APPLICATION FOR DIMENSIONAL VARIANCE

CITY OF NEWPORT, RI ZONING BOARD OF REVIEW

DATE: _____ ZBR Jan-7

RECEIVED DEC 28 2020

$100.— CR# 10311

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: 9 Lee's Wharf, Newport

Tax Assessor's Plat 32 Lot 253

Petitioner Information

Applicant Mark and Jane Oravec Address 44 Elmwood Drive, Southport CT 06890

Owner Mark and Jane Oravec Address 44 Elmwood Drive, Southport CT 06890

Lessee N/A Address N/A

Property Characteristics

Dimensions of lot-frontage 82.0' depth 40.53' / 41.45' area 3,426 sq. ft.

Zoning District in which premises is located WB

How long have you owned above premises? 2018

Are there buildings on the premises at present? New single family home under construction

Total square footage of the footprint of existing buildings 1,364 sq. ft of proposed home

Total square footage of the footprint of proposed buildings 1,565 sq ft (for pool and equipment)

Present use of premises Single Family Home

Proposed use of premises Single Family Home

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

Give extent of proposed alterations:

This application is a request for permission to increase the lot coverage from 1,364 sq. ft. to 1,565 sq. ft. The increased lot coverage is for a proposed 8'-0" x 16'-0" swimming pool with a 12" surround (180 sq. ft.) and a 7'-0" x 3'-0" (21 sq. ft) pool equipment concrete pad. There is no change to the house under construction

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	3,426 sq. ft.	5,000	3,426 sq. ft.
Lot Coverage (%)	39.8	40	45.6 %
Dwelling Units	1		1
Parking (# of spaces)			4
Front Setback		0'-0"	3'-9"
Side Setbacks		5'-0"	5'-0"
Rear Setback	5	5'-0"	1'-0" (at pool equip.)
Height		56'-0" (flood elevation)	50'-6"

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 zoning code states that the minimum lot size in the WB zone is 5,000 sq. ft. As this lot is only 3,426 sq. ft, it is a non-conforming lot of record. When designing the house, the owners made the decision to work within the allowable 40% lot coverage and no variance was requested for the house itself. Now that the house is under construction and the owners have a better feel for the portion of the site that is available for landscaping, they have decided that they would like to add a small swimming pool (and the required pool equipment) This will enhance their enjoyment of the property and will not have an impact on the neighborhood.

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?

If this variance is granted, the lot coverage will be at 45.6%. If the size of the lot met the minimum lot size for the WB zone, the addition of the swimming pool would be less than the allowable lot coverage (40% of 5,000 sq ft = 2,000 sq ft). The lot coverage of the neighboring property at 5 Lee's Wharf is approximately 76 % (based on the Vision Appraisal documentation). The location of the swimming pool at the north east corner of the lot will not be seen from the front of the neighbor's house that has the balcony and is orientated towards the view. Also, there are no windows on the first floor of the neighbor's property that will have a view of the pool.

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

The reason the owners are requesting this variance is due to the size of the lot. The owners have kept the size of the pool to a minimum and have located the pool equipment where it is not visible from the surrounding neighborhood. They are asking for the least relief necessary for them to enjoy their outdoor area while making possible the reasonable use of the land. It will not have an impact on the neighbor's enjoyment of her property and will improve the streetscape for all to enjoy.

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 <u>minimum variance</u> 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	**Owner's Signature**
(646) 352 1133	(646) 352 11 33
Telephone Number	**Telephone Number**

