

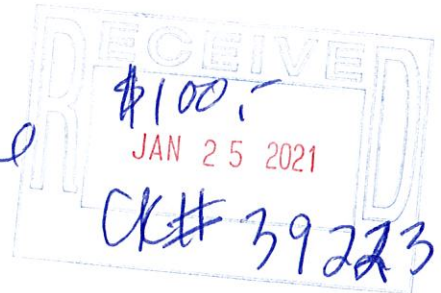
**COMBINED APPLICATION FOR A SPECIAL USE PERMIT &  
A REGULATORY (DIMENSIONAL) VARIANCE**

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

DATE: January 25, 2021

Board Members:

*Handwritten:* ZBR - 6  
Feb - 6



The undersigned hereby petitions the Zoning Board of Review for a Special Use Permit and a Regulatory (Dimensional) 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.: 114 Champlin Place North

Tax Assessor's Plat: 20, Lot: 203

**Petitioner Information**

**Applicants:** Cameron Stewart  
Michaela Stewart

**Addresses:** c/o J. Russell Jackson, Esq.  
Miller Scott Holbrook & Jackson  
122 Touro Street  
Newport, RI 02840

**Owner:** Same

Same

**Leasee:** N/A

N/A

**Property Characteristics**

**Dimensions of Lot:** **Frontage:** 50 ft. +/-  
**Depth:** 114 ft. +/-  
**Area:** 5,650 sq. ft. +/-

**Zoning District in which premises is located:**

R-10A

**How long have you owned above premises?**

5.5 Years (Purchased 5/22/2015)

**Are there buildings on the premises at present?**

Yes

**Total square footage of the footprint of existing buildings:**

1,041 sq. ft. (18%)

**Total square footage of the footprint of proposed buildings:**

1,464 sq. ft. (26%)

**Present use of premise:**

Single Family Residential

**Proposed use of premises:**

Single Family Residential

**Give extent of proposed alterations:** The Applicants propose a renovation of their single family home including a nine foot (9') deep, two story addition along the rear of the house, new rear deck, new side entry with mudroom, new front dormers and a gas fireplace bump-out. The renovations will allow for improvements and upgrades to accommodate the Applicants' growing family.

### Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft)	5,650 sq. ft.	10,000 sq. ft.	5,650 sq. ft.
Lot Coverage	18 %	20 %	26 %
Dwelling Units	1	1	1
Parking (# of spaces)	2	2	2
Front Setback (ft.)	19 ft.	15 ft.	19 ft.
Side Setbacks (ft.)	North = 10 ft. South = 3 ft. 8 inches	10 ft.	North = 10 ft. South = 2 ft. 1 inches
Rear Setback (ft.)	61 ft.	20 ft.	45 ft. +/-
Height (ft.)	22 ft.	30 ft.	22 ft.

### Project Summary:

The Applicants seek relief under:

Section 17.108.020 (Special Use Permits)

Section 17.108.010 (Variances)

Section 17.72.030 (Alteration to Nonconforming Development)

Section 17.24.050 (R-10A Lot Coverage Requirements)

Section 17.24.040 (Setback Requirements)

The Applicants seek permission to complete renovations of this single family home with an addition along the rear of the house, construction of a new deck, dormers and a new mudroom. The rear addition will allow for a modern sized kitchen, living room and master bedroom. The expanded living space will provide greater functionality and flow to the first and second floor living spaces, additional outdoor living space and improved access to backyard.

The existing parcel is a legal non-conforming lot of record containing only 5,650 square feet of land. The purpose of this project is to renovate and modernize the home to provide the needed space to accommodate the Applicants and their family. The property is in the R-10A Zone. The parcel is substandard in width. The existing residence already encroaches into the south side setback and is



only 3' 8" from the property line. As a result, the rear addition will also encroach into the south side setback to match the existing foundation line and the new south side front dormer will also partially encroach into the setback. There is a proposed small gas fire place bump out on the south wall which will be 2' 1" from the south property line. Lot coverage increases to 26% due to the new addition and deck. Resulting lot coverage is reasonable for a parcel significantly smaller than a conforming lot in the R-10A Zone. Building height remains the same. The existing single family use is allowed by right. The property is not in the Newport Historic District. The plan proposed by the Applicants will not create dimensional non-conformities to such a degree that it is injurious to, or inconsistent with, the surrounding neighborhood or the purpose and intent of the R-10A Zone.

