

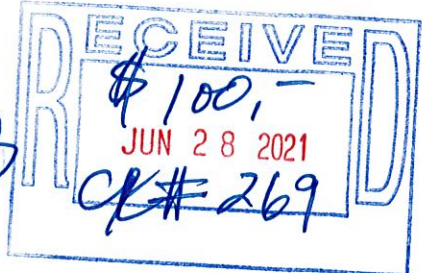
COMBINED APPLICATION FOR A SPECIAL USE PERMIT & A
REGULATORY (DIMENSIONAL) VARIANCE

CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW

DATE:

6/28/21

2BR
July 8



Board members:

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:

1 CYPRESS ST.

Tax Assessor's Plat

09

Lot

354

Petitioner Information

Applicant

PETER & JOHN

FERRARO

Address

1 CYPRESS ST.

Owner

SAME

Address

SAME

Lessee

N/A

Address

N/A

Property Characteristics

Dimensions of lot-frontage

69.5'

depth

50'

area

3475

sq. ft.

Zoning District in which premises is located

R-10

How long have you owned above premises?

8 MONTHS

Are there buildings on the premises at present?

YES

Total square footage of the footprint of existing buildings

66%

Total square footage of the footprint of proposed buildings

1st LEVEL DECK 99.25 sq. ft.

Present use of
premises

2 FAMILY DWELLING

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

Proposed use of premises

2 FAMILY DWELLING

Give extent of proposed alterations CONSTRUCTION OF A REPLACEMENT STAIRWAY + DECK TO AN ALLOWED DOUBLE STAIRWAY AND DECK OLD 64' NEW 99'

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	3475	10,000	NO CHANGE
Lot Coverage	66%	20%	" "
Dwelling Units	2	2	" "
Parking (# of spaces)	2	2	" "
Front Setback	NORTH 8'5"	15'	NO CHANGE
Side Setbacks	WEST 3' EAST 0'	10'	WEST 1' EAST NO CHANGE
Rear Setback	SOUTH 12'	20'	NO CHANGE
Height	30'	30'	NO CHANGE

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

SEE EXHIBIT "A"

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?

SEE EXHIBIT B

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?

SEE EXHIBIT C

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

SEE EXHIBIT D

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".

Rosetta Q. Giller
Applicant's Signature

(401) 569 6538
Telephone Number

Peter D. Miller
Owner's Signature

(203) 996 5212
Telephone Number

Email address BACJR3@GMAIL.COM

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

1 Cypress Street - Application of Peter & John Ferraro

EXHIBIT "A"

The subject property is located at the northern edge of the Medium Density residential area of the Point as described in the Comprehensive Plan, being the northernmost house on Cypress Street abutting the land of the Federal government on the northern side and Narragansett Bay on the westerly side. As described in the Comprehensive Plan, the Point is densely populated primarily with single and two-family homes. The subject property is a two-family waterfront dwelling constructed in 1929, prior to the enactment of a comprehensive zoning code and the property is fully developed, as are most of the properties on the Point. The lot coverage for this property as well as many of the Point and Thames Street areas properties are significantly greater than would be allowed under current zoning which condition is recognized by the Comprehensive Plan.

The purpose of this application is in accord with the Comprehensive Plan. The application does not modify or alter the primary use as a two-family dwelling but to enhance the subject property as is enjoyed by most waterfront properties on the Point which are equally undersized under the current zoning regulations to allow the owners of these properties to maximize their unique location with an unobstructed water vista.

Section 3, entitled "Land Use" recognizes the existing conditions and limitations within the present zoning law as it relates to the many properties in the City constructed prior to any significant zoning regulations. Newport must be creative in the application of the current zoning law as it relates to the application of its regulations in specific instances, similar to the subject property. The lot size of 3,475 sq. ft. is significantly less than the present R-10 zoning for new construction, however as noted the Point as well as the Thames Street area were substantially developed prior to the establishment of the present zoning code, with the regulations imposed thereon, such as side, front and rear lines, area coverages and the other stipulations which if applied to these properties would not allow any improvements such as a deck with an unlimited view of Narragansett Bay, which is considered as a important amenity for the use of the property without any modification of the primary use of the for over ninety years.

Section 3.1 further described the "Central Corridor", which includes the Point section and pronounces that Newport's core matured into a compact city with dense neighborhoods and comparatively narrow street and cannot, as a practical matter, change in any substantive way.

EXHIBIT "B"

As noted, the subject property is located at the northern edge of the Medium Density residential area of the Point as described in the Comprehensive Plan. It is facing Narragansett Bay on the westerly side and this is a unique feature which is enjoyed by a limited number of properties which were constructed on the westerly side of Washington Street prior to the implementation of any comprehensive zoning code. Many of the properties constructed on the Point do not have the benefit of an unobstructed view of Narragansett Bay to enhance the unique characteristic of the location of the subject property.

