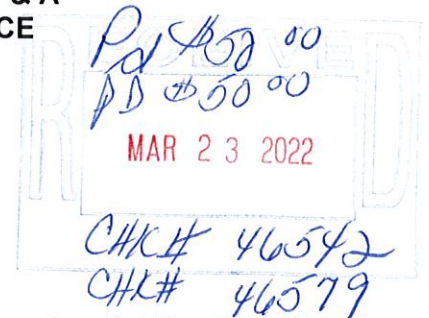


APPLICATION FOR SPECIAL USE PERMIT & A
REGULATORY (DIMENSIONAL) VARIANCE
CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW



DATE: March 21, 2022

ZON AIRLY

Board Members:

The undersigned hereby petition the Zoning Board of Review for a Special Use Permit and 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.: 65-67 Bridge Street & 13 Second Street

Tax Assessor's Plat 16 Lot 58 & 247

Petitioner Information:

Applicant (Lot 58): Jack R. and Katharine Zins Address: 65-67 Bridge Street
Newport, RI 02840

Owner: Same Address: Same

Lessee: N/A Address: N/A

Applicant (Lot 247): James A. Cross & Rachel D. Cross. Address: 13 Second Street
Newport, RI 02840

Owner: Same Address: Same

Lessee: N/A Address: N/A

Property Characteristics:

Dimensions of Lot: Frontage: 117.5'; Depth: 100.9'; Area: 8,435 SF ±

Zoning District in which premises is located: R-10

How long have you owned above premises? 1 year and 4 years

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing/approved buildings: 2,674 SF

Total square footage of the footprint of proposed buildings: No proposed changes

Present use of premises: Single Family Dwelling

Proposed use of premises: Single Family Dwelling

**All of the following information and questions must be filled in and answered completely:
Give extent of proposed alterations:**

Applicants seek a dimensional variance to allow an administrative subdivision whereby 120 square feet of land will be conveyed from Lot 58 to Lot 247 on TA's Plat 16, resulting in Lot 58 having the following dimensions that necessitate relief: a land area of 8,236 square feet (10,000 square feet required); lot coverage of 33.1% (20% required); a north setback, as measured from the existing single-family structure, of 9 feet (20 feet required); and a north setback, as measured from the existing shed, of .2 feet (20 feet required); and an east setback, as measured from the existing shed, of .3 feet (10 feet required). The purpose of the administrative subdivision is to resolve a longstanding encroachment and to conform the lots to the historic occupation on the ground.

Zoning Characteristics Matrix

	Existing/Approved	Required/Allowed	Proposed
Lot Size (sq. ft.)	8, 435 SF	10,000 SF	8,236 SF
Lot Coverage (%)	32.28%	20%	31.1%
Dwelling Units	1	1	No Change
Parking	2	2	No Change
North Setback (House)	10'	20'	9'
North Setback (Shed)	3.2'	10'	.2'
East Setback (Shed)	21.5'	20'	.3'

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

LU - 1.4 & LU - 1.7.

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?

Both lots are occupied by single family homes. A recent survey revealed a longstanding encroachment of Lot 247 onto Lot 58. In order to resolve the encroachment and to conform the lots to the historic occupation on the ground, the parties have agreed to convey 120 SF of land from Lot 58 to Lot 247, via an administrative subdivision.

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?

Denial of the requested dimensional variance would prevent the parties from resolving the title issues created by the longstanding encroachment.

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

This is essentially a paper transaction. The proposed administrative subdivision reflects the historic occupation on the ground. No other changes will take place.

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:

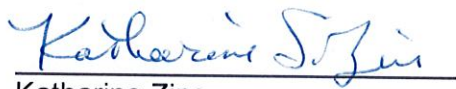
1. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of the structure;
2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;
3. The nature of the surrounding area and the extent to which the proposed use or 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/variance 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/variance 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".



