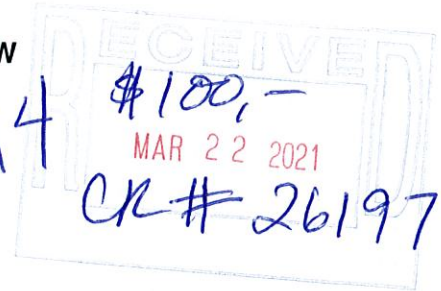


**COMBINED APPLICATION FOR A SPECIAL USE PERMIT & A
REGULATORY (DIMENSIONAL) VARIANCE**

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

DATE: March 20, 2021

*ZBR
April-14*



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: 8 Tyler Street

Tax Assessor's Plat 19 Lot 59

Petitioner Information

Applicant Sandra D. Maher & Jordan H. White Address 8 Tyler Street, Newport, RI

Owner Sandra D. Maher & Jordan H. White Address 8 Tyler Street, Newport, RI

Lessee _____ Address _____

Property Characteristics

Dimensions of lot-frontage 42.67' depth 90' area 3,485 sq. ft.

Zoning District in which premises is located R-10

How long have you owned above premises? 5 months

Are there buildings on the premises at present? Yes, a single family house with deck

Total square footage of the footprint of existing buildings 1,205sf

Total square footage of the footprint of proposed buildings 1,092sf

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 _____ Seeking to install a propane tank located in the right side yard
setback as shown on plans submitted herewith.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	3,485	10,000	3,485
Lot Coverage	34.6%	20%	31.3%
Dwelling Units	1	1	1
Parking (# of spaces)	2	2	2
Front Setback	4.8'	15'	no change
Side Setbacks	n/a	10'	1'
Rear Setback	>20	20	>20
Height			

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

_____ The property is located in the R-10 and is used for single family use. The property will continue to be
_____ used as a single family residence. This is a continued effort to maintain, repair and revitalize an existing
_____ single family residence.

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 a legal non-conforming substandard lot of record. There is an existing dwelling which presently encroaches into the side yard setback. The proposed tank is located at a point where it is feed both the basement and kitchen area.

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 propane will allow for both a gas fired heating system and gas to the kitchen.

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

The proposed location is the based on the layout of the property. There is no other reasonable alternative.

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".

Sandra D. Maher & Jordan H. White
By their attorney

Applicant's Signature

Owner's Signature

(401) 849-6200

Telephone Number

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Telephone Number

Email address dmartland@silvalawgroup.com

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

