Petition of John Hodgens, Jr.

Petitioner seeks permission to construct a 168 sq. ft. 1-1/2 story, shed.

The lot contains approximately 9,169 sq. ft. of land and is a non-conforming lot of record.

The use of the property is that of a single-family dwelling.

The addition conforms to the rear setback requirement and does not violate the maximum allowable lot coverage allowance.

The variance sought is minimal and will not have an adverse impact on the abutting properties.

Zoning History
No recent history

Vote: ____________________________________________
Condition(s): _________________________________
____________________________________________
Secretary: __________________________
Date: ________________________________
COMBINED APPLICATION FOR A SPECIAL USE PERMIT & A REGULATORY (DIMENSIONAL) VARIANCE

CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW

DATE: ___________________________  
March 16, 2020

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: ___________________________
9 Beach Avenue, Newport, RI 02840

Tax Assessor’s Plat 31 Lot 108

Petitioner Information

Applicant JOHN M. HODGENS, JR.  
Address 9 BEACH AVENUE, NEWPORT, R.I.

Owner JOHN M. HODGENS, JR.  
Address 9 BEACH AVENUE, NEWPORT, R.I.

Lessee ____________________________  
Address ___________________________

Property Characteristics

Dimensions of lot-frontage 70 depth 140 area 9169 sq. ft.

Zoning District in which premises is located R-10

How long have you owned above premises?  
SINCE MARCH 21, 2019

Are there buildings on the premises at present?  
YES. SINGLE FAMILY RESIDENTIAL DWELLING.

Total square footage of the footprint of existing buildings 1440

Total square footage of the footprint of proposed buildings 168

Present use of premises  
SINGLE FAMILY RESIDENTIAL DWELLING.
All of the following information and questions must be filled in and answered completely.

Proposed use of premises: SINGLE FAMILY RESIDENTIAL DWELLING

Give extent of proposed alterations: DETACHED ACCESSORY USE, THAT IS, STORAGE SHED.
SEE EXHIBITS 1-6 (ATTACHED BELOW)

Zoning Characteristics Matrix

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Required/Allowed</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size (sq. ft.)</td>
<td>9169</td>
<td>10000</td>
<td>9169</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>1440</td>
<td>20%</td>
<td>1440 + 168 = 1608 (17.5%)</td>
</tr>
<tr>
<td>Dwelling Units</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Parking (# of spaces)</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Front Setback</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Side Setbacks</td>
<td>10</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Height</td>
<td>23</td>
<td>30</td>
<td>12' 8&quot;</td>
</tr>
</tbody>
</table>

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

PROPERTY IS LOCATED IN R-10 AND IS NOT HISTORICAL.
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?

There is no garage or other storage shed presently on the lot. Many of the homes in the same district have garages or storage sheds to permit storage of lawnmower, rakes, bicycles, etc.

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?

As depicted in the photograph appended (from back yard of 9 Beach Ave. towards southeast), abutters make use of similar storage sheds within the 10' set back.

See Exhibit 7 (attached below)

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

A 5' variance from the side set back requirement on the 7 Beach Ave sideline will permit the applicants to make reasonable use of the land, building, and structure to store lawnmower, yard equipment, and bicycles consistent with neighboring dwellings.
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          Owner’s Signature

(____)  508.282.1121            (____)  508.282.1121

Telephone Number               Telephone Number

Email address  JACKHODGENS@COMCAST.NET

Be sure all required drawings are attached to this application at the time of the submittal.
**Reeds Ferry Small Buildings**

3 Tracy Lane
Hudson, NH 03051

**Truss: X1**

**Job Name:** Reeds Ferry

**Designer:** Carl

**Date:** 09/04/14 12:28:11

**Page:** 1 of 1

### Loading (psf)

<table>
<thead>
<tr>
<th>SPAN</th>
<th>PITCH</th>
<th>QTY</th>
<th>OHL</th>
<th>OHR</th>
<th>CANT L</th>
<th>CANT R</th>
<th>PLYS</th>
<th>SPACING</th>
<th>WGT/PLY</th>
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<tbody>
<tr>
<td>4-8-7</td>
<td>9/12</td>
<td>1</td>
<td>0-0-0</td>
<td>3-8-15</td>
<td>0-0-0</td>
<td>0-0-0</td>
<td>1</td>
<td>16 in</td>
<td>42 lbs</td>
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### Deflection

