roof and a Shed Dormer to allow partial occupancy of the new Attic level.
  2. The Second Floor of the Garage shall be accessible to the Second Floor of the House from the interior, as well as an Exterior Stairway.
  3. The Exterior Stairway is being added as a Secondary Means of Egress from the Upper Level Unit of the Two Family Residence.
  4. This addition shall be constructed utilizing existing & new exterior wall framing and concrete foundation, and new interior beams and columns/footings as required.
  5. ALL WORK shall be done to comply with the RI State Building Code and the International One and Two Family Building Code, and other such codes as the City of Newport and the State of RI currently required including but not limited to Electrical, Mechanical, and Plumbing codes.
  6. ALL WORK shall be done by licensed or registered contractors and shall be done in a workman like and professional manner.
  7. ALL WORK shall abide by City of Newport Noise, Trash, and other regulations as such construction work may be regulated by.

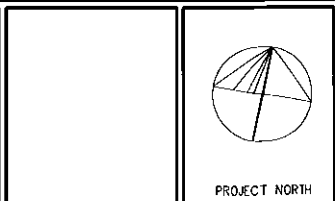


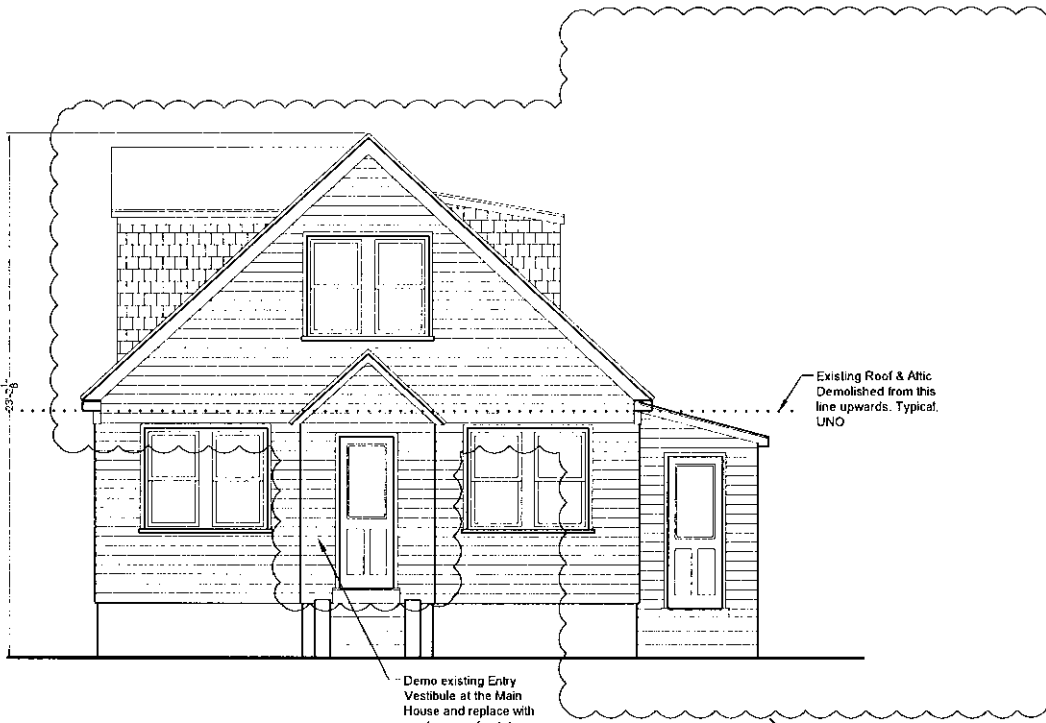
**Proposed Site Plan**  
 Scale = Not To Scale

Drawing No.:  
**A-1011**  
 Drawing 1 of 5  
**ZONING REVIEW SET**  
 Date Issued: 01/22/22  
 Date Revised: 02/16/22

**31 Prescott Hall Rd Residence**  
 Newport, RI  
**ART+CHITECTURE**  
 351 Boyds Lane  
 Portsmouth, RI 02871  
 413-441-7648 cell

