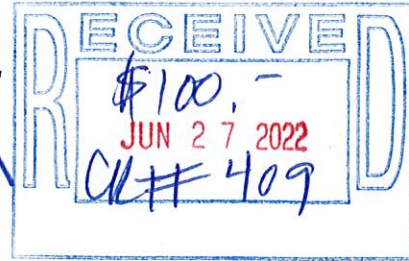


COMBINED APPLICATION FOR A SPECIAL USE PERMIT AND A REGULATORY DIMENSIONAL VARIANCE

CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW



Date: June 27, 2022

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: 11 W Narraganset Ave., Newport, RI 02840
Tax Assessor's Plat: 39 Lot: 064

Petitioner Information

Applicant: John-Paul & Nicole Shevory
Owner: John-Paul & Nicole Shevory
Lessee: N/A

Address: 11 W Narraganset Ave., Newport, RI 02840
Address: 11 W Narraganset Ave., Newport, RI 02840
Address: N/A

Property Characteristics

Dimensions of lot: Frontage 39' 1" Depth 74' 4" Area 2,872 sq. ft.

Zoning District in which premises is located: R-10

How long have you owned above premises? Three Months

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 1,103 sqft

Total square footage of the footprint of proposed building: 1,453 sqft

Present use of premises: Two-Family House

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

Proposed use of premise: The Applicants intend to continue to use the premises as a non-conforming two-family house and their primary residence.

Give extent of proposed alterations: The Applicants are residents of the city of Newport who recently purchased the house to accommodate their expanding family. The property is a legal non-confirming two-family house built in 1870. One unit will be used as the Applicant's primary residence. The other unit will be rented out to long-term tenants.

The property is in a state of disrepair and needs extensive renovations to become a safe and comfortable home in accordance with today's modern living standards. The Applicants are requesting the board's approval to:

- Reconfigured front exterior porch and stairs. This will allow the Applicants to bring the front exterior porch and stairs up to current building code. Currently, the front stairs leading into the house are not uniformed in height or width and present a safety hazard.
- Add two dormers along the house's third floor north and south roof lines. This will allow the Applicants to add additional ceiling height and living space on the third floor of the house where three bedrooms and one bathroom will be located. Currently, the bedrooms and bathroom located on the third floor do not have sufficient ceiling height or means of egress to be consistent with today's current building code and modern living standards.
- Add a rear addition to the south side of the existing primary structure. This will allow the Applicants to (1) reconfigure and bring the interior staircases up to current building code; (2) move the laundry, currently located in the basement, into both Units on the first and second floor; and (3) Add a home office for the Applicants. One of the Applicant's works from home full-time and needs a dedicated office space.
- Add a rear exterior porch and staircase to the south side of the existing and proposed primary structure. This will allow the Applicants to have direct access to an outdoor living space from the second floor and another means of egress. Currently, the property does not have an accessible private outdoor space associated with Unit Two.

Zoning Characteristics Matrix

	Existing	Required/ Allowed	Proposed
Lot Size (sq. ft.)	2,872 sqft	10,000 sqft	No Change
Lot Coverage	38%	20%	51%
Dwelling Units	2	2	No Change
Parking (# of spaces)	3	3	No Change
Front Setback	0'-0"	15'-0"	No Change
Side Setback	West: 2'-3" East: 8'-2 ½"	West: 10' East: 10'	No Change
Rear Setback	31'- 3 ½"	22'-0"	22'-7"
Height	29'-6"	30'-0"	No Change

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

The proposed renovations are consistent with many provisions of the Comprehensive Land Use Plan, including, but not limited to the following:

Housing:

Goal H-1: To preserve and protect existing housing resources in the community.

Policy H-1.3 The City shall continue to promote the repair, revitalization or rehabilitation of residential structures and neighborhoods.

Policy H-1.4 The City shall encourage resident involvement in identifying and addressing the maintenance of housing in their neighborhood

Goal H-3: To reduce the percentage of seasonally vacant homes and increase neighborhood stability and vitality.

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

The property is a non-conforming two-family house built in 1870 on an undersized lot in the R-10 district. The majority of the existing house is built outside the setbacks and along the east property line.

The two staircases leading up to the second-floor apartment and the one staircase leading up to the third-floor were likely built to building code consistent with the 1870s but by today's standards the staircases are too narrow and steep to be considered a safe means of egress. New staircases consistent with today's building code, take up significantly more square footage and decrease the already small indoor living space. The additional interior square footage and dormers will allow for a new reconfigured interior staircase to be built that is consistent with today's building codes. Additionally, the addition of an exterior deck and staircase for the second floor will provide another means of egress.

Additionally, the increased square footage will allow the Applicants to add in-unit laundry. The laundry for both Units One and Two is currently located in the basement. To access the laundry, the Applicants and tenants need to enter the basement through a steep stair case. When in the basement there is not sufficient ceiling height for an average person to standup straight. The basement is not dry and often has water in it.

The third floor living space, where two bedrooms and one bathroom is currently located, does not have adequate ceiling height. Again, the design of the third floor living space is consistent with the earlier building code but is not consistent with modern building code. All six bedrooms in the house are undersized with limited storage space and have awkward layouts that are not consistent with today's modern living standards. Again, the additional the interior square footage and dormers will allow the Applicants to reconfigure the living space to be more consistent with today's building codes and living standards.

Additionally, the Applicants do not have access to an outdoor living space from the second floor. A porch from the second story is a common amenity enjoyed by others in the neighborhood. The Applicants have a growing family and want to be able enjoy a private outdoor living space easily accessible from Unit Two where they can host family dinners, grill, etc. during the warmer months.

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 house has fallen into a state of disrepair and needs extensive renovations to become a safe and comfortable home consistent with today's building codes and modern living standards. The applicants are seeking relief for renovations to:

- Reconfigured front exterior porch and stairs. Front exterior porch and stairs are currently not consistent with current building code and present a safety hazard.

- Add two dormers along the house's third floor north and south roof lines. The bedrooms and bathroom located on the third floor do not have sufficient ceiling height or means of egress to be consistent with today's current building code and modern living standards.
- Add a rear addition to the south side of the existing primary structure. This will allow the Applicants to (1) reconfigure and bring the interior staircases up to current building code; (2) move the laundry, currently located in the basement, into both Units on the first and second floor; and (3) Add a home office for the Applicants. One of the Applicant's works from home full-time and needs a dedicated office space.
- Add a rear exterior porch and staircase to the south side of the existing and proposed primary structure. This will allow the Applicants to have direct access to an outdoor living space from the second floor and another means of egress. Currently, the property does not have an accessible private outdoor space associated with Unit Two.

The area is densely developed with a mix of single, two and multi-family residence on small sub-standard lots. A number of the properties immediately adjacent to the subject property in this neighborhood are substandard, in terms of lot size, exceed the 20% lot coverage, and encroach into setbacks. Many of these properties fail to meet various requirements of the R-10 Zone. The literal interpretation of the zoning code, resulting in the denial of the relief requested, would unreasonably deny the Applicants the ability to continue with the use of the property as a two-family house. The proposed dimensional variances will not be inconsistent with surrounding properties. The remodeled two-family home which meets building codes and standards of modern living, will be appropriate and consistent with the surrounding neighborhood and the rights enjoyed by other property owners in this area of the R-10 Zone.

