

COMBINED APPLICATION FOR SPECIAL USE PERMIT & A
REGULATORY (DIMENSIONAL) VARIANCE
CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW



DATE: September 23, 2019

Board Members:

The undersigned hereby petition the Zoning Board of Review for a Special Use Permit and 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.: 40 Castle Hill Avenue

Tax Assessor's Plat 44 Lot 92

Petitioner Information

Applicant: L. Ross Sinclair & Diane A. Kazarian

Owner: Same
Lessee: N/A

Address: 18 Pheasant Lane
Toronto, CA M9AQ1T2

Address: Same
Address: N/A

Property Characteristics:

Dimensions of Lot: Frontage: 110'/135'; Depth: 135'; Area: 20,362 SF

Zoning District in which premises is located: R-40A

How long have you owned above premises? 3 Years

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing/approved buildings: 3,624 SF

Total square footage of the footprint of proposed buildings: 3,595 SF

Present use of premises: Single-Family Dwelling

Proposed use of premises: Single-Family Dwelling

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

Give extent of proposed alterations:

Applicant seeks a variance from the dimensional requirements for permission to demolish the existing single-family dwelling and construct a new single-family dwelling with lot coverage of 17.7% (10% allowed), a front yard setback from the east property line of 22' (50' required) and an 18.8' side yard setback from the south property line (40' required), applying to the property located at 40 Castle Hill Avenue and identified as Lot 92 on Plat 44 in the R-40A Zone. The proposal will increase the conformity of the existing setbacks and slightly decrease the existing lot coverage.

Zoning Characteristics Matrix

	Existing/Approved	Required/Allowed	Proposed
Lot Size (sq. ft.)	20,362 SF	40,000 SF	No Change
Lot Coverage (%)	17.8%	10%	17.7%
Dwelling Units	1	1	No Change
Parking	>2	1	No Change
Front Setbacks	102.6' & 1'	50'	50' & 22'
Side Setbacks	18.5' & 3.7'	40'	40' & 18.8'
Rear Setback	N/A	20'	N/A
Height	<35'	35'	<35'

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

LU-1.2

What special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district?

At 20,362 square feet, the lot is half the size required in the R-40A District. It is also a corner lot with two 50' front setbacks and two 40' side setbacks, resulting in a small building envelope. The existing house is sited at the south end of the lot, 1' from the south property line, and violates three of the four 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?

Denial of the requested variance would deprive the Applicant of the ability to construct a new home that is reasonably sized and compatible with the surrounding area.

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

The hardship from which the Applicant seeks relief is due to the unique characteristics of the lot, which is half the size required in the R-40A Zone, and which has two front 50' setbacks and two 40' side setbacks. In addition, the existing nonconforming house is sited at the south end of the lot and violates three of the four setbacks. The proposed new construction would make the property more conforming by: (a) siting the house in the middle of the lot; (b) increasing the size of three of the four setbacks; (c) making two of the four setbacks conforming; and (d) providing a small decrease in lot coverage.

The Zoning Board's 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/variance 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/variance has been met, the board must deny the application.

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".

L. Ross Sinclair & Diane A. Kazarian,
By Their Attorney,



Peter Brent Regan, Esq.
Sayer Regan & Thayer, LLP
130 Bellevue Avenue
Newport, RI 02840
(401) 849-3040
pregan@srt-law.com



GENERAL NOTES

1. EXISTING CONDITIONS ARE THE RESULT OF A FIELD SURVEY BY NORTH-EAST ENGINEERS & CONSULTANTS, INC. IN NOVEMBER 2018.
2. PROPERTY LINES TAKEN FROM PLAN ENTITLED "A.P. 44 LOT 92, 40 CASTLE HILL AVENUE, NEWPORT, RHODE ISLAND, LIMITED CONSENT BOUNDARY SURVEY" WITH EXISTING CONDITIONS AND TOPOGRAPHY, PREPARED BY NORTH-EAST ENGINEERS & CONSULTANTS, INC. DATED 12/12/18. A CLASS I PLAN OF SURVEY.
3. VERTICAL DATUM IS NAVD83.
4. NORTH ARROW REFERENCE GRIDS NORTH (RISP NAD83).
5. ALL UNDERGROUND UTILITIES SHOWN ON THIS PLAN HAVE BEEN LOCATED. EXISTING PLANS AND FIELD INSPECTION. THE ENGINEER MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE THE ONLY UTILITIES IN THE AREA. EITHER IN SERVICE OR ABANDONED. THE ENGINEER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM ALL AVAILABLE INFORMATION, (BUT NOT A GUARANTEE PRIOR TO CONSTRUCTION AT 1-888-344-7233, AND/OR ALL LOCAL UTILITY COMPANIES).
6. PROPOSED BUILDING FOOTPRINT PROVIDED BY A. TESA ARCHITECTURE ON 8/20/19.

