

# Staff Report

Prepared by Guy Weston,  
Zoning Officer

Meeting of May 26, 2020

## *Petition of Barbara Winkler, et als*

Petitioners seek permission to construct a rear deck addition with landings on the rear of the dwelling.

The lot contains approximately 7,405 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 numbers seem to be in error. A 13' x19.5' deck is 253 sq. ft. However, it is listed as 604 sq. ft. on the application.

The resulting lot coverage is very high.

Testimony should be provided to insure only the minimum variance is granted.

## *Narrative*

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PETITION OF BARBARA WINKLER & ROBERT VITELLO, applicants & owners; for a special use permit and a variance to the dimensional requirements for permission to construct a 13' x 19.5' first floor, rear deck and stair addition which will increase the lot coverage from 26% to 34%, (20% allowed), applying to the property located at 17 Everett Street, TAP 19, Lot 52, (R-10 zone).

## *Zoning History*

Granted 2<sup>nd</sup> floor rear deck - 2014.

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

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

\_\_\_\_\_

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

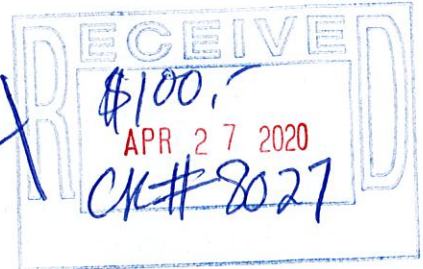
Date: \_\_\_\_\_

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

CITY OF NEWPORT, RI  
ZONING BOARD OF REVIEW

DATE: 27 APRIL 2020

ZBR  
May 4



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: EVERETT STREET 17.  
Tax Assessor's Plat 19 Lot 052

Petitioner Information

Applicant BARBARA N. WINKLER Address 17 EVERETT ST.  
CO/ Owner ROBERT S. VITELLO Address 17 EVERETT ST.  
Lessee \_\_\_\_\_ Address \_\_\_\_\_

Property Characteristics

Dimensions of lot-frontage 50'-5" depth 120'-3" area 7404.2 sq. ft. 1/4  
Zoning District in which premises is located R-10  
How long have you owned above premises? 30 YEARS.  
Are there buildings on the premises at present? YES.  
Total square footage of the footprint of existing buildings 1444.2 sq. ft. 26.2%  
Total square footage of the footprint of proposed buildings 803.5 sq. ft. 34.4%  
Present use of premises SINGLE FAMILY.

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

Proposed use of premises SINGLE FAMILY DWELLING.

Give extent of proposed alterations LONGER AND OUTDOOR WOOD DECK HANDRAIL AND BALUSTRADE, FAIRWAY AT THE MAIN FLOOR LEVEL, 3/4" +/- ABOVE FINISH GRADE.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	7405.2	10000	7405.2
Lot Coverage	30%	20%	34%
Dwelling Units	1		1
Parking (# of spaces)	2+		2+
Front Setback	7 FT. +/-	15.0 FT.	7.5 FT. +/-
Side Setbacks	E 19 FT.   W 12 FT.	10.0 FT.	E 19 FT.   W 15 FT.
Rear Setback	17.0 FT. +/-	20.0 FT.	45.0 FT. +/-
Height		30.0 FT.	4.5 FT. +/-

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

NONE

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?

NONE

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?

DUE TO THE DENSITY OF THE NEIGHBORHOOD,  
MOST OF ALL THE HOMES DO NOT MEET AND/OR  
CONFORM TO THE REQUIRED SET BACK  
AND DENSITY LAWS.

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

THE EXPANSION WILL ALLOW THE SPACE  
TO CONSTRUCT AN OUTDOOR WOOD DECK, AND  
SUPPORT A "FAMILY USE ONLY" DECK AREA  
FOR A YOUNG AND EXPANDING FAMILY.

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".

