

COMBINED APPLICATION FOR
REGULATORY (DIMENSIONAL) VARIANCES
CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW



ZBR
Aug-10

DATE: July 26, 2021

Board Members:

The undersigned hereby petition the Zoning Board of Review for Variances 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.: 75 Brenton Road

Tax Assessor's Plat 43 Lot 24

Petitioner Information

Applicant: Austin C. Willis

Owner: Same

Lessee: N/A

Address: 505 S. Flagler Dr., Suite 900

West Palm Beach FL 33401

Address: Same

Address: N/A

Property Characteristics:

Dimensions of Lot: Frontage: 888'±; Depth: 239'±; Area: 201,702 SF

Zoning District in which premises is located: R-160

How long have you owned above premises? 10 Months

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing/approved buildings: 5,282 SF

Total square footage of the footprint of proposed buildings: 6,563 SF

Present use of premises: Single Family Dwelling with outbuildings

Proposed use of premises: Single Family Dwelling with outbuildings

**All of the following information and questions must be filled in and answered completely:
Give extent of proposed alterations:**

Applicant seeks variances from the dimensional requirements to allow the construction of:

1. An 18 square foot A/C condenser to the south side of an existing historic outbuilding, which will have a rear setback of 37' 7.5" (50') required;
2. A 60 square foot pad for pool equipment to the south side of said existing historic outbuilding, which will have a rear setback of 38' 4" (50') required;
3. An 18 square foot A/C condenser to the north side of the existing historic guest house, which will have a front yard setback of 54' 10.5" (100") required;
4. A 15 square foot standby generator to the north side of the existing historic guest house, which will have a front yard setback of 50' 4" (100") required; and
5. A tennis court in the northwest corner of the Lot, which will have a rear setback of 28' 4.5" (50") required, a side setback of 18' 3.5" (50') required, and a front setback of 88' 9.5" (100") required,

All applying to the property located at 75 Brenton Road and identified as Lot 24 on Plat 43 in the R-160 Zone.

Zoning Characteristics Matrix

	Existing/Approved	Required/Allowed	Proposed
Lot Size (sq. ft.)	201,703 SF	160,000 SF	No Change
Lot Coverage (%)	2.6%	6%	3.25%
Dwelling Units	1	1	No Change
Parking	>2	2	No Change
Front Setback	34' 2.5"	100'	No Change
Side Setbacks	140" ± & 382' .5"	50'	135' & 18' 3.5"
Rear Setback	25' ±	50'	No Change
Height	19' ±	35'	No Change

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

LU - 1.2 & LU - 1.4

What special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district?

The subject property was originally part of the Arthur Curtis James Estate, and more recently was part of the Cluny School property. Applicant received approval from the Historic District Commission to demolish the school buildings, while retaining the historic structures, including a historic guesthouse and three outbuildings. The special conditions and circumstances, beyond the fact that this property contains historically important features, are:

- With respect to the 18 square foot A/C condenser and 15 square foot standby generator that applicant seeks to construct adjacent to the historic guesthouse, that guesthouse is already located within the required front setback.
- With respect to the pool equipment and A/C condenser next to an existing historic outbuilding adjacent to a proposed pool, that historic structure is located almost entirely within the required rear setback.
- The location of the proposed tennis court on the northern portion was formerly the site of one of the Cluny School buildings, which has been removed. That portion of the lot is extremely shallow relative to the required setbacks, thereby creating a very small building envelope.

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 the A/C condensers and standby generator, and pool equipment are located adjacent to historic structures that are either entirely or largely within the required setbacks, almost any equipment serving those structures requires dimensional relief. As a result, denial of the application would deprive the Applicant of the ability to install necessary supplementary equipment with regards to the condensers and generators. That in turn would hinder the Applicant's ability to reutilize those structures

The same holds true for the location of the pool equipment. The pool approved by the HDC – which meets all setbacks – is located so as to enable the use of one of the existing historic outbuildings as a pool house. Given the location of the structure, denial of the application would deprive the Applicant of the ability to place and screen the pool equipment in a reasonable and aesthetic fashion.

Regarding the tennis court, the northern portion of the Lot is very shallow relative to the setback requirements, which makes constructing anything on this portion of the land challenging. Denial of the application would deprive the Applicant of the ability to erect a low-impact and reasonable addition that is common in the area, and which is a much less intense use than the school building that previously occupied that location.

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

The proposed A/C condensers and standby generators are all located within the existing setbacks, and will allow the Applicant to preserve and repurpose the historic outbuildings. Given the unique configuration of the northern portion of the lot, the proposed tennis court is a low impact, seasonal use of the site and the variances requested are the minimum necessary to make reasonable use of that portion of the lot.

