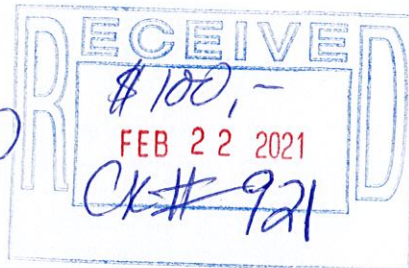


COMBINED APPLICATION FOR A SPECIAL USE PERMIT & A  
REGULATORY (DIMENSIONAL) VARIANCE

CITY OF NEWPORT, RI  
ZONING BOARD OF REVIEW



DATE: February 17, 2021

Board members:

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: 24 Keeher Avenue

Tax Assessor's Plat 11 Lot 705

Petitioner Information

Applicant Jared and Sara Feldman Address 24 Keeher Avenue

Owner Jared and Sara Feldman Address 24 Keeher Avenue

Lessee \_\_\_\_\_ Address Riverside CT

Property Characteristics

Dimensions of lot-frontage 50' depth 100' area 5,000 sq. ft.

Zoning District in which premises is located R10 A

How long have you owned above premises? October 30, 2020

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings 1,144

Total square footage of the footprint of proposed buildings 1,144

Present use of  
premises Residential

76 Sound Beach Ave Ext.  
06878



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

Proposed use of premises Single Family Residence

Give extent of proposed alterations We would like to place a single high efficiency air conditioning condenser on the South side of our property, seeking a variance relief (17.108.010) for special use permit 917.108.020) from Newport Code of Ordinances Sections 17.100.80 (Accessory uses). Meeting ordinance 17.100.80 would require us to place the condenser in either the middle of our patio, path to the rear entrance, or driveway. The placement on the South side of the house would result in minimal encroachment. The placement has been discussed with the neighbor, who does not object. The unit will be hidden by the neighbor's fence and mature shrubbery and we will install appropriate plantings to hide the unit from the street.

#### **Zoning Characteristics Matrix**

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	5,000	10,000	5,000
Lot Coverage	50%	20%	50%
Dwelling Units	1	1	1
Parking (# of spaces)	3	1	3
Front Setback	30 feet	15 feet	30
Side Setbacks	19 feet (driveway side) 4 feet (garden side)	10 feet	19 feet (driveway side) 4 feet (garden side)
Rear Setback	36 feet	20 feet	36 feet
Height	15 feet	30 feet	15 feet

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

**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.



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?

In October 2020 we purchased our home with the intent of cleaning it up and personalizing it. We are hoping to modernize the mechanical systems of the house to be more efficient users of energy and reduce our carbon footprint. The house currently has a 30+ year old oil-based furnace. In conjunction with the new air-conditioning system, we have worked with National Grid to route a gas line to the house and plan to install a high-efficiency natural gas-based furnace. The Trane furnace/air-conditioning system requires a single 2.0-ton condenser, model # 4TTR3024H (please refer to attached specification sheet for further details) to be placed near the house. Unfortunately, we are unable to meet Code 17.100.80 B requiring that "such accessory use shall be at least ten feet from side and rear property lines," unless we place the condenser unit in our driveway, rear entrance walkway, or the middle of our patio. The least intrusive place would be between our house and the house to the South of it. Regrettably, when these lots were developed, the distance between 24 and 24 ½ Keeher Avenue were designed in a manner that makes it unfeasible to meet the aforementioned requirement.

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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?

Code 17.100.80 B requires a minimum 10-foot side-setback. However, our house has been standing for over 65 years, and therefore existed nonconforming for long before we purchased it. The code prohibits us from upgrading our heating/air-conditioning to a more efficient system without the undue burden of placing the condenser in a location which would either impede safe entrance and exit to the home or reduce the enjoyment of outdoor spaces.

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

Adding a single high-efficiency air conditioning condenser to the South side of our house would cause only a minor encroachment into the setback. The owner of the neighboring property has been consulted and they do not object to the placement given the unit is covered by their 6-foot privacy fence and 12+ foot Arborvitae trees. Additionally, we will install plantings to hide the condenser from the street. I have also spoken to the neighbor directly across the street and to the North and both were supportive of the proposal.



