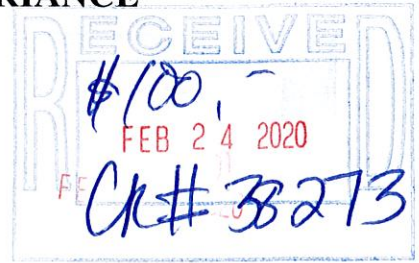


**COMBINED APPLICATION FOR A SPECIAL USE PERMIT &
A REGULATORY (DIMENSIONAL) VARIANCE**

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



DATE: February 24, 2020

Board Members:

*ZBR
March
13*

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.: 0 Vicksburg Place (Court Off Of)

Tax Assessor's Plat: 13, Lot: 002

Petitioner Information

Applicants:	James Pizzarusso Lyn F. Murray	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:	32.5 ft. +/-
	Depth:	60 ft. +/-
	Area:	1,949 sq. ft. +/-

Zoning District in which premises is located: R-10

How long have you owned above premises? 6 Months

Are there buildings on the premises at present? No

Total square footage of the footprint of existing buildings: 0.0 sq. ft.

Total square footage of the footprint of proposed buildings: 572 sq. ft.

Present use of premise: Vacant Lot

Proposed use of premises: Single Family Residential Dwelling

Give extent of proposed alterations: The Applicants propose to construct a small two bedroom single family home which will serve as their primary residence.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft)	1,949	10,000	1,949
Lot Coverage	0 %	20 %	29 %
Dwelling Units	0	1	1
Parking (# of spaces)	2 +	2	2
Front Setback (ft.)	N/A	15 ft.	12 ft.
Side Setbacks (ft.)	East = N/A West = N/A.	10 ft.	East = 4.5 ft. West = 12 ft.
Rear Setback (ft.)	N/A	20 ft.	17.4 ft.
Height (ft.)	N/A.	30 ft.	Less than 30 ft. (27 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 17.20.050 (R-10 Lot Coverage Requirements) and Section 17.20.040 (Setback Requirements), for permission to construct a new two bedroom single family residence. Because of the extremely small lot size, the proposed development will require dimensional relief for setbacks and lot coverage. The required parking will be provided on site.

The existing parcel is a legal non-conforming lot of record containing only 1,949 +/- square feet of land. The property is a vacant lot. The primary purpose of this project is to build a primary residence for the Applicants. The proposed structure will be a small two bedroom modular home. The property is in the R-10 Zone. Because of the exceptionally small lot size, the proposed structure will encroach into the front, rear and east side setbacks. It will also exceed lot coverage at 29%. Building height will be below thirty (30) feet. The proposed single family use is allowed by right.

The plan proposed by the Applicant which calls for the construction of a new single family home 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-10 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 only 1,949 square feet of land. The lot is extremely small and substandard for an R-10 Zone. The proposed structure is a very small sized, modern two family single family residence. The foot print of the foundation will only be sixteen (16') feet by thirty (30') feet. As a result of the extremely small lot size, both the lot and the structure will be dimensionally non-conforming. Building even a very small single family residence, as proposed, will require the need for dimensional relief. In this case, the preferred location of the structure on this parcel will require front, rear and side setback relief as well as lot coverage 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 Applicant proposes a single family residential use and will be seeking relief for dimensional variances. The subject property is located on a Court off Vicksburg Place. Much of the neighborhood is characterized by small lots and densely developed properties. The subject property also immediately abuts a longstanding commercial property on Vicksburg Place operated by D&D Fence Company. Many of the surrounding properties in the neighborhood are substandard, in terms of lot size, exceed the 20% lot coverage, and encroach into setbacks. Many of these parcels fail to meet dimensional requirements of the R-10 Zone. The literal interpretation of the zoning code, resulting in the denial of the relief requested, would unreasonably deny these Applicants the ability to construct this very small single family structure. The proposed lot coverage and setback encroachments will not be inconsistent with surrounding properties. Clearly dimensional non conformities exist with other properties throughout this neighborhood. The construction of a single family home which meets building codes and standards of modern living is appropriate and not inconsistent with the surrounding neighborhood, and the rights enjoyed by other property owners in this area of the R-10 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 construct a single family residence on an extremely small vacant parcel. The proposed structure will encroach into the front, rear and east side setback. The west setback will be maintained. The proposed structure, including soffits/overhangs, will not exceed 29% lot coverage. There will be two parking spaces on site. The Applicants have taken great care to select a building plan which meets their needs and is appropriate in size and volume for their substandard lot. The home will have only 461 square feet of living space on each of the first and second floors. There will be some storage and bonus space on the third level. The overall modest proposal has been designed to meet the needs of the Applicants while also respecting the privacy of neighbors and the impact to the neighborhood. The hardship is driven by the extremely small size of this substandard lot. To limit their request for relief to the absolute minimum, the Applicants abandoned any thoughts of a larger home or amenities such as decks and/or balconies. The proposed development will result in a dwelling consistent with modern living