Jack R. Zins



Katharine Zins

James A. Cross and Rachel D. Cross
By Their Attorneys,



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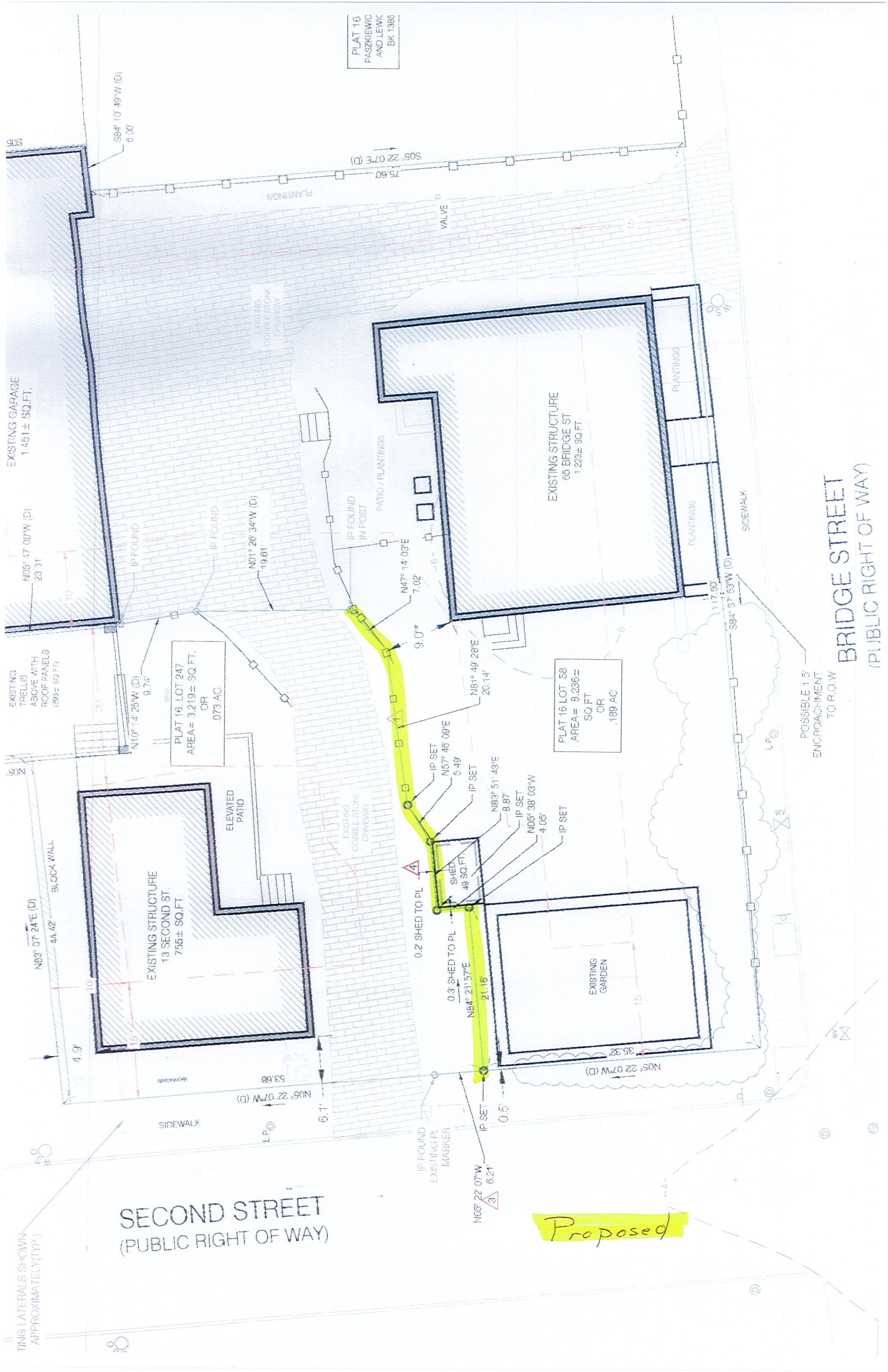
TING LATERALS SHOWN
APPROXIMATELY(TYP)

SECOND STREET
(PUBLIC RIGHT OF WAY)

PLAT 16
PASZKIEWICZ
AND LEWIS
BK 1385

Proposed

BRIDGE STREET
(PUBLIC RIGHT OF WAY)



S84° 10' 42"W (D)
6.00'

PLAT 16 LOT 57
PASZKIEWICZ ELZBIETA
AND LEWICKI PAWEŁ
BK 1365, PG 34



SECOND STREET

Existing

BRIDGE STREET
(PUBLIC RIGHT OF WAY)

POSSIBLE 1.5' ENCROACHMENT TO ROW

PLAT 16 LOT 58
AREA = 8,435 ±
SQ. FT.
OR
.194 AC.

PLAT 16, LOT 247
AREA = 3,020 ± SQ. FT.
OR
0.069 AC.

EXISTING STRUCTURE
65 BRIDGE ST
1,223 ± SQ. FT.

EXISTING STRUCTURE
13 SECOND ST
755 ± SQ. FT.

SHED
49 SQ. FT.

EXISTING
GARDEN

ELEVATED
PATIO

PLANTINGS

PATIO / PLANTINGS

PLANTINGS

PLANTINGS

SIDEWALK

SAN

GAS

WV

WV

SAN

GAS

GAS

GAS

GAS

GAS

GAS

GAS

GAS

N05° 22' 07"W (D)
53.68'

LP

IP FOUND
EXISTING PL
MARKER

N05° 22' 07"W
6.21'

N05° 22' 07"W (D)

58.8'

S84° 37' 53"W (D)
117.50'

LP

WV

POSSIBLE 1.5' ENCROACHMENT TO ROW

SAN

GAS

GAS

GAS

GAS

GAS

GAS

GAS

GAS

GAS

GAS

GAS

GAS

GAS

GAS

GAS

GAS

GAS

GAS

143.65' (S) TO DIH FOUND

S05° 22' 07"E (D)
75.60'

VALVE

58.9'

PROPERTY LINE IS
EAST SIDE OF FENCE

IP FOUND

IP FOUND

N01° 26' 34"W (D)
19.61'

IP FOUND
IN POST

S55° 31' 36"W
7.02' / 2

10.0'

6'-

6'-

6'-

6'-

6'-

6'-

6'-

6'-

6'-

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