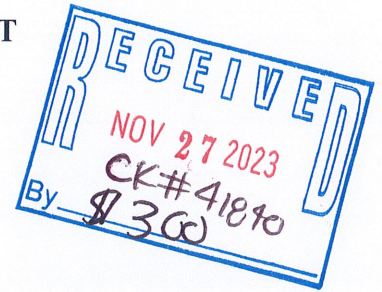


**APPLICATION FOR SPECIAL USE PERMIT  
CITY OF NEWPORT, RI  
ZONING BOARD OF REVIEW**



**Date:** November 20, 2023

**Board Members:**

2024-JAN-003

**The undersigned hereby petition the Zoning Board of Review for a Special Use Permit and 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.:** 7 Hope Street

**Tax Assessor's Plat** 11 Lot 162

**Petitioner Information**

<b>Applicant:</b>	Laura & Wayne Glazier, Trustees	<b>Address:</b> c/o Tanner L. Jackson
<b>Owner:</b>	Laura Glazier 1998 Family Trust	<b>Address:</b> c/o Tanner L. Jackson
<b>Lessee:</b>	N/A	<b>Address:</b> N/A

**Property Characteristics**

**Dimensions of Lot:** area: 14,275 sq. ft.

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

**How long have you owned the above premises:** August 28, 2023

**Are there any buildings on the premises at present:** Yes – multi-family home

**Total square footage of the footprint of existing buildings:** 2,185 sq. ft.

**Total square footage of the footprint of proposed buildings:** 2,185 sq. ft.

**Present use of premises:** Multi-family residential dwelling

**Proposed use of premises:** Multi-family residential dwelling

**Give extent of proposed alterations:** Renovate existing barn accessory structure that lies within accessory setbacks. Applicant proposes window alterations along eastern and western elevations, as well as installing roof skylights. Chimney to be removed. No alteration of lot coverage.

### Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
<b>Lot Size (sq. ft.)</b>	14,275	10,000	No Change
<b>Lot Coverage (%)</b>	15.3% (2,185 sq. ft.)	20%	No Change
<b>Dwelling Units</b>	3	3	No Change
<b>Parking</b>	3	6	No Change
<b>Front Setback</b>	<15'	15'	No Change
<b>Side Setbacks</b>	<10'	10'	No Change
<b>Rear Setback</b>	>20'	20'	No Change
<b>Accessory Setbacks</b>	<u>Southwest</u> Inches <u>Southeast</u> Inches	10'	No Change
<b>Height</b>	<30'	<30'	No Change

**What Special Conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district?**

The Subject Property is uniquely situated because the neighborhood's 20<sup>th</sup> century subdivision has created lot lines that render the accessory structure dimensionally nonconforming with modern zoning standards. Indeed, the lot's unique shape creates constrictive accessory setbacks as compared to similar houses on standard lots in the same neighborhood. To further restrict the Applicants, the accessory structure's pre-existing placement invades the accessory setbacks, meaning that the accessory structure cannot be renovated, improved, or modernized without necessitating a Special Use Permit for altering a nonconformity.

While the lot's size is above standard, being several thousand feet above the zone's minimum, the lot's unique configuration and the accessory structure's size prevent relocation. These unique circumstances result in a lot with restrictive pre-existing conditions that prevent by-right renovations. The conditions unique to this property greatly restrict the Applicants' ability to modernize the accessory structure.

In sum, the pre-existing accessory structure alone lies within the accessory setbacks, due to the lot size, configuration, and historical development, thus precluding *any* improvements to the barn, no matter how reasonable, without necessitating a Special Use Permit.

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

Land Use – 1.4  
Land Use – 1.7  
Housing – 1.3  
Housing – 1.4

**Provisions or regulations of Zoning Ordinance applicable:**

Section 17.100.080 – Accessory Uses

Section 17.100.080(B) – Accessory Use Setbacks

Section 17.72.030(C) – Alteration to non-conforming development

Section 17-108 – Variances & Special Use Permit

**Explain how a 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 multi-family home and accessory structures exist on a uniquely shaped lot that creates setback requirements that are more onerous at the Subject Property than neighboring properties. The accessory structure has long been situated closer than 10' to the rear property lines, thereby completely eliminating the Applicant's ability to renovate or modernize the accessory structure's exterior without necessitating zoning relief.