ZONING DATA TABLE

R40A RESIDENTIAL DISTRICT SINGLE-FAMILY DWELLING			
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	40,000 SQ. FT.	20,362 SQ. FT.	20,362 SQ. FT.
MINIMUM LOT WIDTH/FRONTAGE	230 FT.	125.70 FT.	120.20 / 134.70
MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED	10%	17.4% (IND 17.8 ROOF)	16.1% (IND 17.7% ROOF)
MAXIMUM HEIGHT OF PRINCIPAL BUILDING	35 FT.	TBD	TBD
MAXIMUM HEIGHT OF ACCESSORY BUILDING	25 FT.	N/A	N/A
MINIMUM YARD DIMENSIONS			
FRONT	50 FT.	102.8 / 1.0 FT.	51.0 / 22.0 FT.
SIDE	40 FT.	16.5 / 1.0 FT.	40.0 / 18.8 FT.
REAR	20 FT.	N/A	N/A
ACCESSORY BUILDINGS MINIMUM DISTANCE			
SIDE LOT LINES	20 FT.	N/A	N/A
REAR LOT LINES	20 FT.	N/A	N/A

CERTIFICATION

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO 435-RICR-00-00-1.9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON APRIL 28 2018, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY:	MEASUREMENT SPECIFICATION
LIMITED CONTENT BOUNDARY SURVEY	CLASS I
DATA ACCUMULATION SURVEY	CLASS III

STATEMENT OF PURPOSE:

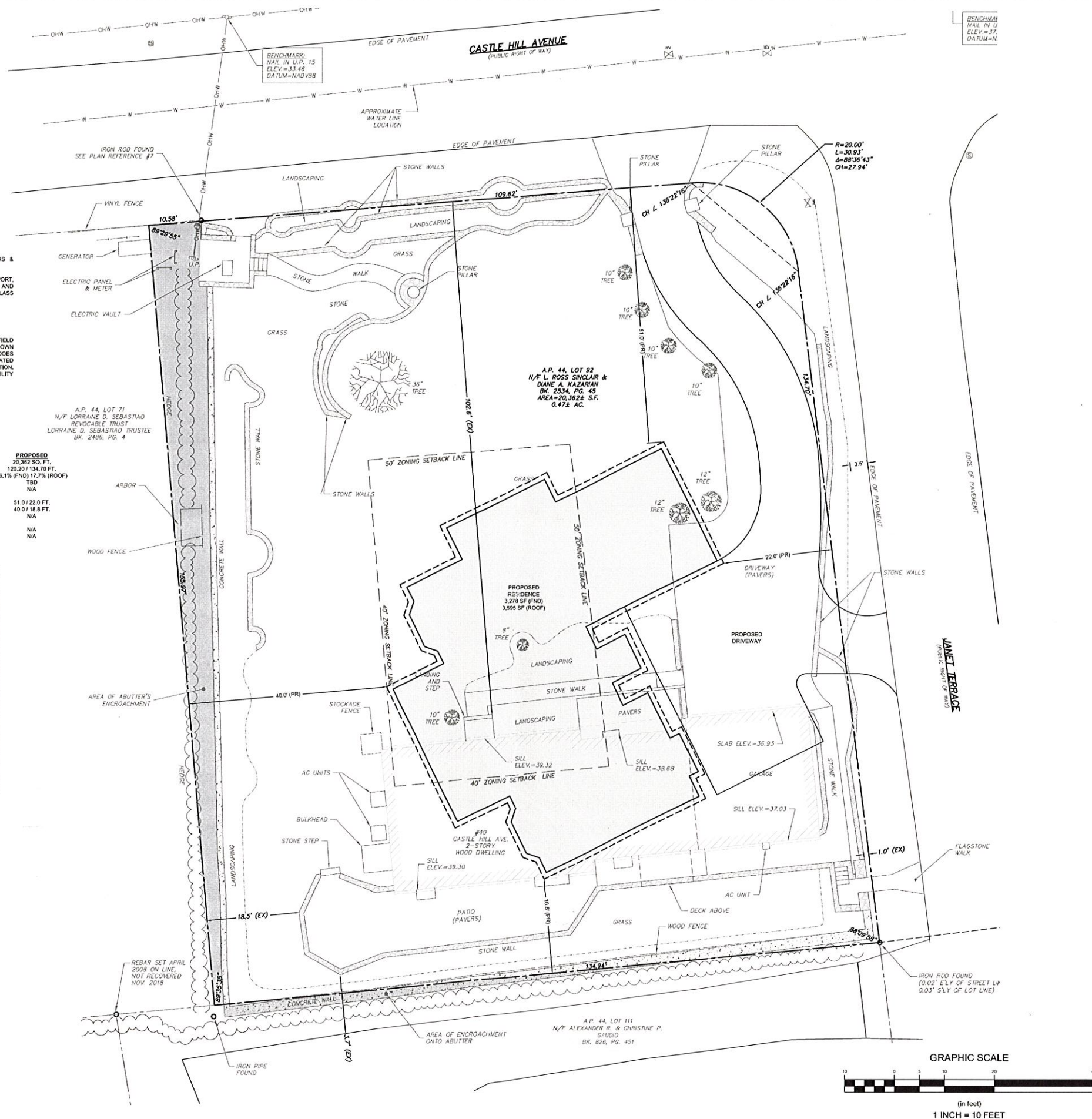
THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:

