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

DATE: June 22, 2020

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.: 1 Cliff Terrace

Tax Assessor’s Plat 31 Lot 55

Petitioner Information

Applicant: Kenneth J. Apicerno, Trustee
Owner: Same
Lessee: N/A

Address: 198 Riverpath Drive
Framingham MA 01701
Address: Same
Address: N/A

Property Characteristics:

Dimensions of Lot: Frontage: 122.88’/58.05’; Depth: 122.88’/58.05’; Area: 7,405 SF

Zoning District in which premises is located: R-10

How long have you owned above premises? 3 months

Are there buildings on the premises at present? No

Total square footage of the footprint of existing/approved buildings: N/A

Total square footage of the footprint of proposed buildings: 1,582 SF

Present use of premises: Vacant Land

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:

Applicant seeks a variance from the dimensional requirements for permission to construct a new single family dwelling with lot coverage of 21.3% (20% allowed) and sideyard (south) setback of 6.1’ (10’ required), applying to the property located at 1 Cliff Terrace and identified as Lot 55 on Plat 31 in the R-10 Zone. The requested sideyard variance is required to accommodate a basement bulkhead; otherwise, the dwelling meets or exceeds all required setbacks.

### Zoning Characteristics Matrix

<table>
<thead>
<tr>
<th></th>
<th>Existing/Approved</th>
<th>Required/Allowed</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size (sq. ft.)</td>
<td>7,405 SF</td>
<td>10,000 SF</td>
<td>No Change</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>N/A</td>
<td>20%</td>
<td>21.3%</td>
</tr>
<tr>
<td>Dwelling Units</td>
<td>N/A</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Parking</td>
<td>N/A</td>
<td>2</td>
<td>&gt;2</td>
</tr>
<tr>
<td>Front Setbacks</td>
<td>N/A</td>
<td>15’</td>
<td>15’/25’</td>
</tr>
<tr>
<td>Side Setbacks</td>
<td>N/A</td>
<td>10’</td>
<td>48.3’/6.1’</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>N/A</td>
<td>20’</td>
<td>N/A</td>
</tr>
<tr>
<td>Height</td>
<td>N/A</td>
<td>30’</td>
<td>30’</td>
</tr>
</tbody>
</table>

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

LU-1.2

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?

At 7,405 square feet, the lot is undersized for the R-10 Zone. It is also a corner lot with two 15’ front setbacks and two 10’ side setbacks.

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 variance would deprive the Applicant of the ability to construct reasonably sized home in keeping with the area and to include a garage and bulkhead access to the basement.
Explain why this is the minimum variance that will make possible the reasonable use of the land, building or structure.

The hardship from which the Applicant seeks relief is clearly due to the unique characteristics of the lot, which is an undersized corner lot. At 21.3%, the proposed lot coverage is well below the average lot coverage in the abutting area of approximately 25%. In addition, the only portion of the house that the exceeds the required setbacks is the basement bulkhead.

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”.

Kenneth J. Apicerno, Trustee,
By His Attorney,

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