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

The Applicants state that the proposed development is consistent with many provisions of the Comprehensive Land Use Plan, including, but not limited to the following:

**Land Use:**

*Goal LU-1: To provide a balanced City consisting of residential, commercial, and employment uses consistent with the character, environmental resources and vision of the community.*

*Policy LU-1.7 The City shall protect the existing character of residential neighborhoods while encouraging local neighborhood business.*

**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.*

**Transportation & Circulation:**

*Goal T-5: To provide sufficient and suitably located parking, designed to eliminate, mitigate or reduce impacts.*

**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 existing parcel is a legal non-conforming lot of record containing 5,650 square feet of land. The lot is substandard in width and area for the R-10A Zone. The structure to be renovated already encroaches into the south side setback. Because of the existing encroachment, the proposed addition will fall within the south side setback. The existing second floor will be expanded to the front with



dormers and to the back with the new two story addition to allow for additional living space. As a result of the lot width and the existing side setback encroachment, both the lot and the structure are already dimensionally non-conforming. Alteration requires dimensional relief.

**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 Applicants propose to continue the single family residential use of the property and will be seeking relief for dimensional variances and a special use permit. The subject property is located on Champlin Place North. This property is surrounded by a number of abutting parcels that are substandard in size with dimensional nonconformities. A number of these properties also exceed lot coverage and encroach into setbacks. The literal interpretation of the zoning code, resulting in the denial of the relief requested, would unreasonably deny these Applicants the ability to renovate their home and upgrade their living space. The proposed lot coverage and continued setback encroachments will not be inconsistent with surrounding properties. The renovation of this property to provide additional indoor and outdoor living space is appropriate and not inconsistent with the surrounding neighborhood, and the rights enjoyed by other property owners in this area of the R-10A Zone.

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

The Applicants are before the Board for permission to renovate their single family residence in the R-10A Zone. Expanding along the rear of the house is the most efficient way to increase the livable space and improve the functionality of the floor plan. A significant portion of the house already encroaches into the south side setback. The renovations will result in an extension of the encroachment to the rear with the new addition. There is a small gas fireplace bump out proposed. The existing rear deck will be removed and replaced with a larger deck adjacent to the rear of the first floor to allow for greater access and utility. Lot coverage will be increased. The addition and deck are modest in size, given the overall depth of the lot. Front, rear and north side setbacks will be preserved. There will be no change in building height. The Applicants have taken great care to develop a renovation plan which meets their needs and is appropriate in scope, scale and size for this substandard lot. The overall proposal has been designed to meet the reasonable living needs of the Applicants and their growing family. The hardship is driven by the substandard lot, non-conforming structure, and the fact that a portion of the existing structure sits in the south side setback. Granting the request for dimensional relief is the minimum variance which will allow the reasonable use of the property. Accordingly, the proposed use of the property and the relief sought by the Applicants will not be injurious to, or create a burden or hardship for abutting property owners, will be harmonious with the neighborhood, and will be an appropriate use for this residential 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.

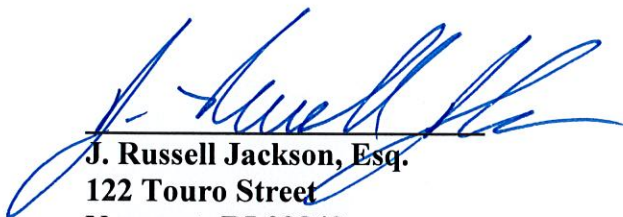
The burden of proof in a special-use permit application is on the applicant. This means that if the applicant fails to present adequate competent evidence to prove the applicable standard for issuing a special-use permit has been met, the board must deny the application.

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".

Applicants & Owners,  
By Their Attorneys,  
Miller Scott Holbrook & Jackson

A handwritten signature in blue ink, appearing to read "J. Russell Jackson", is written over a horizontal line.