The special conditions and circumstances to be considered in reviewing this petition have been alluded to in Exhibit A, in that the many undersized existing lots throughout the Central Corridor would be deprived of the highest and best beneficial use of a non-conforming existing residential property by the application of the standards set forth therein. This is a primary reason for the allowance of special use permits and regulatory dimensional variances such as this application to allow existing non-conforming uses to be allotted the benefit of modern amenities such as decks which are important implementations for the full and beneficial use of the property. To deny the application would prevent the owner of this property of a similar improvement which are constructed on the majority of waterfront homes.

1 Cypress Street - Application of Peter & John Ferraro

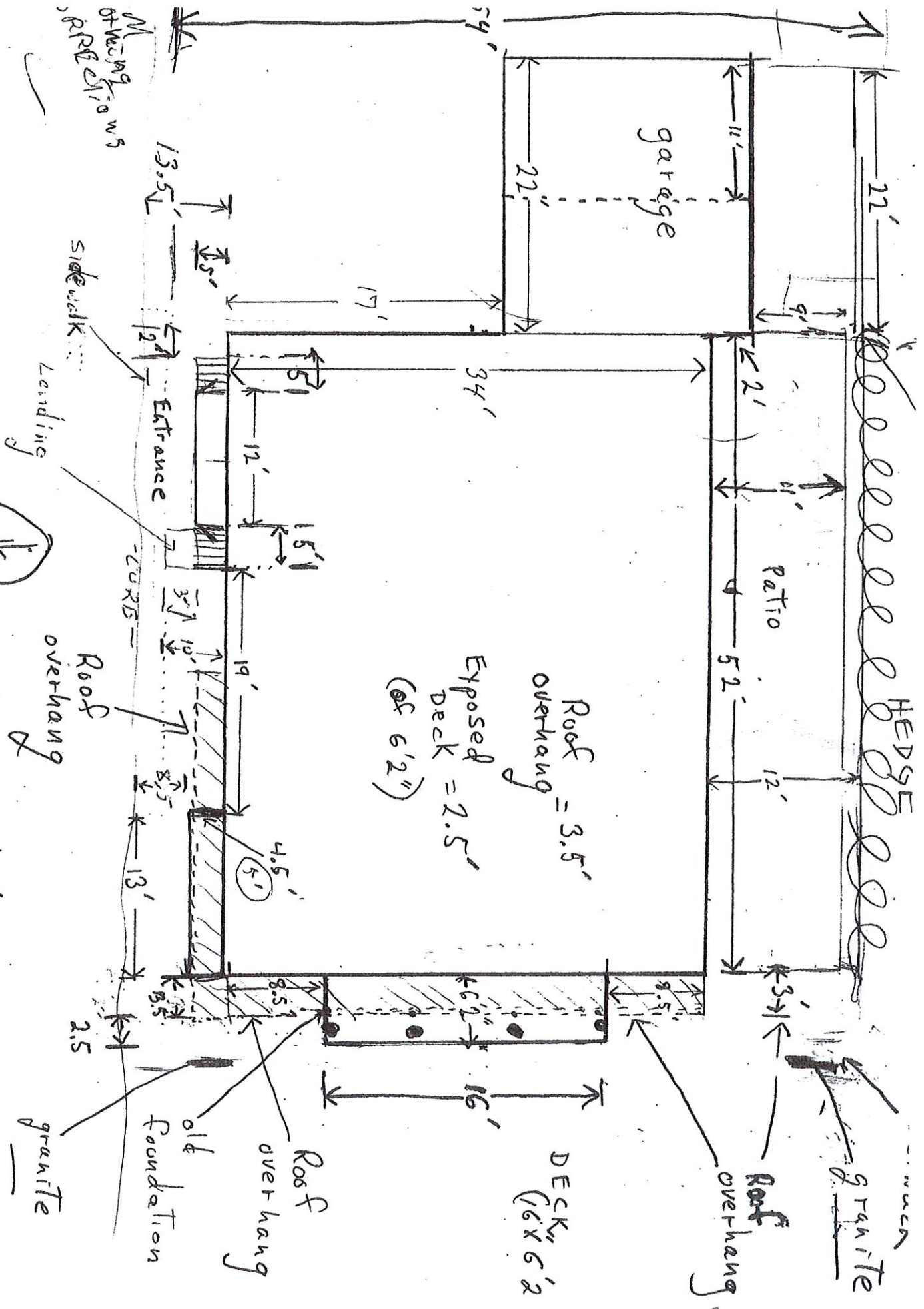
EXHIBIT "C"

As noted the subject property is located at the northern edge of the Medium Density residential area of the Point as described in the Comprehensive Plan. It is facing Narragansett Bay on the westerly side and this is a unique feature which is enjoyed by a limited number of properties which were constructed on the westerly side of Washington Street prior to the implementation of any comprehensive zoning code. Many of the properties constructed on the Point do not have the benefit of an unobstructed view of Narragansett Bay to enhance the unique characteristic of the location of the subject property. This request would conform to the benefits the waterfront properties existing along the westerly side of Washington Street currently enjoy and allow this property the benefit of its unique location as are other similar properties.

