COMBINED APPLICATION FOR A SPECIAL USE PERMIT & A REGULATORY (DIMENSIONAL) VARIANCE

CITY OF NEWPORT, RI ZONING BOARD OF REVIEW

Board members:

APR 2 6 2021

The undersigned hereby petitions the Zoning Board of Review for a special use permit 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:	20 Chartier Circle			
	Tax Assessor's Plat 44 Lot 058 Petitioner Information Address 20 Chartier Circle, Newport, RI			
Petitioner Information				
Applicant Jerry Kirby Address 20 Chartier Circle, Newport, I				
Owner Kathryn Kirby Trust 20 Chartier Circle, Newport, RI				
LesseeAddress				
Property Characteristics				
Dimensions of lot-frontage 147 depth 137 +/- area 19,280 sq. ft.				
Zoning District in which premises is locatedR-40A				
How long have you owned above premises? 35 years				
Are there buildings on the premises at present? yes				
Total square footage of the footprint of existing buildings 2,120 sq. ft.				
Total square footage of the footprint of proposed buildings_3,250				
Present use of premises single family residential				

Proposed use of premises	single family re	d questions must be filled in and answered completely sidential
Give extent of prop		Add three (3) story addition for new master bedroom d second floor deck. The addition will increase lot
coverage from 11%	% to 16% (10% per	mitted). The addition will meet the setback requirements.
	Z	oning Characteristics Matrix

Market Committee

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	19,280	40,000	19.280
Lot Coverage	11%	10%	16%
Dwelling Units	1	1	1
Parking (# of spaces)	4+	2	4+
Front Setback	120+	50	120
Side Setbacks	100+	40	100+
Rear Setback	11	20	11
Height	35	35	35

What provisions of the Comprehensive Land Use Plan are the applicable to this projec
Policy H-1.3. The City shall promote the repair, revitialization or rehabilitaion of residential
structures and neighborhoods.

bui	ucture or building involved, which are not applicable to other lands, structures or ldings in the same district?			
The subject property is substand for the R-40A district. The lot coverage requirements in				
the	the R-40A district is low for the size of the subject premises.			
•				
und	plain how the literal interpretation of the provisions of this zoning code deprive the licant of rights commonly enjoyed by other property owners in the same district er the provisions of this zoning code?			
ا	t is common in the Chartier Circle neighborhood for dwelling to exceed the lot coverage standa			
М	ost of the lots in this area are 20,000 sq. ft. and many dwellings have similarly sized			
	wellings.			
Expl he I	ain why this is the minimum variance that will make possible the reasonable use of and, building or structure.			
-	he requested variance will permit the construction of a first floor master bedroom which			
	w a standard modern convenience. The second flloor addition will provide for a modern			
	en and sufficient common space. Due to the pandemic, more people are working from home.			
	hird floor addition will provide a dedicated office.			

A TRACE -

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.

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 <u>minimum variance</u> 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;

also attest that I have read the section enti	nformation provided is accurate and truthful. It	
by Jeremiah C. Lynch,	by Jeremiah C Lynch, III	
Applicant's Signature	Owner's Signature	
	(846-0120	
Telephone Number	Telephone Number	
Email address jlynch@mvllaw.com		

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





Technical Review Committee

Development Plan Approval Decision

Grantor: City of Newport Technical Review Committee, 43 Broadway, Newport, RI 02840

Grantee: Paraport, LLC, 344 Knight Street, Suite 11201, Warwick, RI 02886

Subject Property: 15 Cranston Avenue, Newport, RI, Assessors Plat 19 Lots 12, 13, and 164

At meetings on November 18, 2020, December 9 2020, January 13, 2021, and February 10, 2021. the Technical Review Committee reviewed a petition for Development Plan Review pursuant to Chapter 17.88 of the City of Newport Code of Ordinances. The application concerns alteration to a marina on Perry Mill Wharf including construction of a restaurant greater than 4,000 square feet and modifications to the existing parking lot, greater than 10 spaces. The proposed development additionally includes a regatta center, jib crane, marina, and accessory uses allowed by right in this zoning district.

The application was presented by Larry Phillips, Applicant. One of the challenges of the site is the seasonal restaurant use and the off-season boat storage. Another challenge is the inhospitality of the harborfront to landscaping. The new restaurant buildings will reflect the architecture of the twentieth century at the site, with some contemporary cues. Mike Russell, project site engineer, and Pam Rogers, project landscape architect, provided additional information.

Based on the evidence presented to the Committee, with the condition that landscaping be integrated into the bioretention and forebay design as discussed at the February 10, 2021 meeting and the applicant secure approval satisfying the requirements from the Department of Utilities according to their December 11, 2020 memorandum regarding the development, the following findings are made:

Findings:

- 1. The granting of the approval will not result in conditions inimical to the public health, safety or welfare;
 - As part of the project, environmental contaminants will be capped in accordance with RIDEM standards. The new stormwater infrastructure on the site will help reduce pollution into the harbor. The building design is appropriate. Landscaping surrounds the site and pedestrians can safely utilize the Harborwalk and access the restaurant from Thames Street.
- 2. The granting of the approval will not substantially or permanently injure the appropriate use of property in the surrounding area or zoning district;
 As part of the project, environmental contaminants will be capped in accordance with RIDEM standards. The new stormwater infrastructure on the site will help reduce pollution into the harbor. The building design is appropriate. Landscaping surrounds the site and pedestrians can safely utilize the Harborwalk and access the restaurant from Thames Street.
- 3. The plans for the development comply with the requirements of the zoning ordinance and subdivision regulations, Titles 12, 13 and 15 of the Codified Ordinances of the City of Newport governing public services, streets, sidewalks and public places, parking, buildings and construction as well as laws, ordinances, rules and regulations governing stormwater management; and

THE KIRBY RESIDENCE

RENOVATION & ADDITION

20 CHARTIER CIRCLE, NEWPORT, RI

DESIGN DEVELOPMENT

3/16/2021



WWW.HULLCOVEDESIGN.COM 401 · 367 · 0007



THE KIRBY RESIDENCE

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RENOVATION # ADDITION 20 CHARTIER CIRCLE, NEWPORT, RI SCHEMATIC DESIGN 3/16/2021



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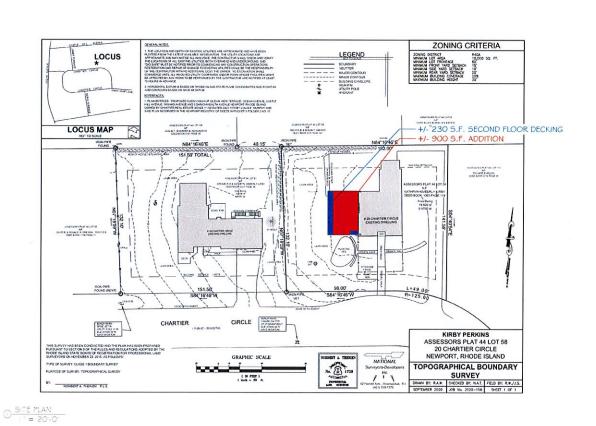


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