

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

CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW

DATE: 12/30/2020

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: 33 Merton Road

Tax Assessor's Plat 29 Lot 157

Petitioner Information

Applicant Dennis and Kathy Tighe Address 1 Old Homestead Road Sutton Mass.

Owner Same Address Same

Lessee N/A Address _____

Property Characteristics

Dimensions of lot-frontage 75' depth 140' area 9057 sq. ft.

Zoning District in which premises is located R10

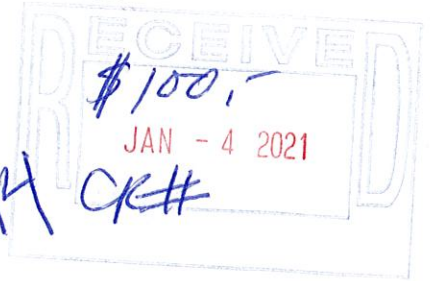
How long have you owned above premises? 7 Years Family owned 102 Years

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings 1054

Total square footage of the footprint of proposed buildings 1530

Present use of
premises Single-family



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

Proposed use of premises

- *Continued use as a single family residence with no intention of creating a rental unit.*
- *Allow for garaging of vehicles not possible with current garage size.*

Give extent of proposed alterations

- *Increase current one car garage to a two car garage and add second floor*

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	9,059	10,000	9,059
Lot Coverage	12%	20%	17%
Dwelling Units	1	1	1
Parking (# of spaces)	6	6	6
Front Setback	75	20	55
Side Setbacks	35.5 + 29.5	15	32+17
Rear Setback	0	10	5
Height	12	30	28

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

- *Provision G6: Encourage small scale development in order to preserve Newport's small city and neighborhood character*

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?

- *In an effort to preserve an 80-year-old Japanese maple tree it requires the 10' setback be reduced to 5' from the rear property line to avoid the root system of the tree.*

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 5' waiver will help preserve the beauty of the old trees with minimal disruption to their environment. The increase from 12% to 17% of the lot footprint is keeping within the 20% maximum allowed without a variance. This coverage will allow for the modest expansion of our garage to accommodate two vehicles instead of one.*

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

- *The request for a 5' setback is the minimum amount that will have the least impact on the property. By replacing the existing small one car garage and building a two-car garage with a second floor we are maximizing the use of the lot with the least amount of disruption to the land while preserving the beauty of the property.*

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.

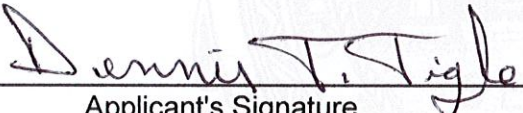
In granting a variance, the zoning board of review shall **require** that evidence of the following standards be entered into the record of the proceedings:

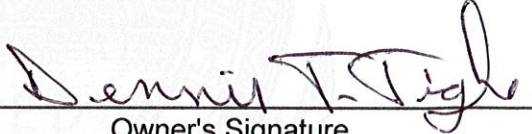
- a. That the reasons set forth in the application justify the granting of the variance and that the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;
- b. That the variance will not be injurious to the neighborhood or otherwise 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