and will provide the needed space for the Applicants. 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;

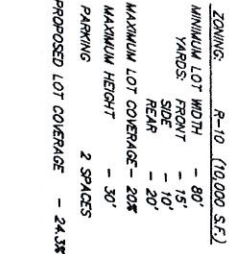
- e) That the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds 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**



J. Russell Jackson, Esq.
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Newport, RI 02840
Tel: 401-847-7500
Fax: 401-848-5854
jackson@millerscott.com



JOB NO.	1481
DRAWING NO.	1481

A.P. 13 LOT 142

A.P. 13 LOT 85

A.P. 13 LOT 129

A.P. 13 LOT 75

N/F

N/F

N/F

CHARLES MICHAEL

CHARLES MICHAEL

SHANNA SPEAR

LANDERS

LANDERS

N 16°47'53" W

0'

0' 104

2' 103

32.5'

32.3'

42X6

42X6

COURT
(WAY)

S 75°14'29" W

32.50'

PROP.
DRIVE

PROP.
DRIVE

12'

12'

16'

PROPOSED
DWELLING

GATE

A.P. 13 LOT 2
AREA = 1,849 SQ. FT.

60.00'

60.00'

4.5'

43X1

43X1

17.4

32.50'

N 75°14'29" E

I.R. FND

WOOD STOCK
FENCE (TYPIC.)

43X0

S 16°47'53" E

43X4 I.P.

MG

PAVEMENT

BENCH MARK:
MAG NAIL IN PAVE
ELV. = 43.07'

133.00'

EXISTING
BUILDING

THIS HOME HAS BEEN DESIGNED SPECIFICALLY FOR:
PIZZARUSO
STREET
NEWPORT, RI ZIP
NEWPORT COUNTY

BUILDER:
COASTAL MODULAR HOMES
OF R.I.

CHAMPION FACTORY 041
CHAMPION MODULAR, INC.
10642 S. SUSQUEHANNA TRAIL
LIVERPOOL, PA 17045
CHAMPION MODULAR

BRAND:
excel
HOMES

BUILDER:
COASTAL MOD HOMES
CUSTOMER/PROJECT:
PIZZARUSO
ENGINEERS / ARCHITECT'S SEAL

APPROVERS SEAL

PO2
MODIFICATIONS
2-19-20 SAN

PROJECT:
42375
2-STORY

TITLE:
COVER SHEET

DRAWN BY: JPE
DATE: 01-24-20
SCALE: N/A
FILENAME: 42375 PO-2

SHEET:
COVER

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FRONT ELEVATION

NOTES:
1. ITEMS SHOWN ON THE EXTERIOR ELEVATION DRAWINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY.
2. GRILLS SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY (SEE WINDOW MANUFACTURER CATALOG FOR ACTUAL GRILL PATTERN).

