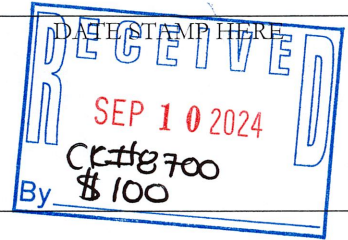




# Newport Zoning Application

ZBR 2024 - OCT - 005

*(This box for staff use only)*



Date: September 9, 2024

### Board members:

The undersigned hereby petitions the Zoning Board of Review for a special use permit or 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: 5 Champlin Street

Tax Assessor's Plat: 23 Lot: 018 Zoning District: R-10

- Special Use Permit (Non-Conforming Alteration)       Regulatory (Dimensional) Variance
- Special Use Permit (New Use)       Use Variance       Modification

Property Owner: James & Claire hall

Mailing Address: 5 Champlin Street, Newport, RI

Email Address: jahallpvd@gmail.com

Phone Number: 401-263-7254

How long have you been the owner of the above premise? Approx. 2 Years, 1 Months

Legally Authorized Representative \*if applicable: N/A

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Lessee: N/A

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_



# Newport Zoning Application

## Property Characteristics

Dimensions of lot-frontage: 148.5' (Champlin) ft. Lot Area: 7,045 sq. ft.

Are there buildings on the premises at present? yes

Total square footage of the footprint of existing buildings: 2,704 sq. ft.

Total square footage of the footprint of proposed buildings: unchanged sq. ft.

## Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	7,045	10,000	7,045 (no change)
Coverage Area (sq. ft.)	2729.39	1824.65	2785.25
Lot Coverage (%)	38.75	25.9	39.45
Dwelling Units	1	1	1 (no change)
Parking (# of spaces)	4/5	2	4/5 (no change)
Front Setback (ft.)	6' (Champlin St./closest structure)	11.09	6' (no change)
Side Setbacks (ft.)	2.575 (at garage)	7.39'	2.575 (no change)
Rear Setback (ft.)	N/A		
Height (ft.)	42'	30'	42' (no change)



# Newport Zoning Application

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

Present use of Premise: Residential Dwelling

Proposed use of Premise: Residential Dwelling

## Summary of Proposed Alterations

See attached Exhibit 1 (Summary of Proposed Alterations and Standards Statement)



# Newport Zoning Application

## Applicant Statement

How does your application meet the required standards for variance(s) or special use permit(s)?  
*(See page 6 for most common applicable standards)*

See attached Exhibit 1 (Summary of Proposed Alterations and Standards Statement)



# Newport Zoning Application

Upon submittal of this application, please make sure you have also reviewed our Zoning Application Submittal Requirements packet, and included with your application, a copy of the Submittal Checklist which can also be found here: [Zoning Application Submittal Requirements](#). If an application is missing any submittal requirements and/or necessary application information, your application may be regarded incomplete. Incomplete applications will not be publicly advertised or appear on an agenda until the project is deemed complete.

**By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read through this application thoroughly and understand what is required to submit a completed application.**

Applicant Signature

September 9, 2024

Date

Owner Signature

September 9, 2024

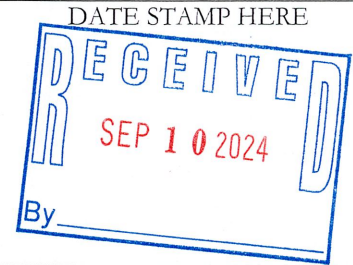
Date



# Newport Zoning Application Submittal Requirements

ZBR 2024 - OCT - 005

- Special Use Permit (new)
  - Special Use Permit (modification)
  - Variance
  - Modification
- (This box for staff use only)*



## SUBMITTAL REQUIREMENTS CHECKLIST

Applications that are missing materials in this checklist will not be accepted for review.

