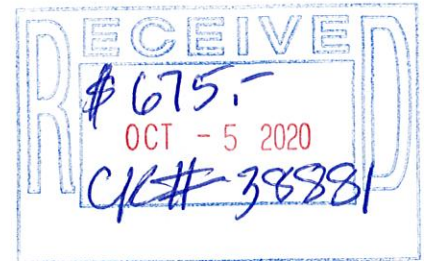


**COMBINED APPLICATION FOR A SPECIAL USE PERMIT &
A REGULATORY (DIMENSIONAL) VARIANCE**

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



DATE: September 30, 2020

Board Members:

The undersigned hereby petitions the Zoning Board of Review for a Special Use Permit and a Regulatory (Dimensional) 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.: 15 & 17 Sylvan Street

Tax Assessor's Plat: 33, Lot: 036

Petitioner Information

Applicants:	Kevin P. Meehan Patricia Meehan	Addresses:	c/o J. Russell Jackson, Esq. Miller Scott Holbrook & Jackson 122 Touro Street Newport, RI 02840
Owner:	Same	Same	Same
Leasee:	N/A	N/A	N/A

Property Characteristics

Dimensions of Lot:	Frontage:	211.95 ft.	Parker Avenue
	Frontage:	252.01 ft.	Sylvan Street
	Depth:	213.95 ft.	
	Area:	53,578 sq. ft. +/-	

Zoning District in which premises is located:	R-10
How long have you owned above premises?	1 Year, 9 Months (December 14, 2018)
Are there buildings on the premises at present?	Yes
Total square footage of the footprint of existing buildings:	4,781 sq. ft. (9%)
Total square footage of the footprint of proposed buildings:	14,948 sq. ft. (27.9%)

Present use of premise: Two Family Residential Dwelling with Accessory Structures
Proposed use of premises: Multi-Unit Residential Condominium Development

Give extent of proposed alterations: The Applicants propose to redevelop the property into a multi-unit residential condominium. The property is currently comprised of a main house, carriage house, potting shed, and the remnants of greenhouses and root cellars. The main house is a side by side brick duplex with each unit containing four bedrooms. The main house will undergo a complete rehabilitation and continue as a side by side duplex with four bedroom units. The carriage house will be preserved as well and converted into a one bedroom unit. The potting shed, greenhouses and root cellars will be demolished and removed. In addition to the rehabilitation of existing structures, the Applicants propose to construct three new residential buildings. Each of these new buildings will be architecturally identical in exterior design to the existing main house, with some variation in materials. Each of these new buildings will contain four (4) two bedroom units. Two of the new multifamily buildings will face Parker Avenue and one will be sited next to the existing brick duplex and face Sylvan Street. The development will consist of a total of five (5) buildings. There will be a total of fifteen (15) units, with two (2) four bedroom units; one (1) one bedroom unit; and twelve (12) two bedroom units. There will be sufficient parking on site with a single driveway connecting to Parker Avenue. The project will require dimensional variances for lot coverage, multiple principal residential structures on a single lot, and building height. A special use permit will be required for the multifamily use.

Zoning Characteristics Matrix Attached Hereto as Exhibit A

Project Summary:

The Applicants seek relief under:

Section 17.108.020 & 17.20.070(D)	Special Use Permits-Multifamily
Section 17.108.010	Variances
Section 17.72.030	Alteration to Nonconforming Development
Section 17.20.050	R-10 Lot Coverage Requirements
Section 17.20.040	R-10 Setback Requirements
Section 17.20.060	Building Height Requirements
Section 17.04.050(E)	General Requirements – Dwelling Units Per Lot/Principal Residential Building

The Applicants propose to redevelop the property into a multi-unit residential condominium. An existing potting shed, root cellars and greenhouse structures will be removed. The existing duplex will be completely renovated. The existing carriage house will be completely renovated and converted into a dwelling unit. There will be three (3) new residential structures built, each with four (4) two bedroom dwelling units. A total of fifteen (15) dwelling units is proposed for the condominium development.

The existing parcel is a conforming lot of record containing 53,578 square feet of land, however it is considered a non-conforming development because the existing carriage house encroaches into the north setback. It is located in a transition area adjacent to a variety of properties, including the DeLasalle Condominium development, Heatherwood Rehabilitation and Healthcare Center, single-family, two-family and multi-family residential properties. The purpose of this project is to redevelop the site into a multi-unit residential condominium. The property is in the R-10 Zone. The Applicant proposes the construction of three new buildings, each one designed to match the dimensions and architectural design of the existing large brick duplex. Having multiple residential structures will avoid massing and preserve a spatial relationship consistent with a residential neighborhood streetscape. There will be no encroachments into setbacks. Lot coverage relief will be required based on the multi-building design. Building height relief will be required since each new building will match the dimensions of the existing brick duplex which slightly exceeds the thirty (30) foot limit. The R-10 Zone allows for multi-family developments with a Special Use Permit. The property is in not in the Newport Historic District.

The plan proposed by the Applicants which calls for the complete renovation of the existing brick duplex and carriage house, as well as the construction of three new residential buildings will not create dimensional non-conformities to such a degree that it is injurious to, or inconsistent with, the surrounding neighborhood or the purpose and intent of the R-10 Zone.