Email address moravec@gs-ny.com | javemajororavec@gmail.com

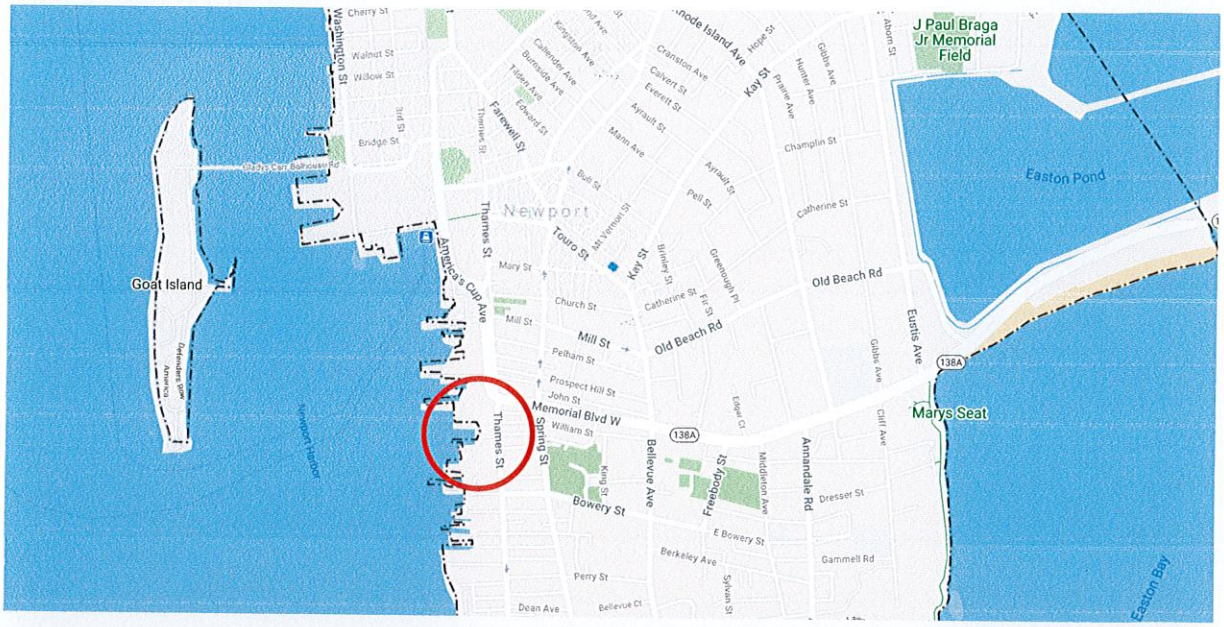
Be sure all required drawings are attached to this application at the time of the submittal.

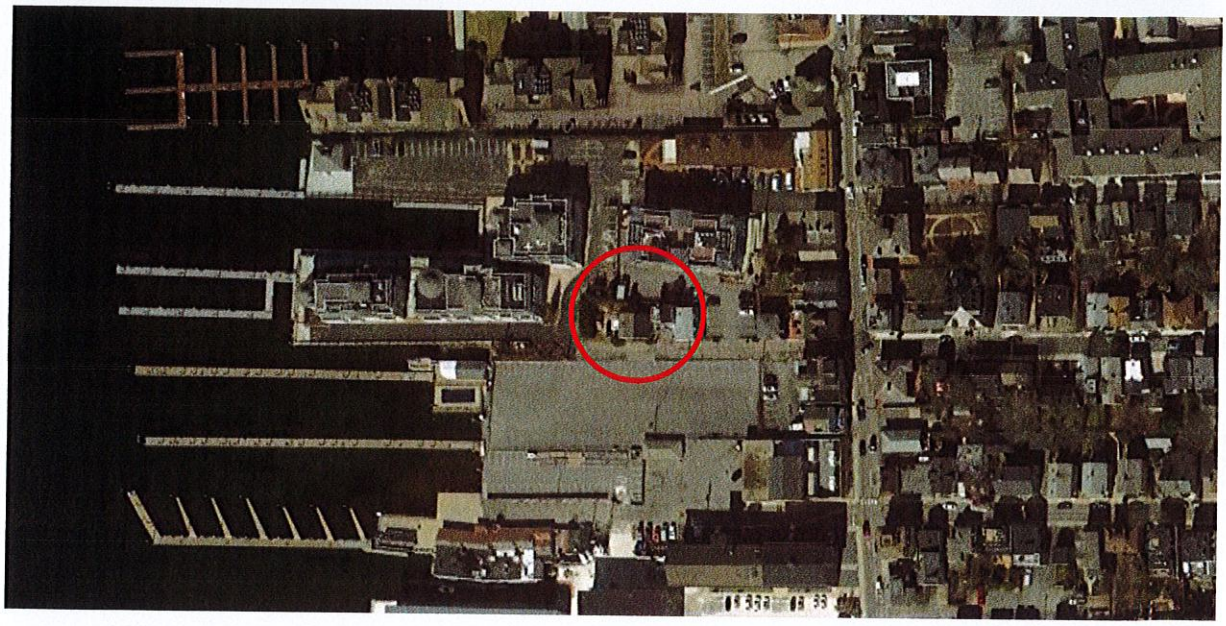
JPS
CONSTRUCTION and DESIGN

» Contact Us: 401-619-1260
JPS@JPSConstructionDesign.com

88 Valley Rd.
Middletown, RI 02842

Rhode Island & Massachusetts
Licensed and Insured
Lead-Safe Certified





JPS Construction and Design

December 23, 2020

9 Lee's Wharf, Newport, RI 02840

Photos of New House (under construction)
North Elevation

JPS Construction and Design

December 23, 2020

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Photos of New House (under construction)
East Elevation