TO DETERMINE AND MONUMENT THE LOCATION OF THE PROPERTY BOUNDARIES OF A.P. 44, LOT 92 AND TO SHOW EXISTING PHYSICAL FEATURES AND TOPOGRAPHY.

BY: MARC S. THAYER NO. 1889

LEGEND:

- | | |
|--|-------------------------|
| | PROPERTY LINE |
| | ADJUTER'S PROPERTY LINE |
| | ZONING SETBACK LINE |
| | HEDGE |
| | STONE WALL |
| | STOCKADE FENCE |
| | VINYL FENCE |
| | WOOD FENCE |
| | GAS LINE |
| | OVERHEAD WIRE |
| | CATCH BASIN |
| | SEWER MANHOLE |
| | UTILITY POLE |
| | GUY WIRE |
| | WATER GATE |
| | SPOT ELEVATION |
| | TREE |
| | BOUND |
| | IRON ROD/ IRON PIPE |

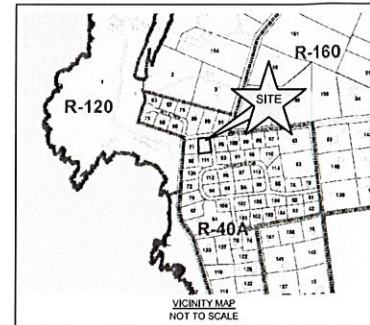


NORTHEAST ENGINEERS
& CONSULTANTS, INC.



A KNOWLEDGE CORPORATION®

55 JOHN CLARKE ROAD MIDDLETOWN RHODE ISLAND 02842
PHONE (401) 849-0810 FAX (401) 846-4169
WWW.NORTHEASTENGINEERS.COM



No.	Revision	Date	App
Designed By:	Drawn by: JJR	Checked by:	GB
Scale:	1"=10'	Date:	20SEP

A.P. 44, LOT 92
40 CASTLE HILL AVENUE
NEWPORT, RHODE ISLAND

Client/Owner: **HORAN BUILDING COMPANY**
174 BELLEVUE AVE.
NEWPORT, RI 02840

Issued for:	
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Drawing Title:

ZONING PLAN

Drawing Number

C-1

Steel	1	at	1
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Survey Index:
14 - 44 - 92