Owner's Signature

(774) 280-6360
Telephone Number

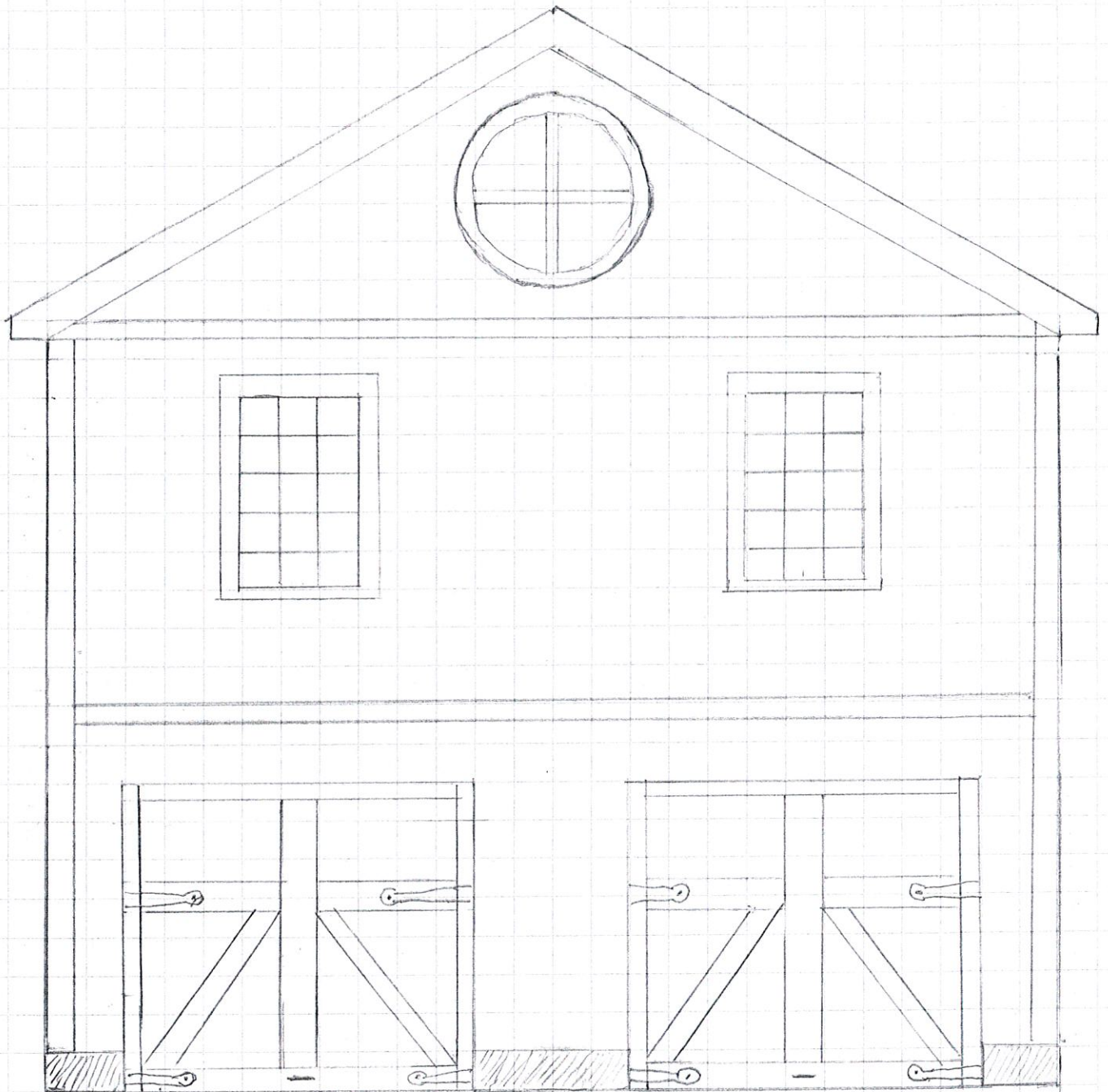
(774) 280-6360
Telephone Number

Email address dennisttighe@verizon.net