ACCEPTED BY:	BUILDER / OWNER SIGNATURES:	DATE:
TITLE:		

SITE CONDITIONS:			
GROUND SNOW LOAD:	30	PSF	
WIND SPEED:	120	MPH	
EXPOSURE:	B		
SEISMIC CATEGORY:	-		
USE GROUP:	SINGLE FAMILY		
CONSTRUCTION TYPE:	18 WOOD FRAME UNPROTECTED		
SQUARE FOOTAGE:			
FIRST FLOOR:	467	SQ. FT.	
SECOND FLOOR:	467	SQ. FT.	
BONUS ROOM:	N/A	SQ. FT.	
GARAGE:	N/A	SQ. FT.	
TOTAL:	934	SQ. FT.	
OVERALL SIZE:	16'-0" x 47'-0"		
MODEL:	CUSTOM 2-STORY		

CHAMPION FACTORY D41
CHAMPION MODULAR, INC.
10642 S. SUSQUEHANNA TRAIL
LIVERPOOL, PA 17045
CHAMPION
MODULAR



BUILDER:
COASTAL MOD HOMES
CUSTOMER/PROJECT:
PIZZARUSO
ENGINEERS / ARCHITECTS SEAL

APPROVERS SEAL

MODIFICATIONS

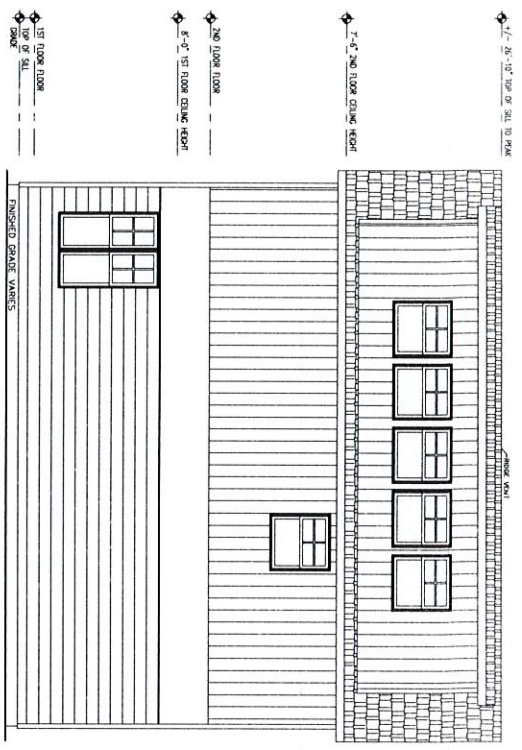
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42375
2-STORY

TITLE:
ELEVATIONS

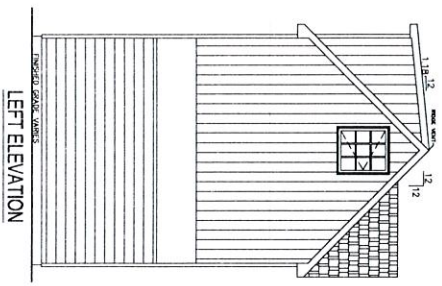
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DATE: 01-24-20
SCALE: 1/4"=1'-0"
FILENAME: 42375 PD-2

SHEET:
ELEVATIONS

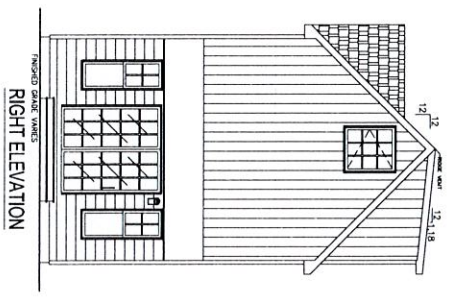
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REAR ELEVATION