### Section 1 – Application Forms – Page 3 of the Guide Required for All Projects

- A.  Completed Zoning Project Application Packet comprised of the following individual sections:
  1.  Zoning Project Application Form
  2.  Completed copy of this Zoning Application Submittal Requirements Checklist (Page 2)
- B.  Request to Waive any Submittal Requirements *(if applicable)*
- C.  Application Fee (Please Refer to Current Fee Schedule)

### Section 2 – Plan Package – Pages 4-7 of the Guide Required for All Development Projects (Involving New Structures, Additions, Exterior Alterations, etc.) Individual requirements of the Plan Package (listed below) may differ depending on the project

- A.  Class I Site Survey
- B.  Proposed Site Plan
- C.  Lot Coverage Diagram
- D.  Floor Plans
- E.  Stormwater Management Plan
- F.  Landscape Plan
- G.  Building Elevations
- H.  Change of Use

### Section 3 – Supporting Documents, Studies, Graphics, and Depictions – Page 8 of the Guide May be required for certain Development Projects

- A.  Site Photographs
- B.  Photo Simulations
- C.  Structural Evaluation
- D.  Parking Survey
- E.  Traffic Impact Analysis

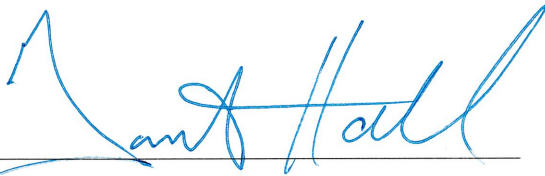
**Request to Waive Submittal Requirements**

5 Champlin Street

ZBR Application. September 9, 2024

Applicants hereby request that certain submittal requirements be waived as not applicable to the Application, including:

- (i) Floor Plans;
- (ii) Stormwater Management Plans;
- (iii) Building elevations; and,
- (iv) Change of Use Statement(s).



James A. Hall

**Exhibit 1**



5 Champlin Street / Hall  
September 9, 2024, ZBR Application  
**(Summary of Proposed Alterations and Standards Statement)**

I. Proposed Alterations: (Substandard Lot)

**Project Description:** Applicants and owners, 5 Champlin Street, TAP 23, Lot 018, (R-10 Zone, Historic Overlay) seek a special use permit and dimensional variance to install a generator 3' from the south side property line (7.39' required), and install an on-grade prefabricated spa<sup>1</sup>, increasing the lot coverage from 38.75% to 39.54 (25.9% permitted).

As part of the restoration of the home at 5 Champlin Street<sup>2</sup>, Applicant is proposing a landscape plan that includes certain walkways, landscape walls and patios/landings; all of which are on-grade and as set forth on that Landscape Plan, Date May 8, 2024, attached hereto as **Exhibit B**. The Applicant's landscape proposal includes limited features that require ZBA approval: (i) 56.25' increased coverage for the placement of a prefabricated on-grade spa and, (ii) set-back relief for an emergency/safety generator (4.39' of relief) designed to protect the historic home and prevent winter condition damage(s) (*i.e.*, water damage from frozen pipes incurred upon loss of heat).

a. Variance and/or SUP (Lot Coverage):

The Applicants seek to increase lot coverage by a total of 0.79% (from 38.75% to 39.54) to facilitate:

- i. Placement of a 7.5' x 7.5' prefabricated/on-grade spa directly abutting the south elevation of the home. *See Exh. B*. The total increased coverage of the proposed spa is 56.25 sq. ft.
- ii. Variance under section 17.20.050 – Lot Coverage, to increase lot coverage by 0.79% to 39.54% where 25.9% is permitted.
- iii. Special Use Permit under section 17.72.030 (E) – Alterations to Non-Conforming Developments, to increase the lot coverage on a property that is currently over the allowable lot coverage.

b. Variance / Dimensional Relief:

The Applicants proposed landscape plan requires certain dimensional relief for:

- i. Placement of an emergency/safety generator within the south yard of the home. *See Exh. B* at p. 2. The proposed setback for the generator is 3' where 7.39' is required. Therefore, Applicant seeks 4.39' of relief from

---

<sup>1</sup> Proposed placement of prefabricated spa previously reviewed and approved by Newport Historic District Commission (*Certificate of Appropriateness* to be provided as supplement to this Application).

<sup>2</sup> Attached hereto for reference as **Exhibit A** is the Boundary Survey of DiPrete Engineering, dated January 16, 2023.

the southern lot line setback. The placement of the generator to be adjacent to and shielded from abutting view by the existing garage structure, which is itself 2'5.75" from the southern lot line. The generator to be substantially screened by the garage and, also, existing 7' privacy fence and shrubbery. *See Id.*

- ii. Variance under section 17.20.040 – Setback Requirements, to install an emergency generator 3 feet from the southern property line where 7.39 feet is required.

