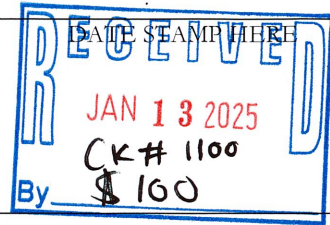




Newport Zoning Application

ZBR 2025 - FEB - 004

(This box for staff use only)



Date: 1/9/2025

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: 108 Kay Blvd

Tax Assessor's Plat: 11 Lot: 719 Zoning District: R-10A

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

Special Use Permit (New Use) Use Variance Modification

Property Owner: Janet D. Healy & Michael J. Geier

Mailing Address: 108 Kay Blvd, Newport, RI 02840

Email Address: janethealy@comcast.net

Phone Number: 303-746-4445

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

Legally Authorized Representative *if applicable: _____

Mailing Address: _____

Email Address: _____ Phone Number: _____

Lessee: _____

Mailing Address: _____

Email Address: _____ Phone Number: _____



Newport Zoning Application

Property Characteristics

Dimensions of lot-frontage: 80 ft. Lot Area: 13,352 sq. ft.

Are there buildings on the premises at present? yes

Total square footage of the footprint of existing buildings: 2922 sq. ft.

Total square footage of the footprint of proposed buildings: 3138 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	13,352	10,000	13,352
Coverage Area (sq. ft.)	2,922	2,922	3,138
Lot Coverage (%)	21.9	21.9	23.5
Dwelling Units	1	1	1
Parking (# of spaces)	3	2	3
Front Setback (ft.)	29	15	20
Side Setbacks (ft.)	North 11 South 11	10 10	11 11
Rear Setback (ft.)	25	20	25
Height (ft.)	18	30	28



Newport Zoning Application

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

Present use of Premise: Primary Residence

Proposed use of Premise: Primary Residence

Summary of Proposed Alterations

The City of Newport Zoning Board already received and approved a dimensional variance request increasing the lot coverage from the permitted 20% lot coverage to 22.9%. The approved variance was dated 9/13/2023 and the project was to be completed by 9/13/2024.

The installation of an in-ground pool was completed in June 2024. Due to medical reasons the house renovation to include the expanded porch that required the additional dimensional variance was not completed by September 2024.

Additionally, a small delta in the dimensional variance request is made due to a minor mathematical clarification on the proposed building plans. The front porch expansion that was not completed actually will increase the lot coverage to 23.5% vs. the prior approved variance for 22.9%.



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)

1. The relief to be granted is the least relief necessary.
2. 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.
3. The relief granted will not increase stormwater runoff.



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.

Janet O. Healy
[Signature]

Applicant Signature

1/9/2025

Date

Janet O. Healy
[Signature]

Owner Signature

1/9/2025

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

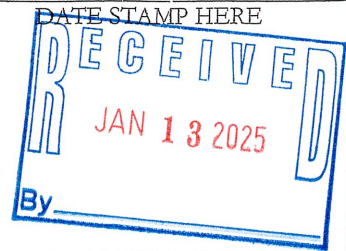
A structure or land which is nonconforming by dimension, but the use of which is a use permitted by right in the district in which the land or structure is located, shall only be altered, changed, enlarged or subject to addition or intensification with respect to its nonconforming element(s) by obtaining 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.



Newport Zoning Application Submittal Requirements

ZBR 2025 - Feb - 004



- Special Use Permit (new)
- Variance
- Special Use Permit (modification)
- 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

NEWPORT, Sc.

CITY OF NEWPORT

In Re: App. #2023-Jul-008 PETITION OF JANET HEALY, applicant and owner, 108 Kay Blvd., TAP 11, Lot 719, (R-10A Zone) for a dimensional variance to construct a front porch and an in-ground pool, increasing lot coverage from 17.9% to 22.9% (20% permitted).

DECISION

This matter was heard at a meeting of the Newport Zoning Board of Review on August 21, 2023.