<table>
<thead>
<tr>
<th></th>
<th>I/</th>
<th>(loc)</th>
<th>Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vert TL</td>
<td>0.02 in UP</td>
<td>5</td>
<td>L / 180</td>
</tr>
<tr>
<td>Vert LL</td>
<td>0 in UP</td>
<td>5</td>
<td>L / 240</td>
</tr>
<tr>
<td>Cant / Hor TL</td>
<td>0.36 in</td>
<td>2L / 290</td>
<td>(1-1)</td>
</tr>
<tr>
<td>Cant / OTH LL</td>
<td>0.06 in</td>
<td>2L / 999</td>
<td>(1-1)</td>
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</table>

### Reaction Summary

<table>
<thead>
<tr>
<th>JT</th>
<th>Bag Combo</th>
<th>Bag Width</th>
<th>Bag Height</th>
<th>Max React</th>
<th>Max Grav Uplift</th>
<th>Max MWFRS Uplift</th>
<th>Max C&amp;C Uplift</th>
<th>Max Uplift</th>
<th>Max Horiz</th>
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</thead>
<tbody>
<tr>
<td>5</td>
<td>1</td>
<td>3.5 in</td>
<td>7.79 in</td>
<td>1,778 lbs</td>
<td>-54 lbs</td>
<td>-372 lbs</td>
<td>-312 lbs</td>
<td>-55 lbs</td>
<td>343 lbs</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>3.5 in</td>
<td>1.50 in</td>
<td>784 lbs</td>
<td>-54 lbs</td>
<td>-372 lbs</td>
<td>-312 lbs</td>
<td>-55 lbs</td>
<td>343 lbs</td>
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</table>

### Material Summary

<table>
<thead>
<tr>
<th>TC</th>
<th>SPF #2 2 x 6</th>
<th>except:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-3</td>
<td>SPF 2400/2.0 2 x 6</td>
<td>除外</td>
</tr>
<tr>
<td>BC</td>
<td>SPF #2 2 x 4</td>
<td>except:</td>
</tr>
<tr>
<td>Walls</td>
<td>SPF #2 2 x 6</td>
<td>除外</td>
</tr>
<tr>
<td>4-6</td>
<td>SPF Stud 2 x 4</td>
<td>除外</td>
</tr>
</tbody>
</table>

### Loads Summary

1) This truss has been designed for the effects of balanced and unbalanced snow loads for hips/gables in accordance with ASCE7-05 with the following user defined input: 110 psf ground snow load, Terrain Category C, Exposure Category Partially Exposed (Cv = 1.0), Building Category II (I = 1.0), Thermal Condition Cold ventilated (Ct = 1.1). DOL = 1.15. If the roof configuration differs from hip/gable, Building Designer shall verify snow loads.

2) This truss has been designed for the effects of wind loads in accordance with ASCE7-05 with the following user defined input: 90 mph, Exposure C, Enclosed, Gable/Hip, Building Category II (I = 1.00), B = 36 = 15 ft, Not End Zone Truss, Both end walls considered. DOL = 1.60

3) This truss has been designed for the effects of TC LL = 20 psf

4) Minimum storage attic loading has not been applied in accordance with IBC 1607.1

5) In accordance with IBC 1607.1, minimum RCL(3) do not apply.

### Member Forces Summary

Table indicates Member ID, max CSL, max axial force, (max comp. force if different from max axial force). Only forces greater than 300 lbs are shown in this table.