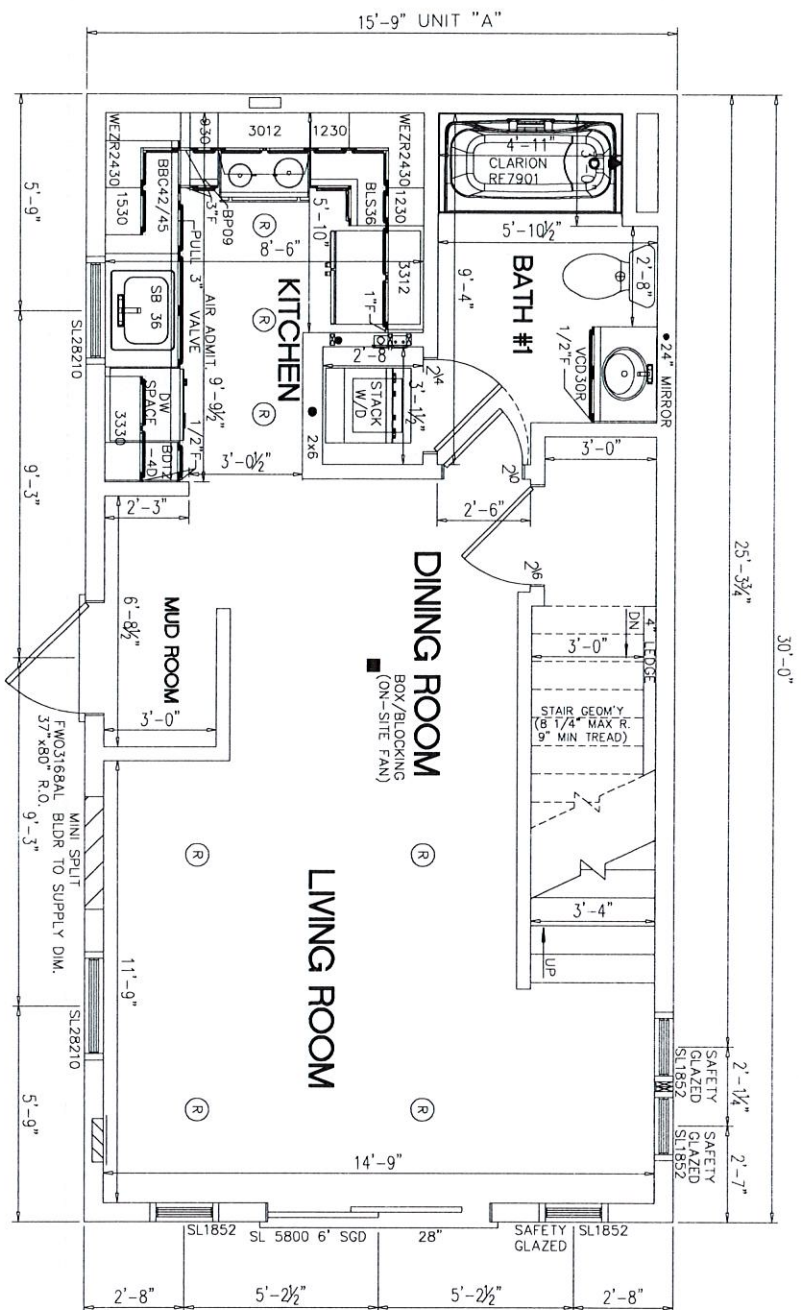


LEFT ELEVATION

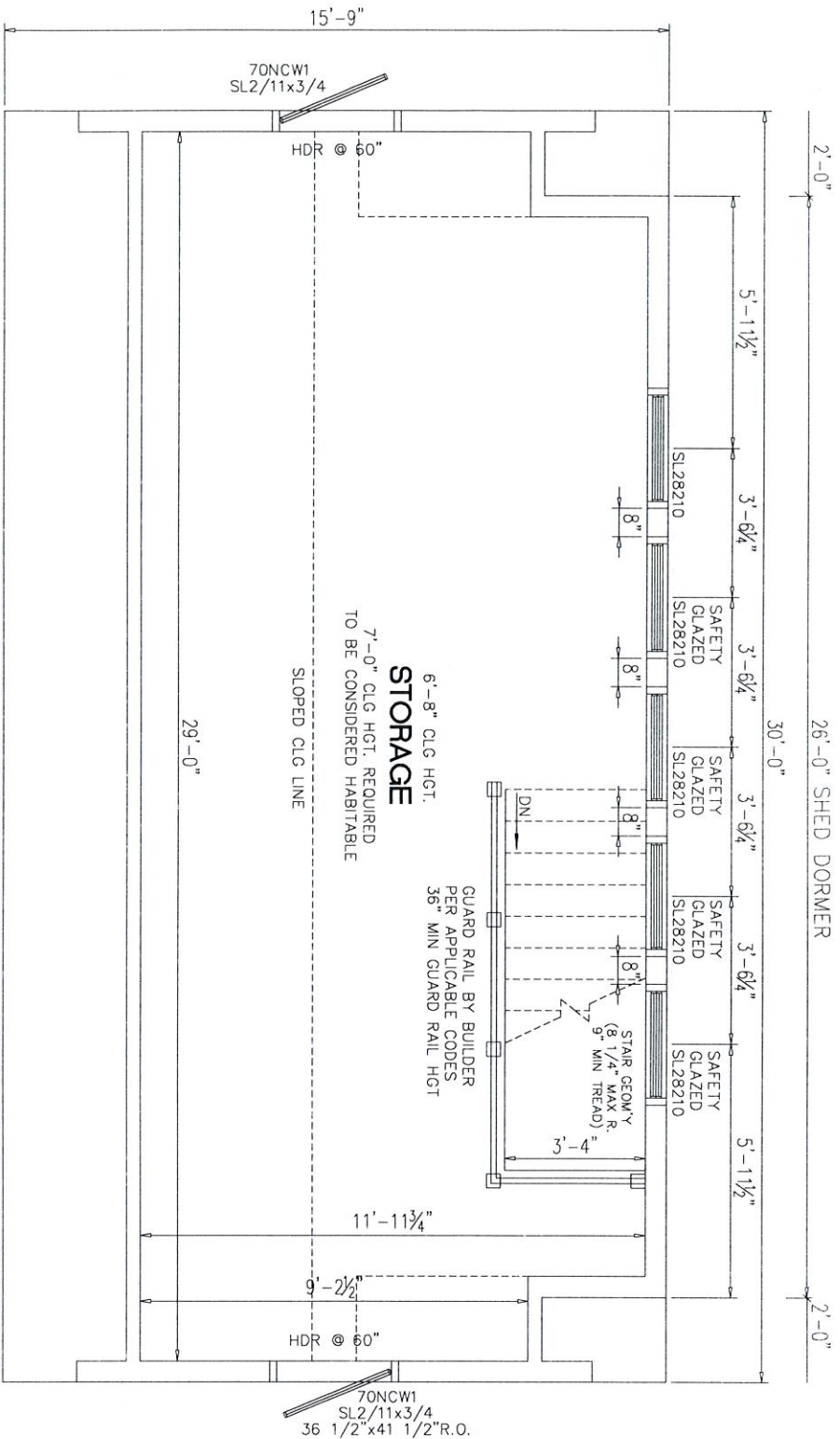


RIGHT ELEVATION

NOTES:
1. ITEMS SHOWN ON THE EXTERIOR ELEVATION DRAWINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY



ACCEPTED BY: _____	BUILDER / OWNER SIGNATURES:
TITLE: _____	
DATE: _____	



PROPOSED 3RD FLOOR PLAN ALL FINISH MATERIALS SUPPLIED AND INSTALLED ON-SITE BY BUILDER

ACCEPTED BY:	BUILDER / OWNER SIGNATURES:
TITLE:	DATE:

CHAMPION FACTORY 041 CHAMPION MODULAR, INC. 10642 S. SUSQUEHANNA TRAIL LIVERPOOL, PA 17045 CHAMPION MODULAR	
excel HOMES	
BRAND: BUILDER: CUSTOMER/PROJECT: ENGINEER'S / ARCHITECT'S SEAL	COASTAL MOD HOMES PIZZARUSO
APPROVER'S SEAL	
MODIFICATIONS	
PROJECT: 42375 2-STORY	
TITLE: THIRD FLOOR FLOOR PLAN	
DRAWN BY: STAFF DATE: 01/28/21 SCALE: 3/16" = 1'-0" FILENAME: 42375 PD-2	
SHEET: 3RD FLR	
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