J. Russell Jackson, Esq.

122 Touro Street

Newport, RI 02840

Tel: 401-847-7500

Fax: 401-848-5854

[jrjackson@millerscott.com](mailto:jrjackson@millerscott.com)

# NEWPORT ZONING:

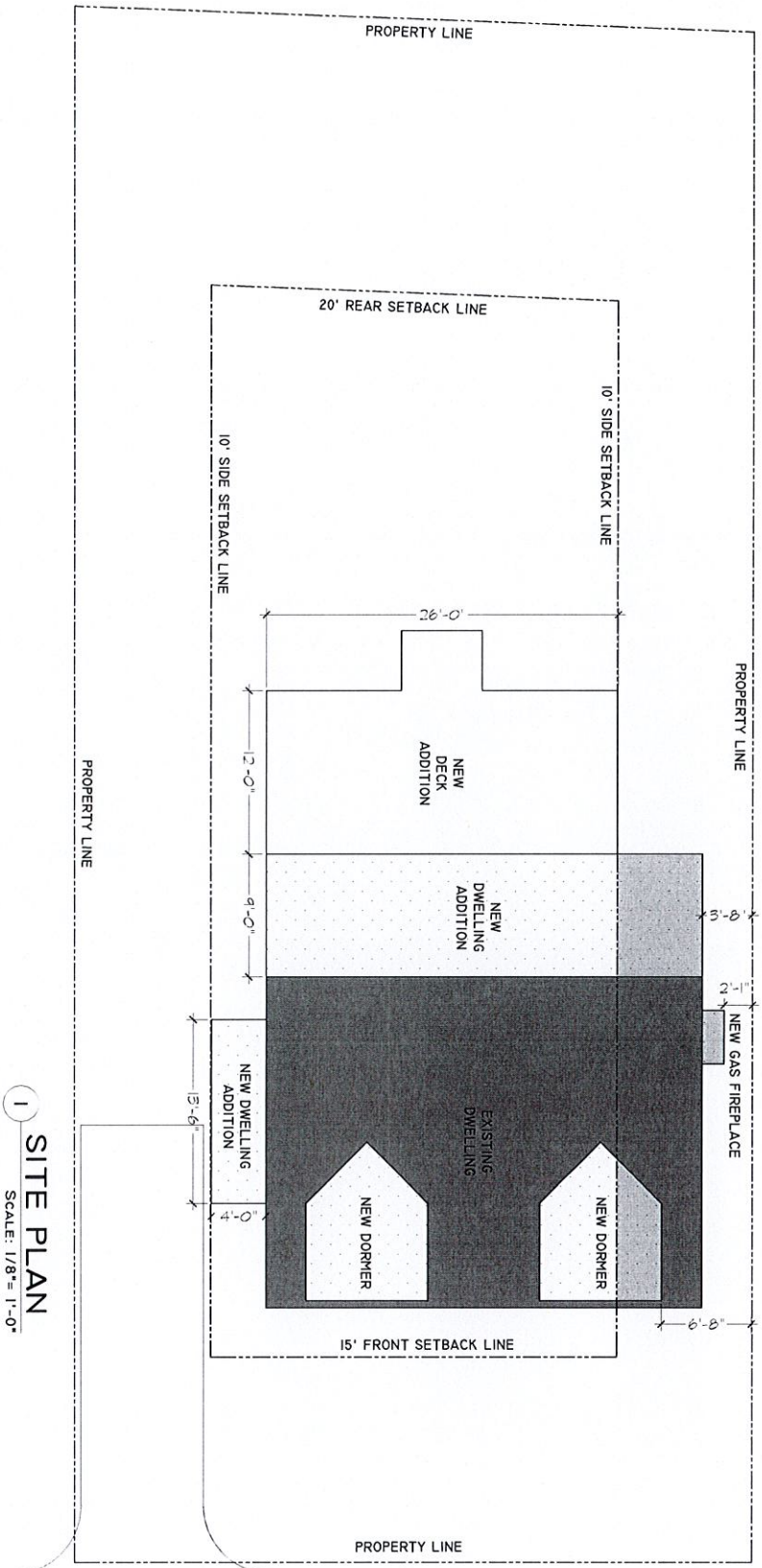
ZONING DISTRICT: R10A, PLAT 20, LOT 203  
ZONING USE: SINGLE FAMILY DWELLING

YARD SETBACKS, MINIMUM REQUIRED:

