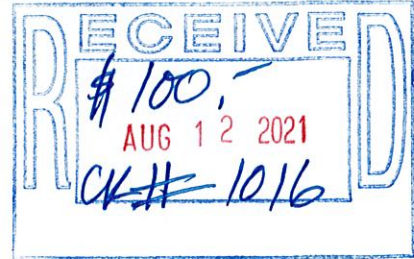


**COMBINED APPLICATION FOR A SPECIAL USE PERMIT & A
REGULATORY (DIMENSIONAL) VARIANCE**

**CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW**



DATE: 8.11.2021

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: 13 Clinton Street

Tax Assessor's Plat 39 Lot 264

Petitioner Information

Applicant Kyle and Melissa Spitzer Address 223 Westmoreland LN, Saunderstown, RI 02874

Owner Kyle and Melisa Spitzer Address 223 Westmoreland LN, Saunderstown, RI 02874

Lessee _____ Address _____

Property Characteristics

Dimensions of lot-frontage 46' depth +/- 99'-4" area 4,665 S.F. sq. ft.

Zoning District in which premises is located R-10

How long have you owned above premises? 1 Year

Are there buildings on the premises at present? No

Total square footage of the footprint of existing buildings NA

Total square footage of the footprint of proposed buildings 1,746 SF

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 Construct new single family 4-Bedroom home, centrally located on rectangular shaped lot.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	4,665	10,000	No Change
Lot Coverage	NA (0%)	20%	37%
Dwelling Units	1	1	1
Parking (# of spaces)	NA	2	4
Front Setback	NA	adjusted per ordinance 10'-5"	11'-0"
Side Setbacks	NA	10'-0"	(N) 8', (S) 8'
Rear Setback	NA	20'-0"	23'-4"
Height	NA	30' in normal R-10 Zone 40' with flood plane adjustment	35'-3"

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

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 lot is only 46' wide, making a side yard setback necessary in order to construct a home of reasonable width. The lot is located within a Flood Plane, which requires special "Flood Resistant" construction techniques and also limits the ability to place living areas on a grade level floor of the home.

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?

Many homes exist in nonconfirming positions on their lots, and much closer to the lot lines than the placement we are proposing, which allows other homes to have more expansive footprints across their lots, many of which are undersized such as ours. Many neighborhood homes were constructed prior to establishment of zoning laws and the enforcement of flood plane regulations. We are not allowed to provide living spaces on the first floor level of the home due to flood plane regulations, which places all living and sleeping areas on the upper two floor levels. This limits our ability to have direct access to outdoor spaces from the living level of our home.

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

The grade level floor area is only allowed to be used as an entrance and "storage" space. The home is designed to have a minimal sized (in width) two car garage at the lower level with an entrance and stairway access adjacent and visible from the front of the home. The minimum reasonable width for the home is 30', which is the reason for the setback variance. All of the home's living space is within the upper two floors. The footprint of the house is kept to a minimum and designed to include the necessary living spaces for a four bedroom family-style home. Because the "living level" of the home is on the second floor, additional footprint area is needed in order to provide outdoor space (the East facing covered porch) which is directly accessed from the living and kitchen areas. In order to accommodate mechanical systems, additional "freeboard" (3'-0") was added to the flood plane elevation, which is 7' above the average site grade. This provides an area within the ceiling of the garage to house equipment which is normally placed within the basement of a new home. No basement is allowed within the flood zone. The lower level footprint is all of the storage which is allowed to be provided in this zone. On the upper floor level, the roof lines are designed in a New England character to scaled to fit within the context of the street and existing neighborhood homes. The building height is allowed by state and local codes to be higher than proposed, though we worked hard to request the minimum height which would accommodate the necessary living spaces and keep the design consistent with the area.

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.

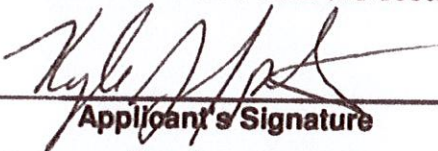
In granting a variance, the zoning board of review shall **require** that evidence of the following standards be entered into the record of the proceedings:

- 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

(401) 996-5512
Telephone Number


Owner's Signature

(401) 996-5512
Telephone Number

Email address Kyle Ipp@cox.net

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

SITE PLAN NOTES:

SITE PLAN INFORMATION INCLUDING LOCATION OF PROPERTY BOUNDARY LINES, STREET EDGES, UTILITY POLES AND ADJACENT STRUCTURES PROVIDED FOR USE BY DIPRETE ENGINEERING OF RI.

