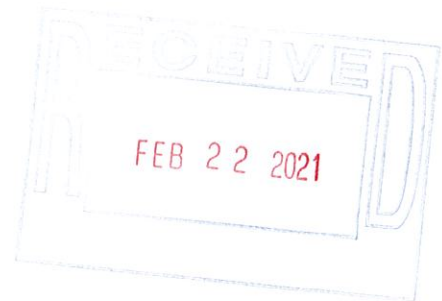


Revised

**COMBINED APPLICATION FOR A SPECIAL USE PERMIT & A  
REGULATORY (DIMENSIONAL) VARIANCE****CITY OF NEWPORT, RI  
ZONING BOARD OF REVIEW**DATE: 8/26/2020**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: 122 Ruggles AveTax Assessor's Plat 40 Lot 346**Petitioner Information**Applicant Sean & Jessica Quirk Address 122 Ruggles Ave, Newport RIOwner Sean & Jessica Quirk Address 122 Ruggles Ave, Newport RI

Lessee \_\_\_\_\_ Address \_\_\_\_\_

**Property Characteristics**Dimensions of lot-frontage 60' depth 138' area 8,276 sq. ft.Zoning District in which premises is located R10AHow long have you owned above premises? 2.5 yearsAre there buildings on the premises at present? yesTotal square footage of the footprint of existing buildings 1,586 SFTotal square footage of the footprint of proposed buildings 2,373 SFPresent use of  
premises Single Family Dwelling

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

Proposed use of premises Existing single family residence is considered  
a dimensionally non conforming structure.

Give extent of proposed alterations Proposing to construct an open deck structure  
to a nonconforming structure.

### Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	8,276 sf	10,000 sf	8,276 sf
Lot Coverage	18%	20%	21.7%
Dwelling Units	1	1	1
Parking (# of spaces)	2	2	2
Front Setback	12'	15'	12'
Side Setbacks	6' & 3'	10'	6' & 3'
Rear Setback	67'	20'	60'
Height	25'	30'	25'

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

H-1.2, H-1.3, H-1.4



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 lot size is below 10,000 SF.

The existing house is a dimensionally non conforming structure.

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?

Of the surrounding 10 lots that are under 10,000 sf, 8 of those are in the 20-30% lot coverage range.

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

The proposed deck complies with the setbacks.

The client will agree to no future enclosure of the deck for conversion to living space, nor will they add any enclosed living space above the deck.

### 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".**

DocuSigned by:  
*Jessica Quirk*  
F23FA9A9E7A1B41D  
\_\_\_\_\_  
**Applicant's Signature**

(      ) 339-227-0058  
\_\_\_\_\_  
**Telephone Number**

**Email address**

Jessica.quirk@nemoves.com

DocuSigned by:  
*Jessica Quirk*  
F23FA9A9E7A1B41D  
\_\_\_\_\_  
**Owner's Signature**

(      )  
\_\_\_\_\_  
**Telephone Number**

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