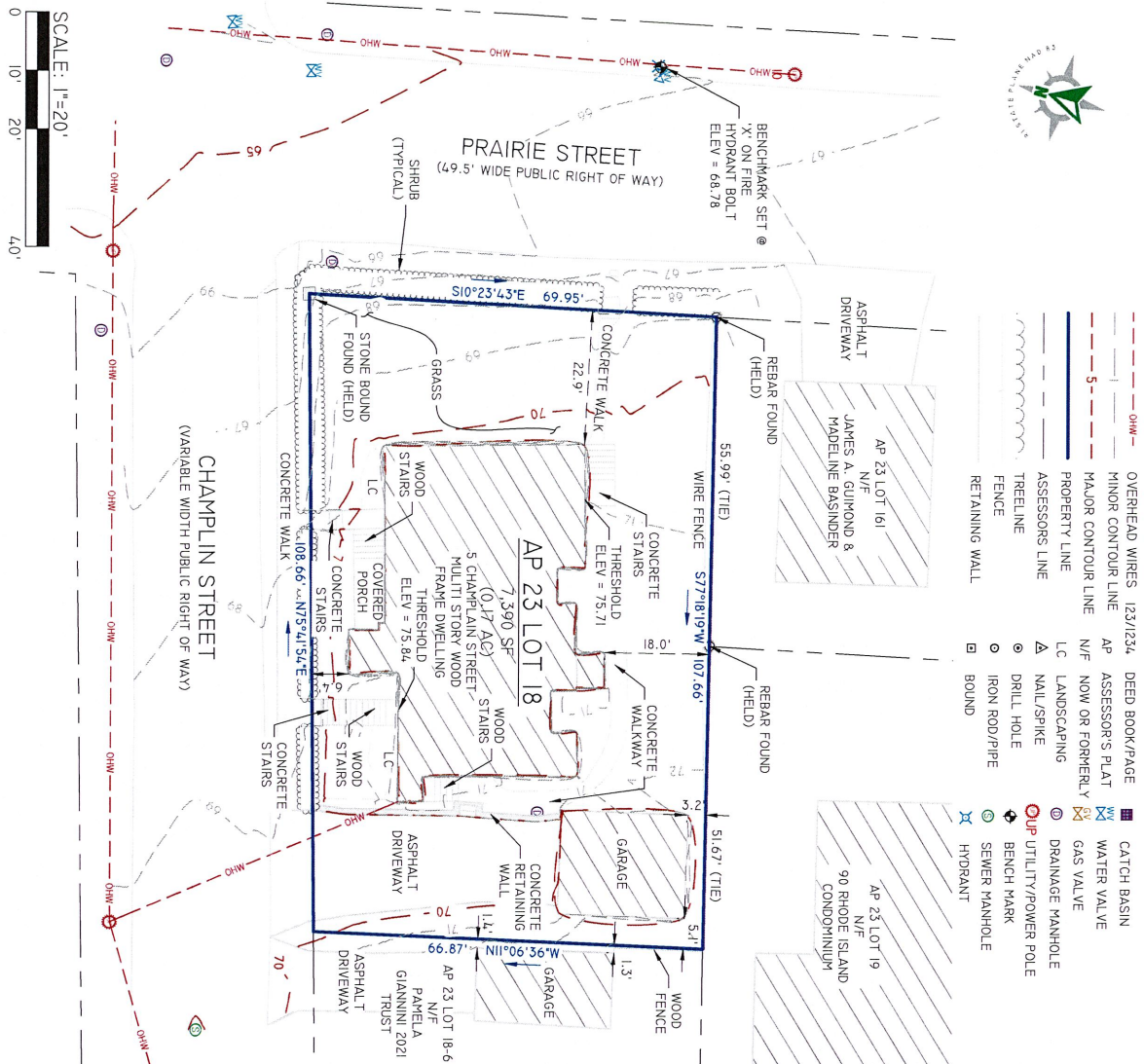
## II. Standards Statement:

The Applicant seeks the requested relief as part of the continued renovation of the home at 5 Champlin Street in a manner that takes into account the substandard, irregular nature of the lot and the configuration of the preexisting improvements thereon. The Applicant seeks to renovate and redevelop the property in a manner that is not only consistent with, but beneficial to the surrounding area and in an updated manner that will encourage continued use, occupation and stewardship of the Property in perpetuity.

