

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

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

**DATE:** February 24, 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.:** 53 Ridge Road

**Tax Assessor's Plat:** 44, Lot: 047

**Petitioner Information**

**Applicants:** Frances Guillemot  
Gerard Guillemot

**Addresses:** c/o J. Russell Jackson, Esq.  
Miller Scott Holbrook & Jackson  
122 Touro Street  
Newport, RI 02840

**Owner:** Same

Same

**Leasee:** N/A

N/A

**Property Characteristics**

**Dimensions of Lot:** Irregular – See Attached Plans - **Area:** 86,248.8 sq. ft. +/-

**Zoning District in which premises is located:** R-120

**How long have you owned above premises?** June 4, 2004

**Are there buildings on the premises at present?** Yes

**Total square footage of the footprint of existing buildings:** 4,439 sq. ft. (5.14%)

**Total square footage of the footprint of proposed buildings:** 5,319 sq. ft. (6.17%)

**Present use of premise:** Single Family Residential Dwelling and Carport

**Proposed use of premises:** Single Family Residential Dwelling and Garage with Loft Storage Space

**Give extent of proposed alterations:** The Applicants propose to remove an existing, dilapidated 12' x 24' carport in the southeast corner of the property and replace it with a 24' x 32' enclosed, two-car garage with loft space above.

**Project Summary/Zoning History:** This same proposal was approved on an Abbreviated Summary basis by the Zoning Board of Review on November 25, 2019. The Applicant/Owners have made a slight modification to the garage and are proposing to increase the foot print of the structure from the previously approved size of 22' x 28' to a new proposed size of 24' x 32'. Although the garage size will be slightly increased, the structure will be sited exactly where previously approved and there will be no greater increase of side setback encroachments beyond that which was previously approved by the Board. The lot coverage will remain under 8%.

#### **Zoning Characteristics Matrix**

	<b>Existing</b>	<b>Required/Allowed</b>	<b>Proposed</b>
<b>Lot Size (sq. ft.)</b>	86,248.8	120,000	No Change
<b>Lot Coverage (%)</b>	5.14%	8%	6.17%
<b>Dwelling Units</b>	1	1	1
<b>Parking</b>	>2	2	>2
<b>Side Setback</b>	> 50' North > 50' West 42.5' South 5' East	50'	> 50' North > 50' West 35' South 5' East
<b>Front Setback</b>	N/A*	75'	N/A
<b>Height</b>	<35'	35'	33'

\* Land locked lot with access via an easement over adjoining property, hence all setbacks to be considered side line setbacks

#### **Provisions or regulations of Zoning Ordinance applicable:**

Section 17.44.040 A	Front Yard Setback
Section 17.72.030 C	Alteration of Nonconforming Development
Section 17.100.080 A	Accessory Uses
Section 17.44.030	Dimension requirements



**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-1.2: The City shall protect the Ocean Drive neighborhood and southerly portions of the city, by maintaining an emphasis on very low density residential uses conservation and enhancement of exceptional natural resources, and appropriate public recreation.*

*Policy LU-1.4: The City shall maintain design standards to protect historic structures, maintain the heritage of the community, and maintain views and access to the harbor and waterfront areas.*

**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.*

**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 and which are not applicable to other lands, structures, or buildings in the same district?**

The subject property is an irregularly-shaped parcel on which the owners'/applicants' home is situated along with a dilapidated and impractical carport located in the southeast corner of the lot. The property also features irregular topography. Given the landscape and unusual shape of the property, as well as mature trees, the existing carport location provides the requisite space and terrain for the proposed detached garage improvement. The property is located at the end of a long driveway extending from Ridge Road, which significantly reduces the property's street frontage and restricts the owners'/applicants' options for a detached garage location. The subject lot is a

non-conforming parcel that once belonged to a much larger estate and, following subdivisions of the larger estate, the subject property is burdened by its size and shape, unlike the other larger, regularly-shaped lots common in the surrounding district.

