

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

CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW

Per #10000

JAN 24 2022

CHK #1418

DATE: 1/24/22

ZON FEB 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: 398 Spring Street

Tax Assessor's Plat 32 Lot 169

Petitioner Information

Applicant Carter Mario Address 398 Spring Street

Owner Carter Mario Address 398 Spring Street

Lessee _____ Address _____

Property Characteristics

Dimensions of lot-frontage 70.38' depth 124.3' area 7060 SqFt sq. ft.

Zoning District in which premises is located R10

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 1359 SqFt

Total square footage of the footprint of proposed buildings 324 SqFt

Present use of premises Single Family Residential

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

Proposed use of premises Single Family Residence

Give extent of proposed alterations Construct an 18'x18' shed.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	7060 SqFt	10,000 SqFt	7060 SqFt
Lot Coverage	19.9%	20%	24.5%
Dwelling Units	1	1	1
Parking (# of spaces)	2		2
Front Setback	19.4'	15'	19.4'
Side Setbacks	10.6'-10.2'	10'	10.6'-10.2'
Rear Setback	40.5'	10'	10'
Height	29'6"	30'	29'6"

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

The existing structure is in keeping with the historic fabric of Newport's architecture and that
of the neighborhood as well. The proposed shed has been designed to match the existing
neighborhood as well.

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?

The subject lot contains about 7,000 SqFt of area in an R10 zone. For this reason, we are reduced from 2000 SqFt of lot coverage to 1400 SqFt. The code clearly allows for lots which are constrained from adherence to dimensional regulations by virtue of factors such as substandard, pre-existing lot size, to request such relief. Further, during construction, the depth of ledge encountered prevented any basement from being constructed. This lost the petitioner the opportunity of having integral storage.

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 mentioned above, our home conforms to all zoning guidelines, while most, if not all, of the other homes in our neighborhood are non-conforming structures, and yet almost all of them enjoy some sort of shed and/or other form of outdoor storage.

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

The increase to 25% lot coverage is well within the neighborhood average. The petitioner seeks no setback or height relief. It is a modest structure and will not block light or air from any neighbor. Finally, as discussed previously, the lot size is substandard. The requested relief is proportional to the dimensions called for within a conforming lot size. For these reasons, we find the request to be the minimum variance necessary.

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".