<table>
<thead>
<tr>
<th>TC</th>
<th>1-2</th>
<th>0.841</th>
<th>870 lbs</th>
<th>-243 lbs</th>
<th>-23 lbs</th>
<th>0.623</th>
<th>55 lbs</th>
<th>-49 lbs</th>
<th>7.72</th>
<th>764 lbs</th>
</tr>
</thead>
<tbody>
<tr>
<td>BC</td>
<td>1-6</td>
<td>0.327</td>
<td>-327 lbs</td>
<td>-73 lbs</td>
<td>-65 lbs</td>
<td>0.309</td>
<td>-73 lbs</td>
<td>-74 lbs</td>
<td>0.372</td>
<td>-764 lbs</td>
</tr>
</tbody>
</table>

### Notes:

1) When this truss has been chosen for quality assurance inspection, the Double Polygon Method per TPI 1-2007/Chapter 3 shall be used.

2) The profile of at least one structural member has been modified by the user and as a result requires engineering review.

3) Brace bottom chord with approved sheeting.

4) At least one web of this truss has been designed with a panel point in the web. All panel points on such webs shall be braced laterally perpendicular to the plane of the truss. Lateral braces shall be installed within 6" of each web panel point.

5) Crevs has been considered in the analysis of this truss.

6) Multiple pinned bearings exist.

7) Listed wind uplift reactions based on MWFRS & C&C loading.

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**UNIQUE BEARING CONDITIONS REQUIRE SPECIAL ATTENTION:**

The building designer must account for not only the bearing reaction but for the horizontal thrust & the uplift. Provide mechanical connection (by others) to resist forces shown.

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All persons fabricating, handling, erecting or installing any truss based upon this truss design drawing are instructed to refer to all of the instructions, limitations and qualifications set forth in the Eagle Metal Products design notes issued with this design and available from Eagle upon request. Design valid only when Eagle Metal Connectors are used.

TrueBuild® Software v3.03.30
Eagle Metal Products
Dallas, TX 75234
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
THE ROWLEY AGENCY INC.
45 Constitution Avenue
P. O. Box 511
Concord NH 03302-0511

INSURED
Reeds Ferry Small Buildings, Inc.
3 Tracy Lane
Hudson NH 03051

INSURER(S) AFFORDING COVERAGE
INSURER A: Phoenix Insurance Co.
25623
INSURER B: Travelers Indemnity Co
25658
INSURER C: A.I.M.

COVERAGES CERTIFICATE NUMBER: 19/20

This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

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<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFF</th>
<th>POLICY EXP</th>
<th>LIMITS</th>
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<tr>
<td>A</td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>CO-02255931</td>
<td>6/2/2019</td>
<td>6/2/2020</td>
<td>EACH OCCURRENCE: $1,000,000</td>
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<td></td>
<td>MED EXP (Any one person)</td>
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<td>PERSONAL &amp; ADV INJURY</td>
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<td></td>
<td>GENERAL AGGREGATE</td>
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<td>PRODUCTS - COM/PKG AGG</td>
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<tr>
<td>B</td>
<td>AUTOMOBILE LIABILITY</td>
<td>810-1190377A</td>
<td>6/2/2019</td>
<td>6/2/2020</td>
<td>COMBINED SINGLE LIMIT (EA accident)</td>
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<td>BODILY INJURY (Per person)</td>
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<td></td>
<td></td>
<td></td>
<td>BODILY INJURY (Per accident)</td>
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<tr>
<td>C</td>
<td>WORKERS COMPENSATION AND EMPLOYERS LIABILITY</td>
<td>CUP-02268228</td>
<td>6/2/2019</td>
<td>6/2/2020</td>
<td>EACH OCCURRENCE</td>
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<td>AGGREGATE</td>
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<td>E.L. EACH ACCIDENT</td>
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<td>E.L. DISEASE - EA EMPLOYEE</td>
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<td>E.L. DISEASE - POLICY LIMIT</td>
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</tbody>
</table>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Covering operations of the named insured throughout the policy term.

CERTIFICATE HOLDER
"For Informational Purposes Only"

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Rhonda Noble/RLN

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