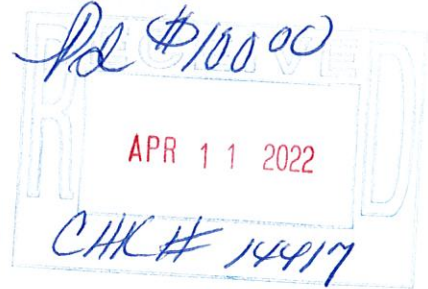


**COMBINED APPLICATION FOR A SPECIAL USE PERMIT & A
REGULATORY (DIMENSIONAL) VARIANCE**

CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW



DATE: 3/24/22

Board members:

ZON MAY 1

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: 26 Mary Street

Tax Assessor's Plat 24 Lot 092

Petitioner Information

Applicant John & Robin Lidington Address 35 Whiton Ave, Hingham MA 02043

Owner John & Robin Lidington Address 35 Whiton Ave, Hingham MA 02043

Lessee _____ Address _____

Property Characteristics

Dimensions of lot-frontage _____ depth _____ area 2,958 sq. ft.

Zoning District in which premises is located GB - General Business

How long have you owned above premises? 10/22/20 - present

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings 2,408 sq ft

Total square footage of the footprint of proposed buildings N/A

Present use of premises Guest House

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

Proposed use of
premises See Exhibit A.

Give extent of proposed alterations

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)			
Lot Coverage			
Dwelling Units	See Exhibit A.	See Exhibit A.	See Exhibit A.
Parking (# of spaces)	See Exhibit A.	See Exhibit A.	See Exhibit A.
Front Setback			
Side Setbacks			
Rear Setback			
Height			

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 A.

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 A.

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

See Exhibit A.

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 minimum variance 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;

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".


Applicant's Signature

(415) 596.8738
Telephone Number


Owner's Signature

(415) 596.8738
Telephone Number

Email address _____

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

EXHIBIT A

**SUPPLEMENTAL WRITING FOR RESPONSES TO QUESTIONS POSED ON THE
ZONING APPLICATION FOR JOHN AND ROBIN LIDINGTON**

Present Use of Premises:

The present use of the premises is that customary to a Single-Family Home. The Premises is used for residential purposes, and, is used to rent for period(s) thirty-one (31) days and below as a short-term rental.

Proposed Use of Premises:

The Proposed Use of the premises is for Residential, as well as Rental. The Property is a single-family home that is used for residential purposes; however it is also used to rent for period(s) thirty-one (31) days and below as a short term rental.

Give extent of proposed alterations:

This section is not applicable to the Applicant's request for relief. The Applicant is seeking a variance from the current restriction of the number of bedrooms the Applicant is limited to via the amount of parking they are allocated.

Zoning Characteristics Matrix:

Parking & Dwelling Units /Existing → three (3) existing dwelling units, and two (2) existing off-street parking spaces.

Parking & Dwelling Units / Required-Allowed → In order to short-term rent the premises for three (3) bedrooms, an additional parking space is required.

Parking & Dwelling Units /Proposed → The Applicant is seeking relief from the requirement of an additional parking space for the additional third bedroom, and instead, requests a variance allowing the third bedroom to be advertised without the requirement there be a parking space allocated to that bedroom.

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

Table 3-2 of the Newport Comprehensive Plan provides "The General Business District consists of the City's central business and community shopping areas. The intent of this district is to allow general retail and business uses, but in a manner so as to complement the existing unique combination of residential and commercial uses in the area.

Further, both Single-Family Dwellings, and Guest Houses are permitted by right in the GB District. *See Newport Municipal Code, Chapter 17.60.020 (1) and (3).*

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?:

This Property has three (3) bedrooms/baths, and only has two (2) parking spaces. Since it is being utilized for short term rental, the Property would be rented as a single rentable unit with three (3) bedrooms to that unit (rather than renting each bedroom individually). Thus, the additional parking space would not be utilized, where the third bedroom would be utilized.

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 Applicant is seeking on being able to utilize all bedrooms within the household for short-term rental, without requiring three (3) parking spaces for the reasons stated above.

Section 17.100.360 of the Newport Zoning Code requires that each bedroom of a vacation guest facility have "one bedroom unit . . . one space is required." *See Newport Zoning Code § 17.100.360.*

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

The request for a variance from the requirement of one (1) bedroom for each parking space will not change any characteristics, area, structure, etc. of the property. The property will be used in the same manner, with the same amount of frequency, however, it will simply make the third bedroom available for advertisement.