SITE DATA, INCLUDING PLAT, LOT, AND AREA OBTAINED FROM THE CITY ASSESSOR DATABASE

13 CLINTON STREET ZONING ANALYSIS

ZONING DISTRICT R-10
 PROPOSED FOOTPRINT 1,746 SF
 LOT SIZE
 EXISTING 4,665 SF
 REQUIRED 10,000 SF

LOT COVERAGE %
 ALLOWED 20%
 PROPOSED 31%

FRONT SETBACK
 REQUIRED 10'-5" MIN
 PROPOSED 11'-0"
 (MIN FRONT SETBACK IS ADJUSTED PER ORDINANCE AS AN AVERAGE OF THE ADJACENT PARCELS)

SIDE SETBACK NORTH
 REQUIRED 10'-0"
 PROPOSED 8'-0"

SIDE SETBACK SOUTH
 REQUIRED 10'-0"
 PROPOSED 8'-0"

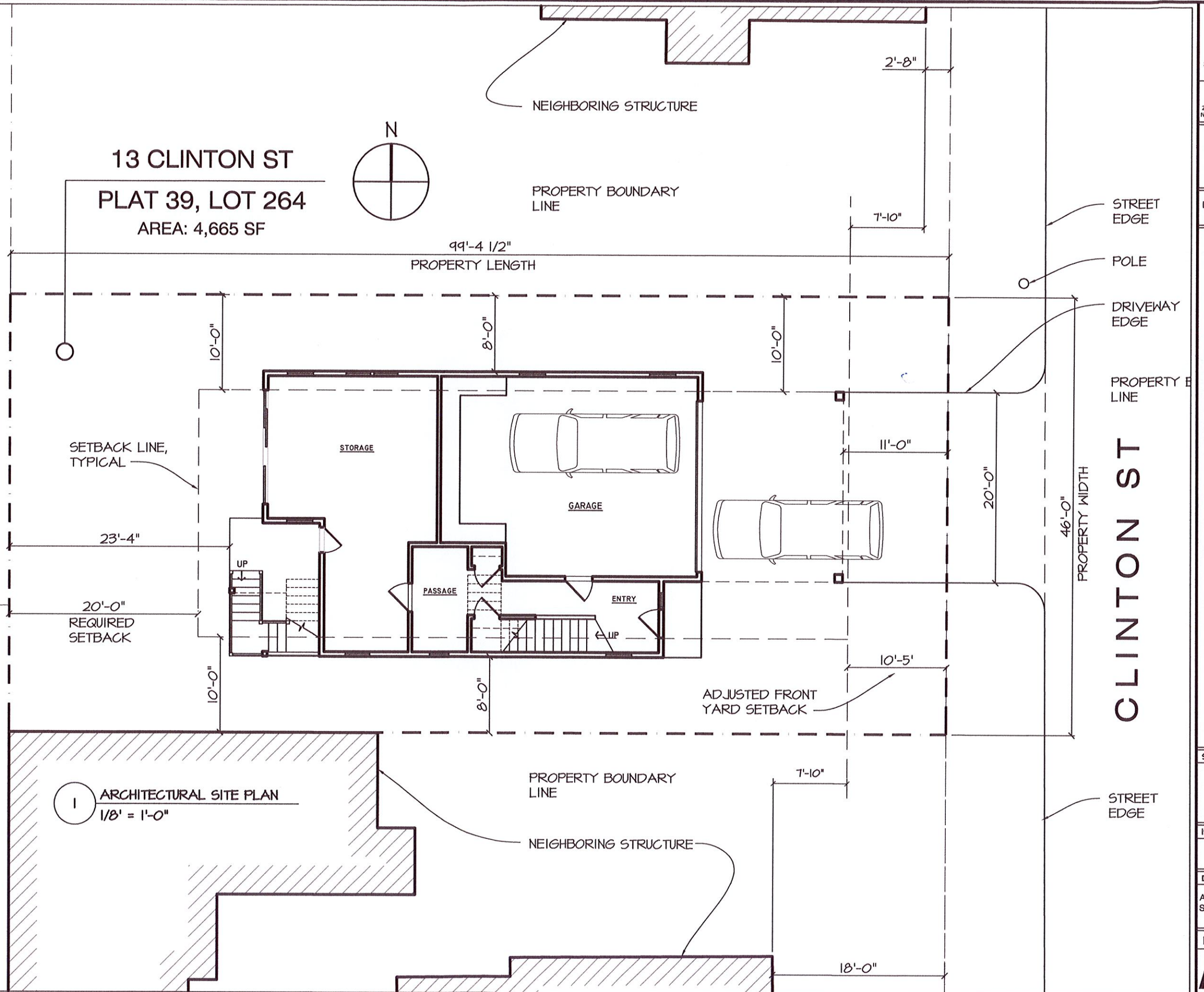
REAR SETBACK
 REQUIRED 20'-0"
 PROPOSED 23'-4"