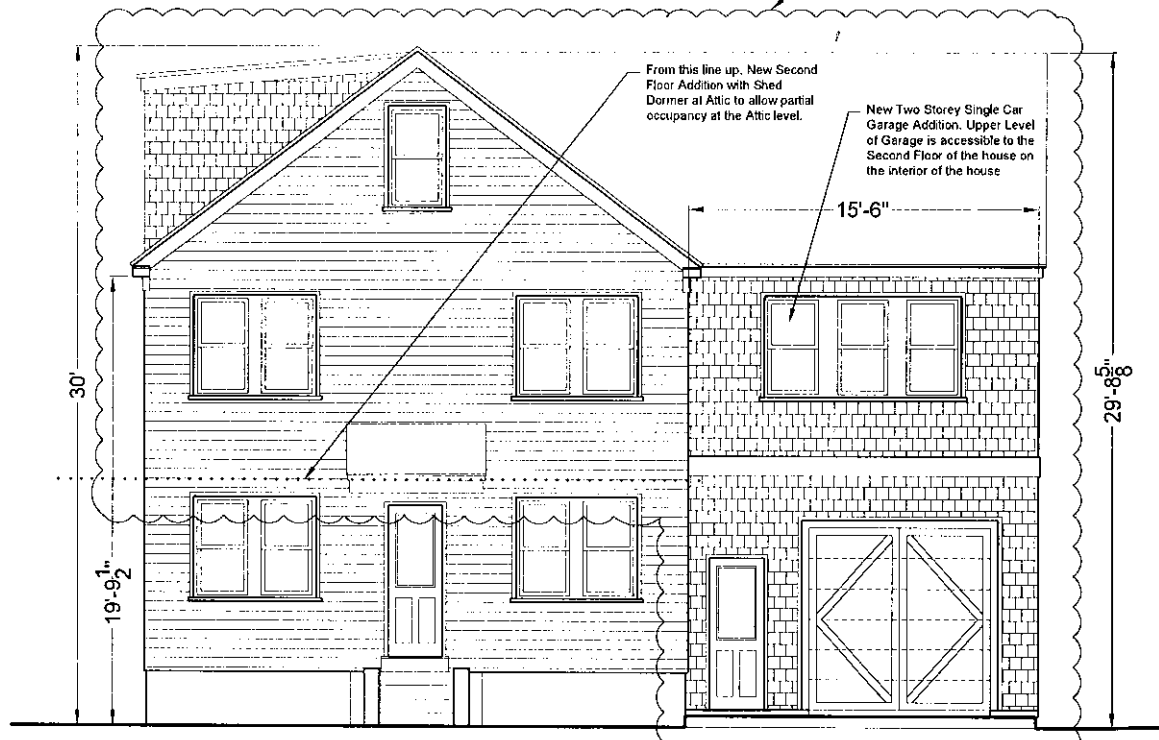
**Proposed Two Family 2nd Floor & Garage Addition**  
 Newport, Rhode Island  
**Site Plan**  
 Scale: As Noted  
 Reviewed by: TMT  
 Drawn by: TMT





**Existing Front Elevation**

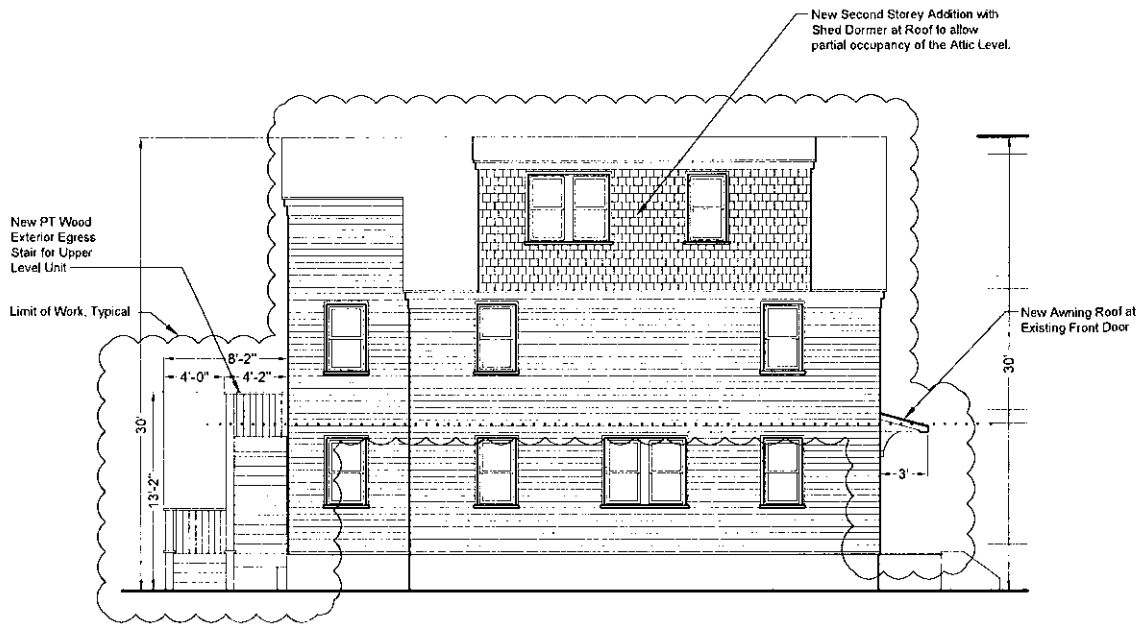
Scale = 3/16" = 1'-0"