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Photos of New House (under construction)
West Elevation

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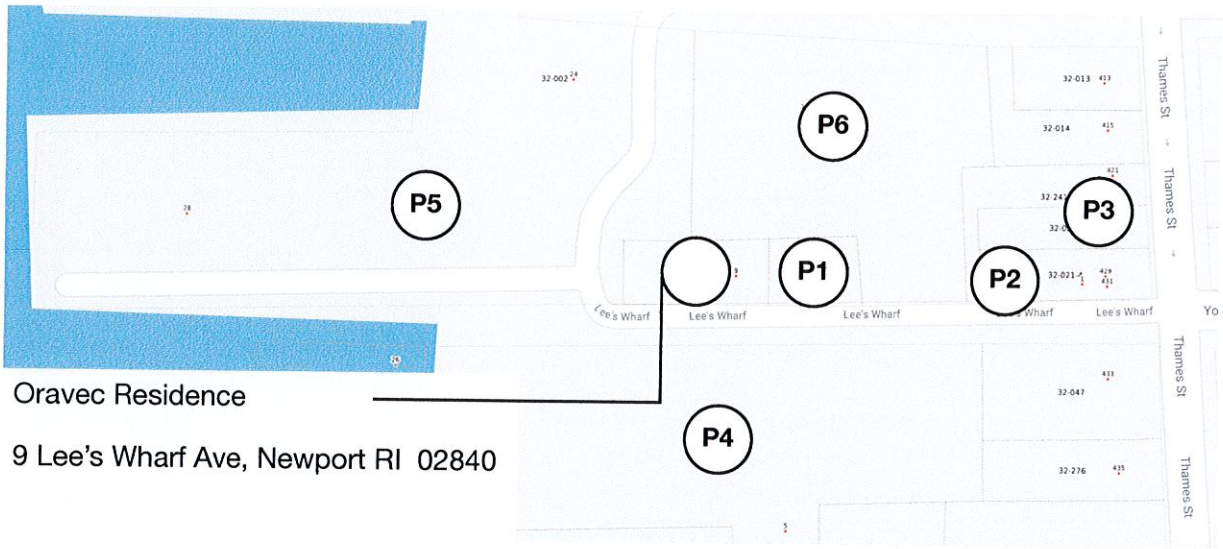
Photos of Neighboring Buildings (key)



Oravec Residence

9 Lee's Wharf Ave, Newport RI 02840

Lot Coverages:

P1: 5 Lee's Wharf.

P2: 3 Lee's Wharf.

P3: 421, 423, 425, 427, 429, 431 Thames St.

P4: Future Hotel Location

P5: 26, 28, 24 Brown & Howard Wharf.

P6: 10 Lee's Wharf.

