

# Staff Report

Prepared by Guy Weston,  
Zoning Officer

Meeting of May 26, 2020

## *Petition of Carl & Nancy Tiska*

Petitioners seek permission to place a standby generator on the side of their home.

The lot contains approximately 3,175 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 property is located on the corner of Third Street and Van Zandt Avenue.

Testimony should be provided to explain why the generator could not be moved to the rear of the house to conform.

If approved, the testing restriction of Monday through Fridays, 9 am to 5 pm should be imposed.

## *Narrative*



PETITION OF CARL & NANCY TISKA, applicants and owners; for a special use permit and a variance to the dimensional requirements for permission to place a standby generator 4.1' from the north property line and 8' from the east property line, (10' required), applying to the property located at 24 Van Zandt Ave., TAP 9, Lot 97, (R-10 zone).

## *Zoning History*

Granted air conditioner condensers in the same location - 2018.

Vote: \_\_\_\_\_

Condition(s): \_\_\_\_\_

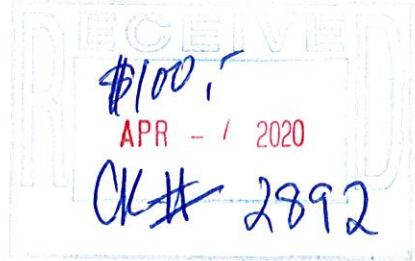
\_\_\_\_\_

Secretary: \_\_\_\_\_

Date: \_\_\_\_\_

# APPLICATION FOR DIMENSIONAL VARIANCE

CITY OF NEWPORT, RI  
ZONING BOARD OF REVIEW



DATE: 05 April 2020

ZBR  
May-1

## 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: 24 Van Zandt Ave

Tax Assessor's Plat 09 Lot 97

## Petitioner Information

Applicant Carl and Nancy Tiska Address 24 Van Zandt Ave

Owner Carl and Nancy Tiska Address 24 Van Zandt Ave

Lessee N/A Address \_\_\_\_\_

## Property Characteristics

Dimensions of lot-frontage: 63.5 feet depth: 50 feet area: 3,175 sq. ft.

Zoning District in which premises is located R-10

How long have you owned above premises? Since February 2017

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings 832 sq feet

Total square footage of the footprint of proposed buildings 832 sq feet

Present use of premises: Primary residence

Proposed use of premises: Primary residence

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

Give extent of proposed alterations: Request approval to install a standby generator within 4 feet of the rear property line and 8 feet of the east side property line

#### Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	3,175 sq feet	10,000 sq feet	No change
Lot Coverage (%)	832 sq ft / 26.2%	20%	No change
Dwelling Units	1		No change
Parking (# of spaces)	2		No change
Front Setback	17 ft	15 feet	No change
Side Setbacks	West 25 ft, east 6 ft	10 ft/10 ft fm accessory	8 feet from generator
Rear Setback	7 ft, 8 inches	20 ft/10 ft fm accessory	4 feet from generator
Height	26 feet	30 feet	No change

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?

**Due to the size of the property, and the fact that the house was constructed circa 1890, it does not meet the current zoning regulations in terms of lot size, lot coverage and setbacks.**

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 only location on the property where we could install the compressors for the standby generator and comply with zoning requirements is the west side of the house. We are using this area as a patio, and placing the generator there would negatively impact using that area as a patio.

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

We recently conducted an extensive renovation of the property, and as one of the final elements of the renovation, we would like to install a natural gas-powered standby generator. While we are outside of the historic district, we have ensured that the renovations were in keeping with the Georgian colonial style of the house when it was originally constructed.

We would like to place the standby generator on the rear (north side) of the house. The existing setback of the rear of the house is 7 feet 8 inches. The generator requires a stand-off of 18 inches from the house, which would result in the generator being set back approximately 4 feet from the north property line and 8 feet from the east property line.

While the generator would run infrequently, 10 minutes per month as a routine cycle and then only during power outages, placing the generator in the northeast corner of the house provides the least impact to the adjoining neighbors, particularly the neighbor to the west, at 22 Van Zandt. Placing the generator in that location would locate it behind a six-foot fence, further limiting the impact for both noise and aesthetic appearance. Lastly, placing the generator on the rear of the house would allow for the best use of available space on the property by locating the generator in the unused, north side of the house while preserving the west side of the property for use as a patio.

