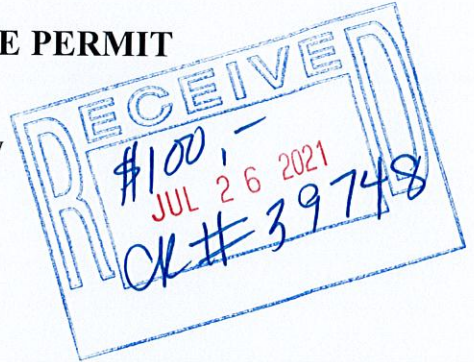


# APPLICATION FOR A SPECIAL USE PERMIT

## CITY OF NEWPORT, RI ZONING BOARD OF REVIEW



DATE: July 26, 2021

Board Members:

The undersigned hereby petitions the Zoning Board of Review for a special use permit 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.: 19 South Baptist Street

Tax Assessor's Plat: 32 Lot: 186

### Petitioner's Information

<b>Applicant:</b>	John R. McCarthy	<b>Addresses:</b>	c/o J. Russell Jackson Miller Scott Holbrook & Jackson 122 Touro Street Newport, RI 02840
<b>Owner:</b>	John R. McCarthy		Same
<b>Leasee:</b>	N/A		N/A

### Property Characteristics

**Dimensions of Lot:** Frontage: 38 ft. +/- Depth: 90 ft. +/- Area: 3,484 +/- sq. ft.

**Zoning District in which premises is located:** R-10

**How long have you owned above premises?** 19 Years

**Are there buildings on the premises at present?** Yes

**Total square footage of the footprint of existing buildings:** 1,116.5 sq. ft. +/- (32%)

**Total square footage of the footprint of proposed buildings:** 1,116.5 sq. ft. +/- (32% No Change)

**Present use of premises:** Two family residential

**Proposed use of premises:** Two family residential & Guest House



**Proposed Use of Premises:** The Applicant proposes to continue the two family use of the premises, but requests the additional flexibility of renting the first floor unit on a short term basis, which requires a Special Use Permit as a Guest House. The Applicant will continue to reside in the second floor unit.

**Give extent of proposed alterations:** The Applicant does not require, nor propose any alterations or modifications to the building.

### Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft)	3,484 +/-	10,000	3,484 +/- (No Change)
Lot Coverage	32 %	20 %	32 % (No Change)
Dwelling Units	2	2	2 (No Change)
Parking (# of spaces)	4	4	4 (No Change)
Front Setback (ft.)	0 ft.	15 ft.	0 ft. (No Change)
Side Setbacks (ft.)	East = 0 ft. West = 12 ft.	East = 10 ft. West = 10 ft.	East = 0 ft. West = 12 ft. (No Change)
Rear Setback (ft.)	40 ft.	20 ft.	40 ft. (No Change)
Height (ft.)	Less than 30 Ft.	30 ft.	Less than 30 ft. (No Change)

### Project Summary:

The Applicants seek relief under:

Section 17.108.020 (Special Use Permits)

The Applicant/Owner seeks relief under Section 17.108.020 (Special Use Permits), of the Zoning Code for permission to operate his existing two family residential property as a "Guest House." The Applicant/Owner will be occupying the second floor two bedroom dwelling unit as his primary residence. The first floor two bedroom dwelling unit has historically been rented out to tenants on a long term basis. The Applicant/Owner seeks permission to rent out the first floor dwelling unit to guests on a daily or weekly basis which requires zoning relief to operate as a Guest House.



This property currently has sufficient on-site parking for the two dwelling units. The property is in the "Yachting Village" and is close in proximity to the Limited Business District along lower Thames Street. The plan proposed by the Applicant to use the property as a Guest House will not be injurious to, or inconsistent with this area of the Yachting Village, the surrounding neighborhood or the purpose and intent of the R-10 Zone.

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

The Applicant states that the Application is consistent with many provisions of the Comprehensive Land Use Plan, including, but not limited to the following:

- Goal LU-1: To provide a balanced City consisting of residential, commercial, and employment uses consistent with the character, environmental resources and vision of the community.*
- Policy LU-1.7: The City shall protect the existing character of residential neighborhoods while encouraging local neighborhood business.*
- Goal ED-1: To develop a robust and diverse economy, providing suitable employment opportunities for residents, and a stable tax base.*
- Goal H-1: To preserve and protect existing housing resources in the community.*
- Policy H-1.3: The City shall continue to promote the repair, revitalization or rehabilitation of residential structures and neighborhoods.*
- Goal H-3: To reduce the percentage of seasonally vacant homes and increase neighborhood stability and vitality.*
- Goal T-5: To provide sufficient and suitably located parking, designed to eliminate, mitigate or reduce impacts.*

### **The Zoning Boards 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:

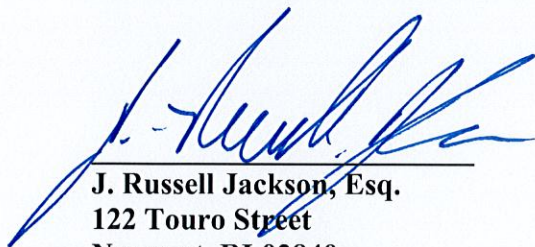
1. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of the structure;
2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;
3. The nature of the surrounding area and the extent to which the proposed use or 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 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 has been met, the board must deny the application.

