

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

CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW

DATE: 2/22/2021

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: 2 Wheatland CT Newport RI 02840

Tax Assessor's Plat 37 Lot 36-4

Petitioner Information

Applicant Andrew + Avani McHugh Address 2 Wheatland CT

Owner Andrew + Avani McHugh Address 2 Wheatland CT

Lessee N/A Address _____

Property Characteristics

Dimensions of lot-frontage 50.89' depth 47.02' area 2433 sq. ft.

Zoning District in which premises is located R10A

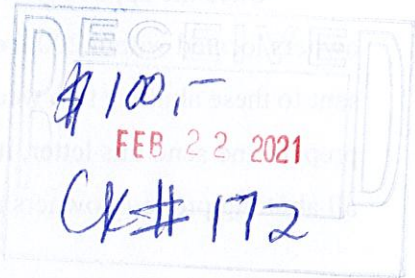
How long have you owned above premises? 3/14/2018

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings 979 SQ FT

Total square footage of the footprint of proposed buildings 969 SQ FT

Present use of premises Single Family Residence



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 Demolish existing structure and patio to replace with flood compliant single family home due to homeowner's experienced health effects from black mold.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	2,433 sqft	10,000 sqft	2,433 NO CHANGE
Lot Coverage	40%	20%	40% NO CHANGE
Dwelling Units	1	1	1
Parking (# of spaces)	1	VARIES	2
Front Setback	12' 9"	15' / allowed 2' 4"	4' 6"
Side Setbacks	East 7' / West 4'	10'	East 7' / West 7' 6"
Rear Setback	5'	20'	5'
Height	Approximately 24'	30' + Flood Zone AE Elevation 10' + 5'	37'

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

1. A Healthy City - existing structure presents health hazard to homeowner
2. Sustainable Systems + Stewardship - energy efficient
3. Resilient Community - Flood compliant

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?

1. non-conforming lot in FLOOD zone AE
2. mold Damage IS TO The extent OF
AFFECTING homeowner'S health

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?

CURRENTLY, APPLICANTS ARE DEPRIVED OF RIGHTS
COMMONLY ENJOYED BY OTHER PROPERTY OWNERS
IN RDA ESPECIALLY REGARDING LOTS WITH
VARIANCES + STREETS CAPES NEAR FRONT SETBACK

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

THIS IS THE MINIMUM VARIANCE, THAT MAKES
POSSIBLE REASONABLE USE OF THE LAND, BUILDING/
STRUCTURE AND MAINTAINS EXISTING 40%
LOT COVERAGE. THIS PETITION COMPLEES
WITH THE COMPREHENSIVE LAND USE PLAN.

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".