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

The Applicant is seeking minimal relief necessary to make improvements to their property. The footprint is being adjusted, lot coverage increased and east setback increased to bring the property in line with current building codes and standards of modern living. Accordingly, the proposed use of the property and relief sought by the Applicant will not create a hardship for the abutting properties and is consistent with the rights enjoyed by surrounding property owners. The subject will be conforming to neighborhood in scope, size, and use. Granting the request will allow the Applicants to continue to enjoy the two-family house use which is permitted by right.

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;

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 entitled "The Zoning Board's Role".

sp Shevory Nicole Shevory

Applicant's Signature

(508) 367-9491
Telephone Number

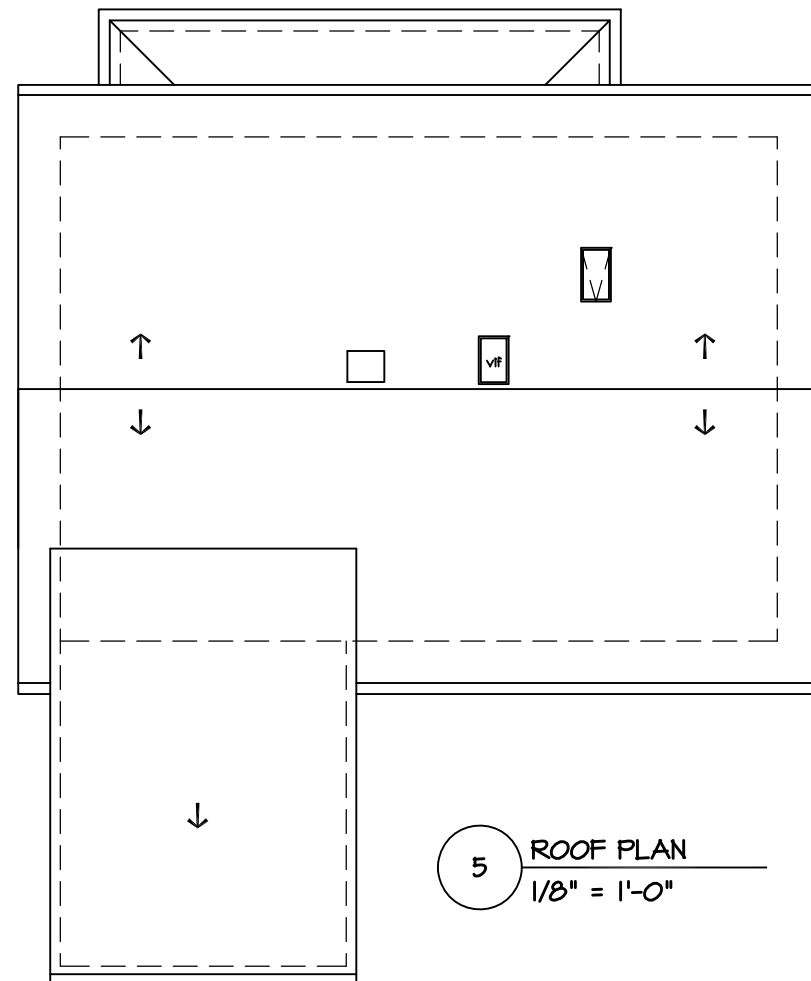
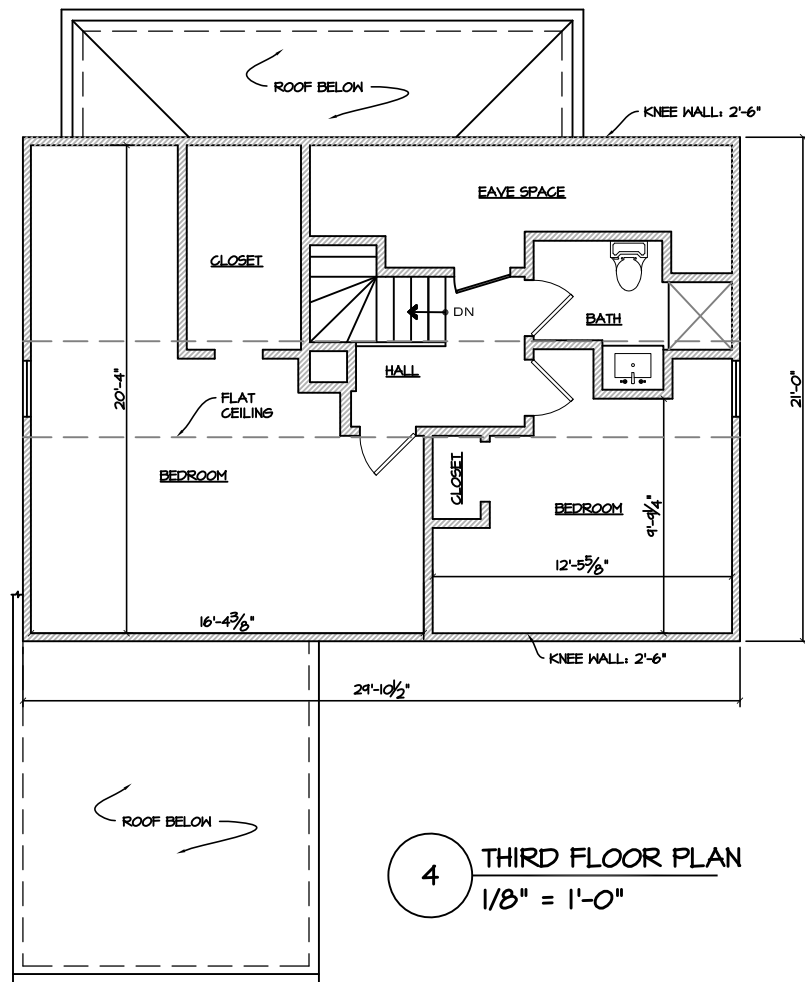
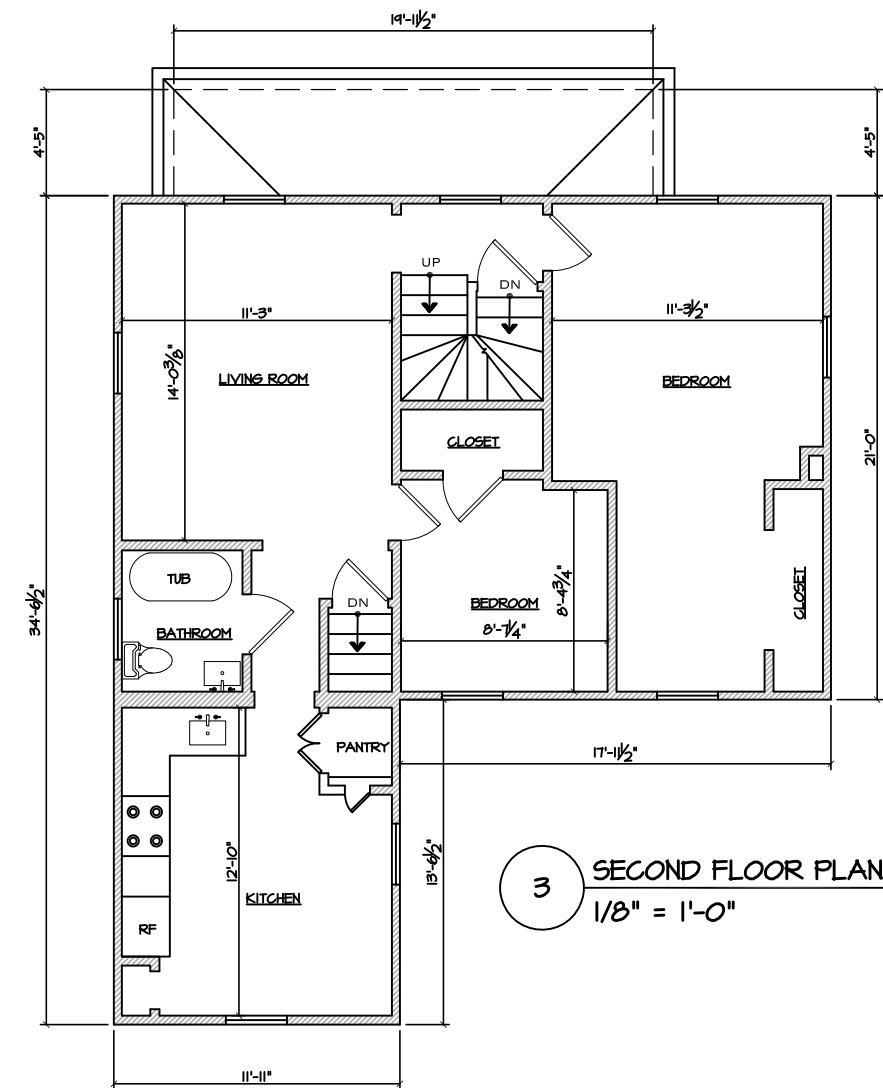
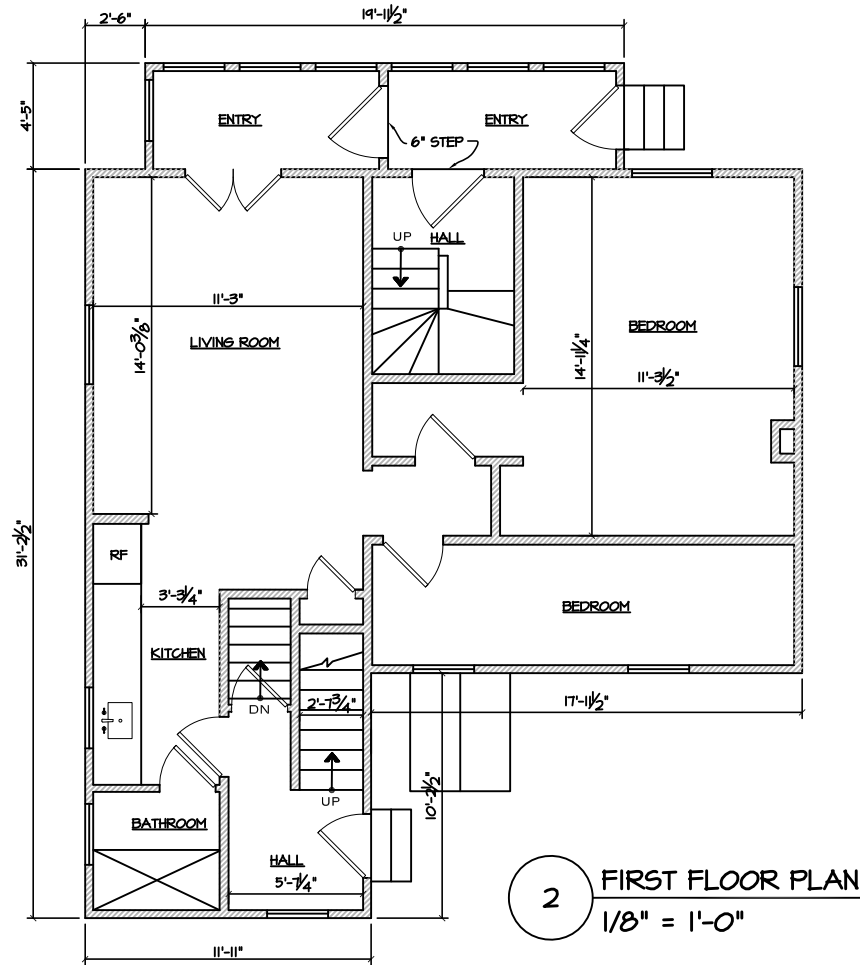
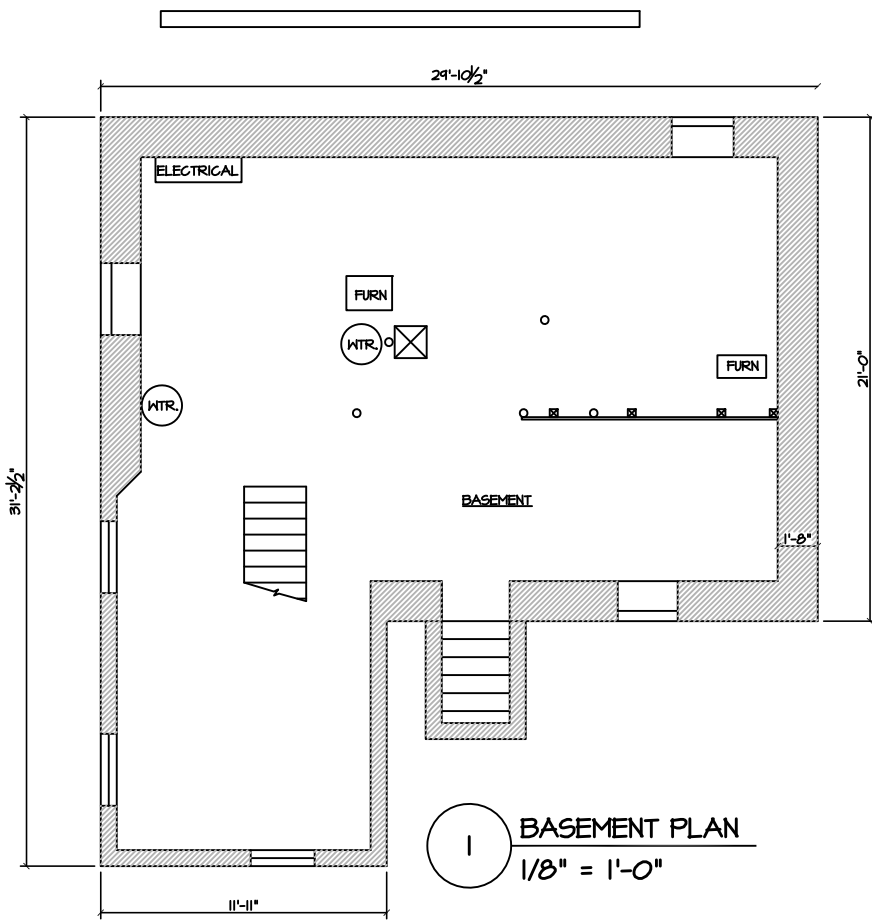
sp Shevory Nicole Shevory