- 15'-0" FRONT
- 10'-0" SIDE
- 20'-0" REAR
- YARD SETBACKS, PROPOSED:
- UNCHANGED FRONT
- 2'-1" SIDE
- UNCHANGED REAR

BUILDING HEIGHT, MAXIMUM ALLOWED: 30'-0" FROM  
AVERAGE NATURAL GRADE  
BUILDING HEIGHT, PROPOSED: UNCHANGED @ 22'-0"

LOT COVERAGE, ALLOWED: 20% OF 5,650 SF = 1,130 SF  
LOT COVERAGE, EXISTING: 1,041 SF = 18%  
LOT COVERAGE DWELLING, PROPOSED: 1,126 SF = 20%  
LOT COVERAGE DECK, PROPOSED: 338 SF = 6%



1 SITE PLAN  
SCALE: 1/8" = 1'-0"

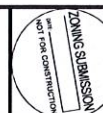
CHAMPLIN PLACE N

A0.1

Stewart Residence  
114 Champlin Place N  
Newport, Rhode Island

DESCRIPTION:  
ARCHITECTURAL SITE PLAN  
SCALE: As Noted  
DATE: January 12th, 2021

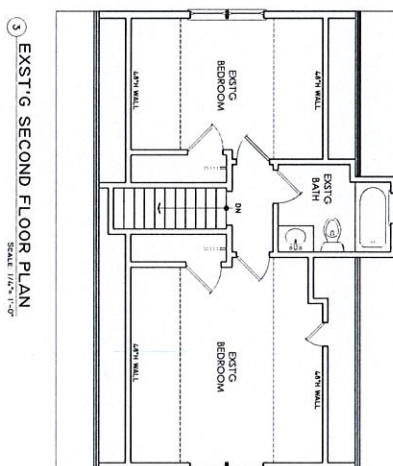
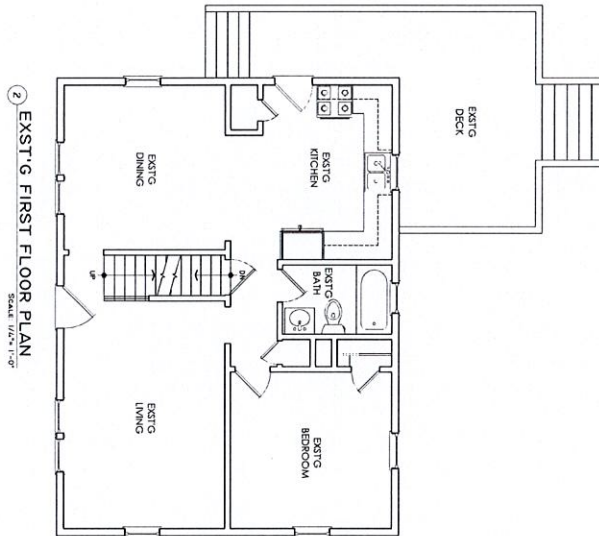
REVISIONS:



CORDTSEN  
DESIGN  
ARCHITECTURE  
42 West Main Road  
Narragansett, RI 02882  
CordtsenDesign.com  
401.413.4187







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A1.0

Stewart Residence  
114 Champlin Place N  
Newport, Rhode Island

DESCRIPTION:  
FLOOR PLANS  
SCALE: As Noted  
DATE: January 12th, 2021

REVISIONS:

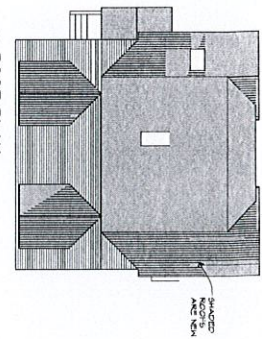


CORDTSEN  
DESIGN  
ARCHITECTURE  
42 West Main Road  
Middletown, RI 02842  
CordtSenDesign.com  
601.617.4487