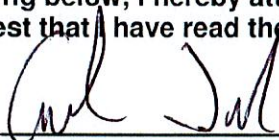
#### **The Zoning Boards Role**

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:

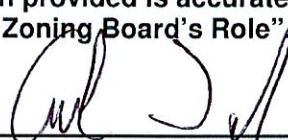
- a. That the reasons set forth in the application justify the granting of the variance and that the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;
- b. That the variance will not be injurious to the neighborhood or otherwise 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"**



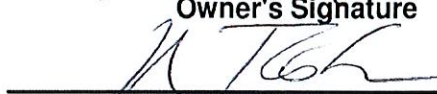
Applicant's Signature



Owner's Signature



Applicant's Signature



Owner's Signature

(401) 324-5171  
Telephone Number

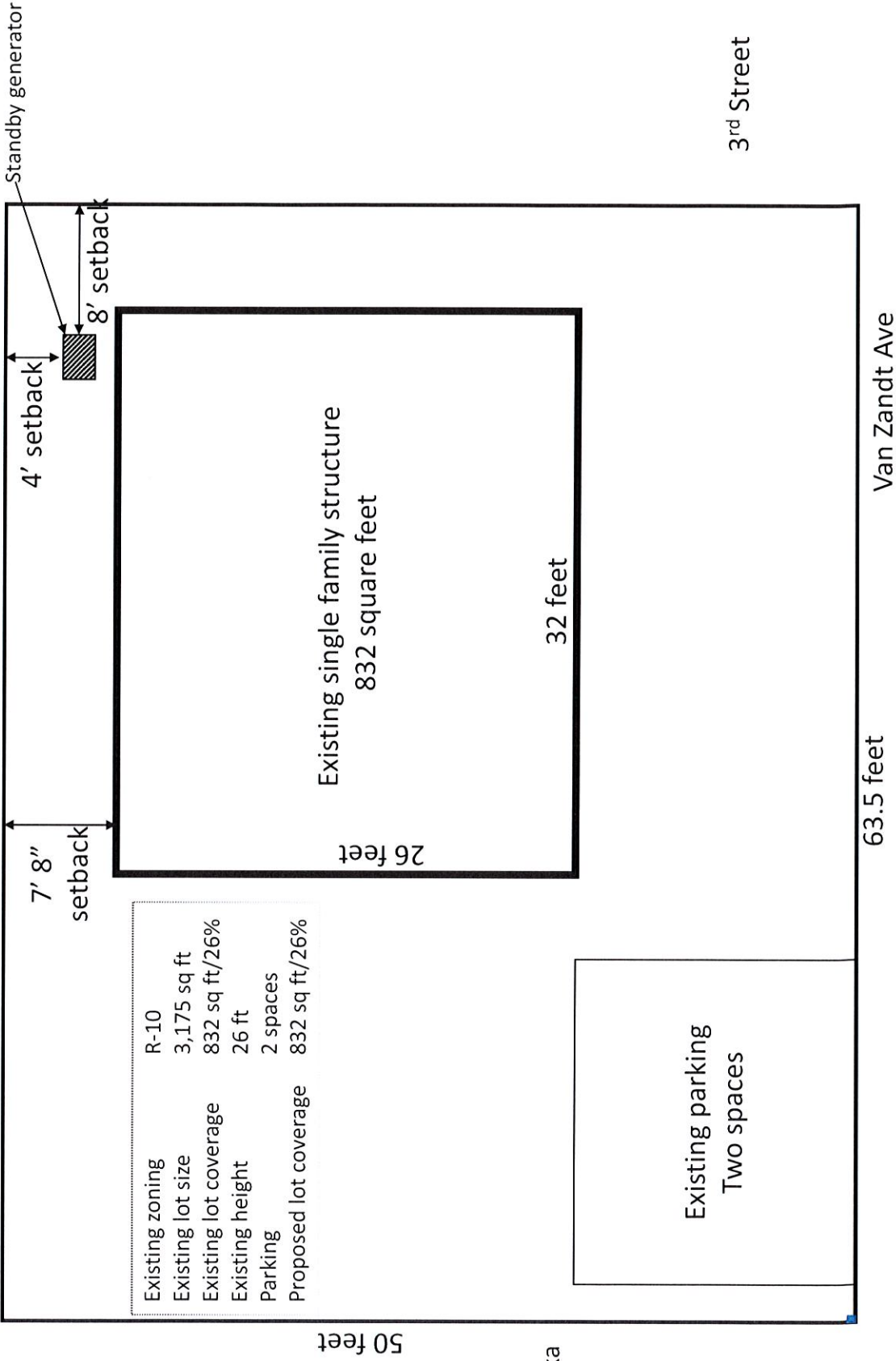
(401) 324-5171  
Telephone Number

Email address [carl.tiska@gmail.com](mailto:carl.tiska@gmail.com)

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



Carl and Nancy Tiska  
24 Van Zandt Ave  
Plat 09 Lot 97  
Newport RI 02840



50 feet

63.5 feet

Van Zandt Ave

3rd Street