**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 code?**

The existing single-family dwelling is located in the Historic district on a non-conforming lot of record. The property has 25% less square footage than is required for the district, and due to historical subdivisions in the surrounding area, the parcel does not provide the necessary frontage on Ridge Road. The detached garage will replace an existing carport and will be placed along the eastern side of the property where dense, mature vegetation to the east and fencing and vegetation to the south will screen the structure from the neighboring properties. A literal interpretation of the zoning code would prohibit placing the garage on the screened and level eastern side of the property because it is technically the property's front yard. The Historic District Commission has previously approved the carport removal and garage construction and the improvement is of a size and character that is common to accessory structures in the surrounding district. Detached accessory structures are regular features for homes in this district. A literal interpretation of the zoning code would deprive the owners/applicants a right to replace an impractical and dilapidated carport structure on their property with a detached garage that will compliment and enhance the property, which use is commonly enjoyed by other owners in the neighborhood.

**State grounds for Special Use Permit and Variance in this case:**

This is a nonconforming lot of record. This modest addition of a detached garage (24' x 32') will be built on the site of an existing 12' x 24' carport, five feet from the front property line, alongside vegetation and screened from the road and neighboring properties. The proposed location will be shielded by fencing and plantings along the property line and will be aesthetically compatible with existing single-family home on the subject property. Because the residential dwelling is oriented so that the facade faces Narragansett Bay and is situated on irregular terrain, the proposed detached garage will be located in what is technically the front yard setback, though hidden from street view and practically placed to replace an existing carport, allow easy access from the existing driveway, and protect mature trees on the property. There is no other reasonable location to place this detached garage as the proposed site serves as the rear of the property. The application is in accordance with the public convenience and welfare and meets or exceeds all of the conditions required in Sections 17.108.020 G 1-7.

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

Special conditions and circumstances exist which are particular to the subject property given the property's irregular shape and location at the end of a long driveway. A literal interpretation of the provisions would deprive the owner/applicant of rights commonly enjoyed by other owners in the same district. This is the minimum relief necessary that will make possible the reasonable use of the property; and given the location of mature trees, the existing carport, and driveway, as well as the lot's irregular shape, there is no other reasonable alternative for the owners/applicants to enjoy



this legally permitted use on its property. The proposed detached garage improvement will bring this property into better conformity with the owners'/applicants' home and other homes in the district. While the subject lot is undersized for the district, the owners'/applicants' home is modest for the area and the proposed garage addition will increase lot coverage to 6.17%, leaving the lot coverage well below the permitted 8%.

### **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.

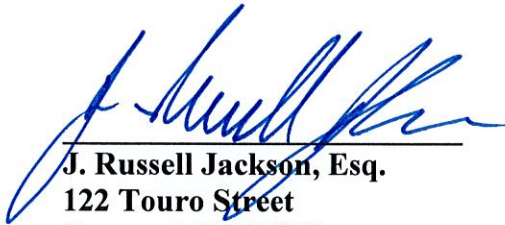
In granting a variance, the zoning board of review shall require that evidence of the following standards be entered into the record of the proceedings:

- 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.

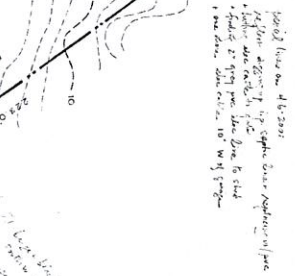
**By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read the section entitled "The Zoning Board's Role".**

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



**J. Russell Jackson, Esq.  
122 Touro Street  
Newport, RI 02840  
Tel: 401-847-7500  
Fax: 401-848-5854  
[jrjackson@millerscott.com](mailto:jrjackson@millerscott.com)**





NEWPORT OCEAN CORP.