Strict enforcement would deprive the Applicants of the ability to modernize the accessory structure, in this case chimney removal and a modest increase of windows. The proposed work will respect the zoning ordinance requirements in all areas, except for the accessory setback, which, as mentioned, is unavoidable given the lot's unique configuration and the structure's pre-existing historical placement.

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

The proposed addition is conscientiously limited in an effort to seek the minimum relief necessary for the reasonable use of the multi-family dwelling. Special conditions exist, namely the lot configuration and the accessory structure's pre-existing location, that are particular to the Subject Property, and a literal interpretation of the provisions would deprive the owner of rights commonly enjoyed by other owners in the same district. The applicant requests the minimum relief necessary for the reasonable use of the property because it is not possible to renovate the accessory structure without requiring a Special Use Permit, and the Applicant has intentionally limited the renovations to not increase dimensional nonconformity. The proposed variance is reasonable because it will provide the Applicants with additional storage space to support the multi-family home while maintaining the accessory structure's historical placement.

This request will permit the owner/applicant to obtain additional and reasonable use of the residence, which will be in line with the historical nature of the home and neighborhood, and will **not** be injurious to neighbors. The existing residential use is in need of modernization and renovation to support a reasonable, continued residential use of the property. The proposed work is a reasonable use of the property because it will revitalize existing resources and, at the same time, provide functional accessory support for modern living. The Applicant proposes a thoughtful addition to ensure that the proposed improvement will both enhance and contribute to the residence, without posing injury to the neighborhood as a whole. The proposed work will not impair the zoning code or alter the general character of the surrounding neighborhood because

the property will continue to be used as a long term multi-family home. The Application is in accord with the public convenience and welfare and meets or exceeds all of the conditions required in Section 17.108.10.

### **The Zoning Board's 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.

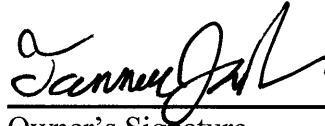
In granting a variance, the zoning board of review shall require that evidence of the following standards be entered into the record of the proceedings:

- 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”.**

A handwritten signature in cursive script, appearing to read "Tanner L. Jackson", written over a horizontal line.

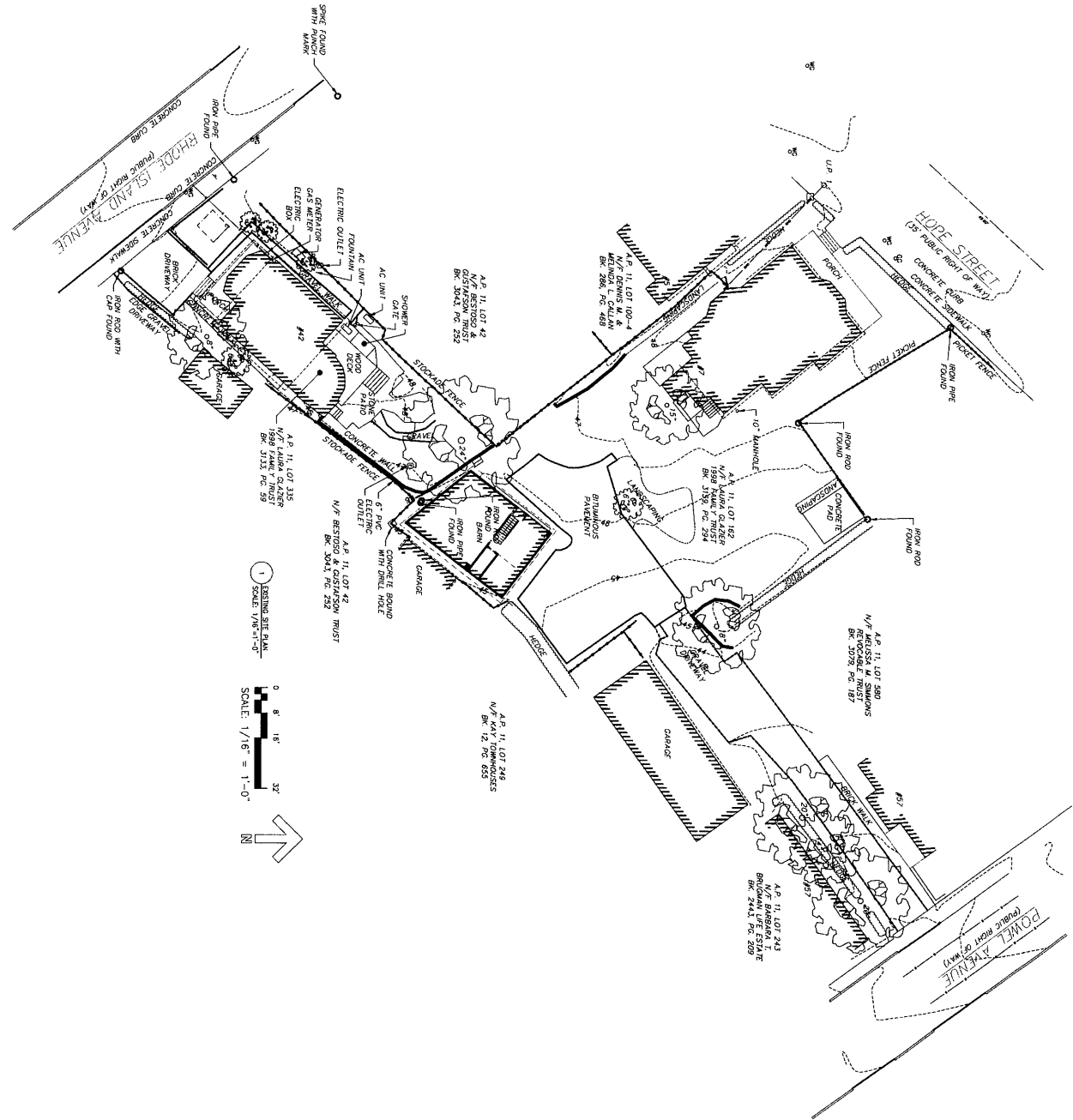
Applicant's Signature  
c/o Tanner L. Jackson 401-847-7500