Brent Vinkler

Applicant's Signature

Brent Vinkler

Owner's Signature

(401) 829-1987

Telephone Number

(401) 829-1987

Telephone Number

Email address

WINKLERBMIV@GMAIL.COM

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

**GENERAL CONTRACTOR**

**DUNCAN MACCOMBER**  
**DNT CONSTRUCTION MGMT**  
726 Green Elm Avenue - Providence, RI  
Direct: 401 969-4111

**ARCH DESIGNER**

**STEPHANIE SZNEKE**  
Direct: 401 393-3033

**PLAT 19 LOT 092**

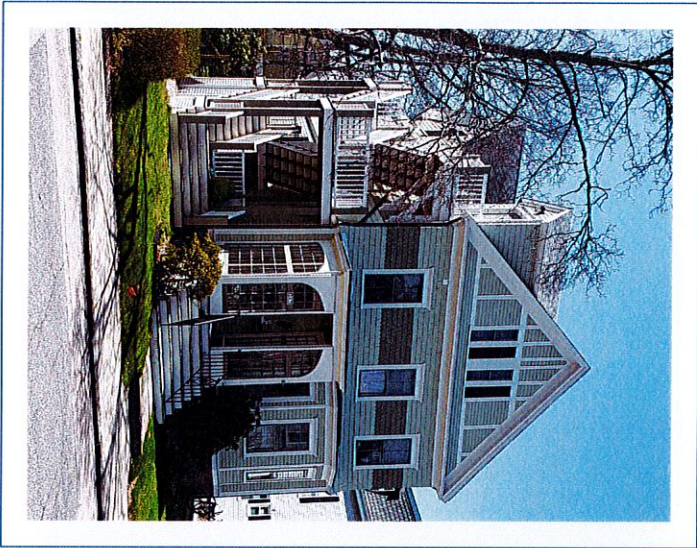
DEED Book: 484 Page 271  
2 and 1/2 Stories  
Year Built: 1970

**ZONING: R 10**

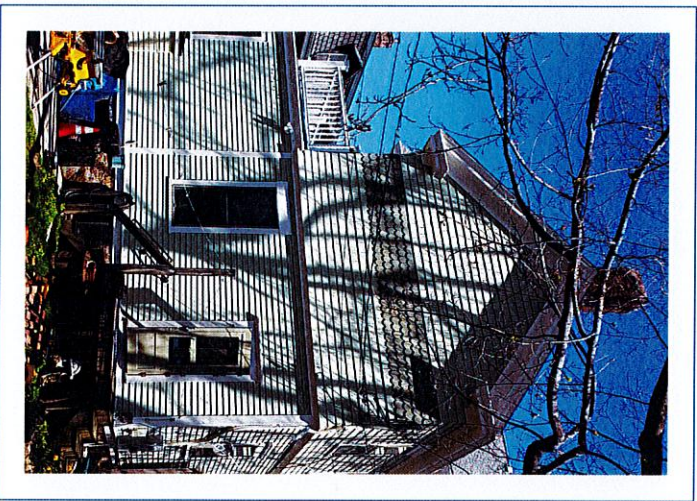
SINGLE FAMILY DWELLING  
LAND Size: 0.17 (Acres)  
Single Family RDL-10  
Neighborhood: 0500

**LIST OF DRAWINGS:**

1. COVER PAGE
2. SITE & FLOOR PLAN
3. SOUTH ELEVATION
4. EAST ELEVATIONS



FRONT SIDE OF RESIDENCE  
NORTHERLY VIEW



REAR SIDE OF RESIDENCE  
SOUTHERLY VIEW

**VITELLO - WINKLER RESIDENCE**

17 Everett Street - Newport, RI 02840  
**ROBERT S. VITELLO**  
**BARBARA M. WINKLER**  
HOMEOWNERS

**OUTDOOR DECK - PROPOSAL**

LOCATED AT REAR SIDE OF RESIDENCE

**SUMMARY OF PROPOSED WORK**

CONSTRUCT AN OUTDOOR WOOD DECK, HANDRAIL  
AND BALUSTRADE WITH STAIRWAY  
AT THE MAIN FLOOR LEVEL.  
36 INCHES 4" ABOVE FINISH GRADE  
DIMENSIONS: 603.5 S.F.

**MATERIALS LIST - PROPOSAL:**

WOOD DECK CONSTRUCTION:  
SOUTHERN WHITE PINE - WOOD FINISH  
DECK & STAIRWAY FLOORING  
HANDRAIL & BALUSTRADE  
PRESSURE TREATED WOOD FRAMWORK  
SUPPORT POSTS & FLOOR JOISTS  
CONCRETE FILLED SCOURABLE PILES,  
120 INCH DIAMETER & 48.0 INCH DEPTH 4"  
POSTS ANCHORED TO CONCRETE PILES  
CONSTRUCTION PROCESSES TO MEET  
LOCAL BUILDING CODES