A McHugh / Avani McHugh
Applicant's Signature

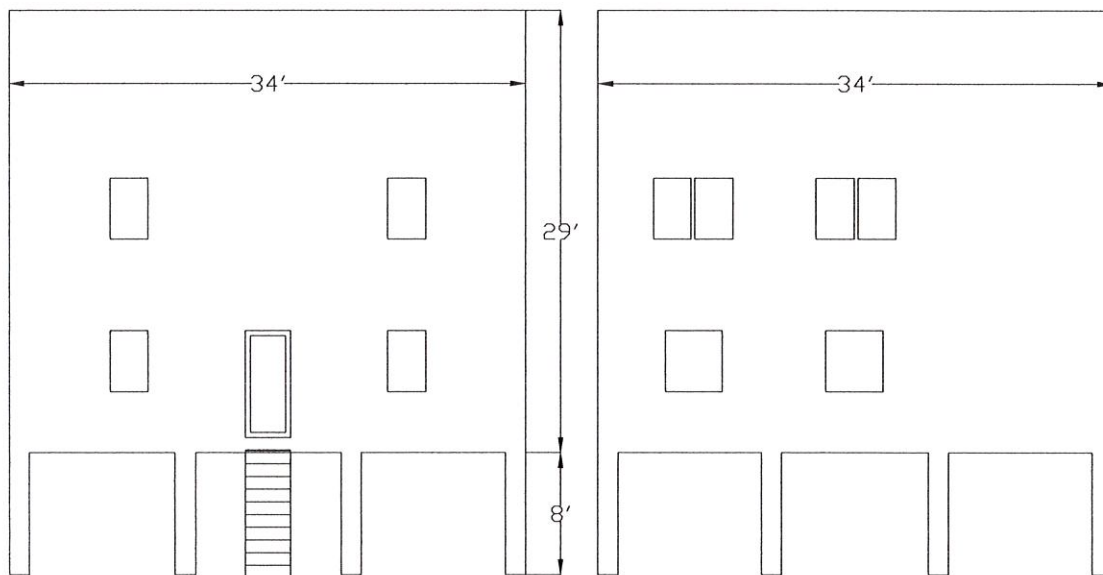
(401) 824-4464
Telephone Number

A McHugh / Avani McHugh
Owner's Signature

(401) 408-7263
Telephone Number

Email address 38mchugh@gmail.com / Avanimchugh@gmail.com

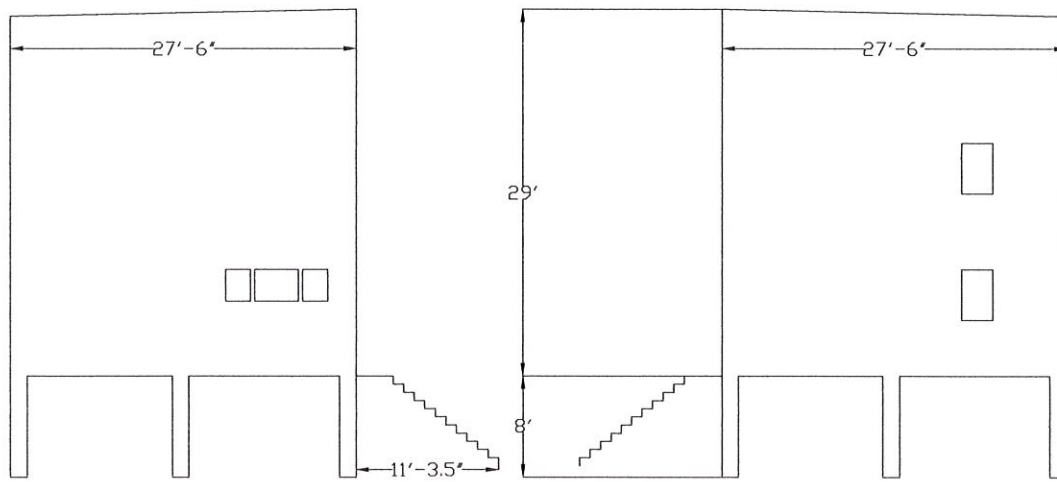
Be sure all required drawings are attached to this application at the time of the submittal.



