



# Newport Zoning Application

ZBR 2024 - Nov - 012

(This box for staff use only)



Date: October 2, 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: 96 Kay Street

Tax Assessor's Plat: AP-11 Lot: 065 Zoning District: R10

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

Property Owner: Michael & Laurie Londergan

Mailing Address: 15 Ribbon Glass Ln East Longmeadow MA 01026

Email Address: llondergan@deloitte.com

Phone Number: 860-463-1202

How long have you been the owner of the above premise? 8 years

Legally Authorized Representative \*if applicable: N/A

Mailing Address: N/A

Email Address: N/A Phone Number: N/A

Lessee: N/A

Mailing Address: N/A

Email Address: N/A Phone Number: N/A



# Newport Zoning Application

## Property Characteristics

Dimensions of lot-frontage: 85 ft. Lot Area: 8500 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 2110 sq. ft.

Total square footage of the footprint of proposed buildings: 420 sq. ft.

## Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	8,500	10,000	8,500
Coverage Area (sq. ft.)	2,110	2,000	2,530
Lot Coverage (%)	24.82 %	20 %	29.76 %
Dwelling Units	1	1	1
Parking (# of spaces)	8		4
Front Setback (ft.)	5.1 / 15.5'	20'	12.75'
Side Setbacks (ft.)	4.8 / 17.4'	10'	8.5'
Rear Setback (ft.)		10	
Height (ft.)	30'	30'	30'



# Newport Zoning Application

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

Present use of Premise: Single family home

Proposed use of Premise: Single family home

## Summary of Proposed Alterations

1. Add 14 x 30 in ground pool - gunite or fiberglass  
TBD
2. Shorten existing main driveway off Powell - proposed driveway will end at corner of houses and hold 4 cars (holds 6 currently)
3. Eliminate 2 car driveway off Kay Street and add curb to Kay Street where driveway was previously location
4. Adjust existing 6ft. vinyl privacy fence to include 2 driveway areas eliminated (driveway spaces eliminated will become part of fenced in back yard)
5. Eliminate existing outdoor shower
6. Remove existing patio/patio wall w/ pavers and replace with new pavers



# 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)

17.108.020.C.1 - The hardship is due to the unique characteristics of the land since this lot size is predetermined and not able to be changed by us.

17.108.020.C.2 - The hardship is not the result of any action of the application - we did not create the lot size

17.108.020.C.3 - (A does not apply) The addition of an inground pool will not alter the characteristics of the neighborhood or impact the surrounding area. We currently have a 6-foot vinyl fence on the perimeter of our property and the pool will be within the existing privacy fence and not be visible to any pedestrians on Kay or Powell Street(s). Many other homes in Newport have inground pools including other homes in our neighborhood and across the street on Kay Street. The proposed pool is of minimal size based on the size of the home such that the size is appropriate for the number of guests that regularly stay at the home.



# 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.

Juan H. Loudey

Applicant Signature

9/30/21

Date

Juan H. Loudey

co- Owner Signature

9/30/24

Date

Michael B. Loudey

Co- owner Signature

9/30/24

Date



# Newport Zoning Application

## Applicable Standards for Approval of Variances and Special Use Permits for alterations to non-conforming developments

### A. Variances – Newport Municipal Code Chapter 17.108

**17.108.020.C.1.** That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in GLRI §45-34-30(a)(16).

**17.108.020.C.2.** That the hardship is not the result of any prior action of the applicant

**17.108.020.C.3.** That the granting of the requested variance will not 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 zoning board of review, shall, in addition to the above standards, require that evidence is entered into the record of the proceedings showing that:

- a. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring lands or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and
- b. In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. 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. The zoning board of review, or planning board where unified development review is enabled shall have the power to grant dimensional variances where the use is permitted by a special use permit.

### B. Special Use Permit – Newport Municipal Code Chapter 17.109

**For applicable Standards for Special Use Permit Categories 1-5, please see Newport Municipal Code Chapter 17.109.020 A-E**

#### Category 6

A structure or land which is nonconforming by dimension, but the use of which is a use permitted by right in the district in which the land or structure is located, shall only be altered, changed, enlarged or subject to addition or intensification with respect to its nonconforming element(s) by obtaining a special use permit from the zoning board of review. Special use permits for alterations, changes, enlargements, or subject to addition or intensification with respect to its nonconforming element(s) must comply with the following:

1. The alteration, change, enlargement, addition or intensification will not increase the dimensional nonconformity, or a variance shall be obtained from the zoning board of review, subject to the affirmative determination of the standards for variances under 17.108.020.C.
2. Will not alter the character of the surrounding area within 200' of the property lines.
3. No net increase in stormwater runoff from the site.
4. All proposed lighting is Dark-Sky compliant.