**Proposed Front Elevation**

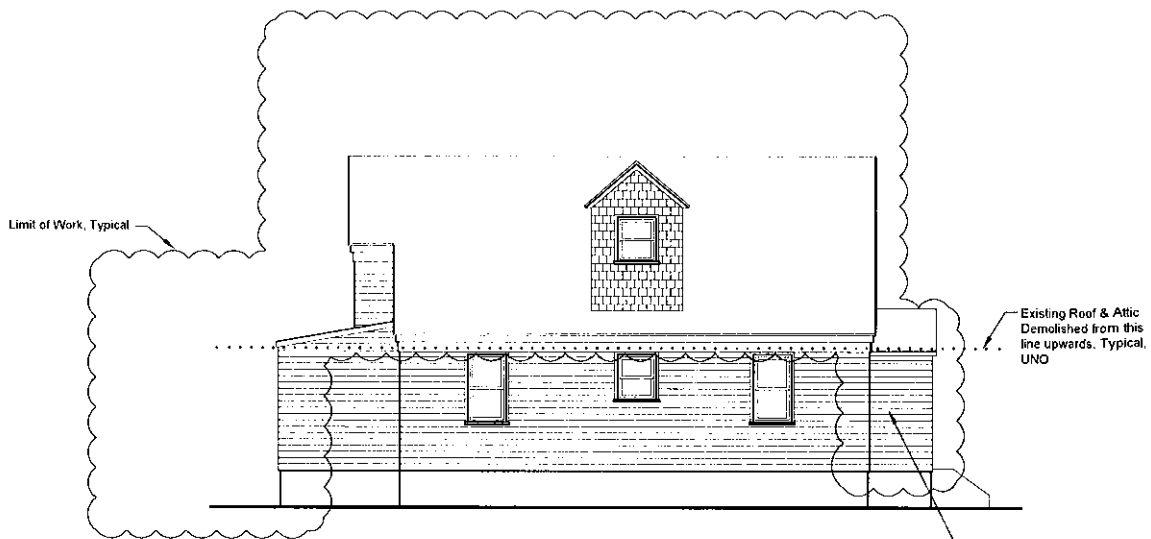
Scale = 3/16" = 1'-0"

ZONING REVIEW SET Date Issued: 01/22/22 Date Received: 03/03/22	Drawing No.: <b>A-102</b> Drawing 2 of 5	<b>31 Prescott Mall Rd          Residence          Newport, RI</b>	<b>Proposed Two Family          2nd Floor &amp; Garage Addition</b> Newport, Rhode Island		
	<b>ART+CHITECTURE</b> 551 Boyds Lane Portsmouth, RI 02871 413-441-7438 (cell)	<b>Existing &amp; Proposed          Front Elevations</b> Scale: As Noted Reviewed by: TMT Drawn by: TMT			



**Proposed Left Side Elevation**

Scale = 1/8" = 1'-0"



**Existing Left Side Elevation**

Scale = 1/8" = 1'-0"

Drawing No.: <b>A-103</b> Drawing 3 of 5 <b>ZONING REVIEW SET</b> Date Issued: 01/22/23 Date Revised: 02/02/23	31 Prescott Mall Rd Residence Newport, RI	Proposed Two Family 2nd Floor & Garage Addition Newport, Rhode Island		
	<b>ART+CHITECTURE</b> 551 Boyds Lane Portsmouth, RI - 02871 413-441-7698 cell	<b>Existing &amp; Proposed          Side Elevations</b> Scale: As Noted Reviewed by: TMT Drawn by: TMT		