NORTH FACE

SOUTH FACE

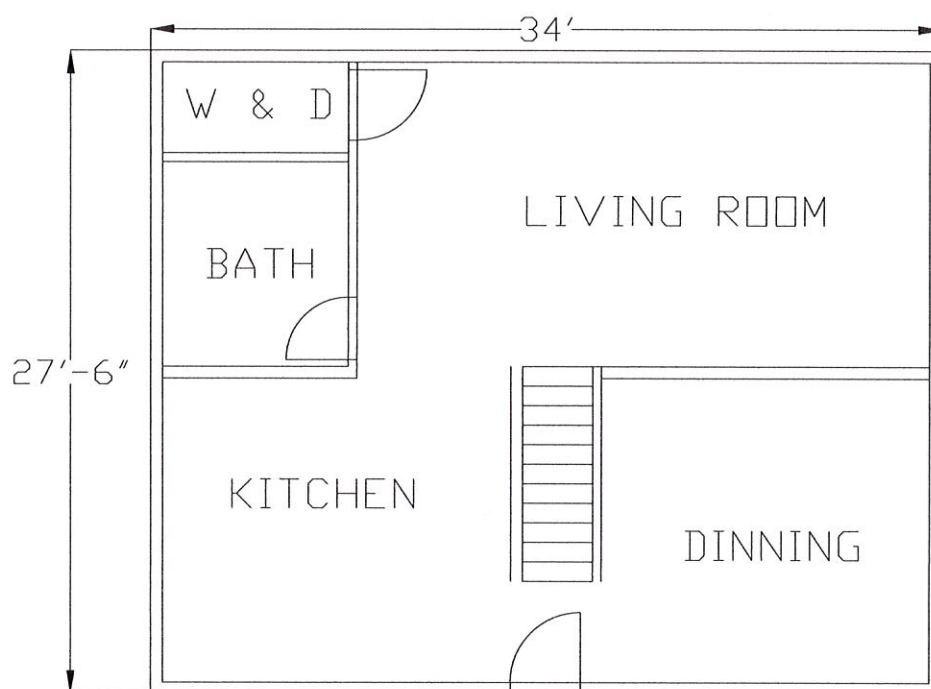
General Notes		
No.	Revision/Issue	Date
<div> <div>Project Name and Address</div> <div> <div>Project Name and Address</div> <div> Andrew & Avani McHugh 2 Wheatland CT Newport RI, 02840 </div> </div> </div>		
Project	Sheet	
Site	1 of 4	
Notes		



EAST FACE

WEST FACE

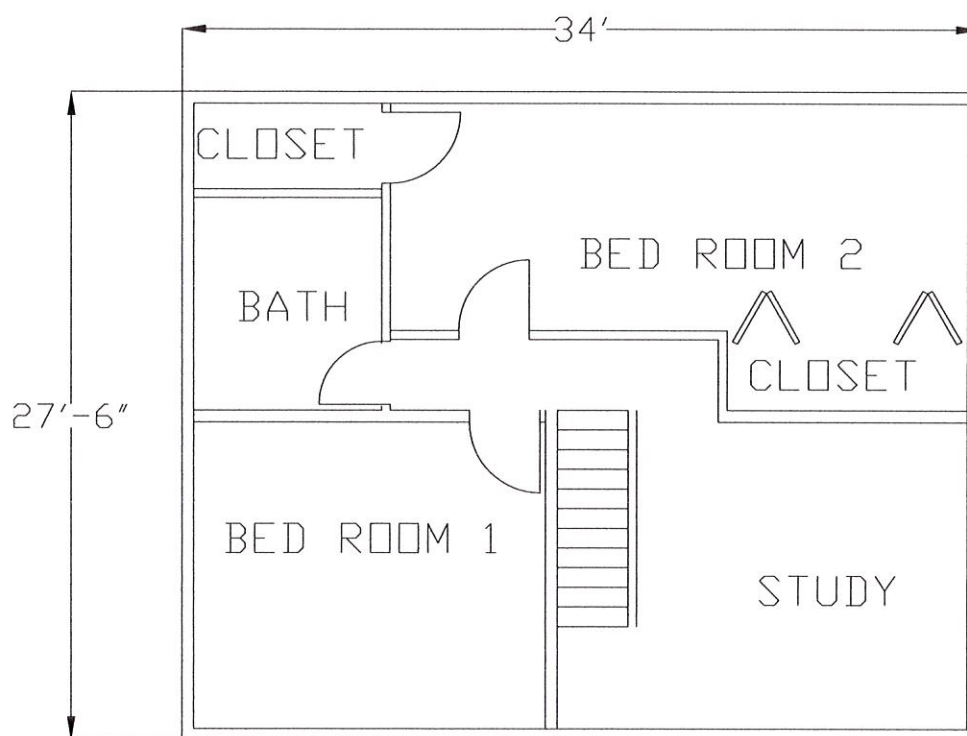
General Notes		
No.	Revision/Issue	Date
<div> <div> Project Name and Address </div> <div> Andrew & Avani McHugh 2 Wheatland CT Newport RI, 02840 </div> </div>		
Project	Sheet	
Date	2 of 4	
Scale		