A handwritten signature in cursive script, appearing to read "Tanner L. Jackson", written over a horizontal line.

Owner's Signature  
c/o Tanner L. Jackson 401-847-7500

# **EXHIBIT A**

**Existing Site Plan**



EX-S

PHASE: EXISTING CONDITIONS  
STATUS: 100K  
ISSUE DATE: 10/31/2023  
PROJECT NO.: 2318  
DESCRIPTION:

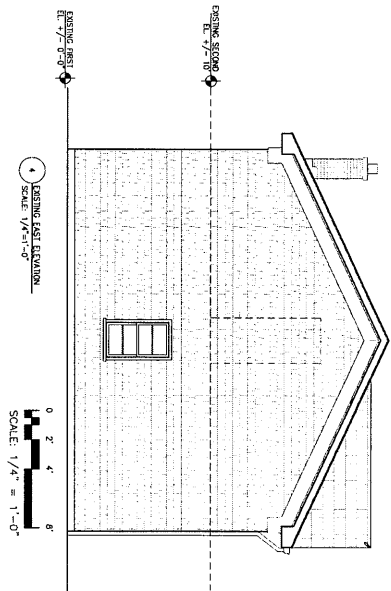
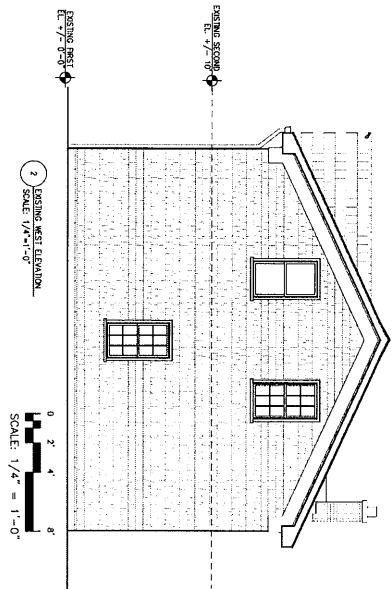
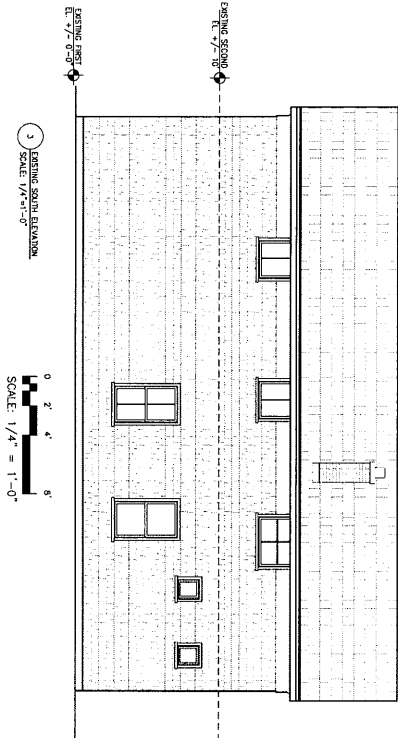
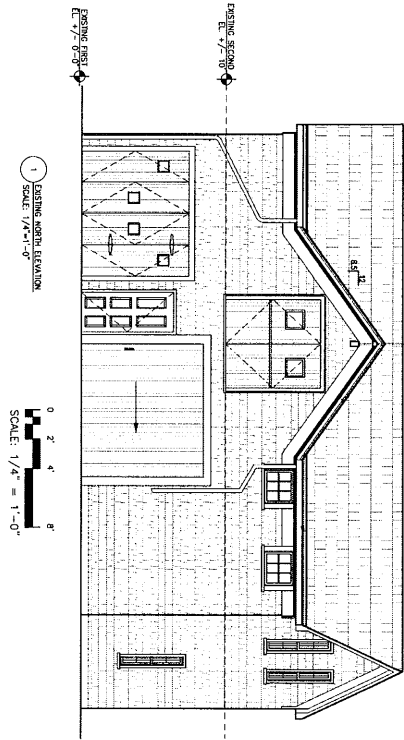
7 HOPE STREET BARN  
NEWPORT, RHODE ISLAND