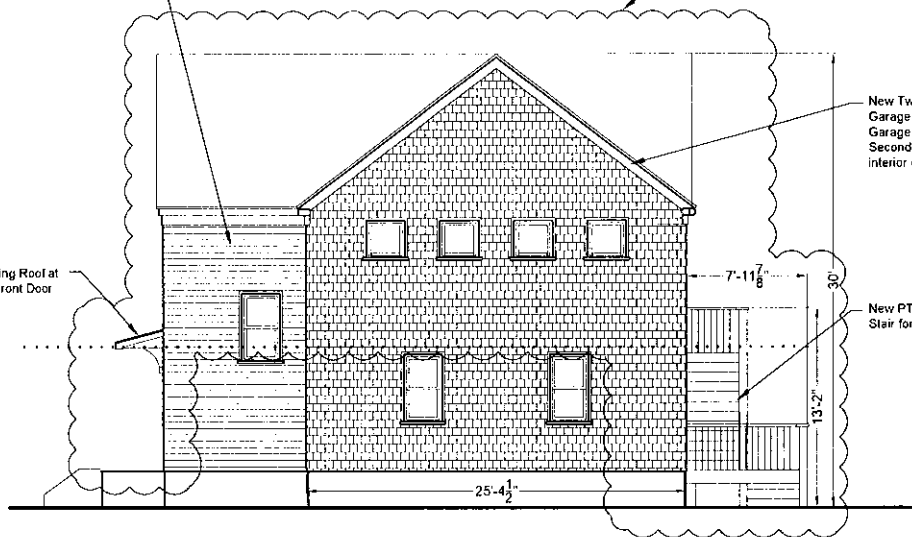
New Second Storey Addition with Shed Dormer at Roof to allow partial occupancy of the Attic Level.

Limit Of Work, Typical

New Awning Roof at Existing Front Door

New Two Storey Single Car Garage Addition. Upper Level of Garage is accessible to the Second Floor of the house on the interior of the house

New PT Wood Exterior Egress Stair for Upper Level Unit



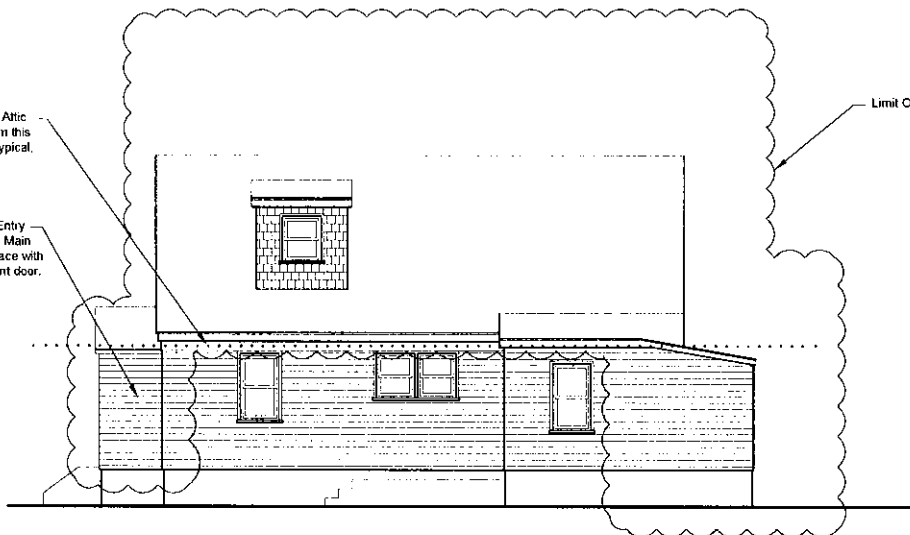
**Proposed Right Side Elevation**

Scale = 1/8" = 1'-0"

Existing Roof & Attic Demolished from this line upwards. Typical. UNO

Demo existing Entry Vestibule at the Main House and replace with awning over front door.

Limit Of Work, Typical



**Existing Right Side Elevation**

Scale = 1/8" = 1'-0"