FIRST FLOOR

General Notes									
No.	Revision/Issue	Date							
<p>New Name and Address</p>									
<p>Agent Name and Address</p> <p>Andrew & Avani McHugh 2 Wheatland Ct Newport RI, 02640</p>									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Project</td> <td style="width: 50%; padding: 2px;">Item</td> </tr> <tr> <td style="padding: 2px;">Site</td> <td style="text-align: center; padding: 2px;">3 of 4</td> </tr> <tr> <td style="padding: 2px;">Date</td> <td></td> </tr> </table>		Project	Item	Site	3 of 4	Date			
Project	Item								
Site	3 of 4								
Date									

PROJECT NAME
PROJECT



SECOND FLOOR

General Notes

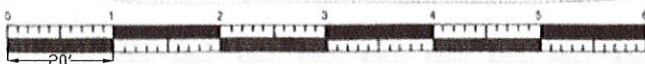
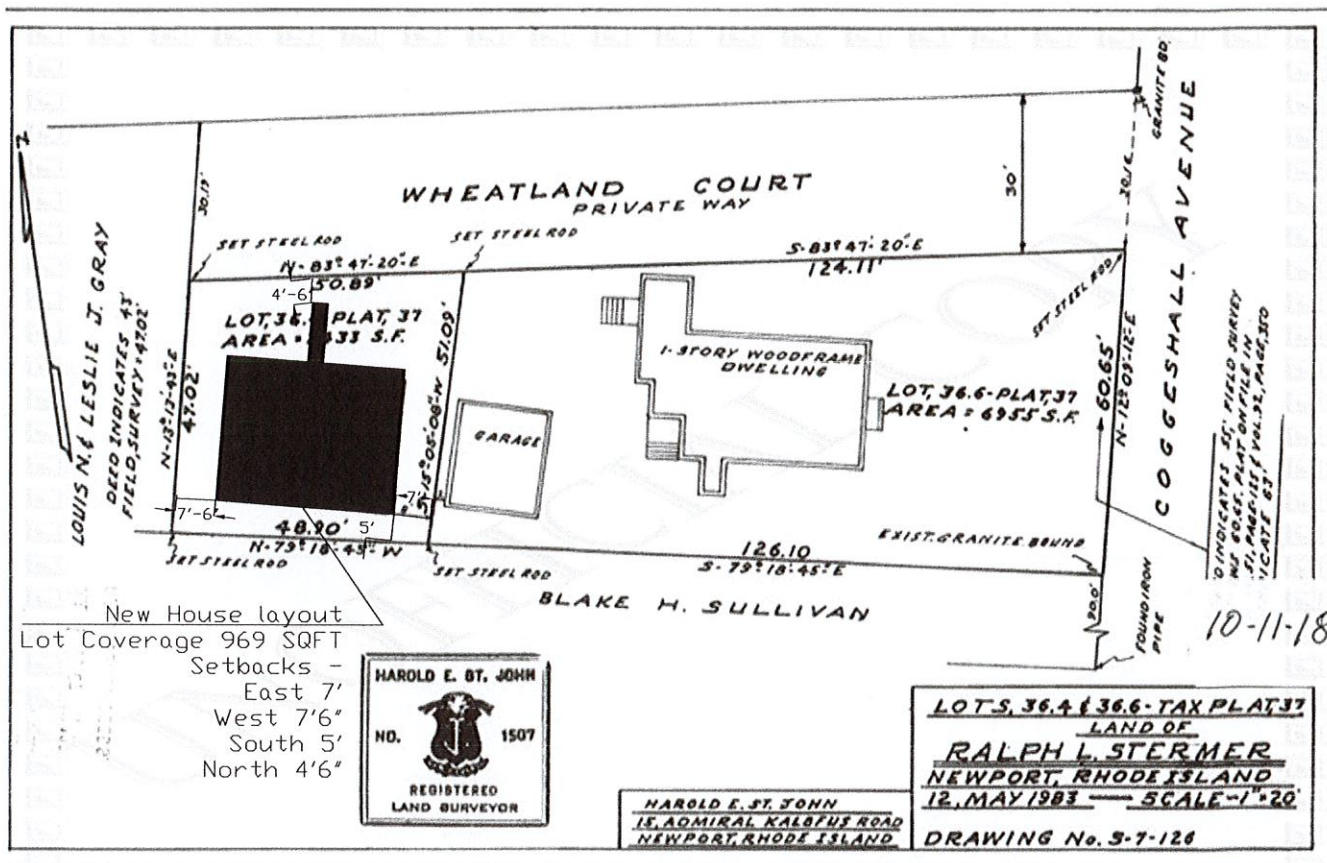
No.	Revision/Issue	Date