Owner's Signature

(508) 367-9491 — Nicole
Telephone Number

Nicole.Shevory@gmail.com
Email address

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



SPRING STREET
STUDIO

401.662.5621

203 GODDARD ROW
NEWPORT, RI 02840

ZONING
PLANS

11 WEST NARRAGANSETT AVE
SHEVORY RESIDENCE
NEWPORT, RHODE ISLAND

DATE: 6.16.22

DESCRIPTION

EXISTING
FLOOR PLANS

E1.0



SPRING STREET
STUDIO

401.662.5621
203 GODDARD ROW
NEWPORT, RI 02840

ZONING
PLANS

11 WEST NARRAGANSETT AVE
SHEVORY RESIDENCE
NEWPORT, RHODE ISLAND

DATE: 6.16.22

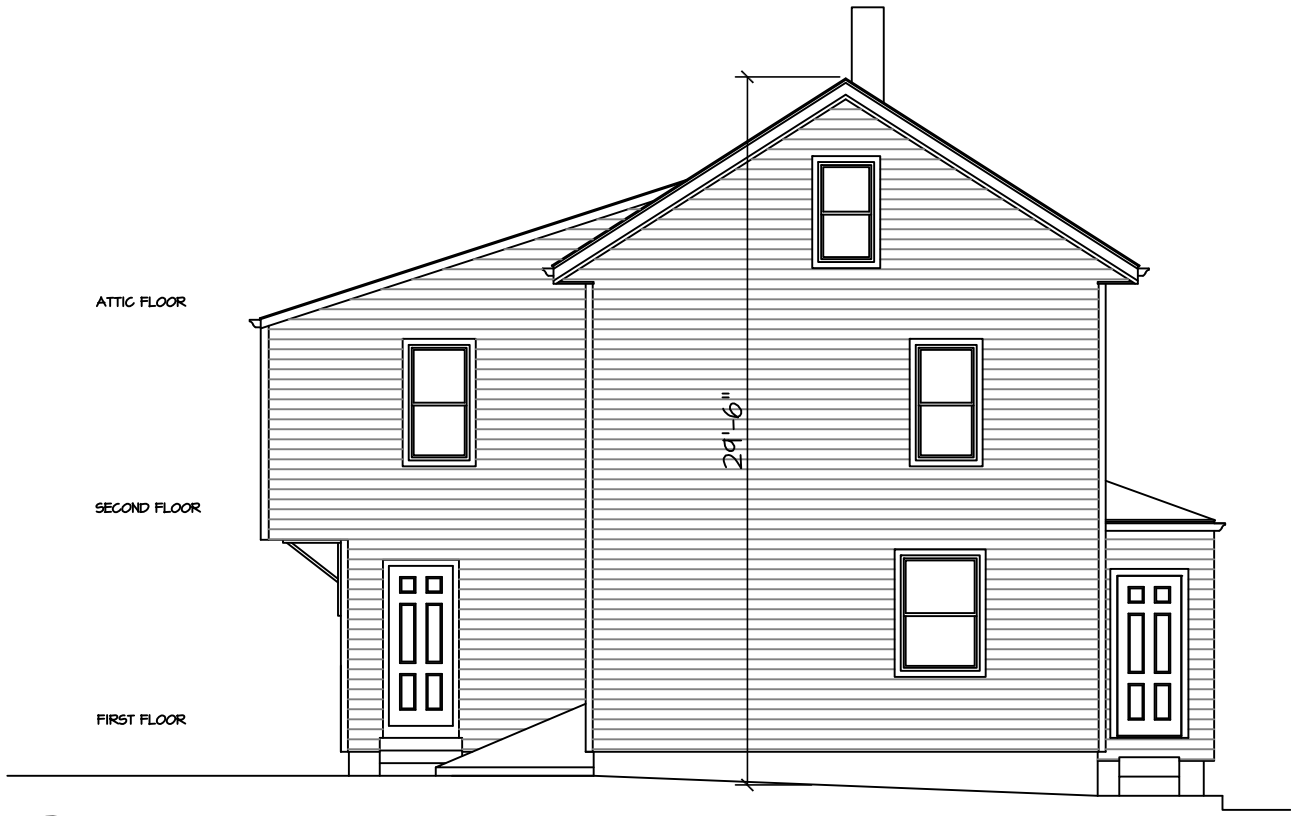
DESCRIPTION

EXISTING
EXTERIOR
ELEVATIONS

E2.0



1 NORTH ELEVATION
1/8" = 1'-0"



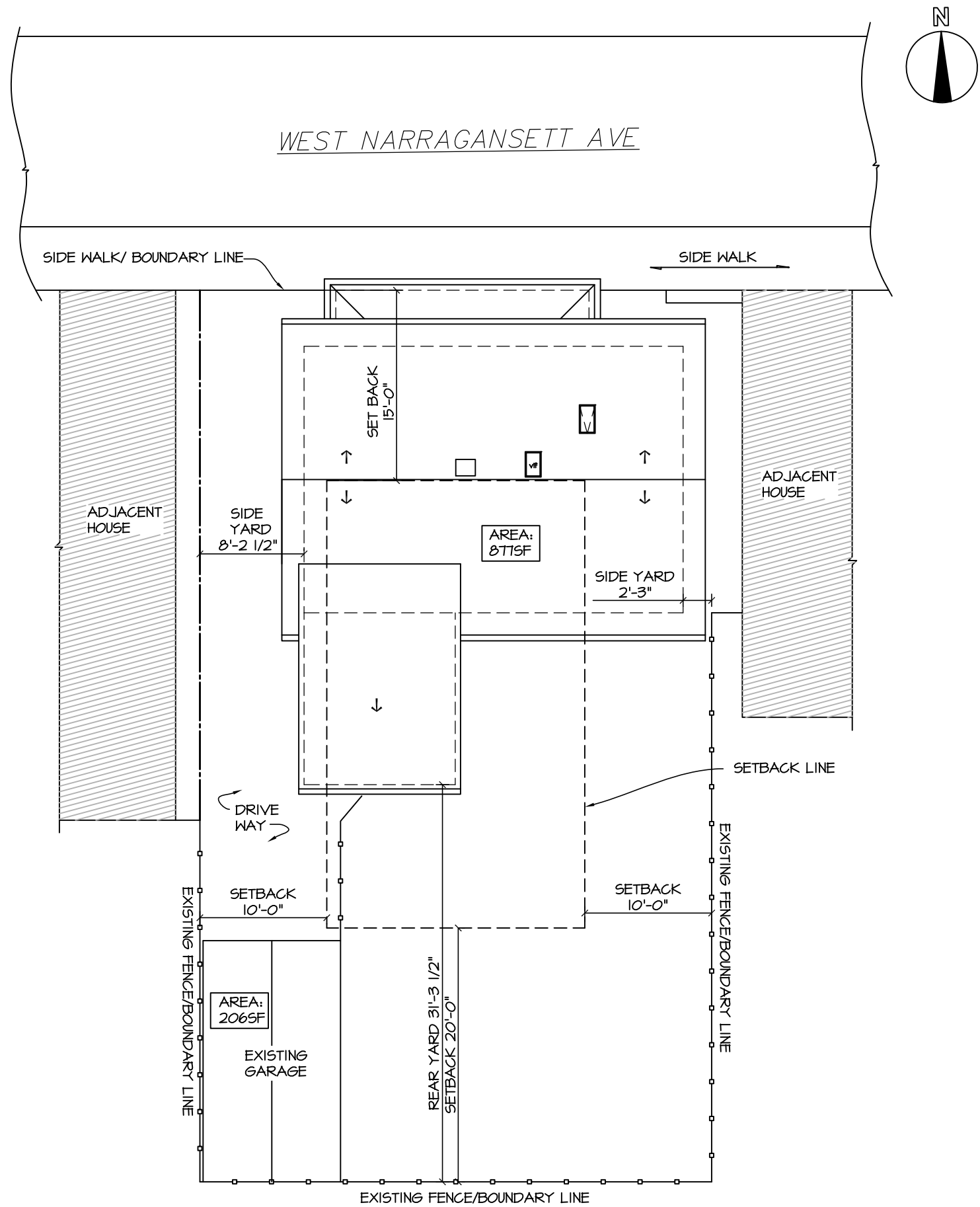
2 EAST ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"