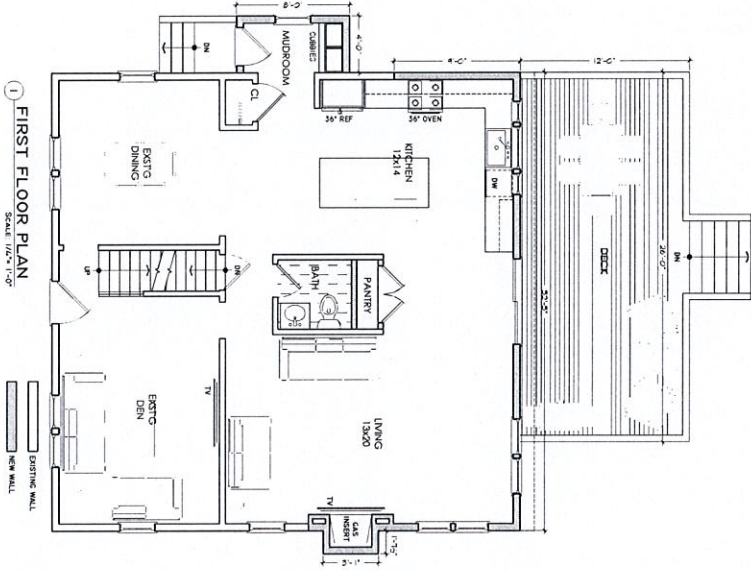




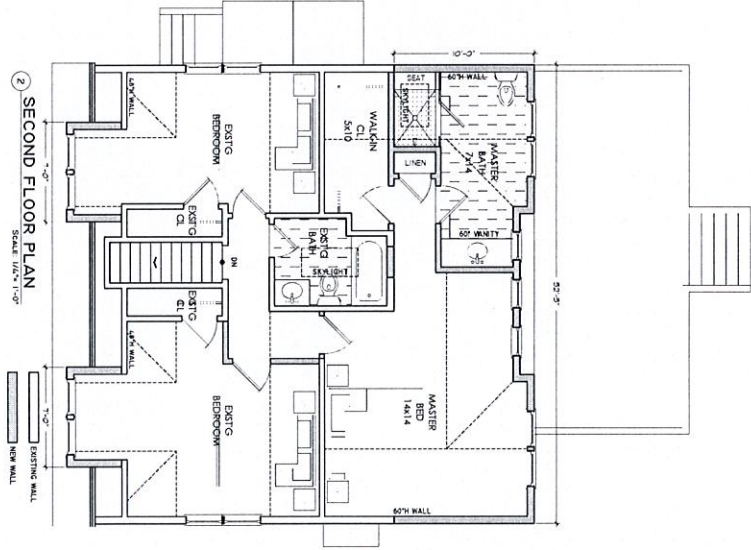
3 ROOF PLAN  
SCALE 1/8" = 1'-0"



1 FIRST FLOOR PLAN  
SCALE 1/16" = 1'-0"



2 SECOND FLOOR PLAN  
SCALE 1/16" = 1'-0"



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Stewart Residence  
114 Champlin Place N  
Newport, Rhode Island