C. S. Mario
Applicant's Signature

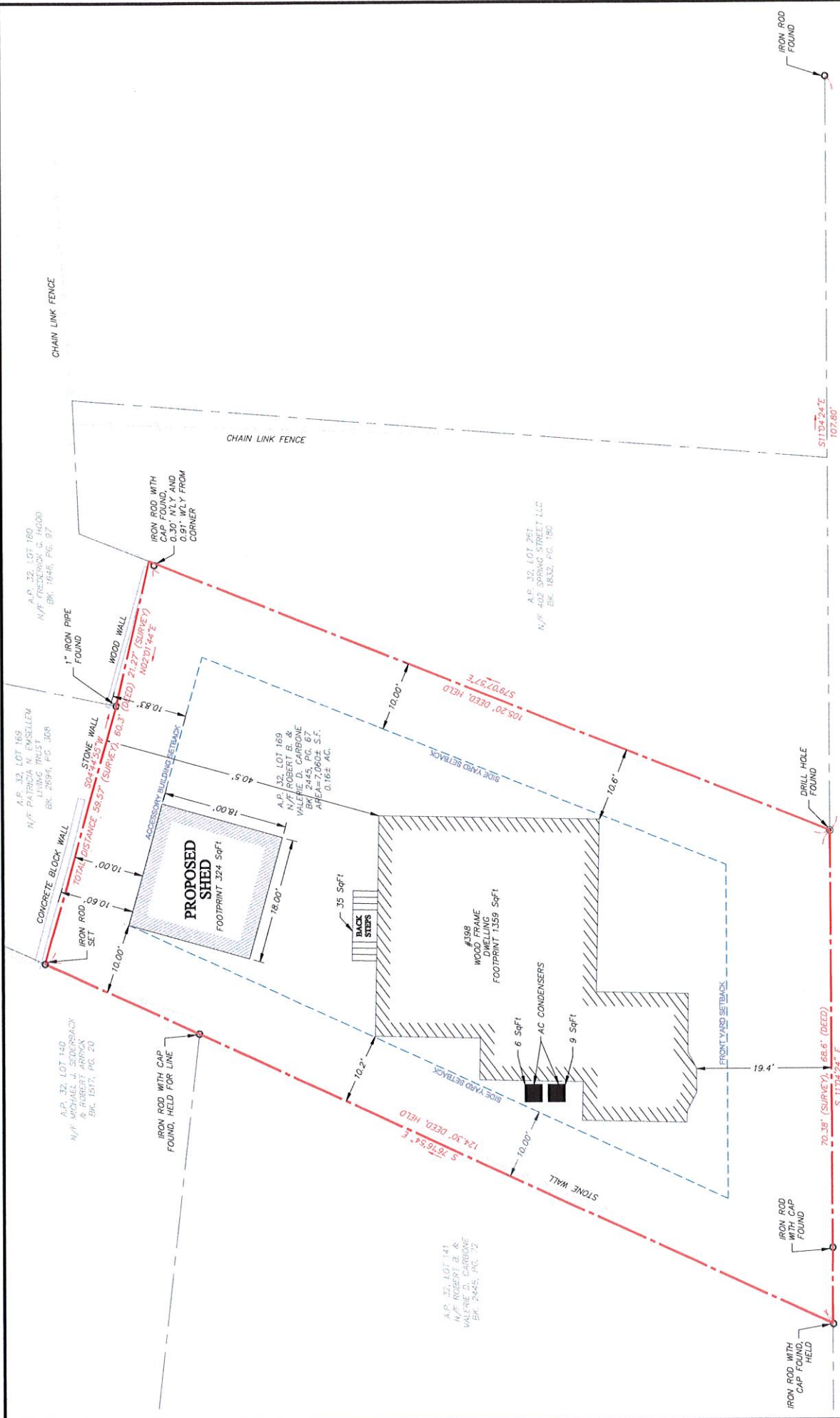
C. S. Mario
Owner's Signature

(203) 530-5342
Telephone Number

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Telephone Number

Email address C.MARIO@CARTERMARIO.COM

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

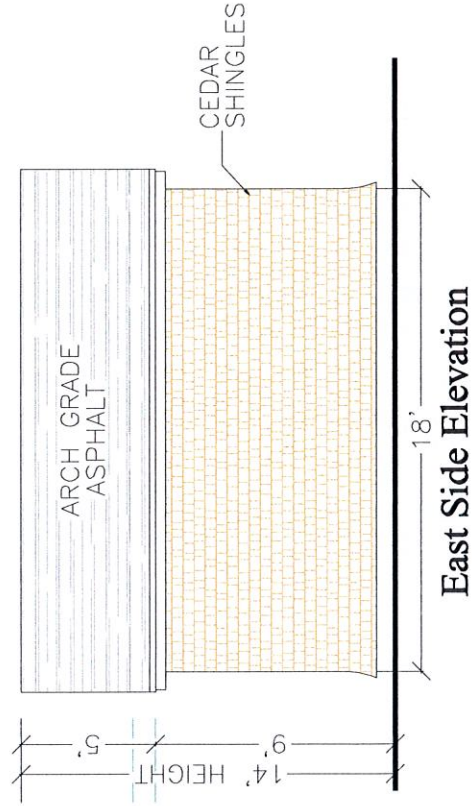
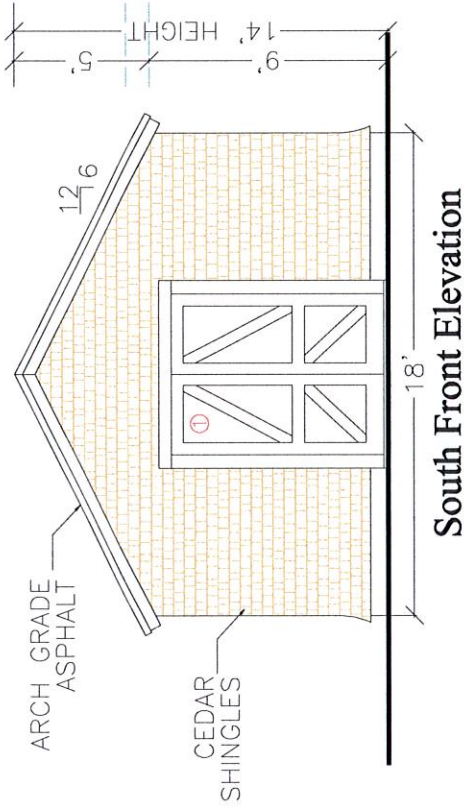
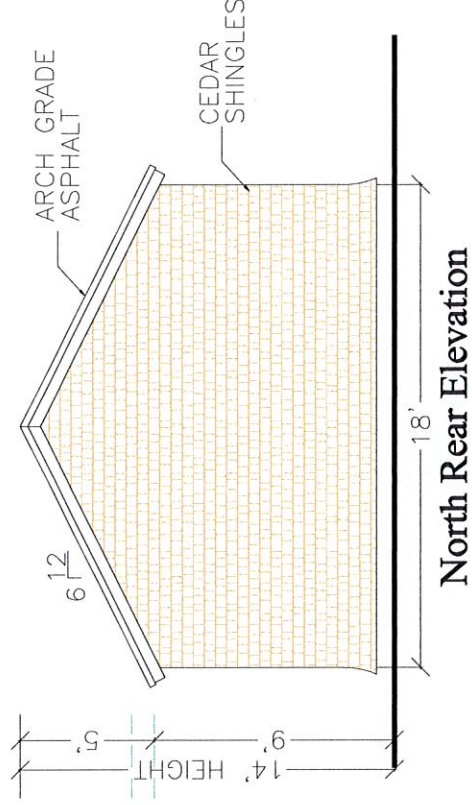
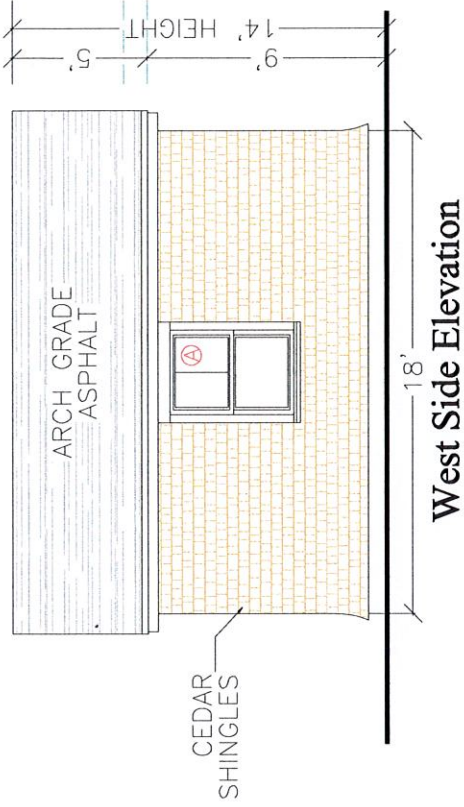