SPRING STREET
STUDIO

401.662.5621

203 GODDARD ROW
NEWPORT, RI 02840

ZONING
PLANS

11 WEST NARRAGANSETT AVE
SHEVORY RESIDENCE
NEWPORT, RHODE ISLAND

DATE: 6.16.22

DESCRIPTION

EXISTING
SITE PLAN

ESITE

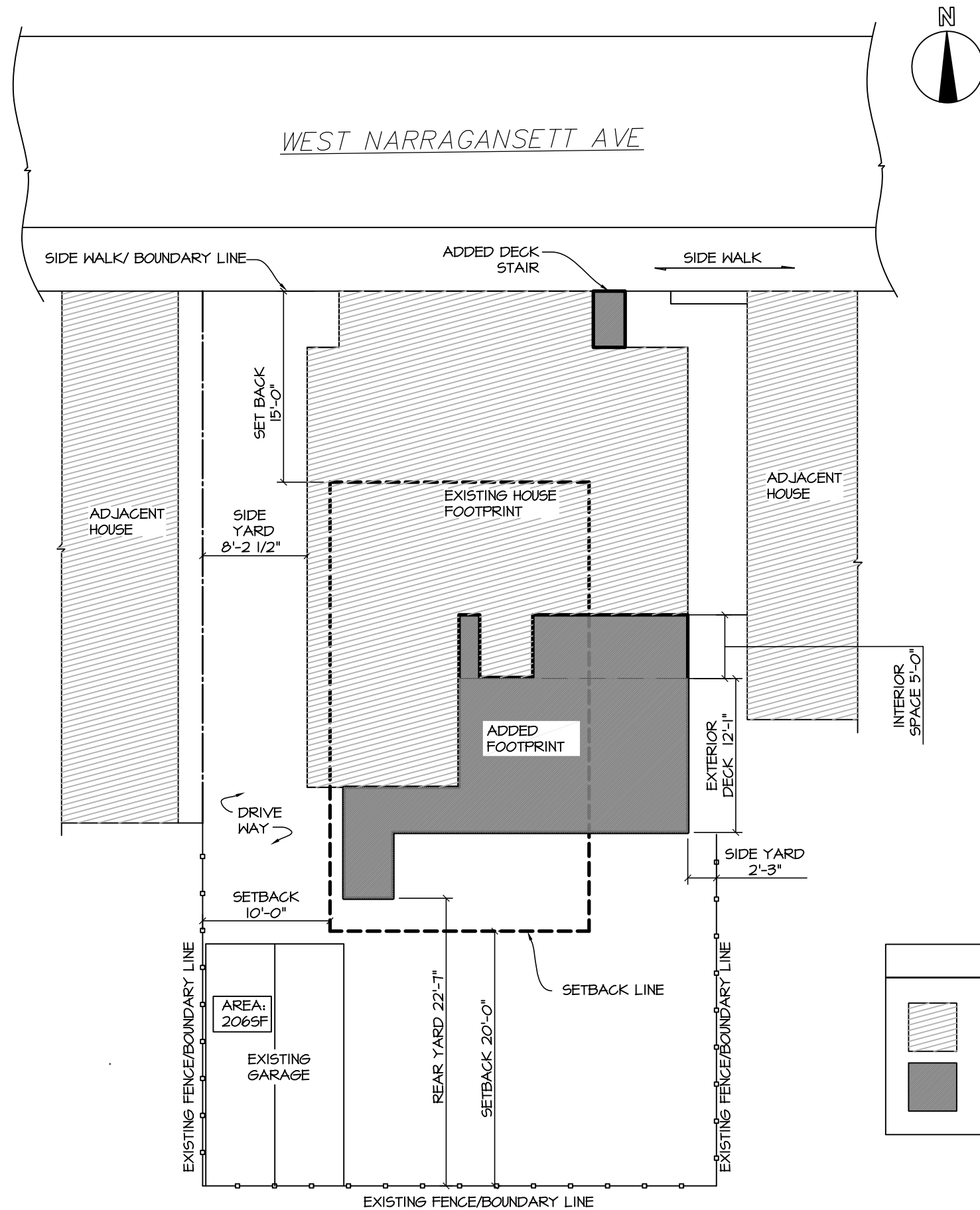
11 WEST NARRAGANSETT AVE
SHEVORY RESIDENCE
NEWPORT, RHODE ISLAND

DATE: 6.16.22

DESCRIPTION

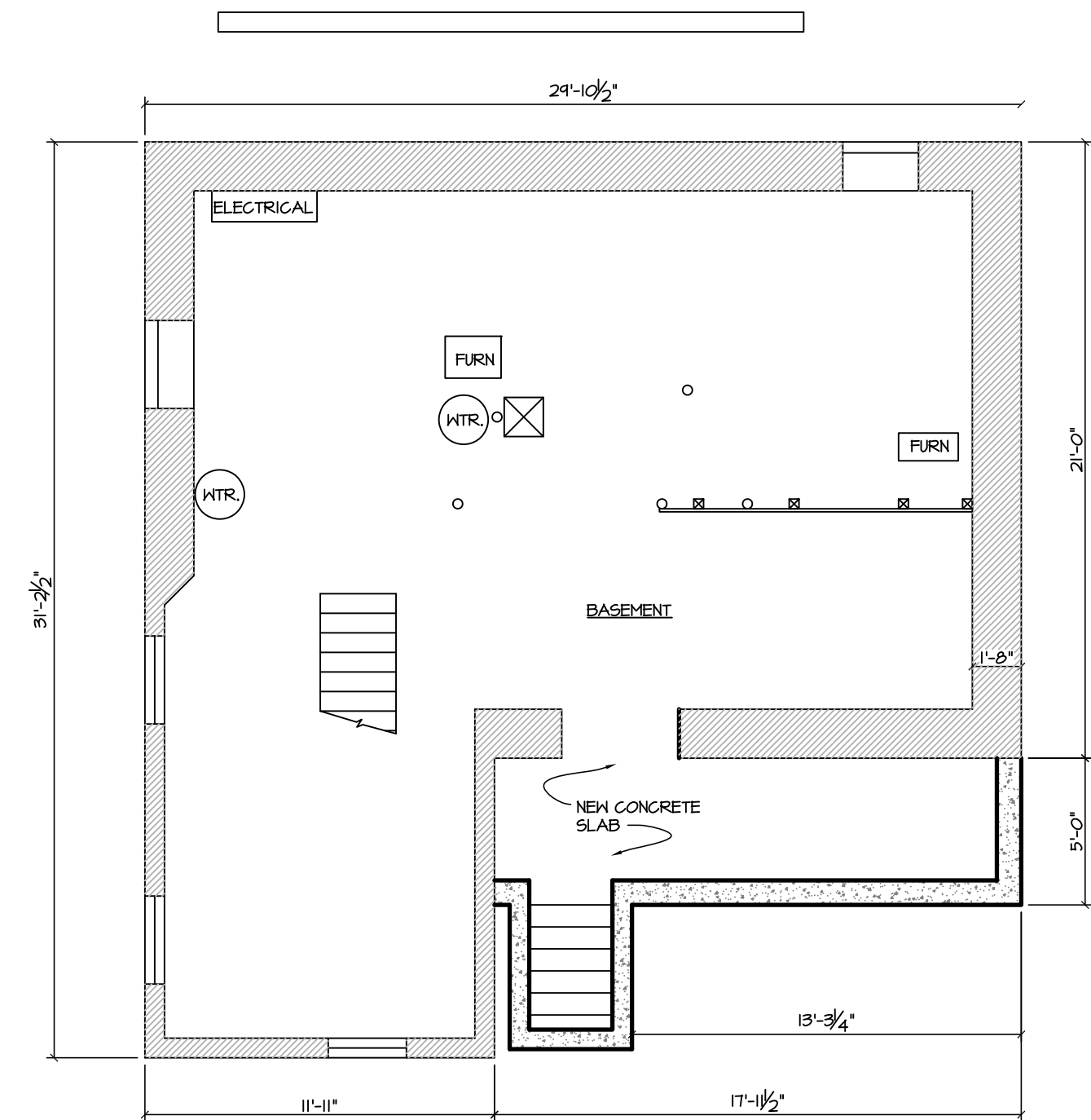
PROPOSED SITE PLAN

ASITE

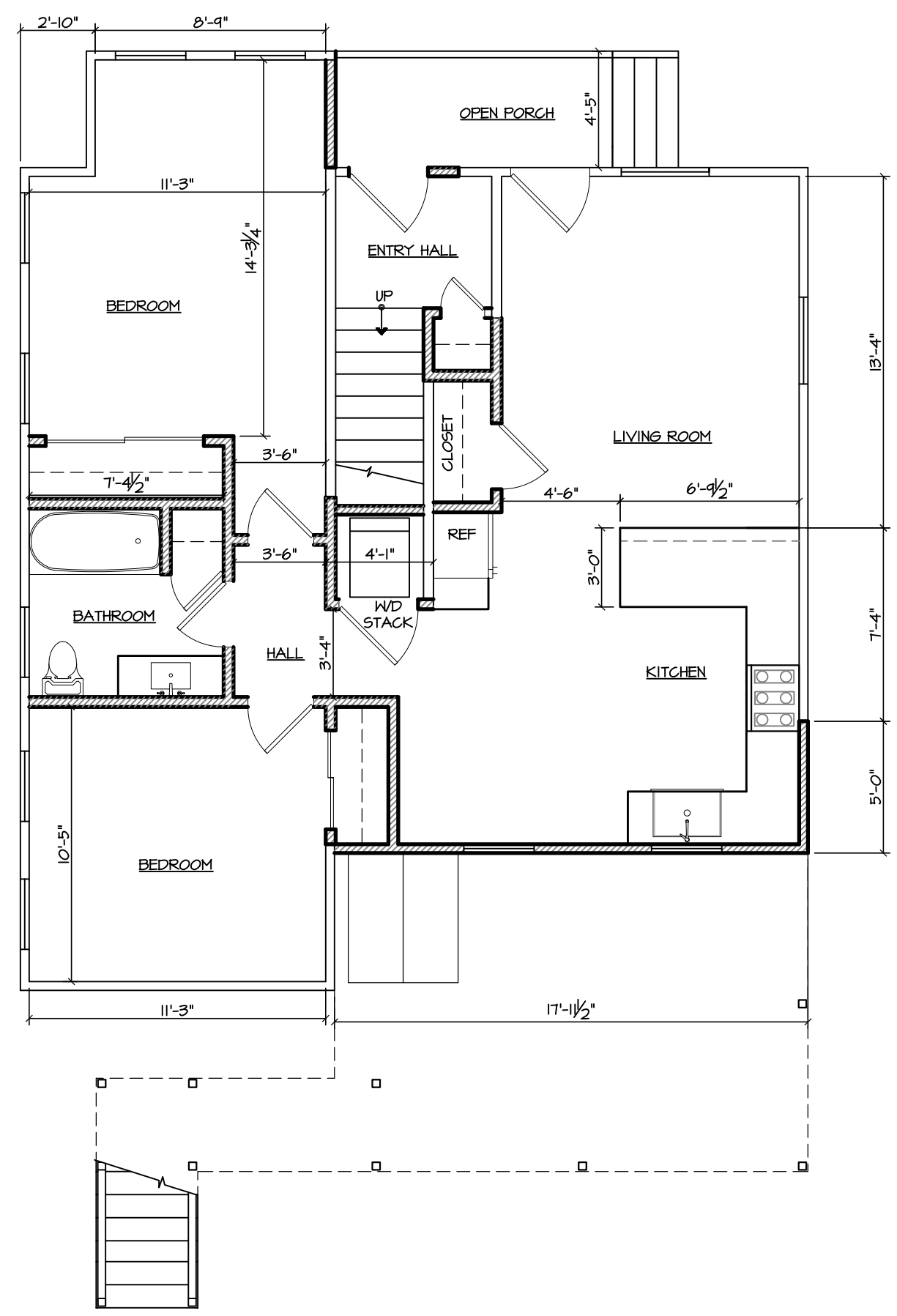


SITE NOTE:
PROPERTY BOUNDARIES AND "EXISTING"
BUILDING LOCATIONS PROVIDED BY ON
SITE MEASUREMENTS.
NOT A SURVEY

ZONING DISTRICT	R-10
EXISTING FOOTPRINT	1103SF
PROPOSED FOOTPRINT TOTAL	1453SF
HOUSE: 1247 SF	
SHED: 206 SF	
<u>LOT SIZE</u>	
EXISTING (PER TAX ASSR)	2,872 SF
REQUIRED	10,000 SF
PROPOSED	NO CHANGE
<u>LOT COVERAGE %</u>	
EXISTING	38% (1103 SF)
ALLOWED	60% (574.4 SF)
PROPOSED	51% (1469 SF)
<u>FRONT (NORTH) SETBACK</u>	
EXISTING	0'-0"
REQUIRED:	15'-0"
PROPOSED	NO CHANGE
<u>WEST SIDE SETBACK</u>	
EXISTING	2'-3"
REQUIRED	10'-0"
PROPOSED	NO CHANGE
<u>EAST SIDE SETBACK</u>	
EXISTING	8'-2 1/2"
REQUIRED	10'-0"
PROPOSED	NO CHANGE
<u>REAR (SOUTH) SETBACK</u>	
EXISTING	31'-3 1/2"
REQUIRED	20'-0"
PROPOSED	22'-7"
<u>HEIGHT</u>	
EXISTING	29'-6"
ALLOWED	30'-0"
PROPOSED	NO CHANGE