136.94' N-37°-01'-E  
JAMES GATELY

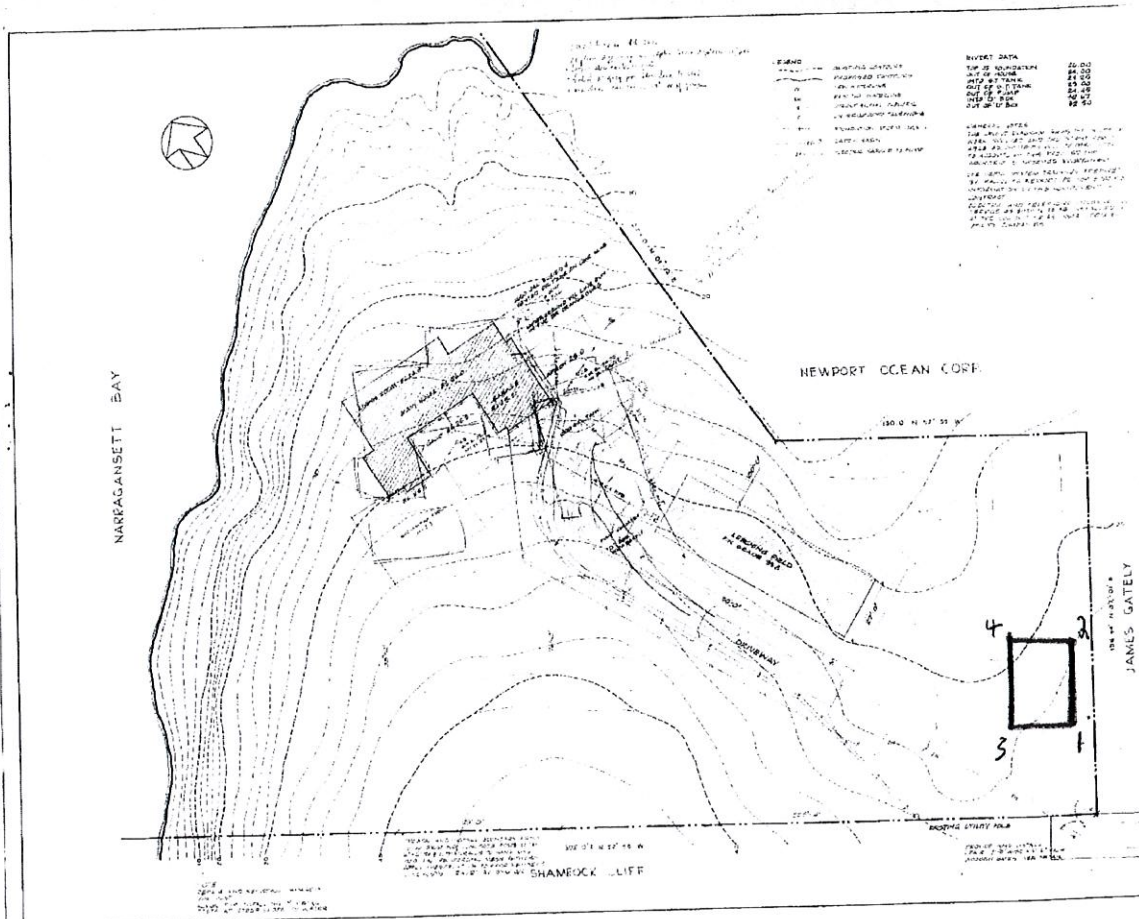
PROPOSED  
RESIDENCE  
FOR  
MR & MRS MURRAY DAVIS  
RIDGE ROAD  
NEWPORT S.I.

SITE PLAN.

**the  
urban  
design  
group**

[illegible]