OTHER ATTACHMENTS

- 1) Property Card attached hereto as **Exhibit B.**
- 2) Site Plan for the Property attached hereto as **Exhibit C.**
- 3) Floor Plan for the Property attached hereto as **Exhibit D.**

EXHIBIT B

EXHIBIT C

BIRKHEAD	COURT
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(FORMERLY
CITY OF NEWPORT)
CLARKE STREET SCHOOL LTD PARTNERSHIP

DRINK HOLE
SET

3457

Parking

GARAGE

IRON ROD
SET

IRON PIPE FOUND

D + H
PARTNERSHIP

AP 24
LOT 92

ROGER F. LIZOTTE

No. 1826

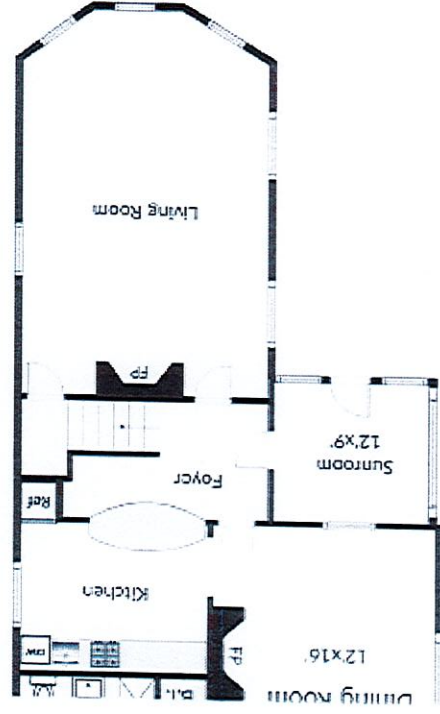
PROFESSIONAL
LAND SURVEYOR

Open

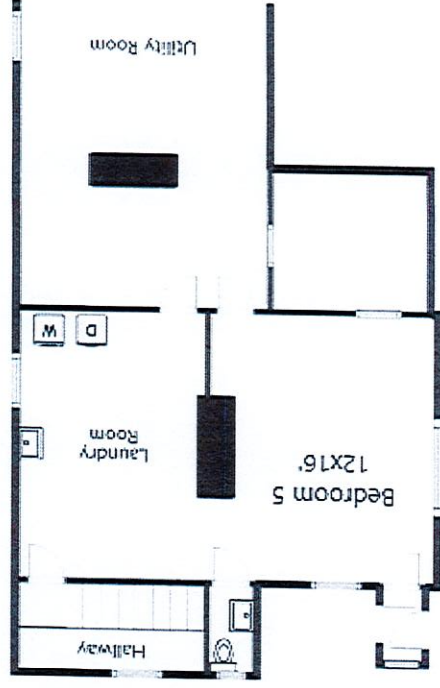
650

TRANS R.D.
SET

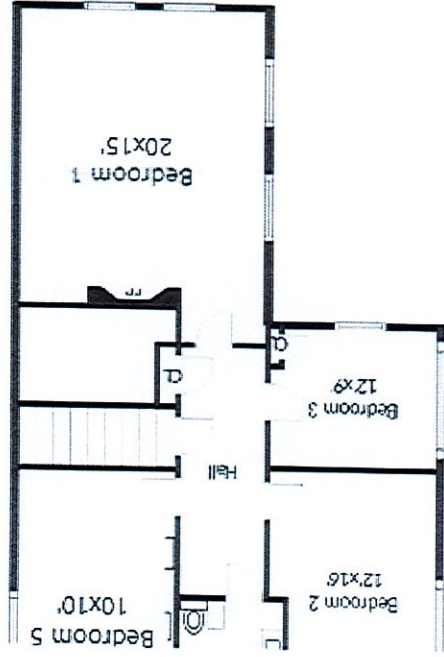
37.54



Lower Level



Third Floor





Michael D. Resnick
mresnick@ksplawpc.com

April 7, 2022

Sent via Certified Mail
Tracking # 7019 1640 0000 1363 8968

Mr. Guy Weston
Mr. Kevin Sullivan
City of Newport - Zoning Board of Review
43 Broadway
Newport, RI 02840

RE: John & Robin Lidington- 26 Mary Street , Zoning Application

Dear Mr. Weston & Mr. Sullivan,

As you know, this office represents John & Robin Lidington, who are the property owners of 26 Mary Street. Enclosed herein, please find the following documents for your review our application.

1. Application for a Variance, along with a brief statement attached hereto as **Exhibit A;**
2. Property Card attached hereto as **Exhibit B;**
3. Site plan for 26 Mary Street attached hereto as **Exhibit C;**
4. Floor Plan, attached hereto as **Exhibit D;**
5. A check in the amount of \$100.00 made payable to the Newport City Collector.

After you have had a chance to review our application, we would like to discuss a potential resolution via phone conference at your convenience.

Sincerely,



Michael D. Resnick, Esq.

Enclosure