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

- See attached 6 # drawings

D Tighie
33 Merton



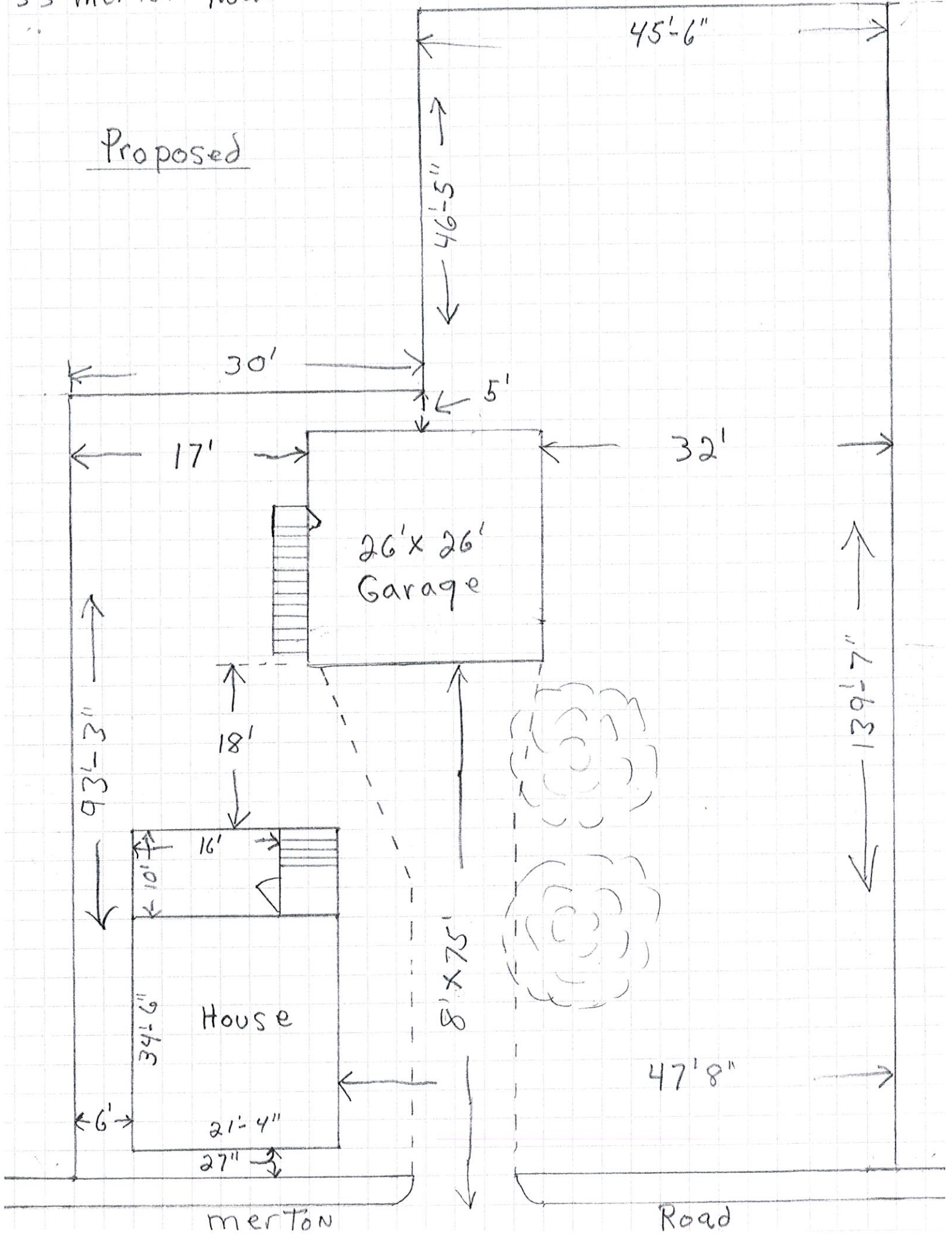
Front
view

33 merton Road

