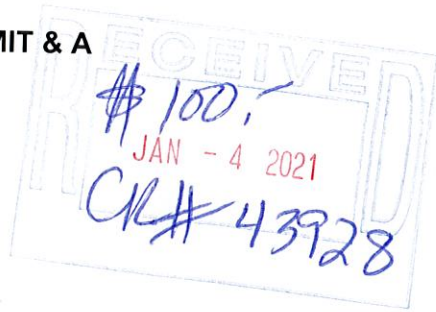


COMBINED APPLICATION FOR SPECIAL USE PERMIT & A  
REGULATORY (DIMENSIONAL) VARIANCE  
CITY OF NEWPORT, RI  
ZONING BOARD OF REVIEW



DATE: December 28, 2020

Board Members:

ZBR  
Jan-12

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.: 2 Eastnor Road

Tax Assessor's Plat 40 Lot 192

Petitioner Information

Applicant: BCM Realty Partners, LLC  
Owner: St. Augustin's Church of Newport  
Lessee: N/A

Address: P.O. Box 904  
Newport, RI 02840  
Address: P.O. Box 357, Newport RI 02840  
Address: N/A

Property Characteristics:

Dimensions of Lot: Frontage: 100'; Depth: 100'; Area: 10,000 SF

Zoning District in which premises is located: R-10

How long have you owned above premises? N/A - Under Contract

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing/approved buildings: 3,852 SF

Total square footage of the footprint of proposed buildings: 3,988 SF

Present use of premises: Convent/Rectory with 2 Dwelling Units

Proposed use of premises: 4-Unit Multifamily Dwelling

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

**Give extent of proposed alterations:**

Applicant seeks a special use permit and a variance from the dimensional requirements to allow the conversion of the existing Convent/Rectory building into a 4-unit multifamily dwelling, and to permit the construction of an 8' by 17' storage shed which will be located 3' from the east property line (10' required) and which will increase lot coverage from 37.5% to 38.9% (20% allowed), applying to the property located at 2 Eastnor Road identified as a portion of Lot 158-UFG on Plat 27 in the Waterfront Business Zone.

**Zoning Characteristics Matrix**

	Existing/Approved	Required/Allowed	Proposed
<b>Lot Size (sq. ft.)</b>	10,000 SF	10,000 SF	No Change
<b>Lot Coverage (%)</b>	38.5%	20%	39.9%
<b>Dwelling Units</b>	2	4*	4
<b>Parking</b>	0	8	8
<b>Front Setback</b>	0'	15'	No Change
<b>Side Setbacks</b>	19' & 26.7'	10'	No Change
<b>Rear Setback</b>	1.9'	20'	No Change
<b>Height</b>	29'±	30'	No Change

\*Multifamily use is permitted by Special Use Permit in the R-10 Zone. Allowable density is one unit per 2,500 square feet of lot area.

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

Land Use Goal LU-1 and Policy LU-1.3

**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?**

The premises is the former Convent/Rectory of St. Augustine's Church, and currently contains 2 dwelling units, along with office and classroom space. With the consolidation of St. Mary's and St. Augustine's parishes, the building is no longer necessary, and the proceeds of the sale will support the Church's operation. Applicant seeks to adaptively reuse the building by converting it into a 4-unit multifamily dwelling. While the property is a conforming lot in the R-10 Zone, the existing structure sits inside the front and rear setbacks and exceeds the allowable lot coverage. In addition, because of the configuration of the lot and the location of the existing building and walkways, there is no ability place the proposed storage shed outside of the required setback.



**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?**

The relief requested is necessary for the full enjoyment of a conditionally permitted use, and the proposed multifamily dwelling meets the density and parking requirements of the R-10 Zone.

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

The only variance sought is for placement of an 8' by 17' shed to provide storage for bicycles, beach equipment, etc. Other than the proposed shed, there will be no expansion of the existing structures on the property. In addition, the proposal includes a number of features and restrictions that will ensure that the project does not have any negative impact on the surrounding area, including the following:

- Applicant will construct 8 off-street parking spaces for the project.
- The 8 off-street spaces will be accessed via a permanent easement through the Church parking lot, resulting in no loss of any on-street parking spaces.
- Any rentals of the units will be limited to a minimum of a one month period, and no unit may be leased more than 3 times per year.
- There will be no rooftop decks.