NewPort Architecture, LLC  
P.O. BOX 1142, 38 LEDGE ROAD  
NEWPORT, RI 02840  
401.846.0776

# **EXHIBIT B**

**Existing Elevations**



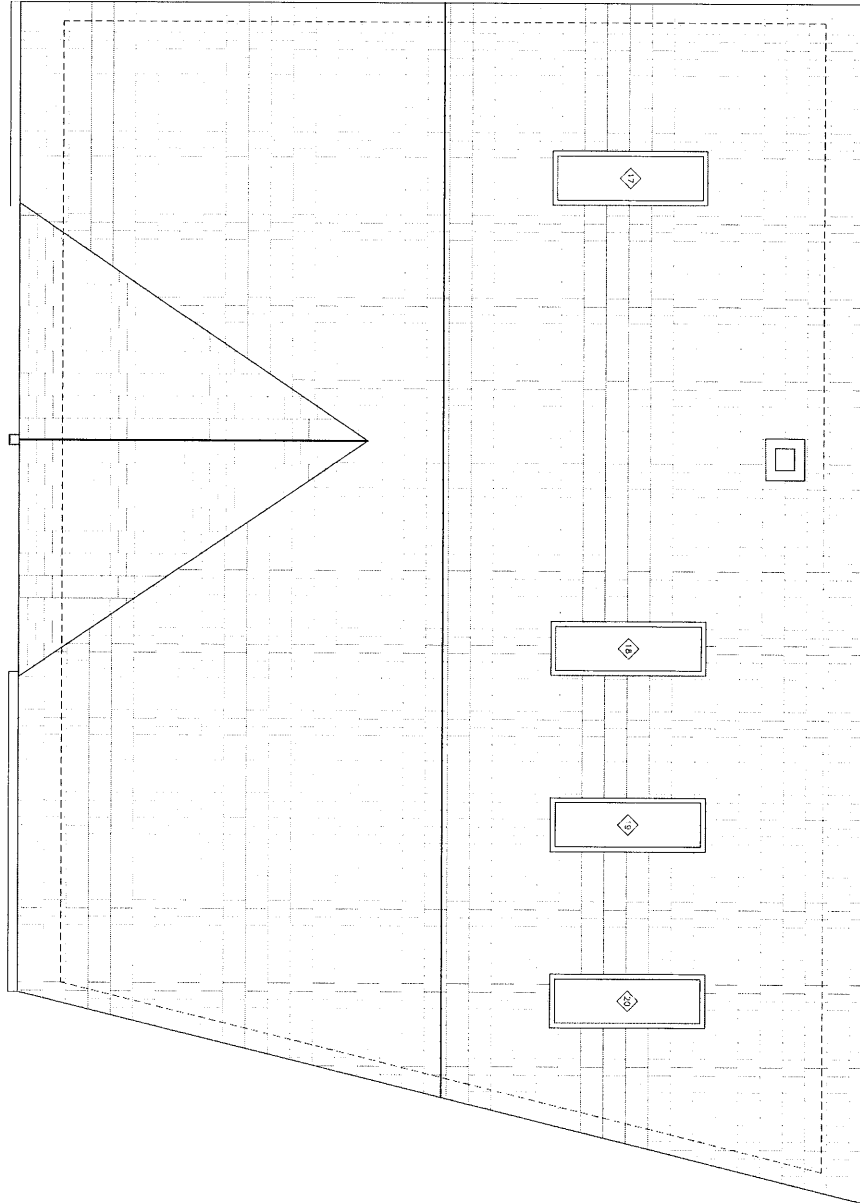