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A.TESA ARCHITECT

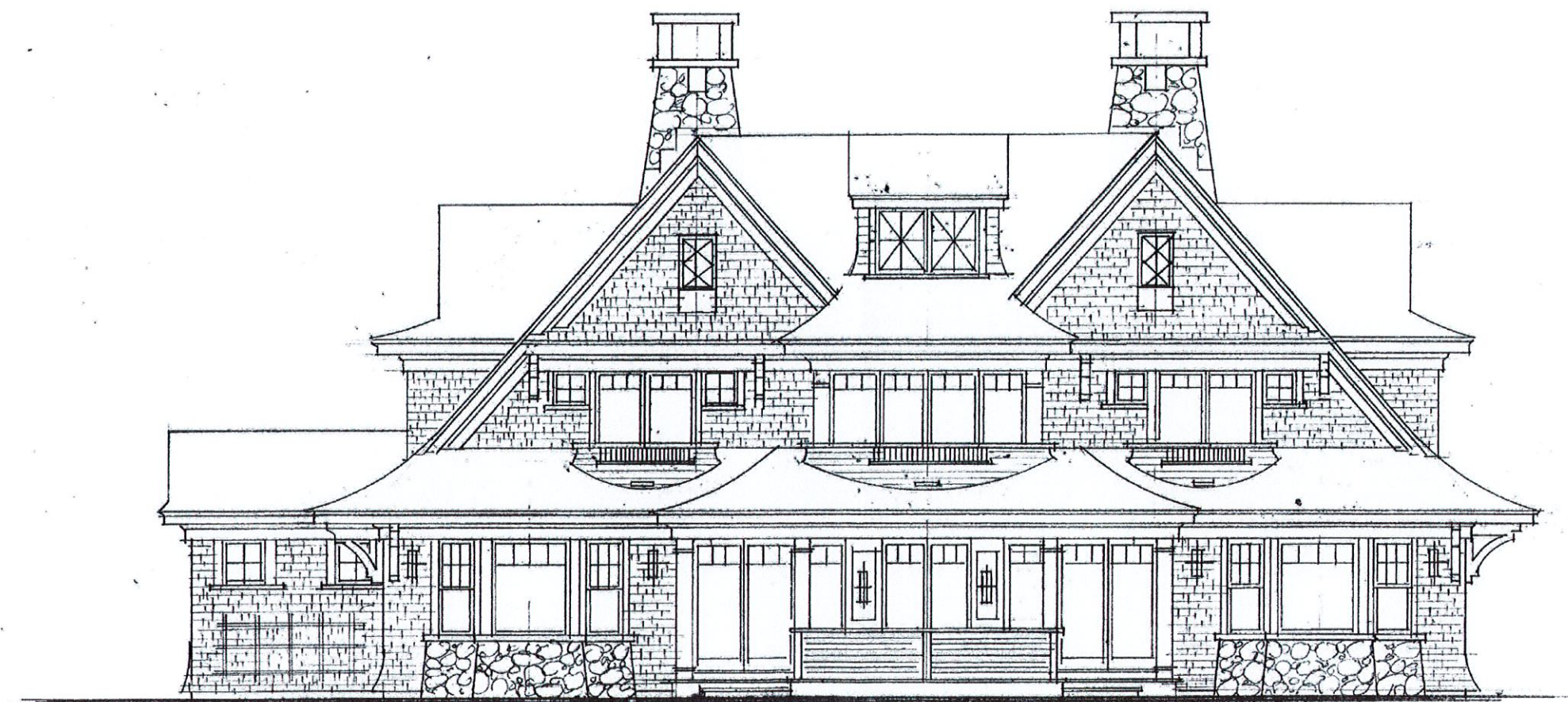
A.TESA
ARCHITECTURE
www.atesaarchitecture.com

174 Bellevue Ave
Suite 308
Newport, RI 02840
T. 401 608 2286

02.04.19

SINCLAIR RESIDENCE
PROPOSED FRONT
ELEVATION

A200
SCALE: NTS



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02.04.19

SINCLAIR RESIDENCE
PROPOSED REAR
ELEVATION

A 201

SCALE: NTS