#### **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".

BCM Realty Partners, LLC,  
By Its Attorney,



Peter Brent Regan, Esq.  
Sayer Regan & Thayer, LLP  
130 Bellevue Avenue  
Newport, RI 02840  
(401) 849-3040  
[pregan@srt-law.com](mailto:pregan@srt-law.com)

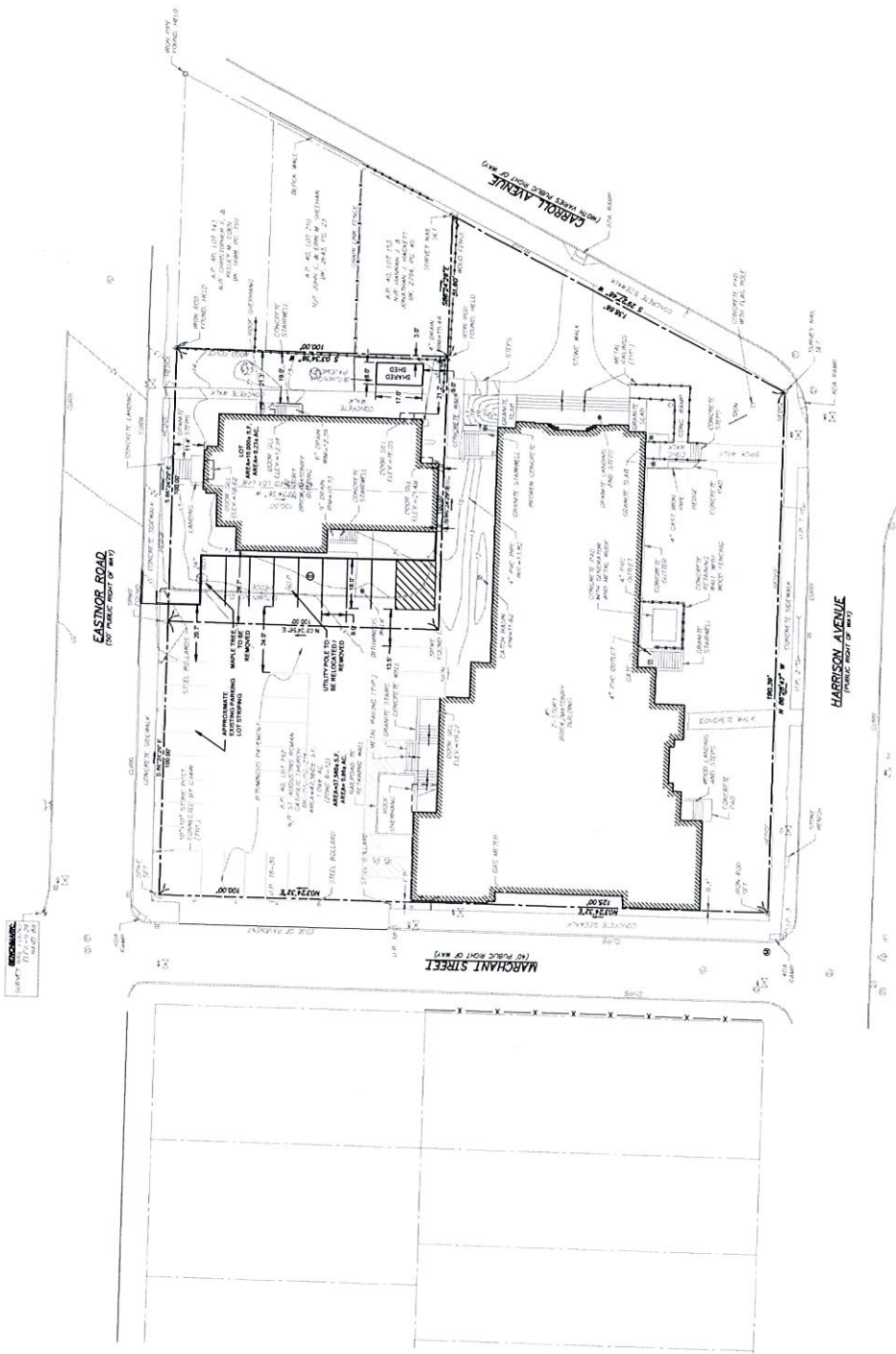
NORTHEAST ENGINEERS  
& CONSULTANTS, INC.