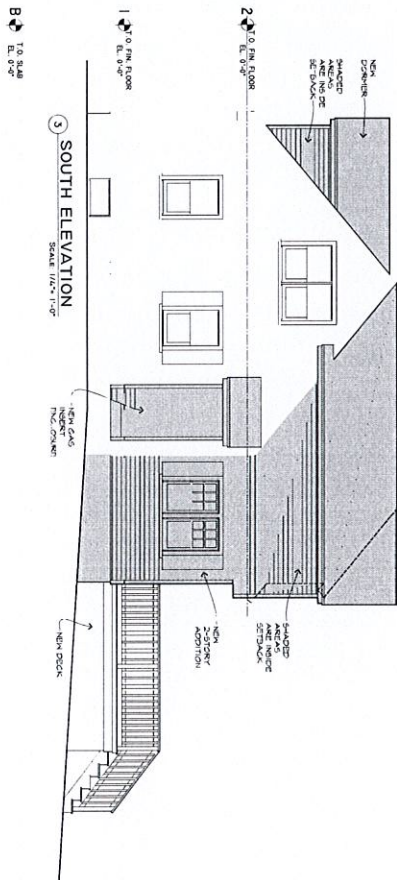
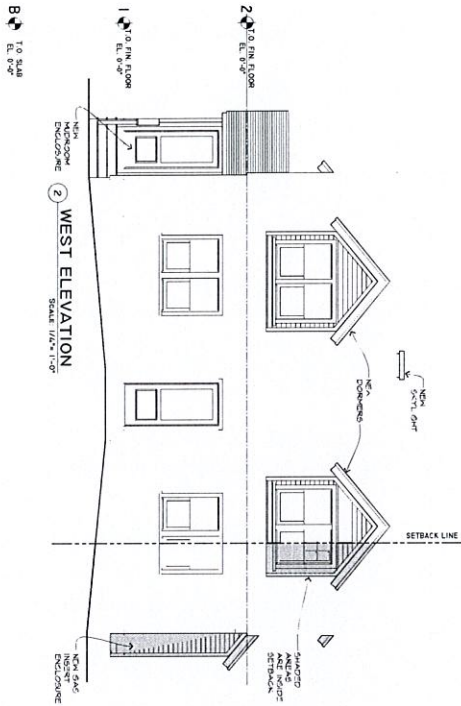
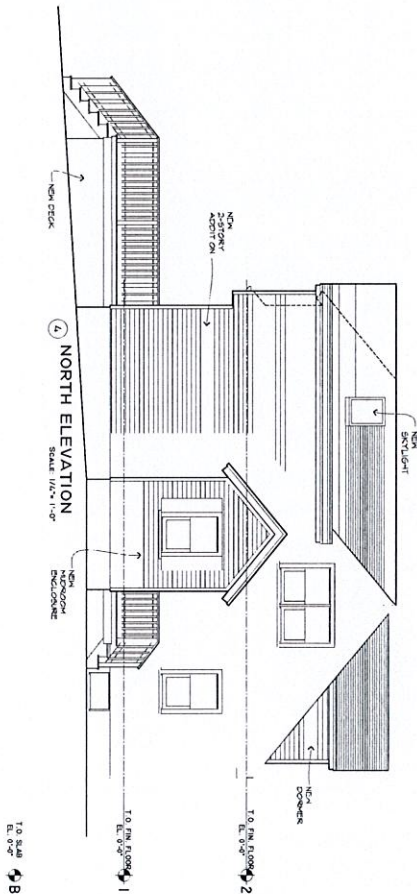
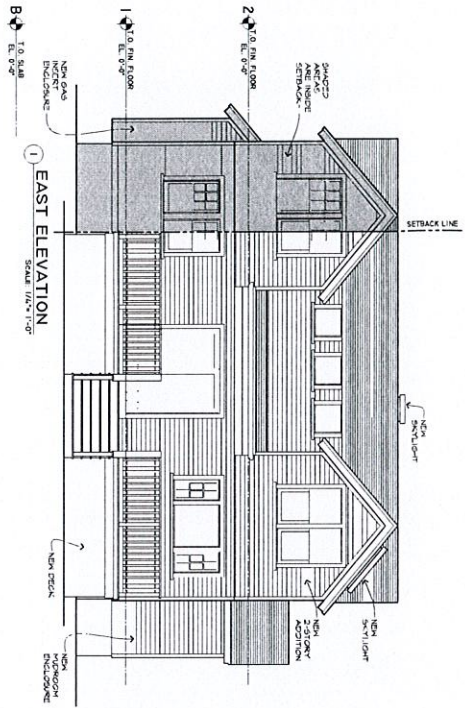
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CORDISSEN  
DESIGN  
ARCHITECTURE  
42 West Main Road  
Narragansett, RI 02882  
CORDISSEN@GMAIL.COM  
(401) 811-8887





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A2.0

Stewart Residence  
114 Champlin Place N  
Newport, Rhode Island

DESCRIPTION:  
EXTERIOR ELEVATIONS  
SCALE: As Noted  
DATE: January 12th, 2021

REVISIONS:



CORDEN  
DESIGN  
ARCHITECTURE  
42 West Main Road  
Northport, RI 02842  
CordenDesign.com  
(401) 417-4487