SCALE	116-1-0
DATE	7-1-59
DRN	CHK'D
JOB NO	



**the urban design group**  
 122 touro street  
 newport ri. 02840

SITE PLAN

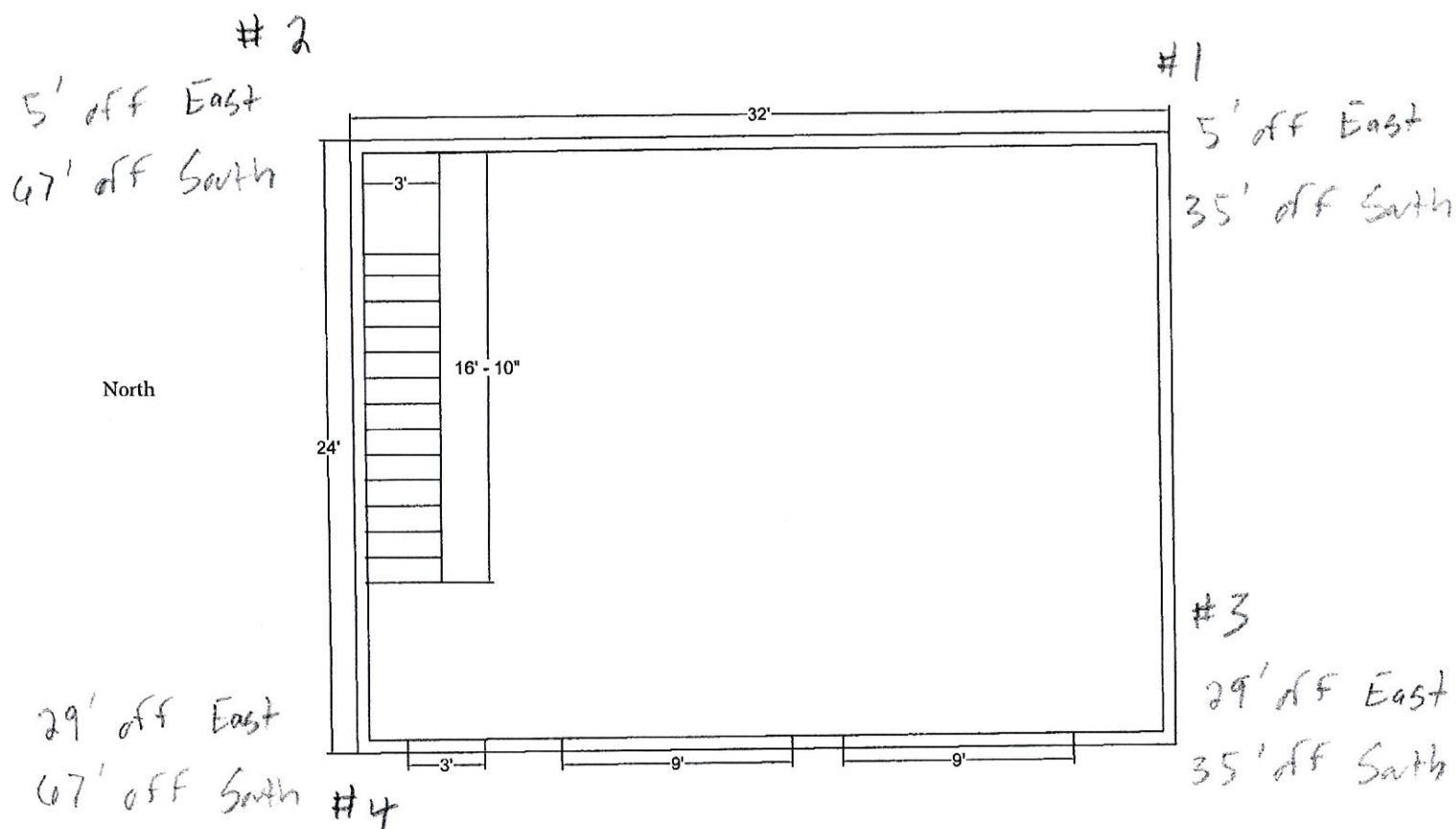
REVISIONS		
NO.	DATE	SCOPE

PROPOSED  
 RESIDENCE  
 FOR  
 MR & MRS MURRAY DAVIS  
 RIDGE ROAD  
 NEWPORT R.I.

SCALE	1" = 20'
DATE	7/1/54
DES	CHN D
JOB NO	100



Passage Rock  
53 Ridge Rd.  
Newport, RI 02840  
Proposed New Garage First Floor Plan  
02/04/20



Passage Rock Site Plan

53 Ridge Rd.  
Newport, RI 02840  
Existing Carport

Legend

53 Ridge Rd



Google Earth

© 2018 Google

100 ft



Passage Rock Site Plan

53 Ridge Rd.  
Newport, RI 02840  
Proposed New Garage  
24'L x 32'W x 24-1/4'H

Legend

53 Ridge Rd





Passage Rock  
53 Ridge Rd.  
Newport, RI 02840  
Existing Carport North Elevation  
08/16/2019