The relief the applicant seeks is due to the unique characteristics of the subject land and structure(s) thereon and not due to any physical or economic disability. The requested relief is not the result of any prior action of the Applicant, nor will the requested variance(s) alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.

The Applicant's submission(s) evidences a commitment to beneficial use as related to the preservation of the character of the surrounding area and the Property. Not granting the requested relief amounts to more than mere inconvenience as the relief sought is minimal as related to the reasonable enjoyment of the permitted use to which the property is to be devoted.

**Exhibit A**



**GENERAL NOTES**

1. THE PARCEL IS FOUND ON ASSESSOR'S PLAT 23, LOT 18 IN THE CITY OF NEWPORT, NEWPORT COUNTY, RHODE ISLAND.
2. THE OWNER PER DEED BOOK 310, PAGE 164, IS JAMES A. HALL TRUST 2001 AND CLAIRE K HALL TRUST 2001.
3. THIS SITE IS LOCATED IN FEMA FLOOD ZONE X. REFERENCE FEMA FLOOD INSURANCE RATE MAP 44005C081U, MAP REVISED SEPTEMBER 04, 2013. THIS DESIGNATION MAY CHANGE BASED UPON REVIEW BY A FLOOD ZONE SPECIALIST OR BY THE RESULTS OF A COMPREHENSIVE FLOOD STUDY.
4. THE PARCEL IS ZONED R-20 BASED ON CITY OF NEWPORT GIS MAP. ANY OVERLAY DISTRICTS, SPECIAL PERMITS OR VARIANCES SPECIFIC TO THIS SITE ARE NOT TAKEN INTO CONSIDERATION. PLEASE CONTACT THE ZONING DEPARTMENT FOR ANY ADDITIONAL INFORMATION OR FOR A CERTIFICATE OF ZONING.
5. THERE WERE NO CEMETERIES, GRAVE SITES AND OR BURIAL GROUNDS OBSERVED WITHIN THE LIMITS OF THE SURVEY.
6. FIELD SURVEY PERFORMED BY DIPRETE ENGINEERING ON JANUARY 11, 2023. THIS PLAN REFLECTS ON THE GROUND CONDITIONS AS OF THAT DATE.
7. ELEVATIONS SHOWN HEREON, IN U.S. SURVEY FEET, ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), AS DETERMINED BY DIPRETE ENGINEERING USING REAL TIME KINEMATIC G.P.S. OBSERVATIONS.
8. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. DIPRETE ENGINEERING IS NOT RESPONSIBLE FOR ANY UNKNOWN OR UNRECORDED EASEMENTS, DEEDS OR CLAIMS THAT A TITLE REPORT WOULD DISCLOSE.

**PLAN REFERENCES:**

1. "PLAN OF LAND OF LUTHER EARL BROZEL JR., ASSESSORS PLAT 23 LOT 16, PRAIRIE AVENUE, NEWPORT RHODE ISLAND" BY MJ GASTON & ASSOCIATES, LLC., DATED SEPT. 10, 2016, SCALE 1" = 20', RECORDED IN THE CITY OF NEWPORT LAND EVIDENCE RECORDS, BOOK 2619 PG 172.
2. "NINETY RHODE ISLAND CONDOMINIUM IN NEWPORT, RHODE ISLAND" BY FRANCIS J. O'LOUGHLIN, DATED APRIL 28, 1981, SCALE 1" = 10', RECORDED IN THE CITY OF NEWPORT LAND EVIDENCE RECORDS, BOOK 2095 PG 264.

**SURVEYOR'S CERTIFICATE**

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO 435-RICR-00-001.9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 29, 2015, AS FOLLOWS:

- COMPREHENSIVE BOUNDARY SURVEY
- TOPOGRAPHIC SURVEY

CLASS 1-2

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS: PERIMETER RETACEMENT WITH TOPOGRAPHY FOR SITE ENGINEERING AND PERMITTING.