1. The lot contains approximately 13,325 sq. ft. of land and is a conforming lot of record in the R-10A zone.
2. The use of the property is that of a single-family dwelling, containing an accessory "pool house" structure in the rear.
3. Petitioner seeks permission to , increasing the lot coverage to 22.9%, where 20% is the limit.
4. There was no opposition to the proposal.

The applicant appeared on behalf of the application. Board Member Grimes asked for clarification regarding the scope of the project, specifically whether this also included a proposed second floor. The applicant responded in the positive. Mr. Grimes asked staff for clarification whether the second floor triggered any additional permits. Zoning Officer Armour answered that it did not, as the second-floor addition was over the existing footprint of the house, which met setbacks, and that only the increase in lot coverage triggered the variance. Board Member Riley asked for clarification on the size of the pool, and Mrs. Healy pointed to the dimensions provided on the project plans as being accurate. Lastly, Board Member Johnson asked for clarification regarding whether the pool house shown on the plans already existed on the site. Mrs. Healy answered that it did. No further questions were asked.

Upon a motion duly made and seconded, the Board:

1. Adopted as its findings of fact the foregoing and other information in the application, exhibits, and Staff report, together with the testimony of the witness and the findings spread on the record by the Board Members; and
2. Found and concluded:
 - a. the applicant/Owner has met their burden of proof on each element of the Newport Zoning Code required for the requested dimensional

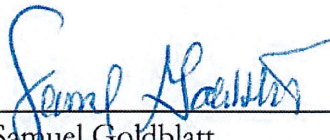
and/or regulatory variance, seeks the least relief necessary and has demonstrated the necessary hardship to warrant granting the petition.

The motion was approved by a vote of 5-0 on these conditions:

- (1) The project be started and substantially completed within twelve (12) months of the date of the recorded decision; and
- (2) All invoices for advertising and notice relating to abutter notices be paid to the City of Newport before recording the decision.

Board members David Riley, Russell Johnson, Samuel Goldblatt, Bart Grimes, and Nicole Shevory voted yes on the motion.

The Petition is therefore granted, having received the concurring votes of a majority of the Board members participating in the decision.



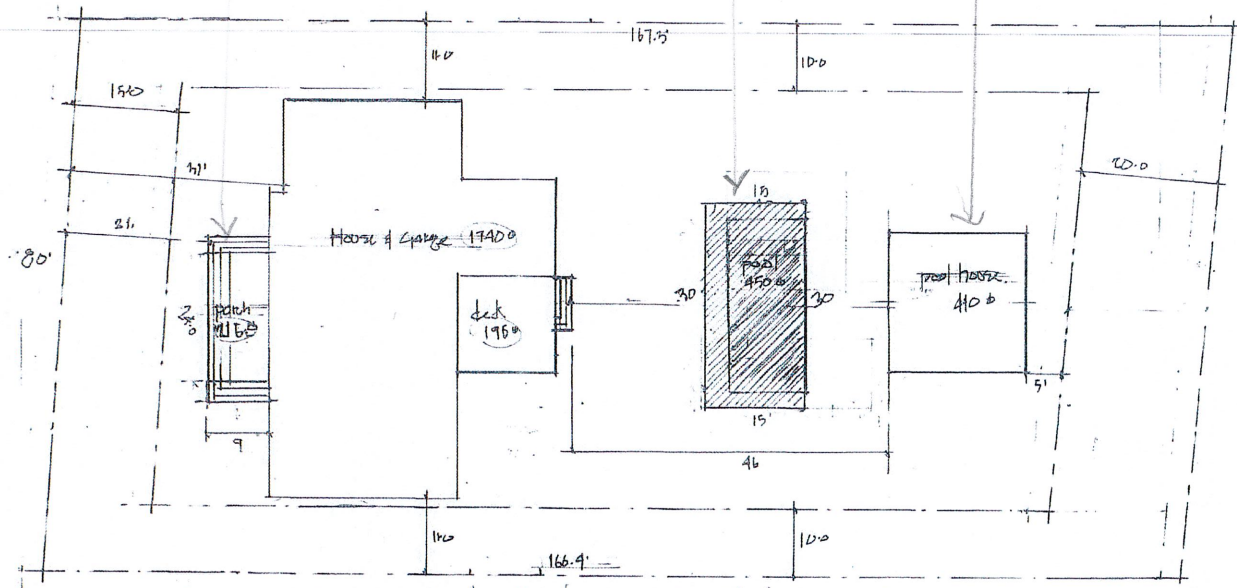
Samuel Goldblatt
Chair, Zoning Board of Review
City of Newport