1 BASEMENT PLAN
3/16" = 1'-0"



2 FIRST FLOOR PLAN
3/16" = 1'-0"



SPRING STREET
STUDIO
401.662.5621
203 GODDARD ROW
NEWPORT, RI 02840

ZONING
PLANS

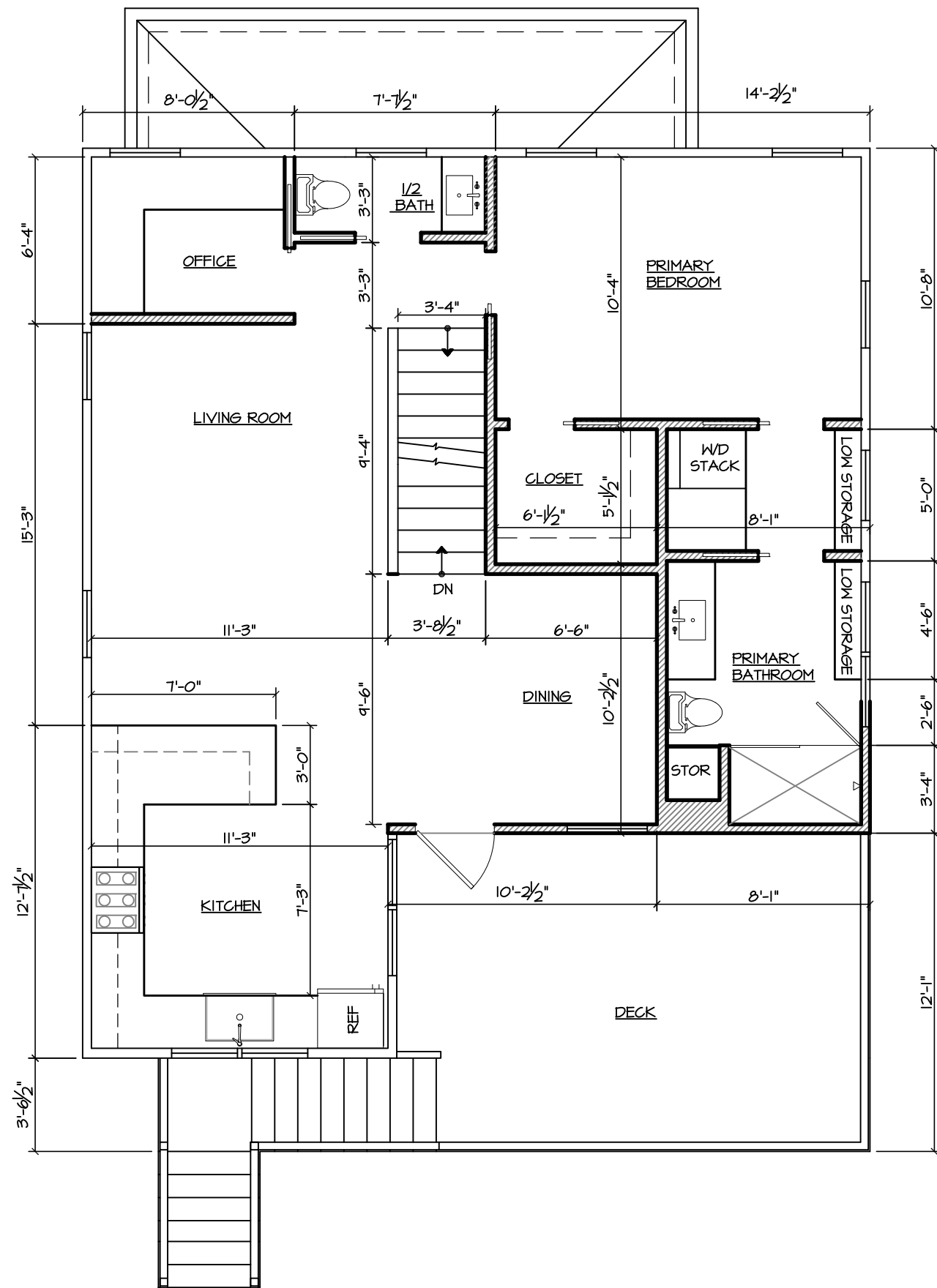
11 WEST NARRAGANSETT AVE
SHEVORY RESIDENCE
NEWPORT, RHODE ISLAND

DATE: 6.16.22

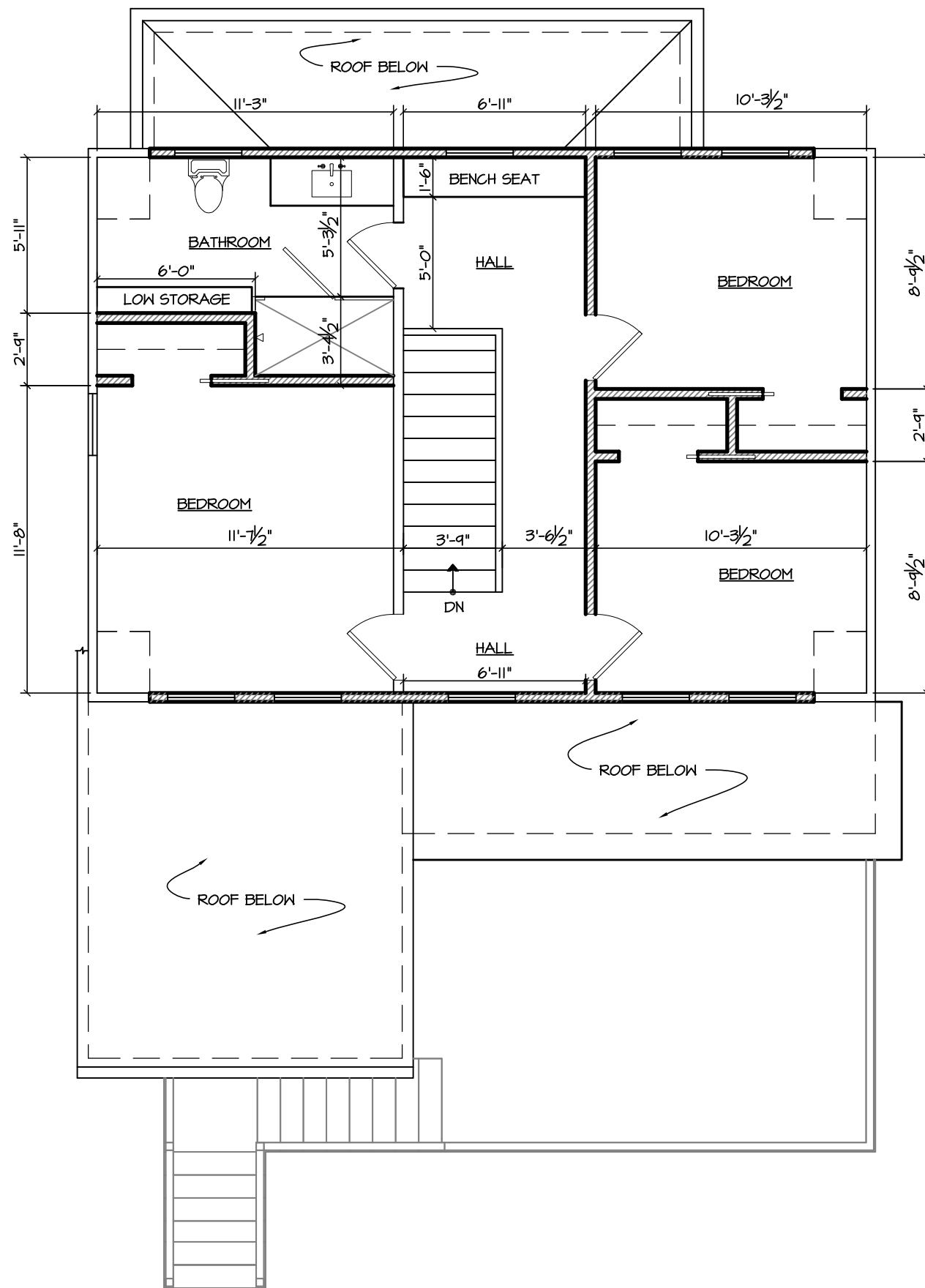
DESCRIPTION

FLOOR PLANS

A1.0



1 SECOND FLOOR PLAN
3/16" = 1'-0"



2 THIRD FLOOR PLAN
3/16" = 1'-0"



SPRING STREET
STUDIO

401.662.5621
203 GODDARD ROW
NEWPORT, RI 02840

ZONING
PLANS

11 WEST NARRAGANSETT AVE
SHEVORY RESIDENCE
NEWPORT, RHODE ISLAND

DATE: 6.16.22

DESCRIPTION

FLOOR PLANS

A1.1



SPRING STREET
STUDIO

401.662.5621
203 GODDARD ROW
NEWPORT, RI 02840

ZONING
PLANS

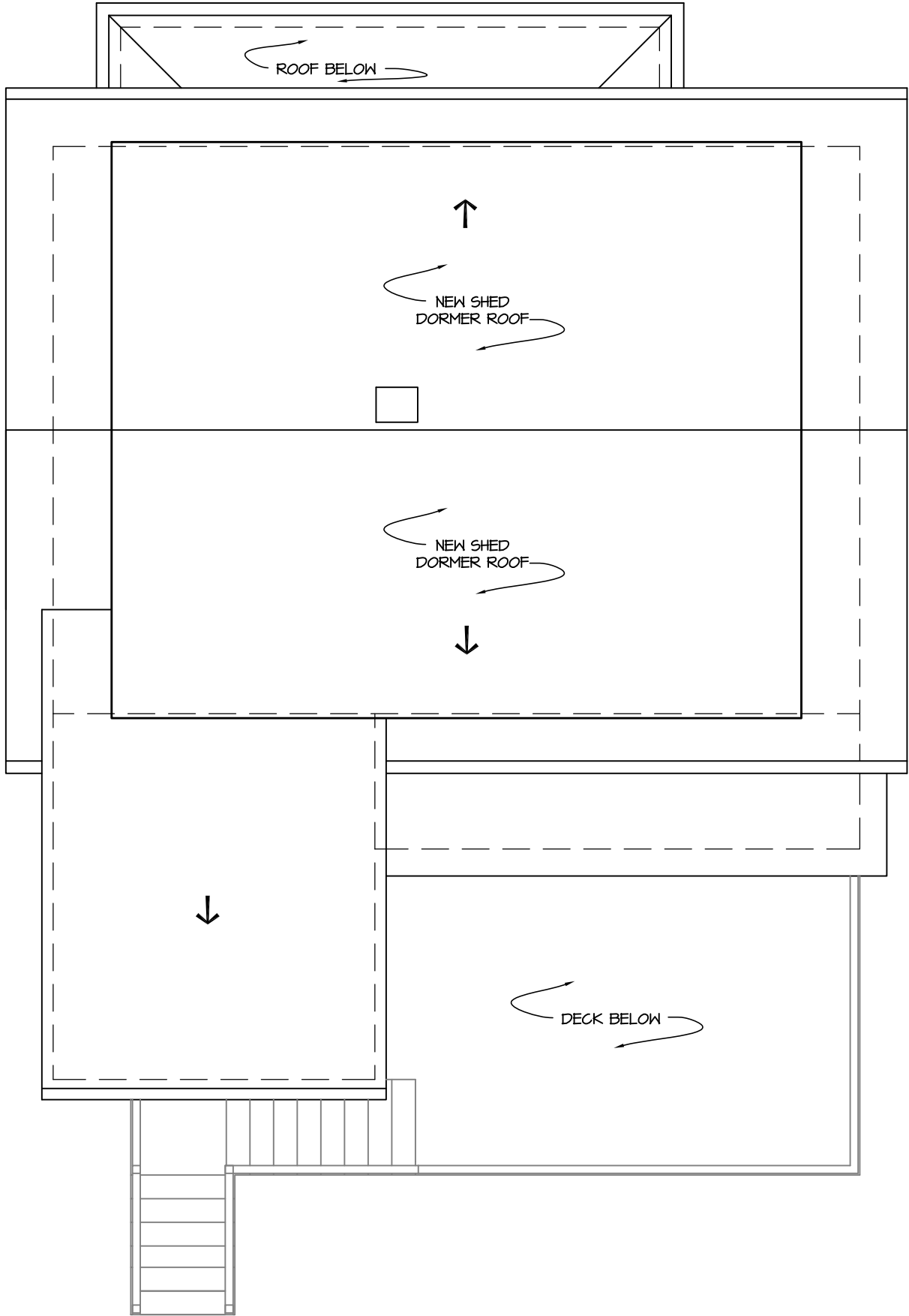
11 WEST NARRAGANSETT AVE
SHEVORY RESIDENCE
NEWPORT, RHODE ISLAND

DATE:6.16.22

DESCRIPTION

FLOOR PLANS

A1.2



1 ROOF PLAN
3/16" = 1'-0"



SPRING STREET
STUDIO

401.662.5621
203 GODDARD ROW
NEWPORT, RI 02840

ZONING
PLANS

11 WEST NARRAGANSETT AVE
SHEVORY RESIDENCE
NEWPORT, RHODE ISLAND

DATE: 6.16.22

DESCRIPTION

EXTERIOR