### 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.

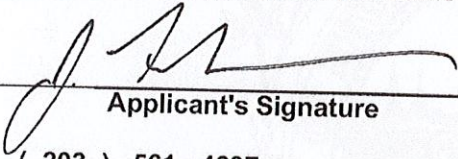
In granting a variance, the zoning board of review shall **require** that evidence of the following standards be entered into the record of the proceedings:

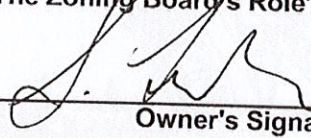
- a. That the reasons set forth in the application justify the granting of the variance and that the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;
- b. That the variance will not be injurious to the neighborhood or otherwise 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  
( 203 ) 561 - 4697  
\_\_\_\_\_  
Telephone Number

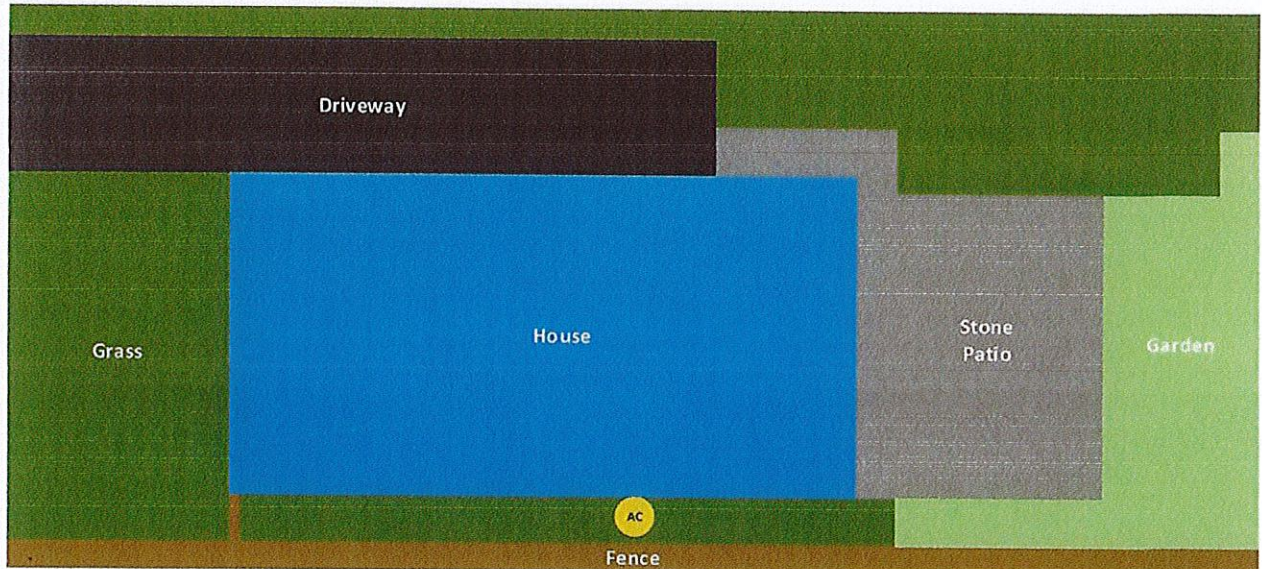
  
\_\_\_\_\_  
Owner's Signature  
( 203 ) 940 - 1677  
\_\_\_\_\_  
Telephone Number

Email address [jared.feldman@hotmail.com](mailto:jared.feldman@hotmail.com)