Dated: 9/12/23_____

LAURA C SWISTAK
CITY OF NEWPORT
CITY CLERK
Sep 13 2023 01:26P
BOOK: 3161 PAGE: 156

108 Kay Blvd

"Proposed Porch" Existing Pool Existing Pool House



Healy Residence 108 Kay Blvd
 Geier Residence 108 Kay Blvd
 R10A (3777EP - 10% max 1610)
 P-20: Plat. II lot 119
 Total lot coverage: house, porch, deck, and pool house... 15,170

REVISIONS	BY



SITE PLAN
 GEIER RESIDENCE
 Newport, RI 108 Kay Blvd

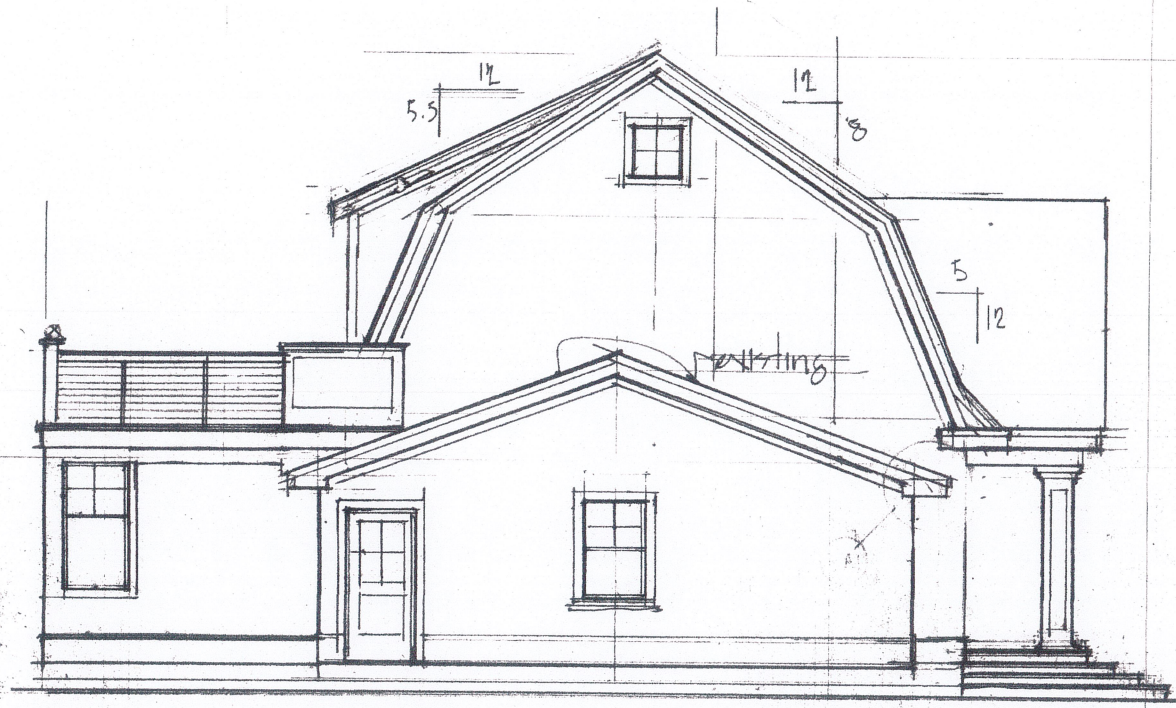
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 May 15 2013
 1/8" = 1'-0"
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 SHEET
 5
 OF SHEETS