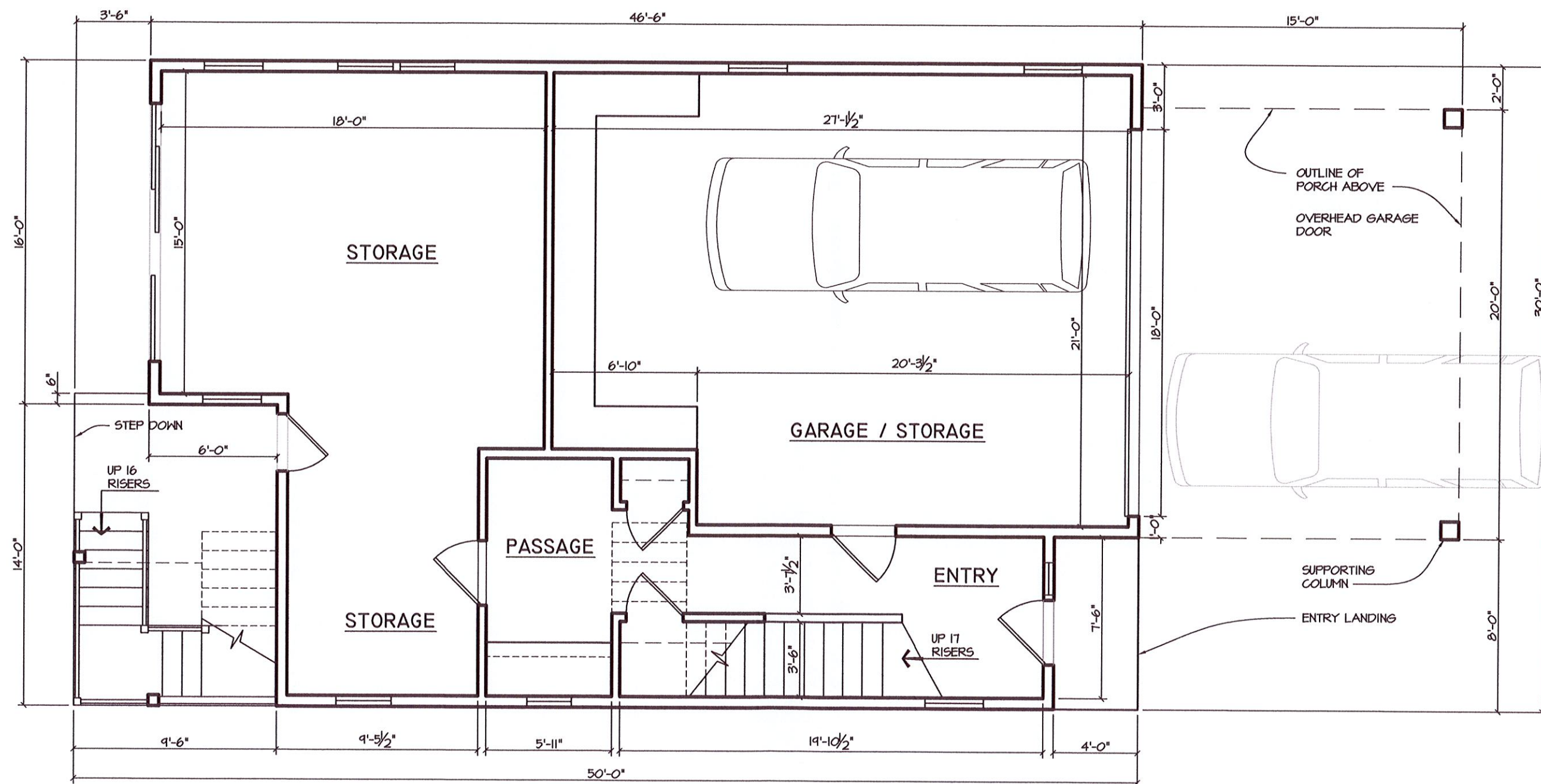
HEIGHT
 REQUIRED (PER R-10 ZONE) 30'-0" MAX