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

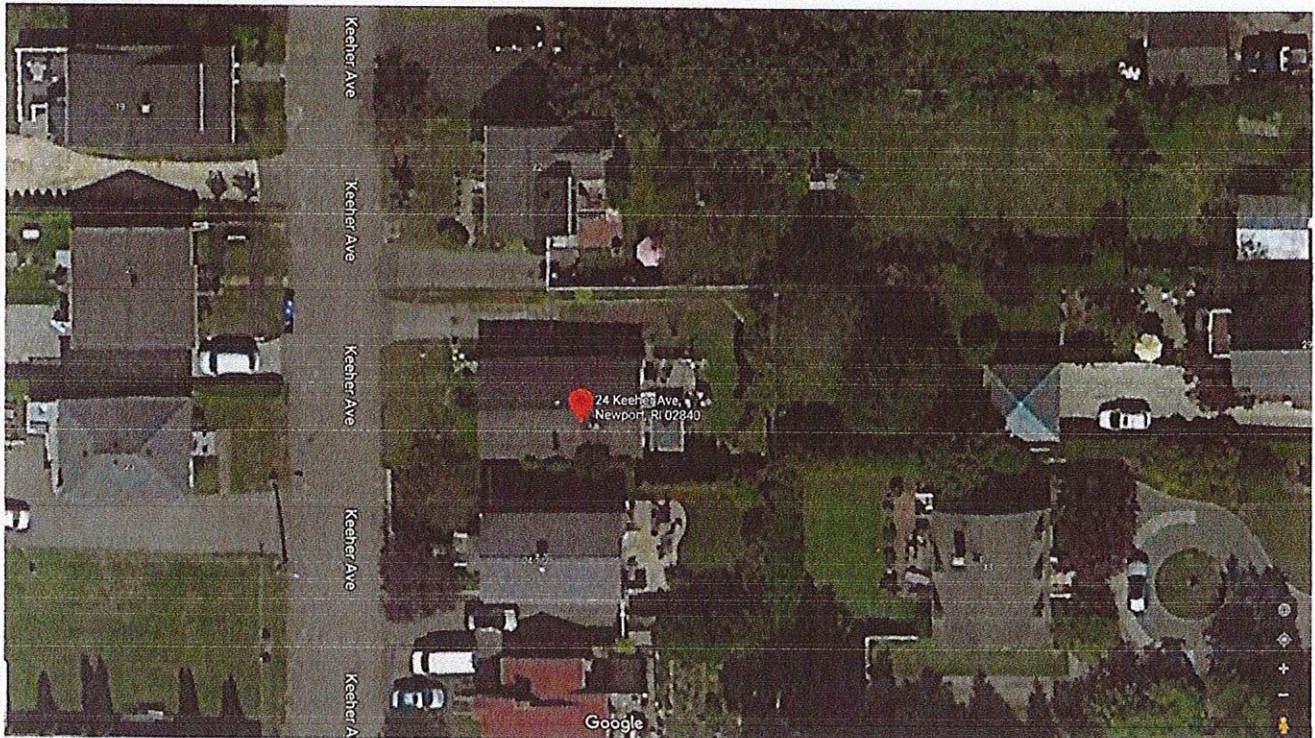


**Property Layout with Proposed Location for Air Conditioning Condenser**  
24 Keeher Avenue  
Newport, RI 02840



*Note: drawing not to scale*

**Aerial View**  
24 Keeher Avenue  
Newport, RI 02840

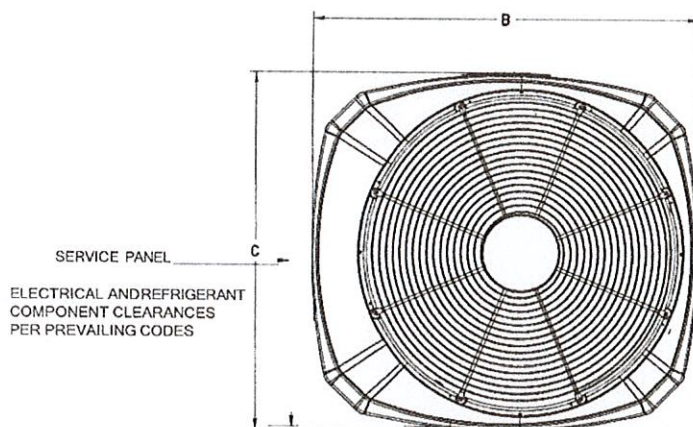


*Source: Google Maps*

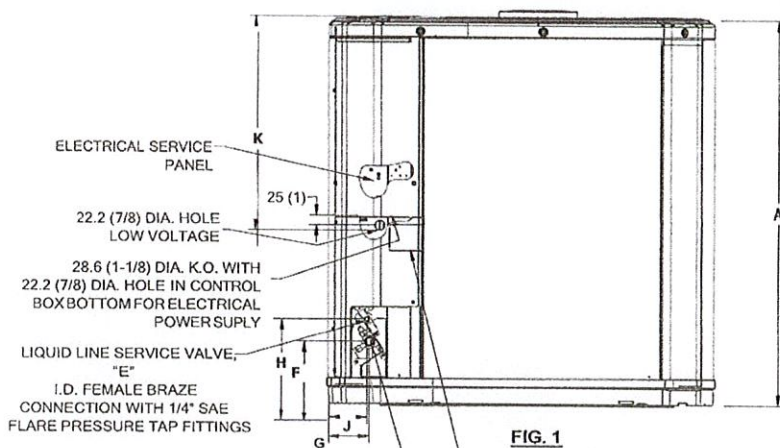




**TRANE®**



TOP DISCHARGE AREA SHOULD BE UNRESTRICTED FOR AT LEAST 1524 (5 FEET) ABOVE UNIT. UNIT SHOULD BE PLACED SO ROOF RUN-OFF WATER DOES NOT POUR DIRECTLY ON UNIT AND SHOULD BE AT LEAST 305 (12") FROM WALL AND ALL SURROUNDING SHRUBBERY ON TWO SIDES. OTHER TWO SIDES UNRESTRICTED



**FIG. 1**

From Dwg. D152898

K.O. FOR ALTERNATE ELECTRICAL ROUTING  
GAS LINE 1/4 TURN BALL SERVICE VALVE, "D"  
I.D. FEMALE BRAZED CONNECTION WITH 1/4" SAE FLARE PRESSURE TAP FITTING A

Model	Base	A	B	C	D	E	F	G	H	J	K
4TTR3024H	2	730 (28-3/4)	724 (28-1/2)	651 (25-5/8)	3/4	3/8	137 (5-3/8)	65 (2-5/8)	210 (8-1/4)	57 (2-1/4)	457 (18)

SOUND POWER LEVEL									
Model	A-Weighted Sound Power Level [dB(A)]	Full Octave Sound Power [dB]							
		63 Hz*	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz
4TTR3024H	74	47.9	60.5	64.1	71.2	71.2	69.0	58.2	51.5

Note: Rated in accordance with AHRI Standard 270-2008 \*For reference only