REVISIONS	BY



ELEVATIONS
 GRACK RESIDENCE
 NEWPORT, RI

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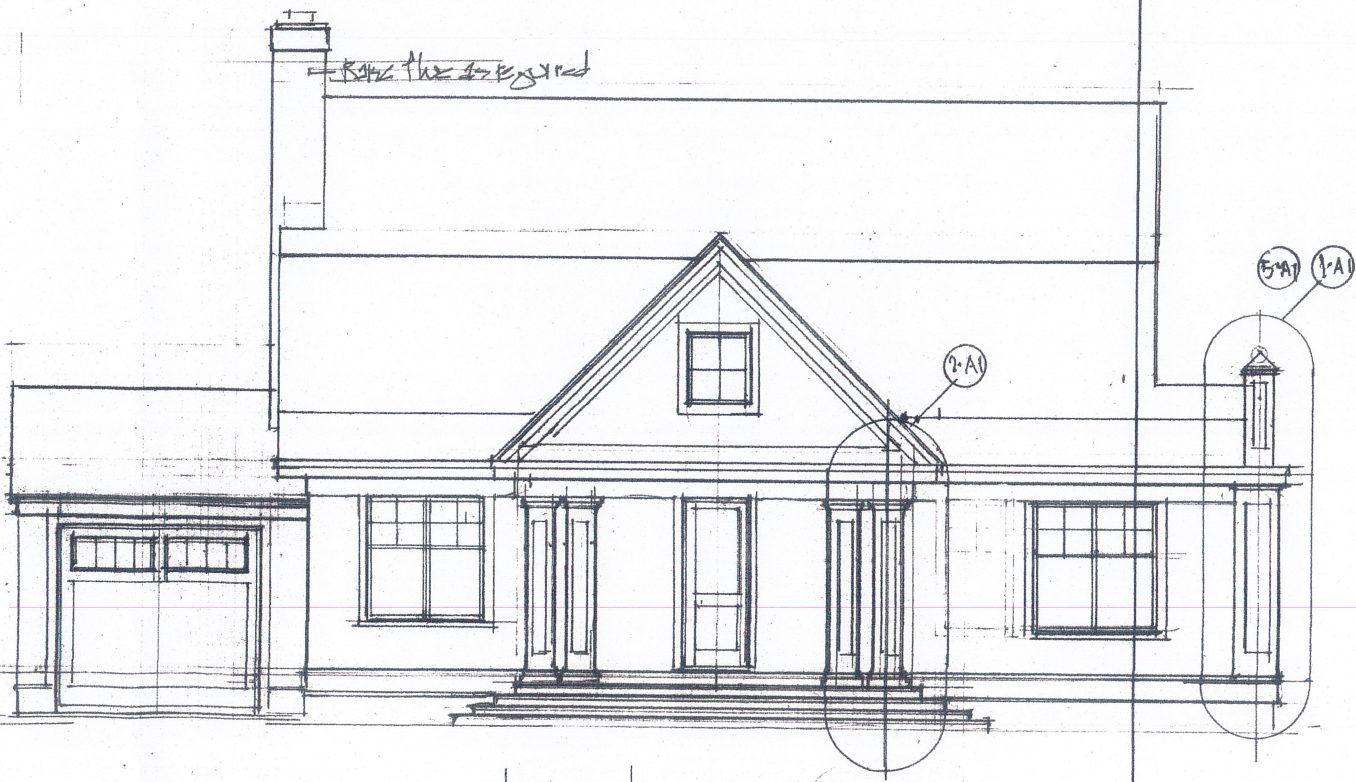
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