ALLOWED PER FLOOD ZONE ADJUSTMENT 40'-0" MAX

AS PROPOSED 35'-3"

13 CLINTON ST
 PLAT 39, LOT 264
 AREA: 4,665 SF





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

GRADE LEVEL PLAN NOTE:
 THIS FLOOR LEVEL IS WITHIN FLOOD PLANE, AE-12
 DWELLING AREAS ARE NOT ALLOWED ON THIS FLOOR LEVEL,
 OTHER THAN ENTRY ACCESS AND ACCESSORY USES SUCH AS
 GARAGE AND STORAGE AREAS.

DO NOT SCALE
DRAWINGS

THE SPITZER RESIDENCE
13 CLINTON STREET
 NEWPORT, RI

STATUS:

ZONING
 APPLICATION
 PLANS

ISSUE DATE:

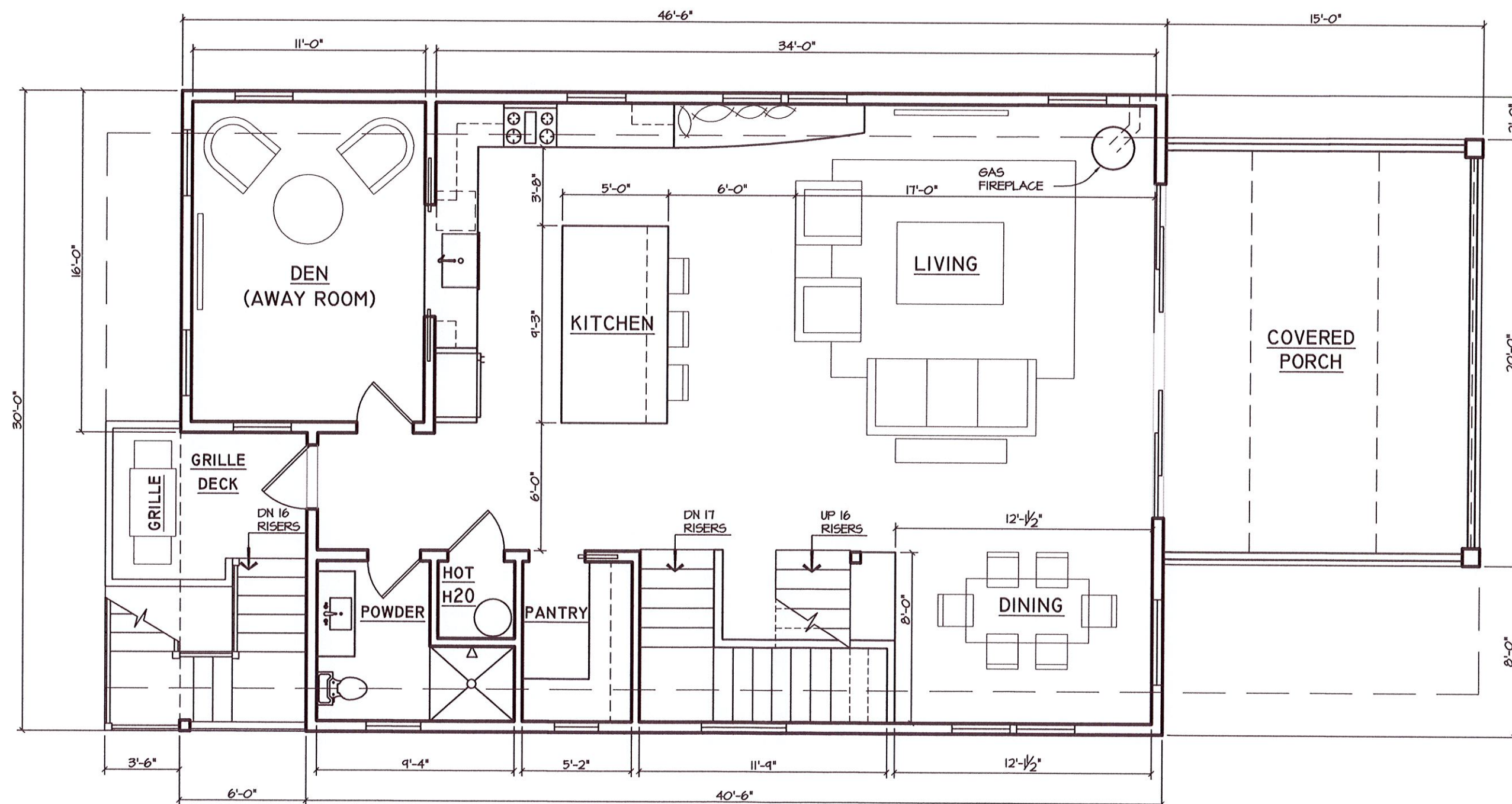
8.12.2021

DESCRIPTION:

SECOND
 FLOOR PLAN

DRAWING #

A1.1



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

SECOND FLOOR LEVEL LIVING AREA: (1,311 SF)
 THIRD FLOOR LEVEL LIVING AREA: (1,244 SF)
 TOTAL INTERIOR LIVING AREA: (2,555 SF)

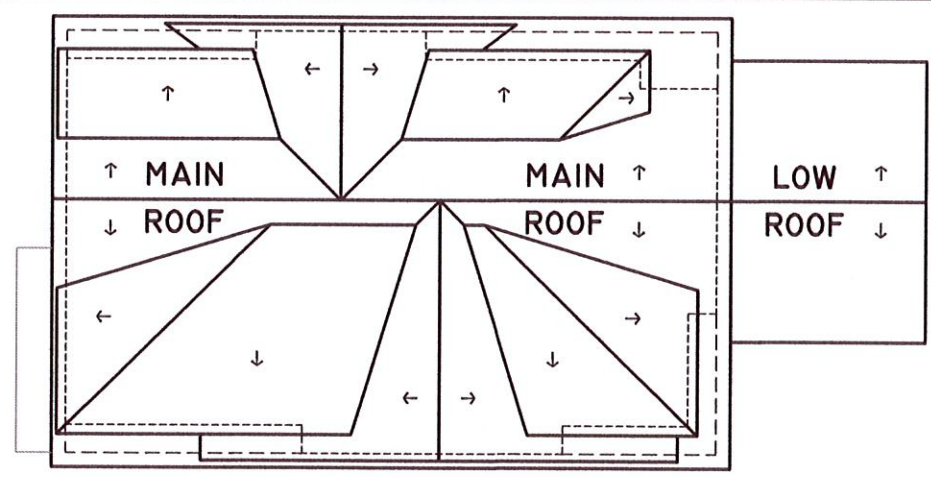
(LIVING AREA CALCULATIONS DO NOT INCLUDE
 GRADE LEVEL SPACES WITHIN FLOOD PLANE)

