

Staff Report

Prepared by Guy Weston,
Zoning Officer

Meeting of May 26, 2020

Petition of Cheryl Chandler

Petitioner seeks permission to construct an above-ground pool in the rear yard of the property.

The lot contains approximately 9,307 sq. ft. of land and is a slightly non-conforming lot of record. The use of the property is that of a single-family dwelling.

The pool conforms to all setback requirements.

The resulting lot coverage is minimal and will not have an adverse impact on the abutting properties.

Narrative

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PETITION OF CHERYL CHANDLER, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to construct 413 sq. ft. above-ground pool which will increase the lot coverage from 19% to 23%, (20% allowed), applying to the property located at 14 Madeline Dr., TAP 7, Lot 569, (R-10 zone).

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: 5/3/2020

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: 14 Madeline Drive, Newport
Tax Assessor's Plat 7 Lot 569

Petitioner Information

Applicant Cheryl Chandler Address 14 Madeline Drive
Owner Cheryl Chandler Address 14 Madeline Drive
Lessee _____ Address _____

Property Characteristics

Dimensions of lot-frontage _____ depth _____ area 9307 sq. ft.
Zoning District in which premises is located R-10
How long have you owned above premises? 2 1/2 years
Are there buildings on the premises at present? yes
Total square footage of the footprint of existing buildings 1758 sq. ft
Total square footage of the footprint of proposed buildings 413 sq ft - above ground pool
Present use of premises yard

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

Proposed use of premises The installation of a base ground pool. Family life enjoyment especially where most likely limited beach time.

Give extent of proposed alterations No altering, adding above ground pool.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	9307 sq. ft		
Lot Coverage	175.8 sq. ft	20%	23% (413 sq. ft)
Dwelling Units	1		above ground pool
Parking (# of spaces)			
Front Setback			
Side Setbacks			
Rear Setback			
Height			

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

N/A

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 that I am aware of.

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?

None that I am aware of.

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

To enjoy the outside summer weather

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".

Cheryl Chandler

Applicant's Signature

Cheryl Chandler

Owner's Signature

(401) 855-6722

Telephone Number

(401) 8556722

Telephone Number

Email address

Carynpalmer19@gmail.com

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

14 Madeline Drive Newport RI
Cheryl Chandler
855-6722

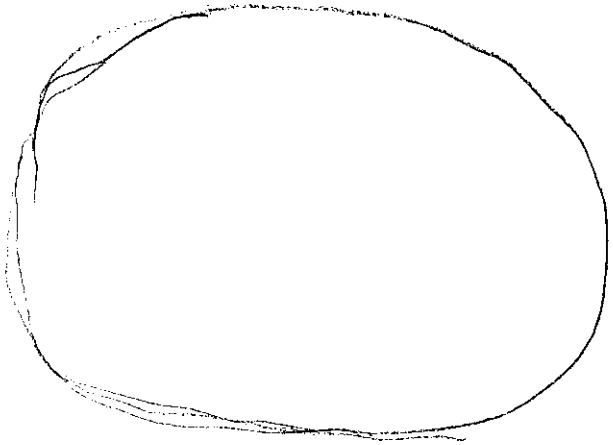
Contractor

Narciso Enterprise Inc
RI # 9879 exp 8/1/2020

84 ft 6 in

house

30ft



10ft

fence

53ft