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

The Applicants state that the proposed development is consistent with many provisions of the Comprehensive Land Use Plan, including, but not limited to the following:

Land Use:

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.

Policy LU-1.7 The City shall protect the existing character of residential neighborhoods while encouraging local neighborhood business.

Housing:

Goal H-1: To preserve and protect existing housing resources in the community.

Policy H-1.3 The City shall continue to promote the repair, revitalization or rehabilitation of residential structures and neighborhoods.

Policy H-1.4 The City shall encourage resident involvement in identifying and addressing the maintenance of housing in their neighborhood.

Goal H-3: To reduce the percentage of seasonally vacant homes and increase neighborhood stability and vitality.

Transportation & Circulation:

Goal T-5: To provide sufficient and suitably located parking, designed to eliminate, mitigate or reduce impacts.

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 existing parcel is a legal conforming corner lot of record. The existing brick duplex and carriage house are situated along the northern portion of the property. The carriage house encroaches into the north side setback. Greenhouses previously occupied portions of the southern two thirds of the parcel. The Applicants intend to use this open area for the new residential buildings to avoid massing along the northern boundary by attempting to expand and connect the duplex and carriage house into a single monolithic multifamily structure. The size of this parcel and the location of existing structures along the northern boundary creates a layout which is unique and peculiar to this property, and lends itself to either further subdivision of the land or a development as proposed by the Applicant.

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 Applicants' proposal to create a multi building residential condominium development is consistent with the uses in the neighborhood. The Applicants' immediate abutter to the west is the DeLasalle Condominium complex which is comprised of multiple principal residential structures and contains thirty eight (38) dwelling units. The Applicants' proposal is a similar concept, but much smaller in scale. The fifteen (15) dwelling units proposed by the Applicants is well within the multifamily density formula for the R-10 Zone. Based on the lot size of 53,578 square feet, the yield formula indicates that there could be as many as twenty one (21) dwelling units. If the property were subdivided into five conforming lots, each parcel could have a two family by right resulting in ten (10) dwelling units. The Applicants' proposal is right in the middle of that range between ten (10) units by right and a maximum of twenty one (21) units by special use permit. The proposal is consistent with its abutter. It is also consistent in terms of lot coverage with a number of other properties in the adjacent R-10 neighborhood. Overall, the planned development is appropriate and not inconsistent with the surrounding neighborhood, or the rights enjoyed by other property owners in this area 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 Applicants are before the Board for permission to develop a multi-unit condominium. The request for dimensional variances is the least relief necessary to allow for the reasonable use and improvement of the land to create a cohesive and attractive development. A minor building height variance is requested, simply to have the new buildings match the existing brick duplex. Minor setback relief is required regarding renovations to the carriage house which encroaches into the north side setback. The encroachment will not be increased. The lot coverage relief and the variance for multiple principal residential structures are driven by the need to avoid a single monolithic multi-unit structure and create three new residential buildings which match the dimensions of the existing duplex. Upon the completion of the proposed project, the overall lot coverage will be 27.9%. The proposed buildings and development of this parcel will not be inconsistent in size, scope and scale of

other properties in the Bellevue Avenue, Parker Avenue, Sylvan Street area. The proposal represents a carefully developed plan which will provide sufficient parking and will visually replicate existing streetscapes. The Applicant has taken care to seek the minimum relief necessary to develop dwelling units which will accommodate the living needs of occupants. The proposed development will result in dwellings with amenities consistent with modern living. Granting the requests for dimensional relief is the minimum variance which will allow the Applicants a reasonable development and use of the property. The proposal will be consistent with the overall surrounding neighborhood. Accordingly, the proposed use of the property and the relief sought by the Applicants will not be injurious to, or create a burden or hardship for abutting property owners, will be harmonious with the neighborhood, and is appropriate in scope, size and use for this area.

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.

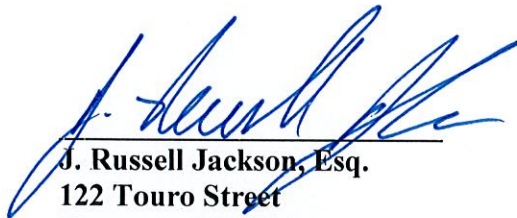
In granting a variance, the zoning board of review shall require that evidence of the following standards be entered into the record of the proceedings:

- 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 are; 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".

**Applicants & Owners,
By Their Attorneys,
Miller Scott Holbrook & Jackson**



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Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft)	53,578	10,000	53,578
Lot Coverage	9 %	20 %	27.9 %
Dwelling Units	2	2 (Permitted by Right) 21 (Special Use Permit)	15
Parking (# of spaces)	4+	4	31
Front Setback (ft.)	East-Sylvan Street 17 ft. South-Parker Avenue 182 ft.	15 ft.	East-Sylvan Street 17 ft. South-Parker Avenue 15 ft.
Side Setbacks (ft.)	North = 9 ft. West = 24 ft.	10 ft.	North = 9 ft. West = 24 ft.
Rear Setback (ft.)	N/A	20 ft.	N/A
Height (ft.)	33 ft. 4 inches	30 ft.	33 ft. 4 inches