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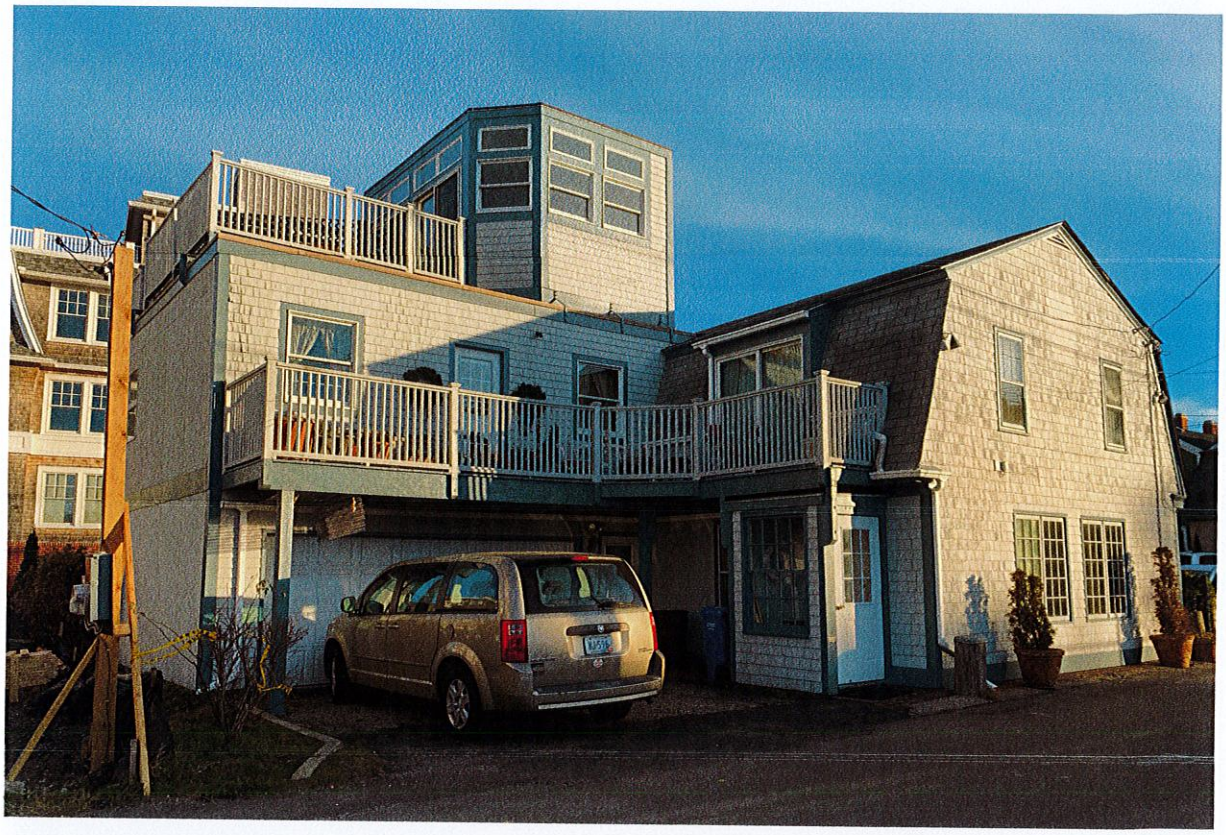

P1 - 5 Lee's Wharf, Newport, RI 02840

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P2 - 3 Lee's Wharf, Newport, RI 02840

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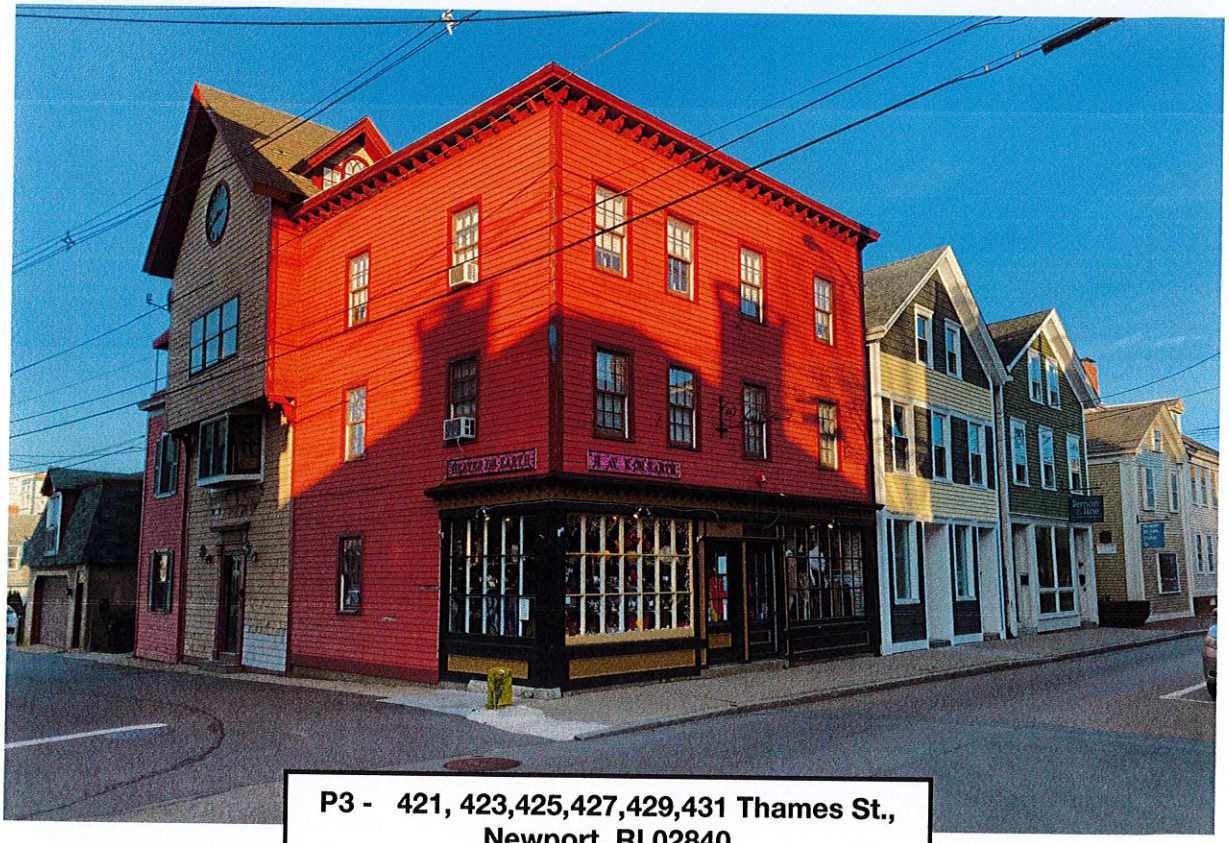