A KNOWLEDGE CORPORATION®  
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SITE/CIVIL  
LAND PLANNING  
WATERFRONT  
SURVEYING  
GEOTECHNICAL  
ENVIRONMENTAL  
TRANSPORTATION  
STRUCTURAL

REQUIREMENTS		REQUIREMENTS	
MINIMUM LOT AREA	10,000 SQ. FT.	MINIMUM LOT AREA	10,000 SQ. FT.
MINIMUM LOT WIDTH	100 FT.	MINIMUM LOT WIDTH	100 FT.
MINIMUM LOT DEPTH	100 FT.	MINIMUM LOT DEPTH	100 FT.
MINIMUM LOT FRONT SETBACK	10 FT.	MINIMUM LOT FRONT SETBACK	10 FT.
MINIMUM LOT SIDE SETBACK	10 FT.	MINIMUM LOT SIDE SETBACK	10 FT.
MINIMUM LOT REAR SETBACK	10 FT.	MINIMUM LOT REAR SETBACK	10 FT.
MINIMUM LOT CORNER SETBACK	10 FT.	MINIMUM LOT CORNER SETBACK	10 FT.
MINIMUM LOT FRONT YARD SETBACK	10 FT.	MINIMUM LOT FRONT YARD SETBACK	10 FT.
MINIMUM LOT SIDE YARD SETBACK	10 FT.	MINIMUM LOT SIDE YARD SETBACK	10 FT.
MINIMUM LOT REAR YARD SETBACK	10 FT.	MINIMUM LOT REAR YARD SETBACK	10 FT.
MINIMUM LOT CORNER YARD SETBACK	10 FT.	MINIMUM LOT CORNER YARD SETBACK	10 FT.
MINIMUM LOT FRONT PORCH SETBACK	10 FT.	MINIMUM LOT FRONT PORCH SETBACK	10 FT.
MINIMUM LOT SIDE PORCH SETBACK	10 FT.	MINIMUM LOT SIDE PORCH SETBACK	10 FT.
MINIMUM LOT REAR PORCH SETBACK	10 FT.	MINIMUM LOT REAR PORCH SETBACK	10 FT.
MINIMUM LOT CORNER PORCH SETBACK	10 FT.	MINIMUM LOT CORNER PORCH SETBACK	10 FT.
MINIMUM LOT FRONT DRIVE SETBACK	10 FT.	MINIMUM LOT FRONT DRIVE SETBACK	10 FT.
MINIMUM LOT SIDE DRIVE SETBACK	10 FT.	MINIMUM LOT SIDE DRIVE SETBACK	10 FT.
MINIMUM LOT REAR DRIVE SETBACK	10 FT.	MINIMUM LOT REAR DRIVE SETBACK	10 FT.
MINIMUM LOT CORNER DRIVE SETBACK	10 FT.	MINIMUM LOT CORNER DRIVE SETBACK	10 FT.
MINIMUM LOT FRONT WALKWAY SETBACK	10 FT.	MINIMUM LOT FRONT WALKWAY SETBACK	10 FT.
MINIMUM LOT SIDE WALKWAY SETBACK	10 FT.	MINIMUM LOT SIDE WALKWAY SETBACK	10 FT.
MINIMUM LOT REAR WALKWAY SETBACK	10 FT.	MINIMUM LOT REAR WALKWAY SETBACK	10 FT.
MINIMUM LOT CORNER WALKWAY SETBACK	10 FT.	MINIMUM LOT CORNER WALKWAY SETBACK	10 FT.
MINIMUM LOT FRONT FENCE SETBACK	10 FT.	MINIMUM LOT FRONT FENCE SETBACK	10 FT.
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MINIMUM LOT CORNER GATE SETBACK	10 FT.	MINIMUM LOT CORNER GATE SETBACK	10 FT.



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2 EASTNOR ROAD  
A.P. 40 LOT 192  
RHODE ISLAND

Client/Owner

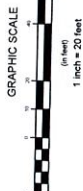
Project No.

Project Title

REVIEW

SITE PLAN

Drawing Number	C-1
Sheet	1 of 1
Project Number	20104.0
Survey Date	



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