ELEVATIONS

A2.0



1 NORTH ELEVATION
1/4" = 1'-0"



SPRING STREET
STUDIO

401.662.5621
203 GODDARD ROW
NEWPORT, RI 02840

ZONING
PLANS

11 WEST NARRAGANSETT AVE
SHEVORY RESIDENCE
NEWPORT, RHODE ISLAND

DATE: 6.16.22

DESCRIPTION

EXTERIOR
ELEVATIONS

A2.1



I EAST ELEVATION
1/4" = 1'-0"



SPRING STREET
STUDIO

401.662.5621
203 GODDARD ROW
NEWPORT, RI 02840

ZONING
PLANS

11 WEST NARRAGANSETT AVE
SHEVORY RESIDENCE
NEWPORT, RHODE ISLAND

DATE: 6.16.22

DESCRIPTION

EXTERIOR
ELEVATIONS

A2.2



ATTIC FLOOR _ _ _ _ _

SECOND FLOOR _ _ _ _ _

FIRST FLOOR _ _ _ _ _

1 SOUTH ELEVATION
1/4" = 1'-0"



SPRING STREET
STUDIO

401.662.5621
203 GODDARD ROW
NEWPORT, RI 02840

ZONING
PLANS

11 WEST NARRAGANSETT AVE
SHEVORY RESIDENCE
NEWPORT, RHODE ISLAND

DATE: 6.16.22

DESCRIPTION

EXTERIOR
ELEVATIONS

A2.3

ATTIC FLOOR

SECOND FLOOR

FIRST FLOOR

1 WEST ELEVATION
1/4" = 1'-0"





SPRING STREET
STUDIO

401.662.5621
203 GODDARD ROW
NEWPORT, RI 02840

ZONING
PLANS

11 WEST NARRAGANSETT AVE
SHEVORY RESIDENCE
NEWPORT, RHODE ISLAND

DATE: 6.16.22

DESCRIPTION

BUILDING
SECTION

A3.0