ZONING DATA

LOT AREA	EXISTING LOT COVERAGE	PROPOSED LOT COVERAGE	EXISTING LOT COVERAGE	PROPOSED LOT COVERAGE	PERMITTED LOT COVERAGE
7060 Sqft	1409 Sqft	1733 Sqft	19.9%	24.5%	20%

- LEGEND:**
- PROPERTY LINE
 - ADJUTTER'S PROPERTY LINE
 - STONE WALL
 - CHAIN LINK FENCE
 - WOOD FENCE
 - DRILL HOLE
 - IRON ROD/IRON PIPE

398 SPRING STREET
(PUBLIC RIGHT OF WAY)



SHED
The Mario Residence
398 Spring Street - Newport, RI 02840



Dear Mr. Weston and Honorable Zoning Board Members,

Thank you for your consideration of my zoning relief application.

After careful consideration of the comments from some of our neighbors, we have withdrawn our prior application for a two-car garage with loft above at 398 Spring Street. Our intention was never to generate any issues. We will be submitting a new petition for a much smaller storage building.

To explain, we do have a need for garage space. However, we were able to solve the question of car storage by acquiring one of the new car condos (Car Vault) which is being constructed at Industrial Park in Middletown, 55 John Clarke Road. That being said, we still need some shed storage for our lawn furniture, yard tools, scooters, kayaks, mower, etc.

These are the types of items which could also have been stored in the proposed garage. As an alternative, a basement may have sufficed. However, that option was not possible since we unexpectedly hit solid ledge while digging out our foundation in 2019. Further, the design of the house precluded any attic space.

Please consider our application for a single story shed on our property, which will require lot coverage relief only. All other zoning guidelines have been met. This relief will bring our total lot coverage to 24.5%, with 20% allowed. The shed will also be prefabricated (fully constructed within 2-3 days) to minimize the disturbance to our neighbors. There will be no plumbing or heat in this shed. This house is our primary residence and as such, no portion of this house will be rented out. We have engaged a real estate expert to prepare a report for you which will address issues of hardship and lot coverage. We feel when this is completed, it will support our conformance with the zoning code and the comprehensive land use plan, specifically dealing with neighborhood conformance.

Thank you again for your time.

Sincerely,

Carter Mario
398 Spring Street
Newport, RI 02840

