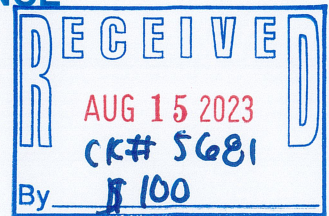


# APPLICATION FOR DIMENSIONAL VARIANCE

CITY OF NEWPORT, RI  
ZONING BOARD OF REVIEW



DATE: July 20, 2023 ZBR

Board members: 2023-Sept-011

The undersigned hereby petitions the Zoning Board of Review for 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: 85 Pope Street

Tax Assessor's Plat 32 Lot 103

## Petitioner Information

Applicant Timothy & Roberta Harrington Address 85 Pope St. Newport, RI 02840

Owner Timothy & Roberta Harrington Address 1487 Downham Market Annapolis, MD 21401

Lessee \_\_\_\_\_ Address \_\_\_\_\_

## Property Characteristics

Dimensions of lot-frontage 42.8 ft. depth 34 ft. area 1370 sq. ft.

Zoning District in which premises is located R10

How long have you owned above premises? June 2013

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings 716

Total square footage of the footprint of proposed buildings 716

Present use of premises Second home

Proposed use of premises Second home with air conditioning



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

Give extent of proposed alterations requesting authorization to install  
air conditioning splits which would require installation  
of an outdoor condenser(s).

#### Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	1370 sq. ft.	10,000 sq. ft.	1370 sq. ft.
Lot Coverage (%)	52%	20%	52%
Dwelling Units	1	1	1
Parking (# of spaces)	2	2	2
Front Setback	0' / 1'	15'	0' / 0'
Side Setbacks	11'	10'	11'
Rear Setback	N/A	20'	N/A
Height	30'	30'	30

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?

This property has two fronts - Pope Street and East Street,  
without any setbacks. The electrical supply for the  
property is on the East Street side. The contractor  
said that the condensers should be placed on the  
East Street side of the property near the electrical  
supply or on the roof on the same side. This also  
keeps the condensers the furthest away from the  
neighbor's properties.



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?

The applicant is not able to fully enjoy the property without the benefit of air conditioning, which many homeowners in Newport enjoy. The proposed unit is highly efficient and provides allergen filtration and room by room control.

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

Per the contractor, there is no other reasonable placement for the condensers given the location of the electrical supply and the electrical panel and the location of the rooms being serviced by the units.

#### The Zoning Boards Role

In granting a variance, the zoning board of review shall **require** that evidence of the following standards be entered into the record of the proceedings:

- a. That the reasons set forth in the application justify the granting of the variance and that the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;
- b. That the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will not impair the intent or purpose of the zoning code or the comprehensive plan upon which this zoning code is based;
- c. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general 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".

Timothy Harrington  
Applicant's Signature  
(410) 971-1555  
Telephone Number

Timothy Harrington  
Owner's Signature  
(667) 204-8985  
Telephone Number

Email address harrington8590@gmail.com

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







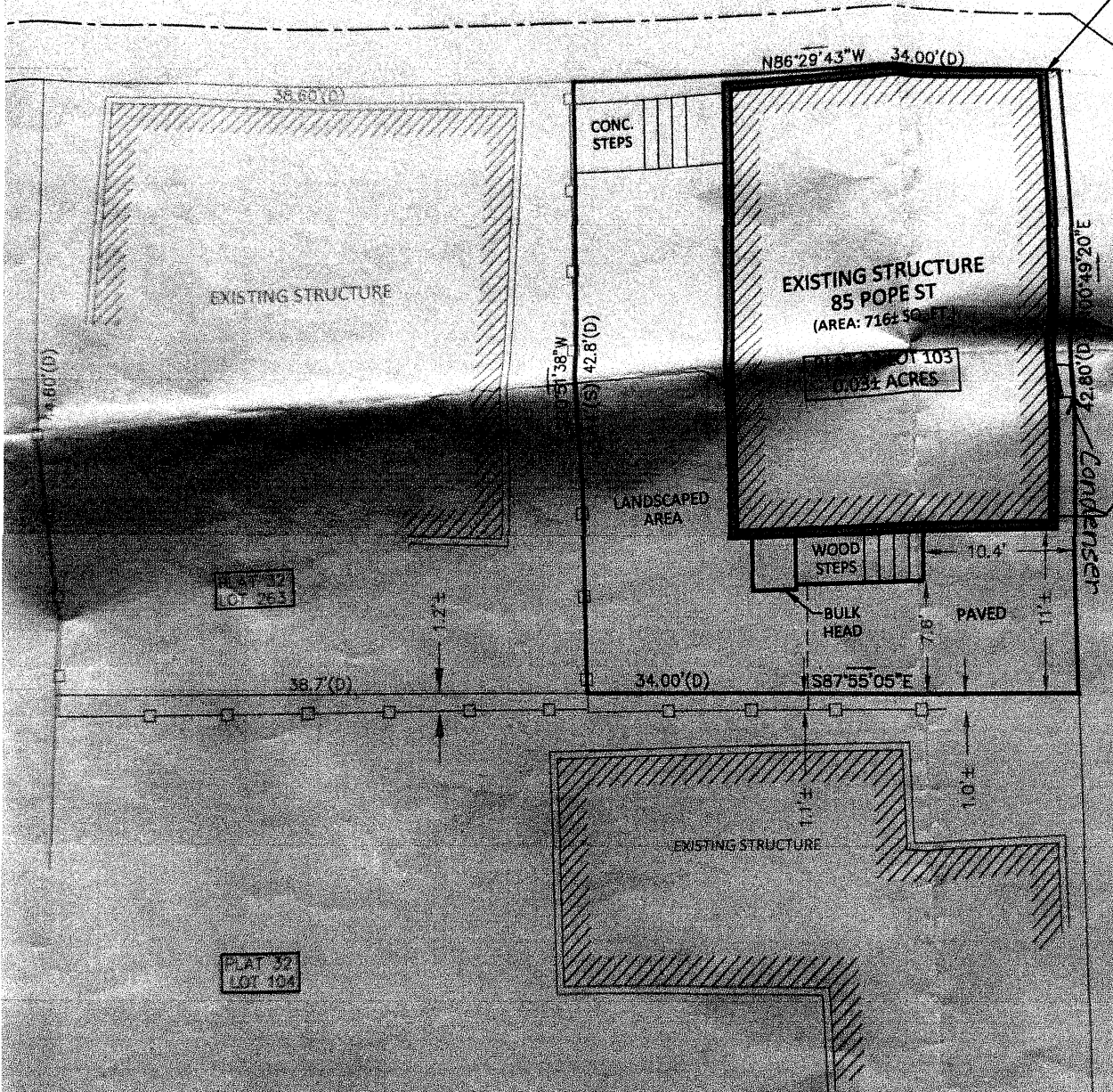
# POPE STREET

(PUBLIC RIGHT OF WAY, VARIABLE WIDTH)

CORNER OF  
BUILDING HELD

(PUBLIC RIGHT OF WAY, VARIABLE WIDTH)

# EAST STREET





85 Pope Street



E  
A  
S  
T  
  
S  
T  
R  
E  
E  
T

Electrical Supply

Pope Street



## 85 Pope Street













