

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

**CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW**

DATE: June 9, 2021

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: 45 Kay Street

Tax Assessor's Plat 22 Lot 104

Petitioner Information

Applicant Jeffrey Lipshires Address 45 Kay Street, Newport, RI

Owner same Address same

Lessee _____ Address _____

Property Characteristics

Dimensions of lot-frontage 70.08' depth 135' area 7700 sq. ft.

Zoning District in which premises is located R-10

How long have you owned above premises? 7 years

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings 1,622 sq. ft.

Total square footage of the footprint of proposed buildings 1,996.5 sq. ft.

Present use of premises Single Family Dwelling

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

Proposed use of premises Single family dwelling

Give extent of proposed alterations Enlarging existing garage for vehicle access and additional storage.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	7,700 sq ft	10,000 sq ft	no change
Lot Coverage	21.06%	20%	25.93%
Dwelling Units	1	1	no change
Parking (# of spaces)	>2	2	no change
Front Setback	>15	15'	no change
Side Setbacks for garage	2.3' & 23'	10'	2.3' & 9.74'
Rear Setback for garage	2.5'	20'	3.0'
Height for garage	14.5'	35'	17'

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

This project maintains, repairs, rehabilitates and expands an existing garage that is associated with a single family

use in the R-10 zoning district which is consistent with the following: Goal LU-1: to provide a balanced City consisting

of residential, commercial and employment uses consistent with the character, environmental resources and vision

of the community; Goal H-1 to preserve and protect existing housing resources in the community; and Policy H-1.3 -

The City shall continue to promote the repair, revitalization or rehabilitation of residential structures and neighborhoods.

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?

The lot is an legal non-conforming lot in terms of both lot size and lot width, containing only 7,700 in the R-10 district and having a lot width of only 70' along the front yard and 44' in the rear. Furthermore the property exceeds the current lot coverage limitations and the garage already encroaches into the rear yard setback and the right side yard 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?

Because of the preexisting nonconformities any garage expansion of the garage requires zoning relief. There is a small expansion of the footprint to provide for 2 vehicles stalls and additional storage with stairwell.

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

The width and depth of the garage is the minimum to allow for 2 vehicles, storage and stairwell. The original garage structure is being retained as required by the Historic District Commission. The existing garage already violates the side and rear yard setbacks. The proposed expansion will maintain the existing setbacks without further encroachment along the right side yard and rear yard.

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.

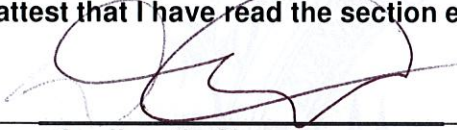
In granting a variance, the zoning board of review shall **require** that evidence of the following standards be entered into the record of the proceedings:

- 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

(401) 849 6200
Telephone Number



Owner's Signature

(401) 849 6200
Telephone Number

Email address dmarthand@silvalawgroup.com

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