S1

Stephanie Szneke  
Arch Designer  
401.339.3093

DATE: 04/22/2020

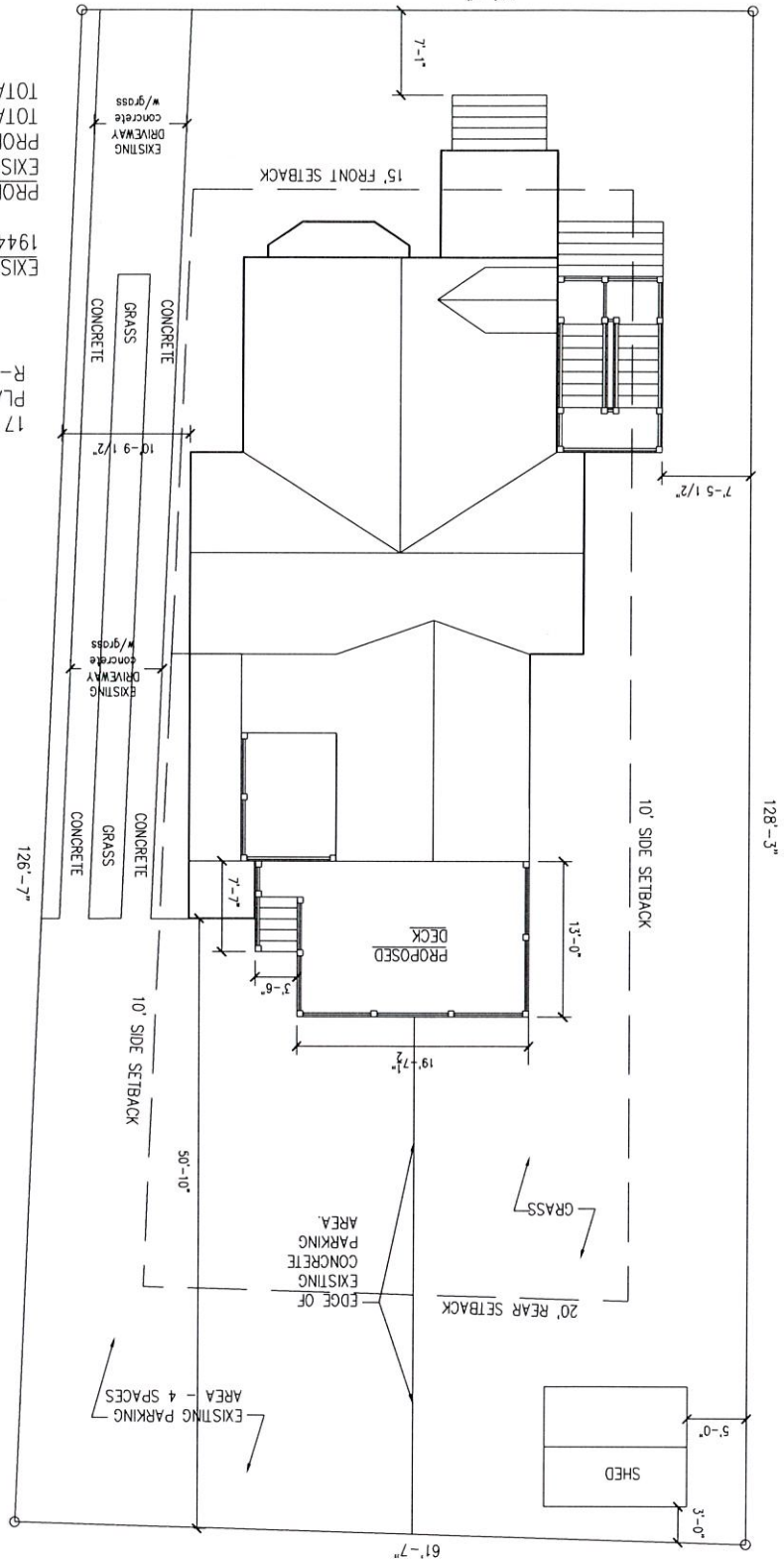
EVERETT STREET

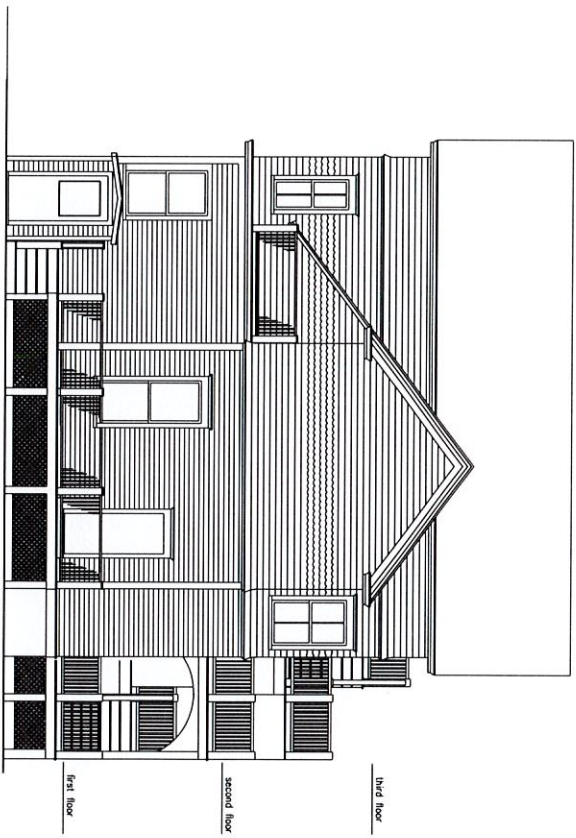
1" = 10'-0"  
SITE PLAN

EXISTING LOT COVERAGE  
1944.2 S.F. TOTAL = 26.2%

PROPOSED LOT COVERAGE  
1944.2 S.F.  
EXISTING  
603.5 S.F.  
PROPOSED DECK  
TOTAL = 2547.7 S.F.  
TOTAL COVERAGE = 34.4%

17 EVERETT ST  
PLAT 19, LOT 52  
R-10 ZONING DISTRICT





PROPOSED SOUTH ELEVATION WITH DECK  
1/8" = 1'-0"