DO NOT SCALE
DRAWINGS

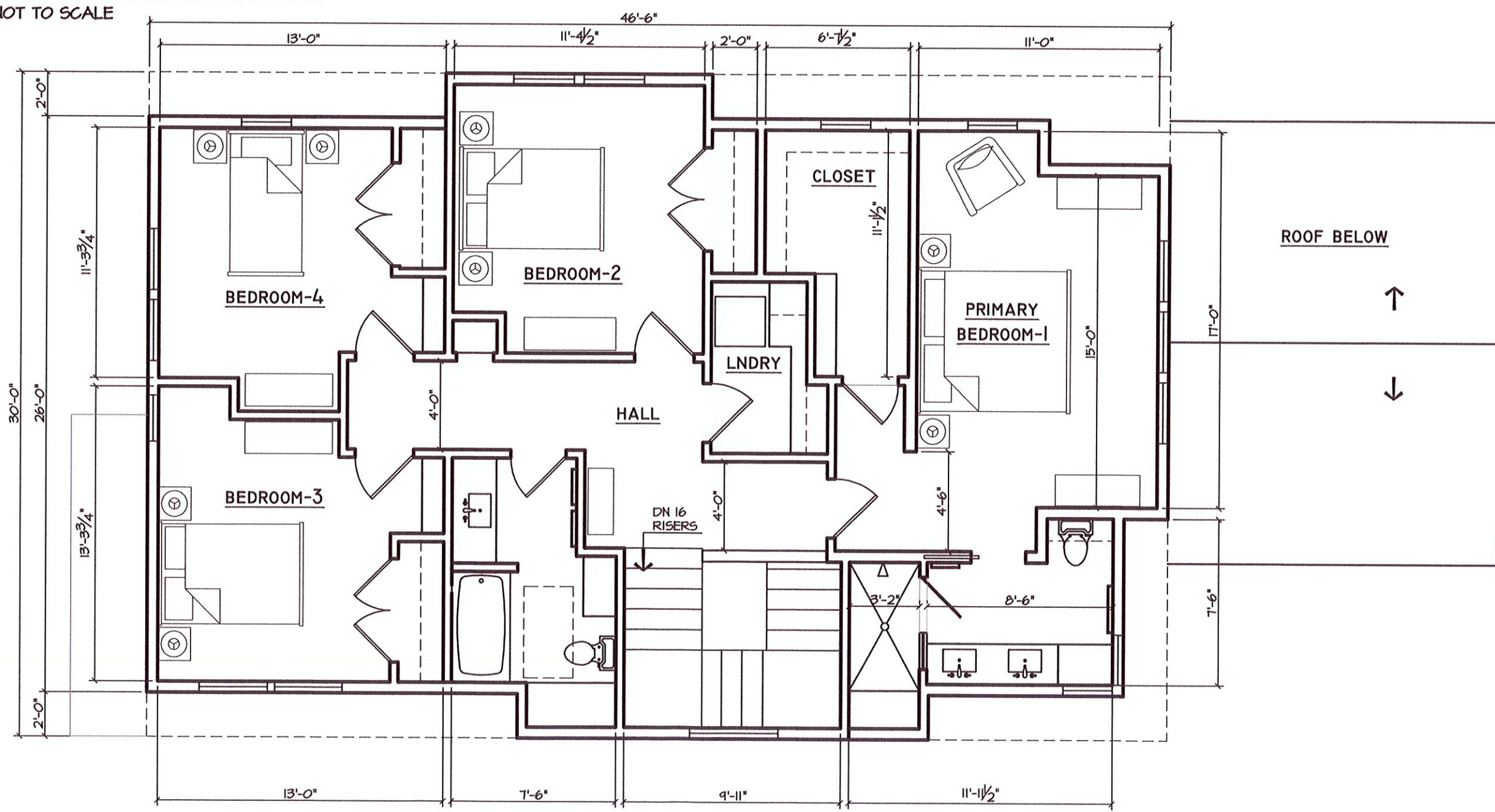
THE SPITZER RESIDENCE
13 CLINTON STREET
 NEWPORT, RI

STATUS:
ZONING APPLICATION PLANS
ISSUE DATE:
8.12.2021
DESCRIPTION:
THIRD FLOOR PLAN
DRAWING #

A1.2



1
 DIAGRAMMATIC ROOF PLAN
 NOT TO SCALE



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

DO NOT SCALE
DRAWINGS

THE SPITZER RESIDENCE
13 CLINTON STREET
 NEWPORT, RI

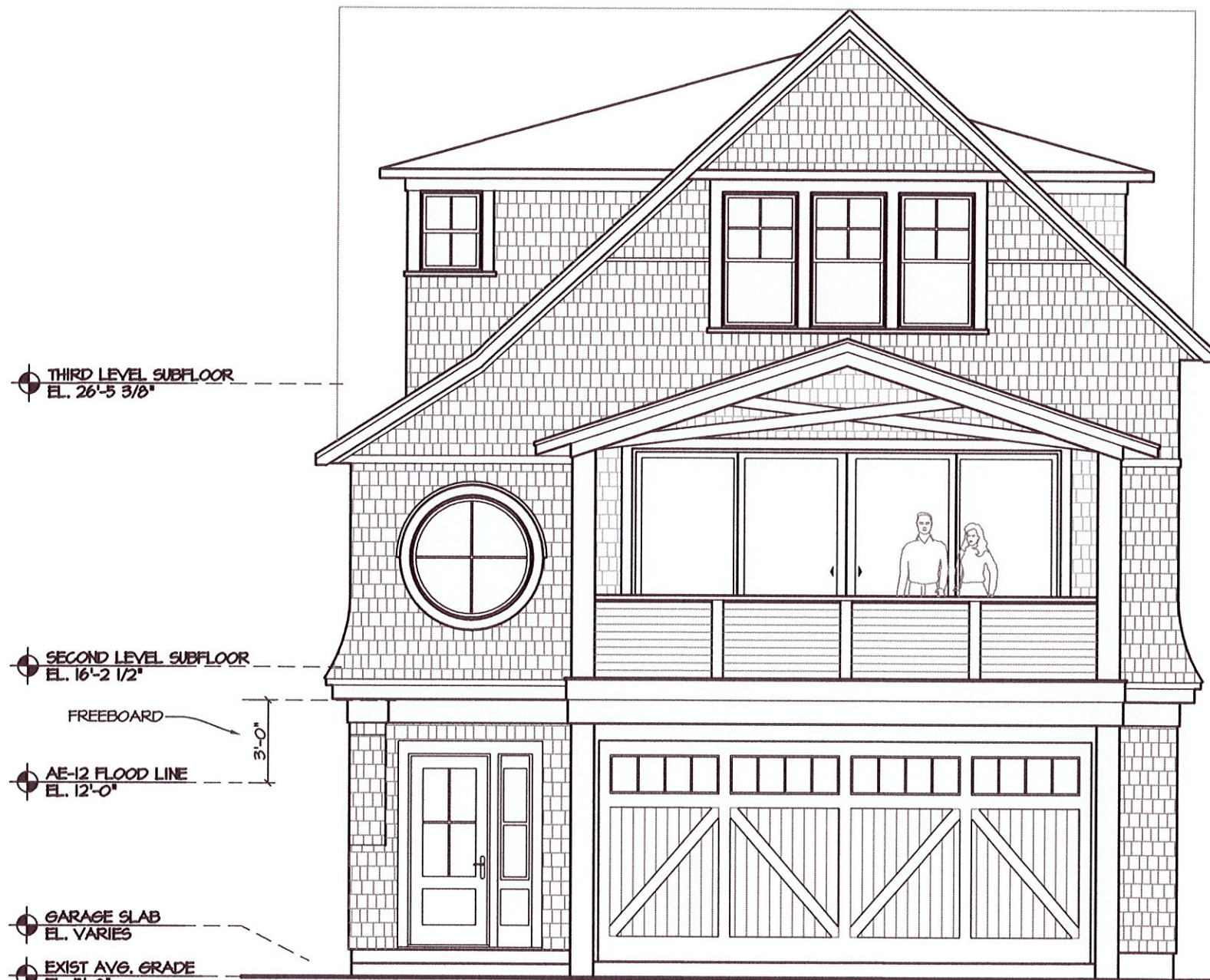
STATUS:
 ZONING
 APPLICATION
 PLANS

ISSUE DATE:
 8.12.2021

DESCRIPTION:
 EXTERIOR
 ELEVATIONS

DRAWING #

A2.0



1 FRONT (EAST) ELEVATION
 3/16" = 1'-0"



2 REAR (WEST) ELEVATION
 3/16" = 1'-0"

DO NOT SCALE
DRAWINGS

THE SPITZER RESIDENCE
13 CLINTON STREET
NEWPORT, RI

STATUS:

ZONING
APPLICATION
PLANS

ISSUE DATE:

8.12.2021

DESCRIPTION:

EXTERIOR
ELEVATIONS

DRAWING #

A2.1



1 SIDE (SOUTH) ELEVATION
3/16" = 1'-0"

DO NOT SCALE
DRAWINGS

THE SPITZER RESIDENCE
13 CLINTON STREET
NEWPORT, RI

STATUS:
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DESCRIPTION:
EXTERIOR
ELEVATIONS

DRAWING #

A2.2

THIRD LEVEL SUBFLOOR
EL. 26'-5 3/8"

SECOND LEVEL SUBFLOOR
EL. 16'-2 1/2"

AE-12 FLOOD LINE
EL. 12'-0"