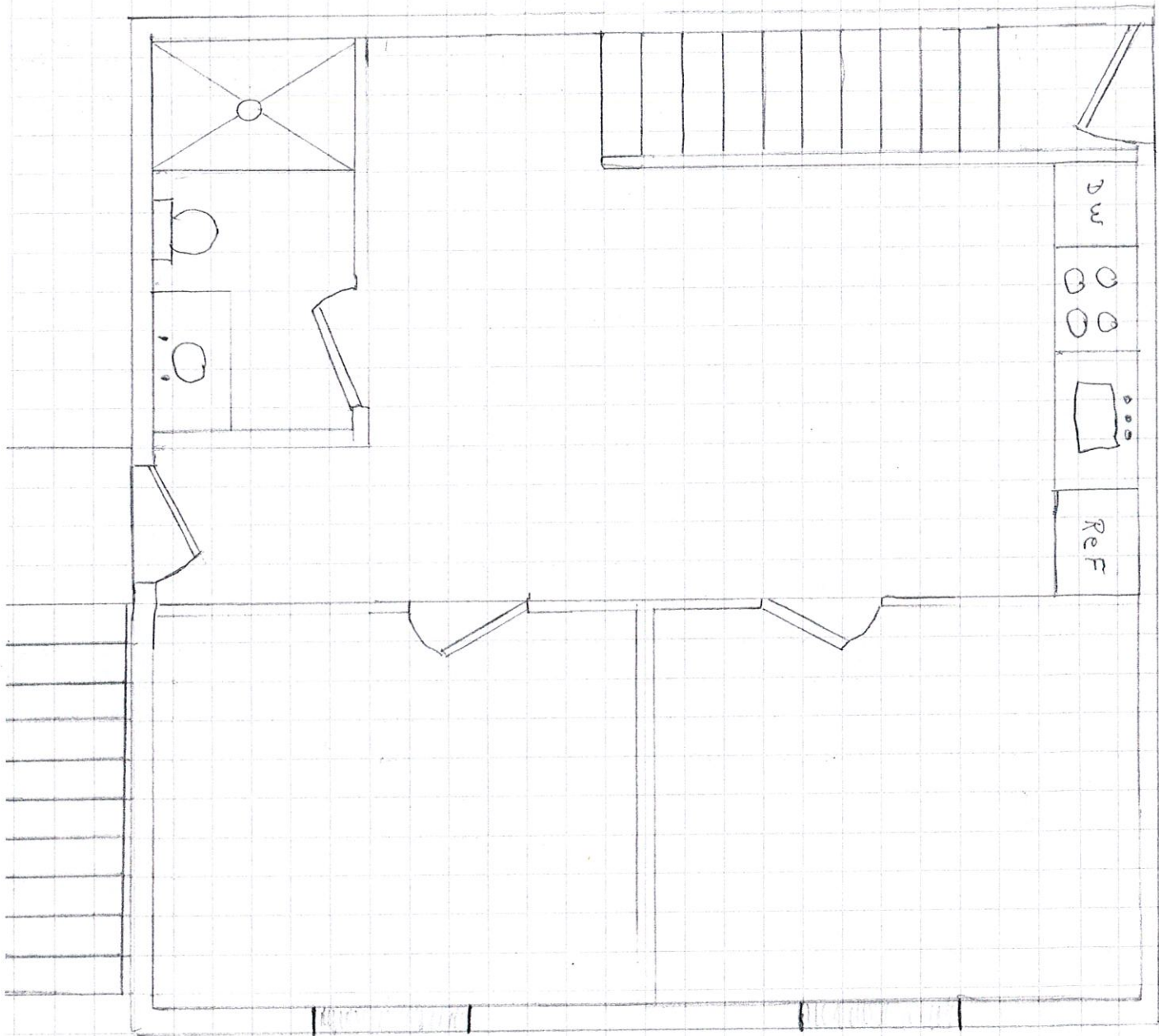
D. Tighe

2

Proposed



D Tighe
33 Merton 4

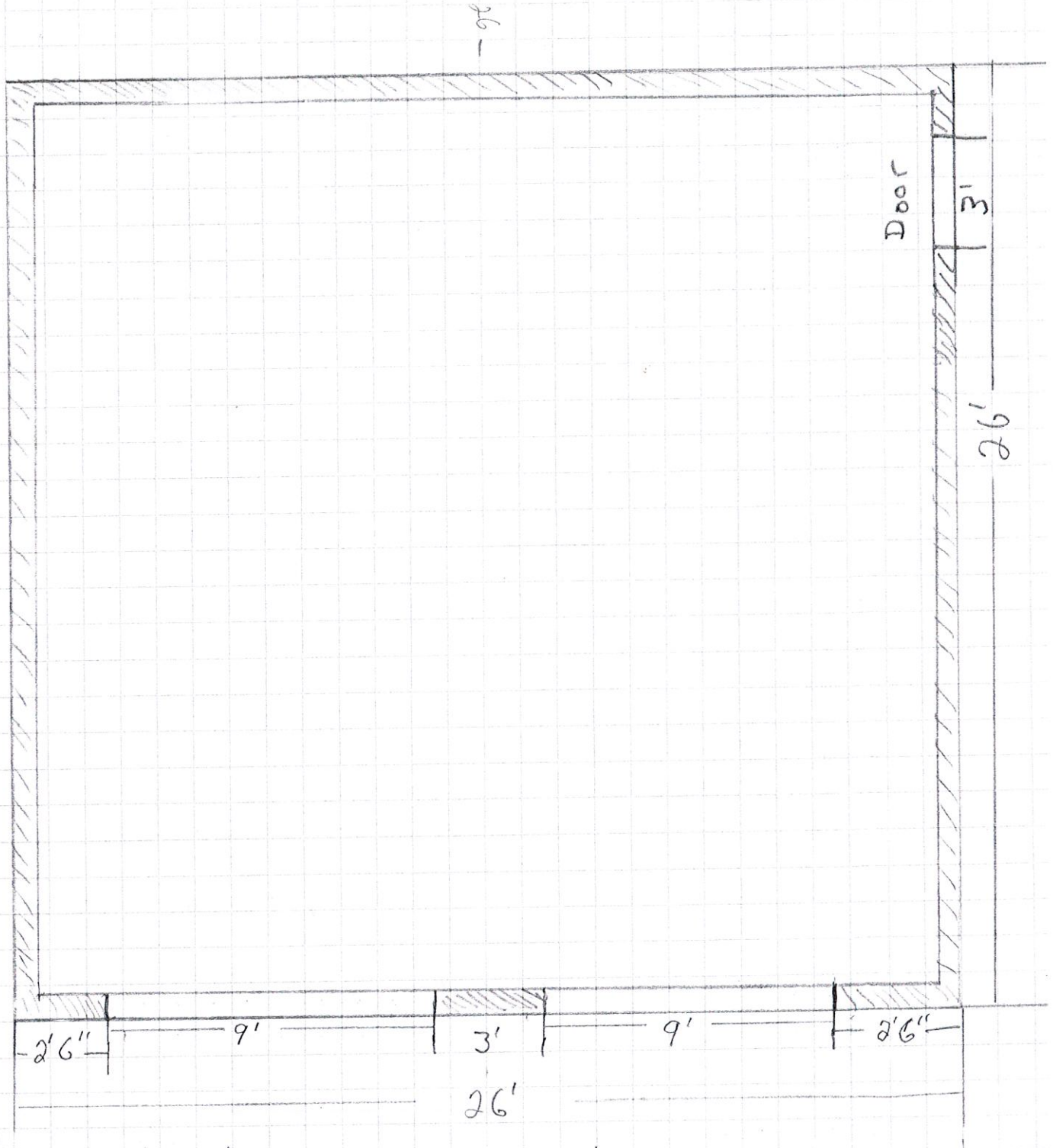


Front View
2nd Floor

Frost Depth 40"
Foundation Thickness 10"
Grante Face $3\frac{1}{2} \times 11\frac{1}{2}$

D. Tighe
33 Merton
5

Foundation Print



33 Merton Road
10" Foundation

D. Tighe

6

Shelf For Granite FASCIA
ON FOUNDATION