**ROBERT G. BABCOCK**

No. **2504**

**PROFESSIONAL LAND SURVEYOR**

ROBERT G. BABCOCK, R.I.S.#3504, COA.#S.000A160

1/25/23

**BOUNDARY & TOPOGRAPHIC SURVEY**

**5 CHAMPLIN STREET**  
AP 23 LOT 18, NEWPORT, RHODE ISLAND

APPLICANT  
**JAMES A. HALL**  
54, CULLENDER AVENUE, NEWPORT, RHODE ISLAND 02840

DATE:  
01-16-23

SHEET 1 OF 1

**DiPrete Engineering**

Two Stafford Court Cranston, RI 02920  
tel 401-943-1000 fax 401-464-6006 www.diprete-eng.com

**Boston • Providence • Newport**

**Exhibit B**



40' CHAMPLIN AVENUE  
NEWPORT, RHODE ISLAND 02840

# FINAL HARDSCAPE LAYOUT

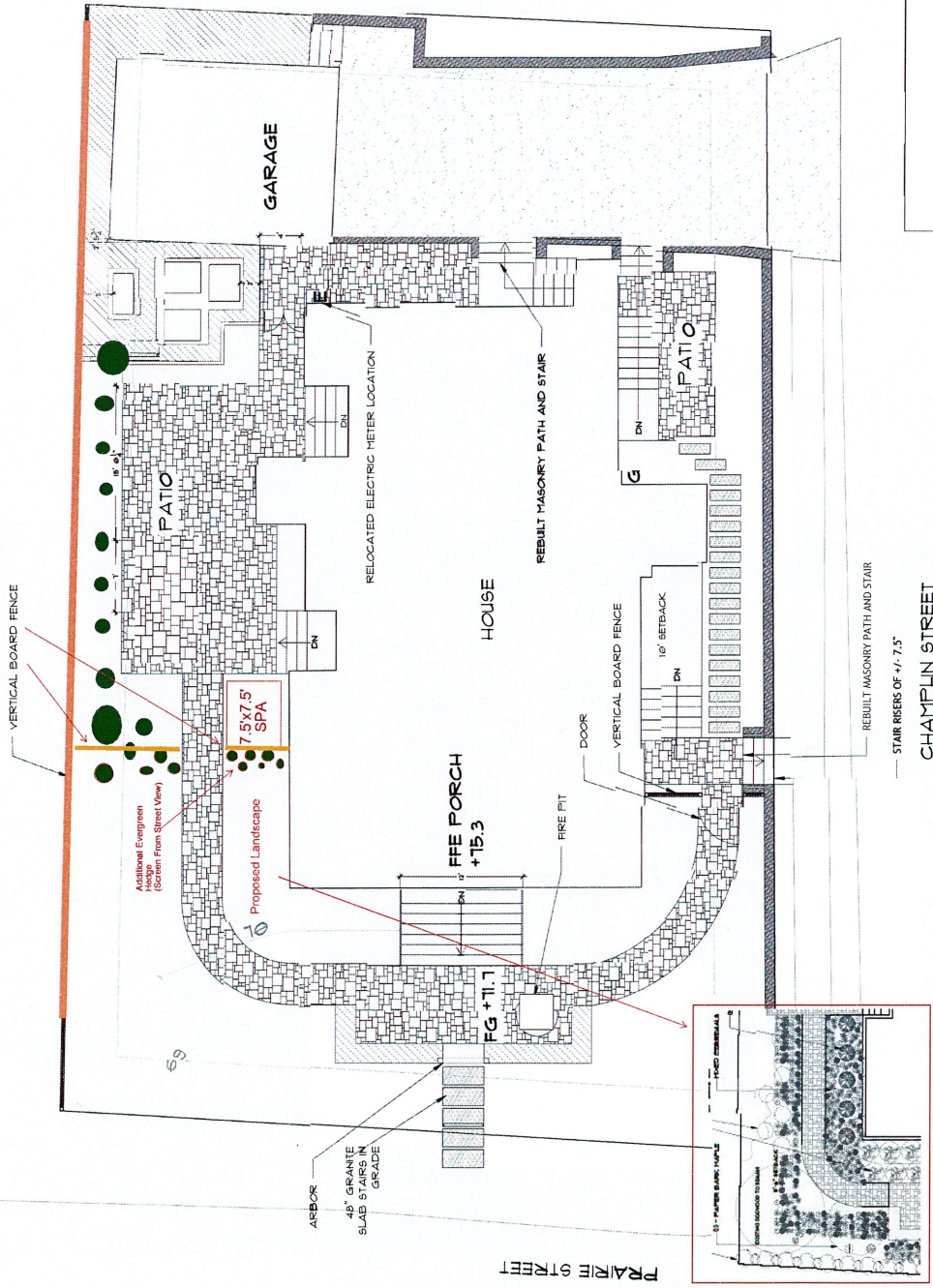
REVISIONS  
R2

SUBMITTALS  
01

DATE  
MAY 25, 2024

SHEET SCALE  
3/16" = 1'

SHEET NO.  
L-1