P3 - 421, 423,425,427,429,431 Thames St., Newport, RI 02840

P4 - Future Hotel Lee's Wharf, Newport, RI 02840

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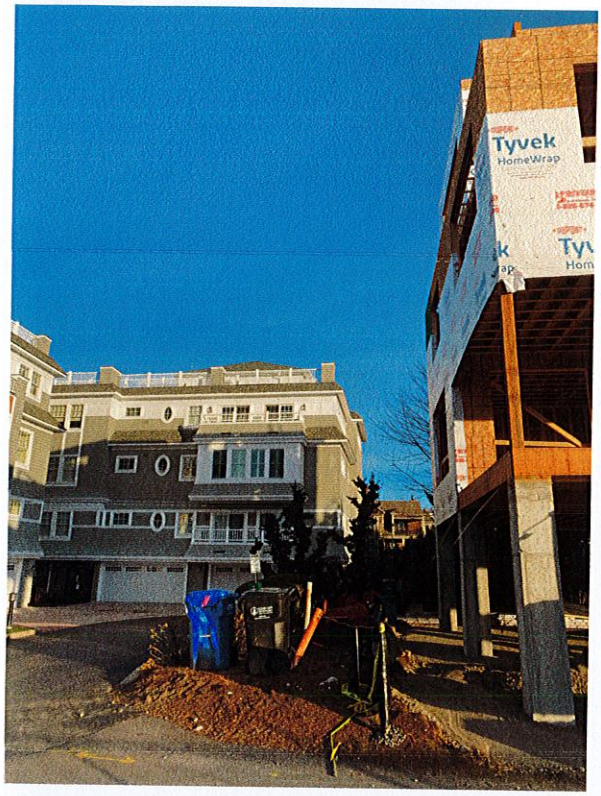

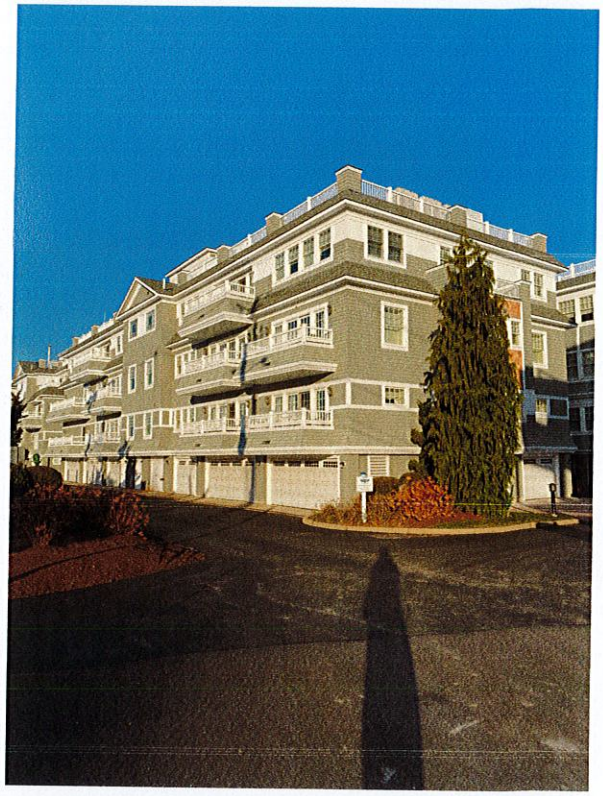

P5 - 26, 28, 24 Brown & Howard Wharf, Newport, RI 02840

P6 - 10 Lee's Wharf. Newport, RI 02840