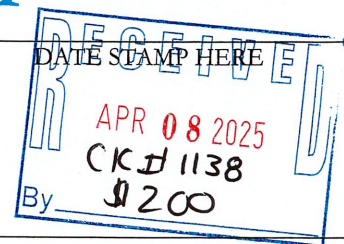




Newport Zoning Application

ZBR 2025 - MAY - 011

(This box for staff use only)



Date: 4/5/25

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: 8 6 1/2 Goss St

Tax Assessor's Plat: 17 Lot: 031-4 Zoning District: R-10

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

Property Owner: Stephanie Shuler

Mailing Address: 1163 Hms Stayer Dr, Kingham, MA 02043

Email Address: stephanie.shuler@hotmail.com & stephanieashuler@icloud.com

Phone Number: 303-517-3610

How long have you been the owner of the above premise? 1yr 9 months

Legally Authorized Representative *if applicable: _____

Mailing Address: _____

Email Address: _____ Phone Number: _____

Lessee: _____

Mailing Address: _____

Email Address: _____ Phone Number: _____



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Property Characteristics

Dimensions of lot-frontage: 48' x 82' ft. Lot Area: 3724 sq. ft.

Are there buildings on the premises at present? yes

Total square footage of the footprint of existing buildings: 2553 sq. ft.

Total square footage of the footprint of proposed buildings: 2553 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	3724		3724
Coverage Area (sq. ft)	2553		2553
Lot Coverage (%)	32.6%		32.6%
Dwelling Units	3		3
Parking (# of spaces)	0		3
Front Setback (ft.)	15	5.59	15
Side Setbacks (ft.)	10	3.72	10
Rear Setback (ft.)	20	7.45	20
Height (ft.)	30	30	30



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

Present use of Premise: Empty landscaping space in rear of property

Proposed use of Premise: 3 parking spaces with landscaping

Summary of Proposed Alterations

We would like to add three parking spaces in the rear of 6 1/2 Cross St. Our excavation crew has prepared this space with gravel and will be removing an unused outdoor firepit, while modifying existing vinyl fencing (curve rather than 90° angle).



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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)

We believe the dimensions of this space are suitable for the approval of these parking spaces (reference A-1 Stone & Masonry curb cut application). We would need a narrower curb cut than the required 24' as this is a one-way street, we would have room for two-way traffic on the driveway and there is only ~11' between the buildings. This is a smaller multi-family property, with parking spots getting assigned to only 2 of the 3 structures on the property, and 2 of the 3 units. We seek relief to obtain permitted use of these parking spots as we believe an exception to 24' standard is warranted. Thank you. (Cross St and side streets are so congested that residents have difficulty parking, even in the off season, especially when residents utilize guest parking passes - we seek relief for our neighborhood and residents)



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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.

Applicant Signature

Date

Owner Signature

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.

Address
8 & 6 1/2 Cross Street
Zone
R-10

Lot Area: 3724
Min. Lot Area 10000

Calculating % Deficient

$$\frac{3724}{10000} = 0.3724 \text{ (M.L.S. \%)} = 37.2\% \text{ (M.L.S. \%)} = 62.8\% \text{ (\% Deficient)}$$

100%

Setbacks

Front	15	X	37.24%	=	5.59
	(Req. FYSB)		(M.L.S. %)		(New FYSB)
Side	10	X	37.2%	=	3.72
	(Req. FYSB)		(M.L.S. %)		(New FYSB)
Rear	20	X	37.2%	=	7.45
	(Req. FYSB)		(M.L.S. %)		(New FYSB)

Modification Numbers

Lot Coverage	Basic	20%	Proportioned	5% Mod.	15% Mod.
Height		30	32.55%	34.180%	37.43%
Setbacks	F	15	5.59	5.3067	4.7481
	S	10	3.72	3.5378	3.17
	R	20	7.45	7.08	6.33

Lot Coverage

$$\frac{20\%}{(Permitted L.C.)} + \left(\frac{63\%}{(\% Deficient)} \times \frac{20\%}{(Permitted L.C.)} \right) = \frac{32.6\%}{(New Lot Cov.)}$$

anything taking
up space on property

Legend

L.S.	Actual Lot Size of Subject Property
M.L.S.	Minimum Lot Size for the District
M.L.S. %	% of the Minimum Lot Size
% Deficient	Deficiency of the Lot Size to the Minimum Required Lot Size
FYSB	Front Yard Setback (in feet)
SYSB	Side Yard Setback (in feet)
RYSB	Rear Yard Setback (in feet)
Permitted L.C.	Permitted Lot Coverage in the District

NOTE: This ONLY applies to properties that have a lot size smaller than the minimum lot area required by the zoning district. Properties that exceed the minimum lot size follow the standards requirements

← new setbacks
no the setbacks
need the setbacks
reference in City permit

Crushed
stone

3'

20'

Brick

#8

#6 1/2

door

11' FT

Brick

11' FT

House
door

Cross ST.