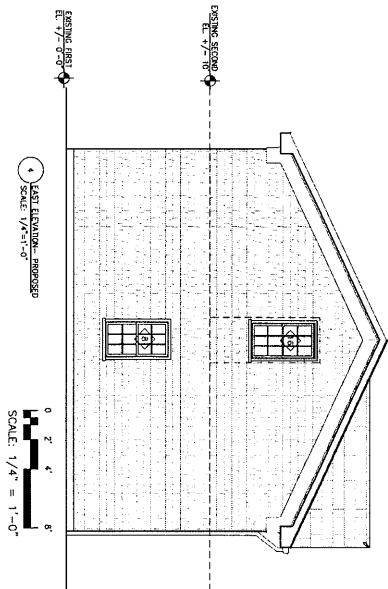
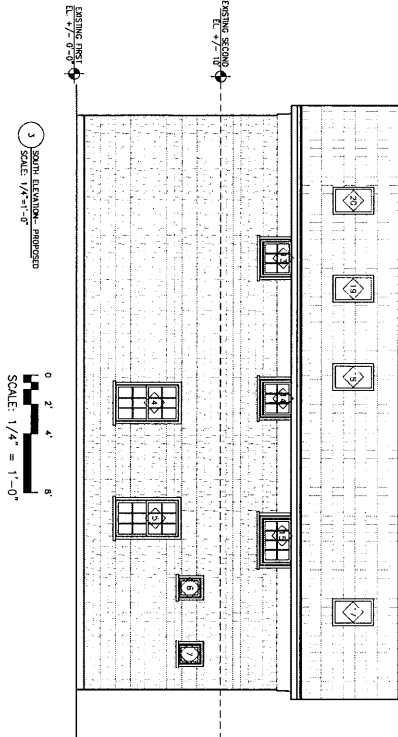
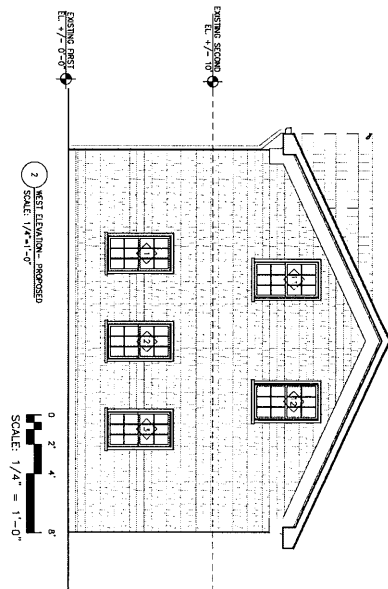
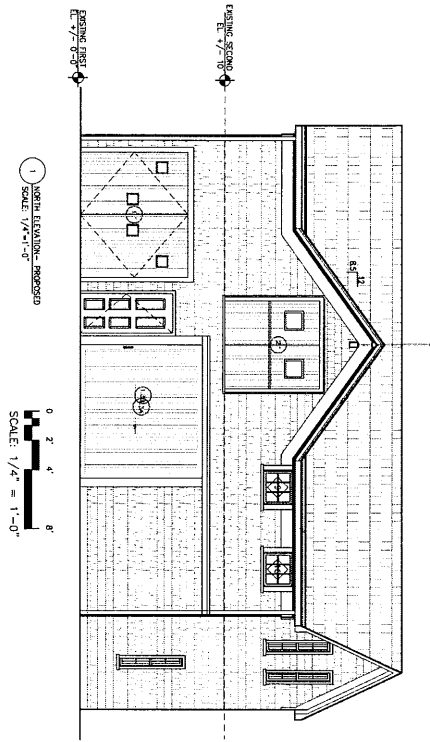
# **EXHIBIT C**