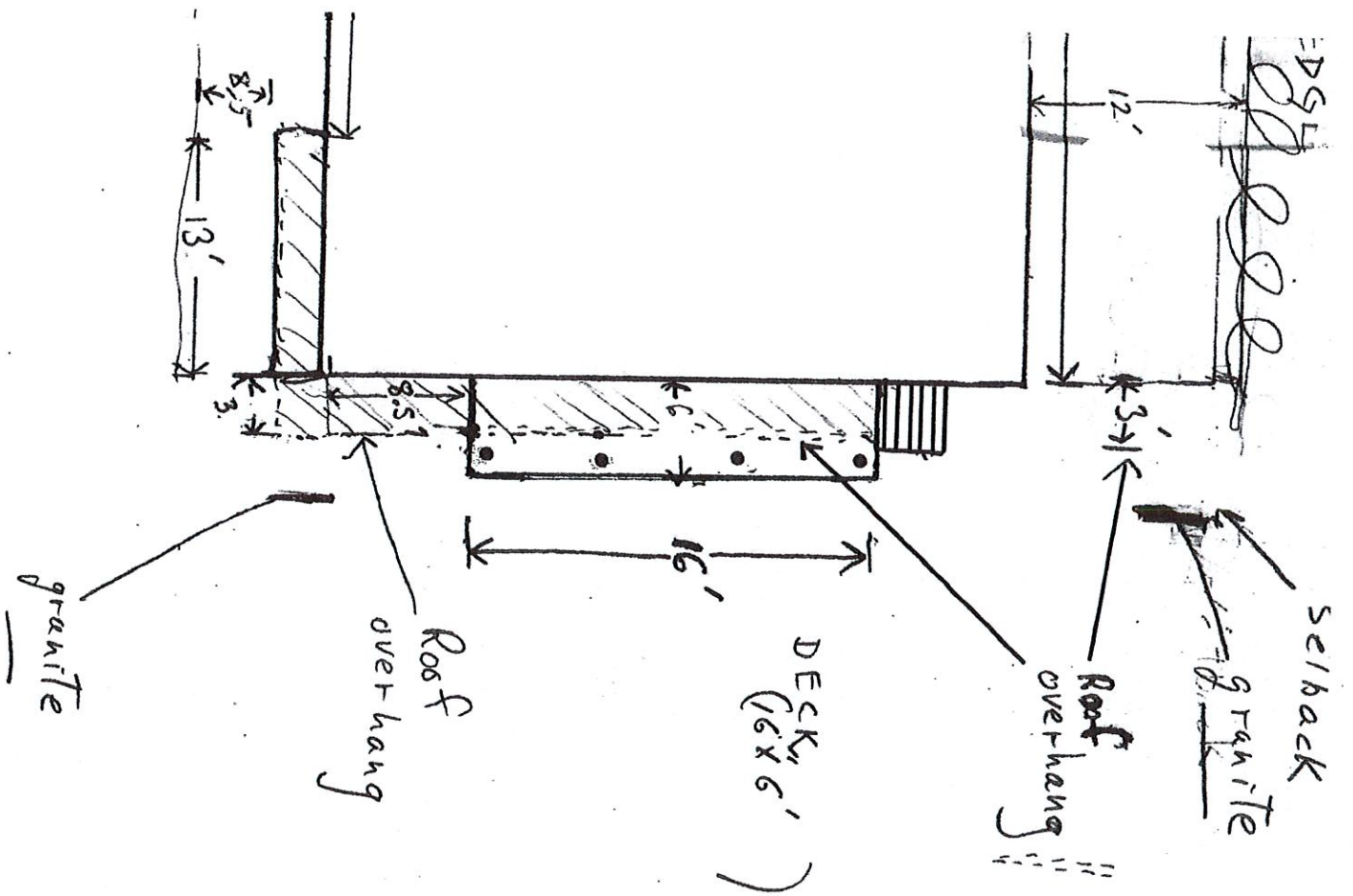
1 Cypress Street - Application of Peter & John Ferraro