Date: Revised  
01/22/22  
Date: Revised  
02/02/20

ZONING REVIEW SET

Drawing No.:  
**A-104**  
Drawing 4 of 5

**31 Prescott Hall Rd  
Residence  
Newport, RI**

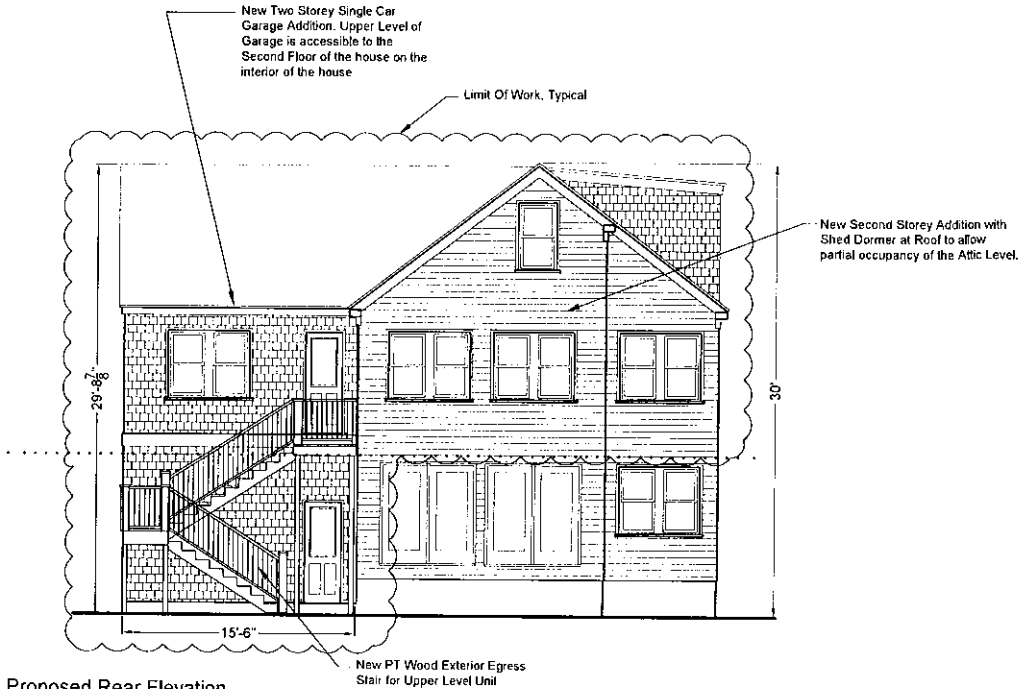
**ART+CHITECTURE**  
551 Boyds Lane  
Pawtucket, RI - 02871  
413-441-7608 cell

Proposec Two Family  
2nd Floor & Garage Addition  
Newport, Rhode Island

Existing & Proposed  
Side Elevations

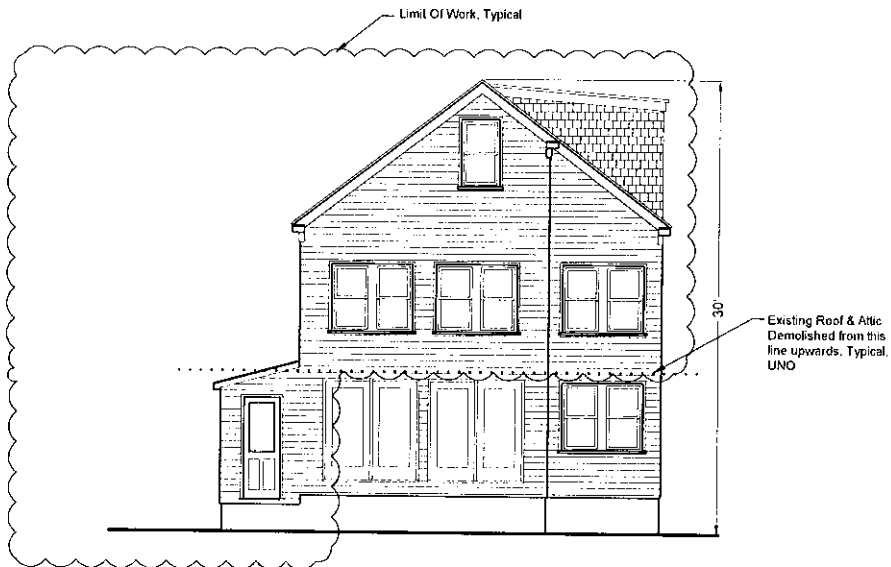
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Reviewed by: TMT  
Drawn by: TMT





**Proposed Rear Elevation**

Scale = 1/8" = 1'-0"



**Existing Rear Elevation**

Scale = 1/8" = 1'-0"

Drawing No.: <b>A-105</b> Drawing 5 of 5 ZONING REVIEW SET Date Issued: 01/22/22 Date Revised: 00/00/00	<b>31 Prescott Mall Rd          Residence          Newport, RI</b>	Proposec Two Family 2nd Floor & Garage Addition Newport, Rhode Island		
	<b>ART+CHITECTURE</b> 531 Boyd's Lane Portsmouth, RI 02871 413-441-7688 cell	<b>Existing &amp; Proposed          Rear Elevations</b> Scale: As Noted Reviewed by: TMT      Drawn by: TMT		