Plan Notes and Details

Project Name and Address

Andrew & Avani McHugh
2 Wheatland Ct
Newport RI, 02840

Project	Sheet
	3 of 4



McHugh/ 2 Wheatland Ct Dimensional Variance Application for the City of Newport
Zoning Board of Review

Applicants & Owners: Andrew & Avani McHugh

Location: 2 Wheatland Ct

Tax Assessor's Plat 37 Lot 36-4

Property Characteristics

Dimensions of lot-frontage: 50.89'

Depth: 47.02'/51.09'

Area: 2433 sq. ft.

Zoning District: R-10A

Premises owned since 3/14/2018

The current existing building is on the premises presently.

Total square footage of the footprint of existing building: 979 sq. ft. = 40%

Total square footage of the footprint of proposed building: 969 sq. ft = 40%

Present use of premises: not used due to mold - single family residence

The proposed use of the premises is a newly constructed single family residence due to the presence of mold condition (see attached report) and adverse health effect experienced by the homeowner.

The extent of proposed alterations include demolition of existing structure and patio to be replaced with piling elevated 2 story modular home with attic space (providing parking/ storage underneath- no street parking permitted)

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	2,433	10,000	No Change (2433)
Lot Coverage	40%	20%	43%
Dwelling Units	1	1	No Change (1)
Parking (# of spaces)	1	varies	2
Front Setback	12'9"	15'/allowed 2'4"	4'6"
Side Setback	East 7'/ West 4'	10'	East 7'/ West 7'6"
Rear Setback	5'	20'	5'
Height	approx 24'	30' + Flood zone AE Elevation 16 + 5'	37'

The provisions of the Comprehensive Land Use Plan that are applicable to this project are as follows:

A Healthy City- existing conditions are health hazard

Sustainable Systems & Stewardship- goal of being energy star and net zero house

The special conditions/circumstances that exist peculiar to this land, structure or building involved, which are not applicable to other lands, structures or buildings in the same district are: The lot size is the smallest in R-10A zone. The Property is within the Flood Zone AE and needs to be elevated, losing the functional option of a basement. Mold infestation has affected home owner's health.

The literal interpretation of the provisions of the zoning code deprives the applicant of rights commonly enjoyed by other property owners in the same district under the provisions of this zoning code with respect to many properties in the neighborhood having conforming lots with variances and streetscapes near the front setback. Literal interpretation would not be consistent with this practice.

This is the minimum variance that will make possible the reasonable use of the land, building or structure because this will be the least reasonable SQFT lot coverage. This dimensional variance allows the homeowners to fully comply with the City Comprehensive Land Use Plan and once again utilize the space and to live in a safe home. With the proposed changes, 2 Wheatland Ct will still be the smallest footprint. The SQFT of lot coverage is maintaining approximate lot coverage as the same.