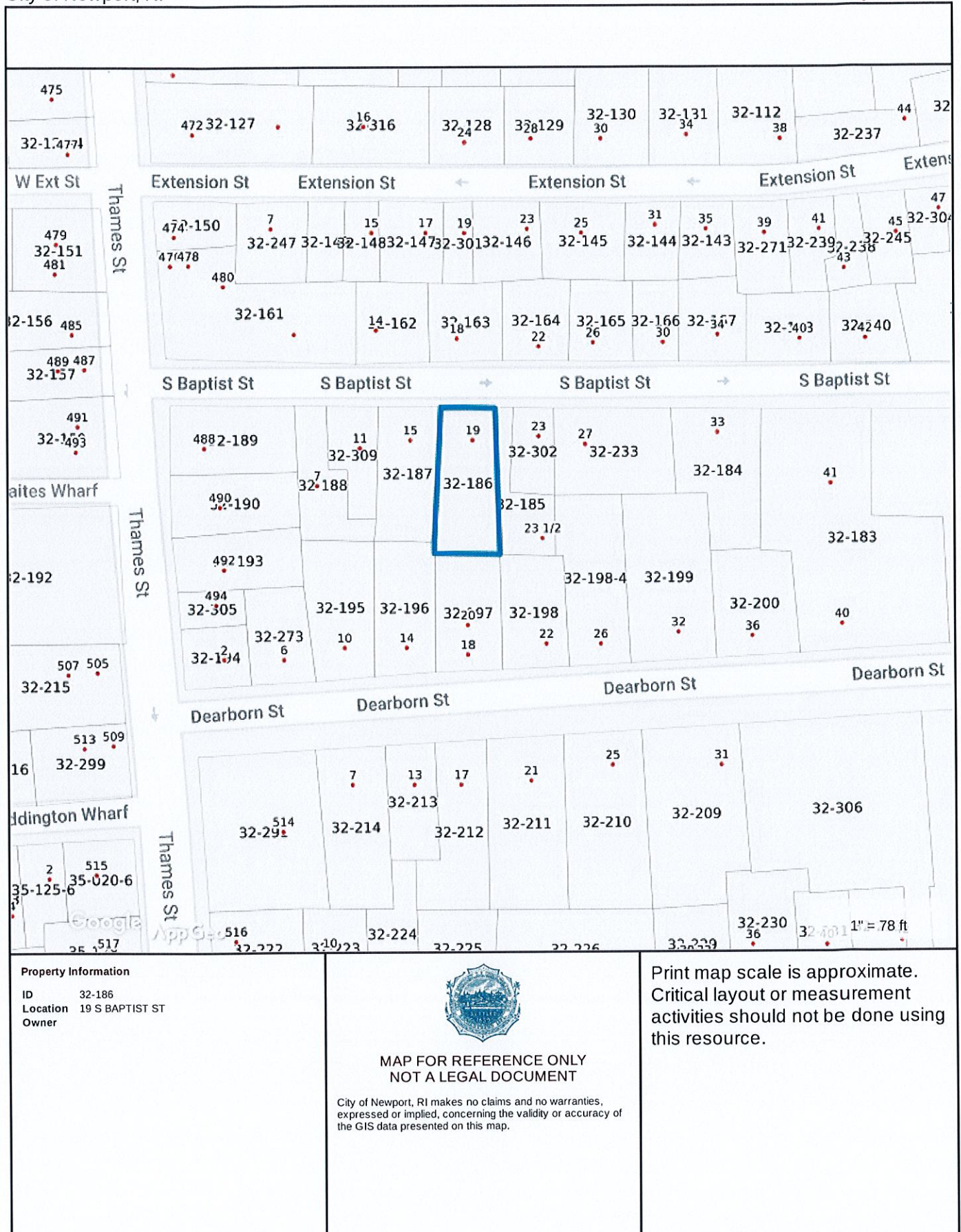
**By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read the section entitled "The Zoning Board's Role".**

**Applicant & Owner,  
By His Attorneys,  
Miller Scott Holbrook & Jackson**

A handwritten signature in blue ink, appearing to read "J. Russell Jackson", is written over a horizontal line.

**J. Russell Jackson, Esq.  
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Newport, RI 02840  
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Fax: 401-848-5854  
[jackson@millerscott.com](mailto:jackson@millerscott.com)**





19 SOUTH BAPTIST STREET

Lot Size: 3484 Sq. Ft.

Total Lot Coverage: 1116.5 Sq. Ft.