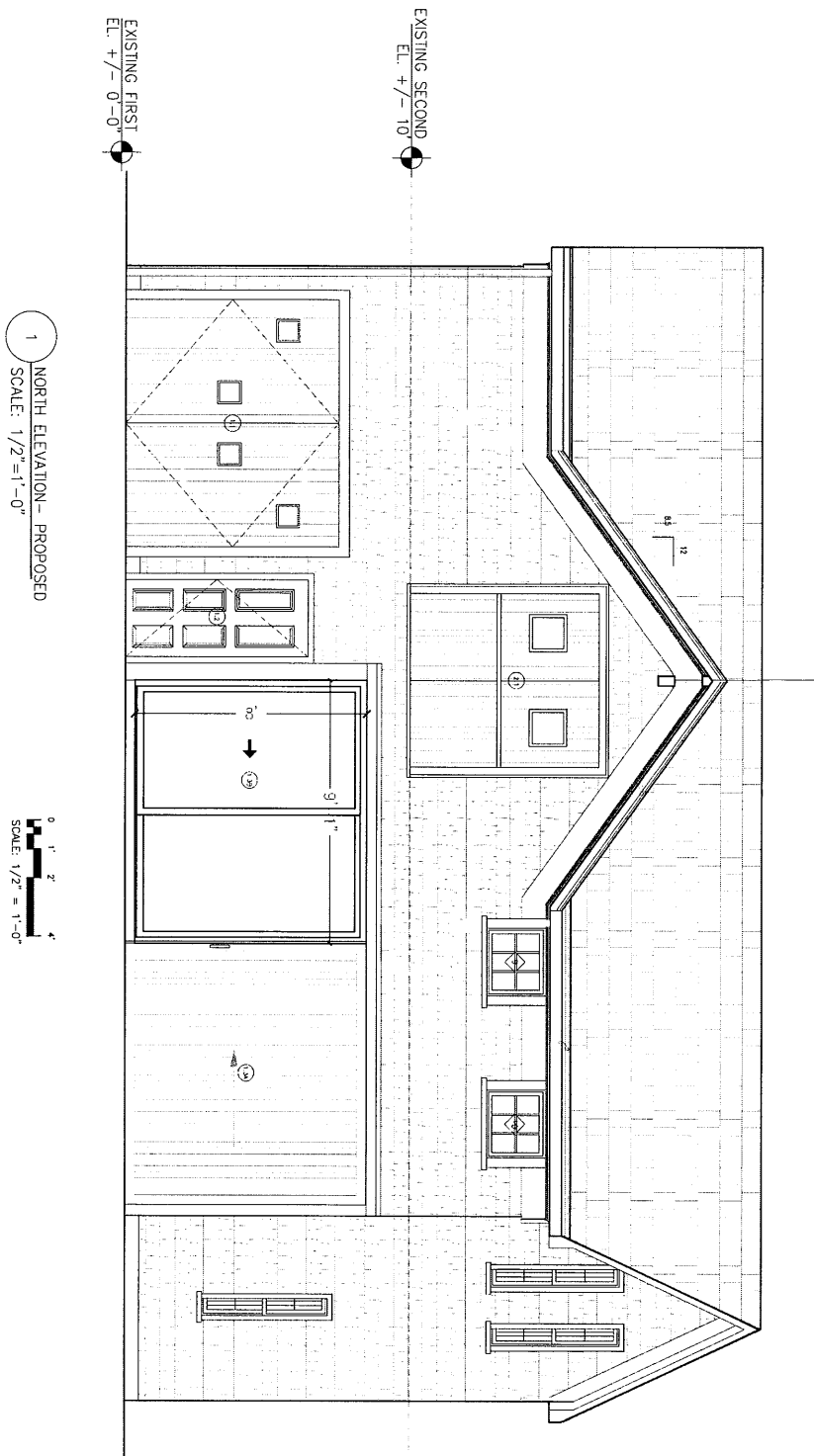
## **Proposed Elevations**

3 ROOF PLAN - PROPOSED  
 SCALE: 1/4" = 1'-0"

0 2' 4' 8'  
 SCALE: 1/4" = 1'-0"







# **EXHIBIT D**

**Photos of Existing Conditions**



**EXTERIOR NORTH ELEVATION**



**EXTERIOR NORTH ELEVATION**



**EXTERIOR EAST ELEVATION**