GARAGE SLAB
EL. VARIES

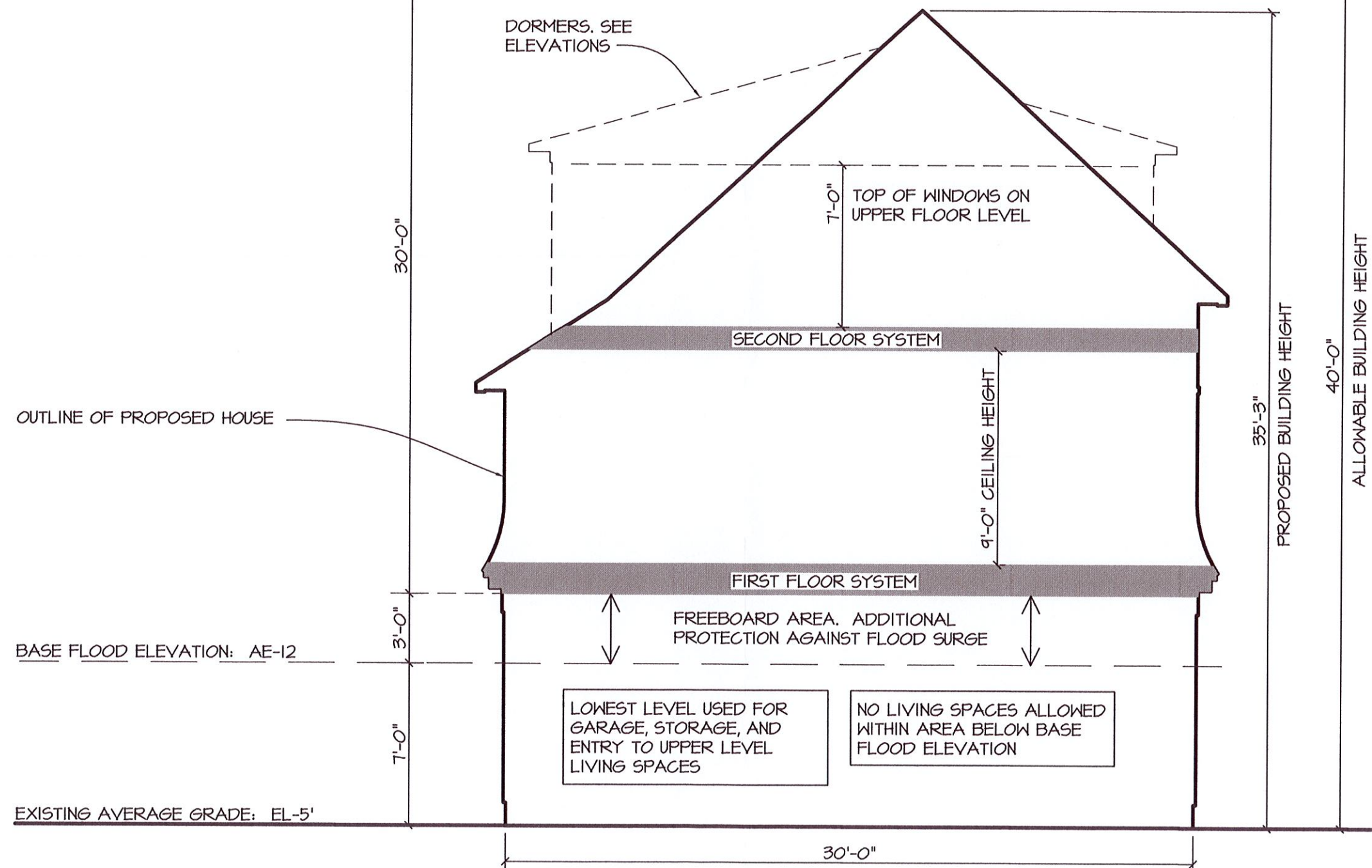
EXIST AVG. GRADE
EL. 5'-0"

REFERENCE ELEVATION
EL. 0'-0"



1 SIDE (NORTH) ELEVATION
3/16" = 1'-0"

ALLOWABLE MAXIMUM BUILDING HEIGHT BASED ON FLOOD PLANE AND ADDITIONAL FREEBOARD PROVIDED



1 DIAGRAMMATIC BUILDING SECTION
3/16" = 1'-0"

DO NOT SCALE
DRAWINGS

THE SPITZER RESIDENCE
13 CLINTON STREET
NEWPORT, RI

STATUS:

ZONING
APPLICATION
PLANS

ISSUE DATE:

8.12.2021

DESCRIPTION:

DIAGRAMMATIC
SECTION

DRAWING #

A3.0