7/25/24 9:10 AM

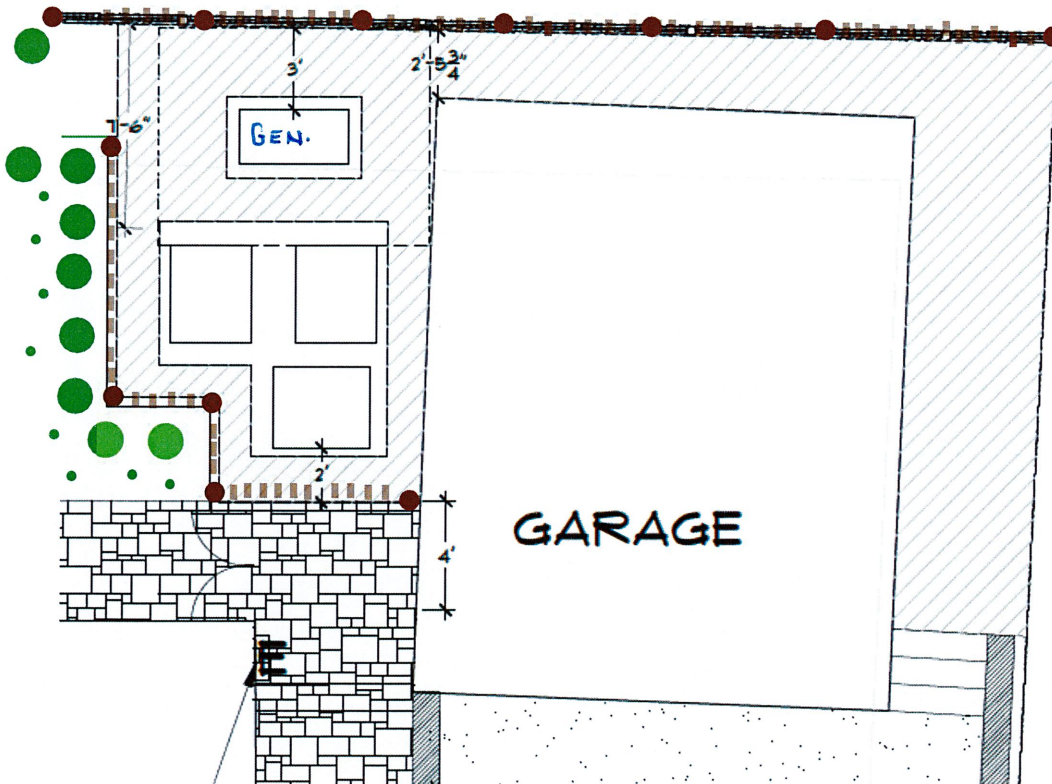
HARDSCAPE PLAN  
3/16" = 1'

5 Champlin Street / J. Hall

September 9, 2024, ZBR Application

## Revised Mechanical Plan

(Revises Stamped Landscape Plan of May 8, 2024)



- Mechanicals to be shielded from view on all sides by both fence and shrubbery. Fence installed on the southern lot line is a solid, vertical board privacy fence, 7' high abutting mechanical area.
- All HVAC Mechanicals located beyond the required side setback of 7.39'.
- Emergency generator proposed location within setback (3' from lot line) requires 4.39' of relief:
  - Relief required is less than the directly adjacent garage structure, which is currently 2'5.75" from the side lot line.