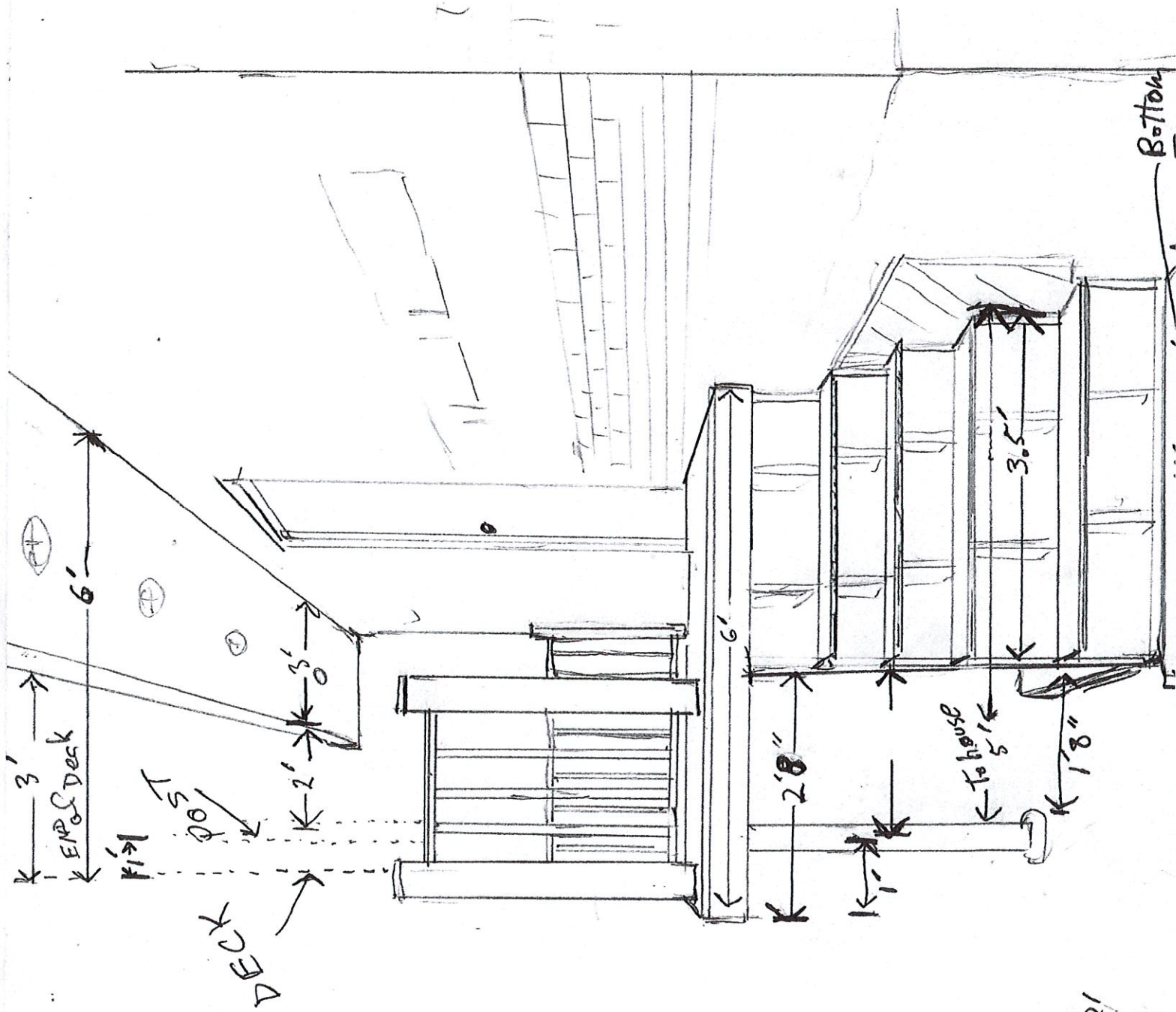
EXHIBIT "D"

As a result of the structure being built in 1929 it does not comply with present day zoning requirements and any alteration or modification would have to be approved by the Zoning Board. The request is not to increase the size of building but to improve the unique location of the property by increasing the size of the previous deck for the purpose of greater egress from the first floor of the dwelling by the occupants of the property for safety purposes if the need arose and would increase the overhang by an additional 2 ½ feet x 16 feet. It also will allow the property the benefit of the rights presently allowed to similar properties along the water side of Washington Street.



2/35 Mount Building 24x16 ft one



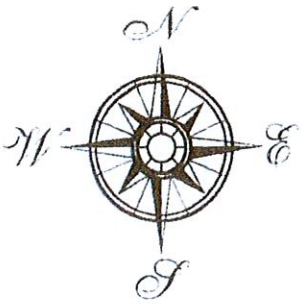


K. Henry
6-8-21









R-10