The Zoning Board's 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:

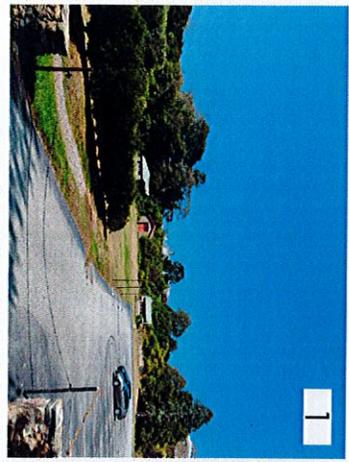
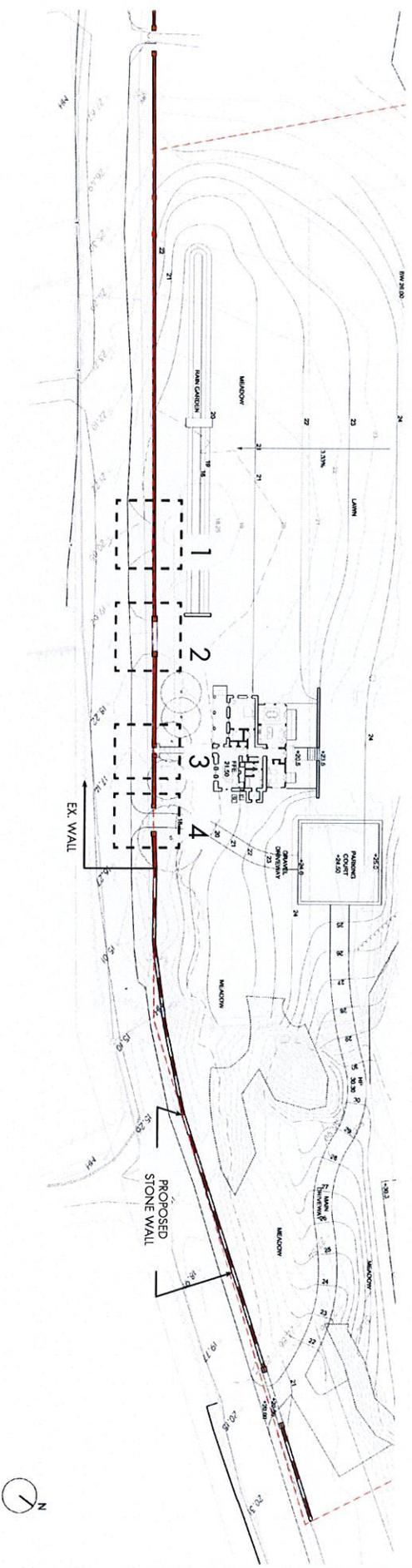
1. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of the structure;
2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;
3. The nature of the surrounding area and the extent to which the proposed use or 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/variance 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/variance has been met, the board must deny the application.

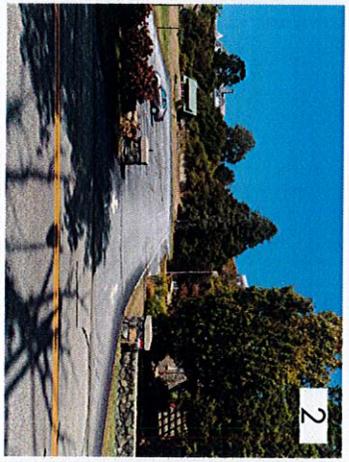
By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read the section entitled "The Zoning Board's Role".

Austin C. Willis,
By His Attorney,

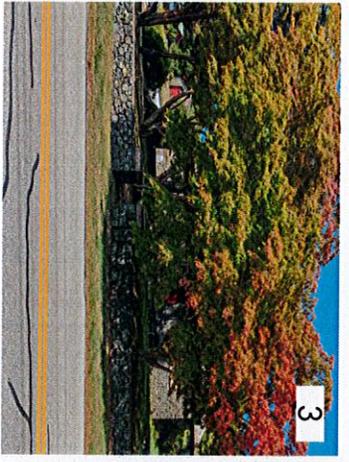
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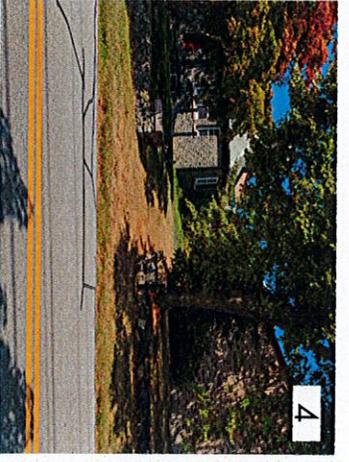
27' OPENING - TO BE INFILLED



1' OPENING - TO REMAIN



4' OPENING - TO REMAIN



15' OPENING - TO BE REMAIN

75 BRENTON ROAD
NEWPORT, RHODE ISLAND

BRENTON ROAD STONE WALL
PAUL WIEBER ARCHITECTURE
TL STUDIO LANDSCAPE ARCHITECTURE
JULY 28, 2021