Passage Rock  
53 Ridge Rd.  
Newport, RI 02840  
Existing Carport South Elevation 1 of 2  
08/18/2019



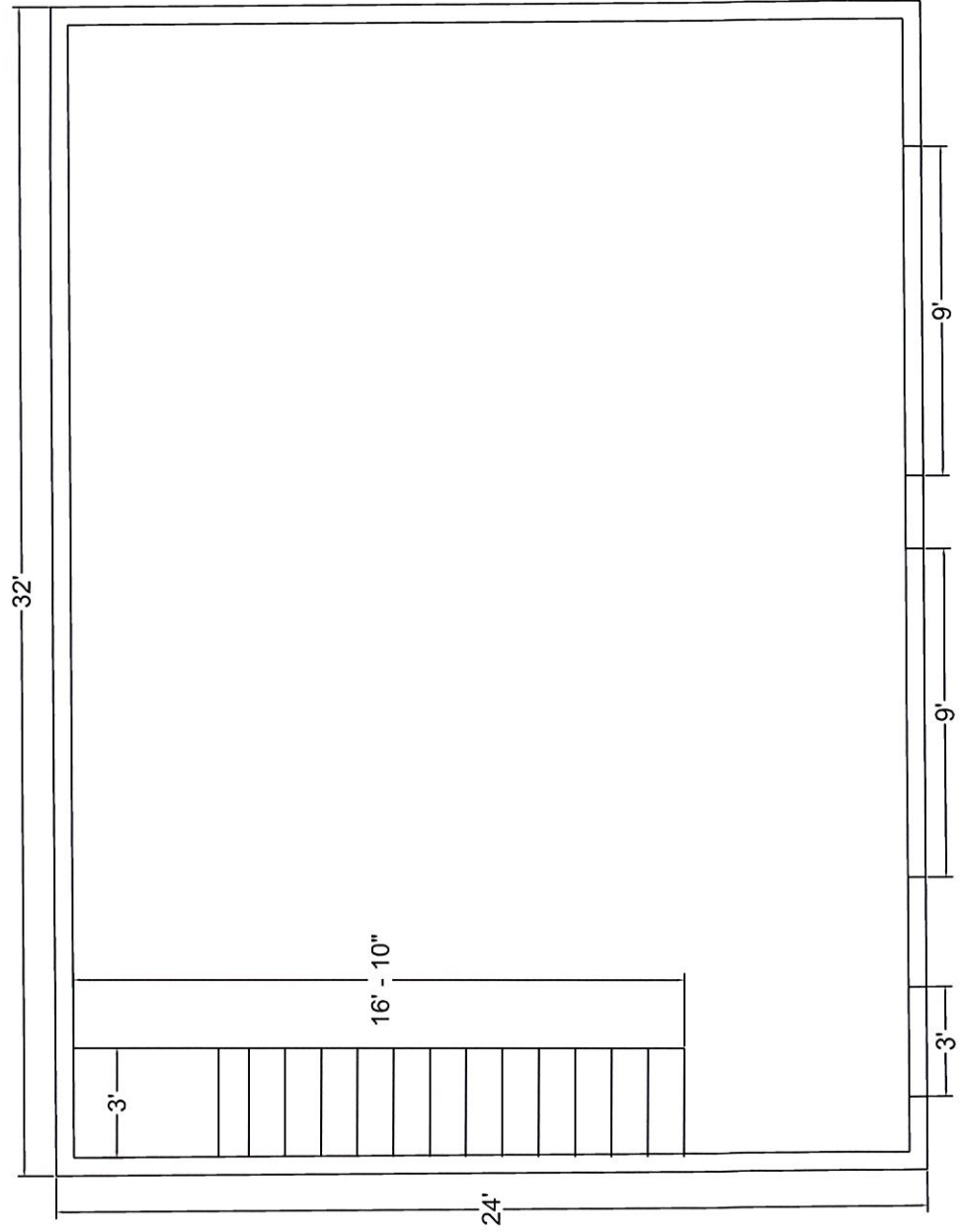


Passage Rock  
53 Ridge Rd.  
Newport, RI 02840  
Existing Carport West Elevation 2 of 2  
08/16/2019

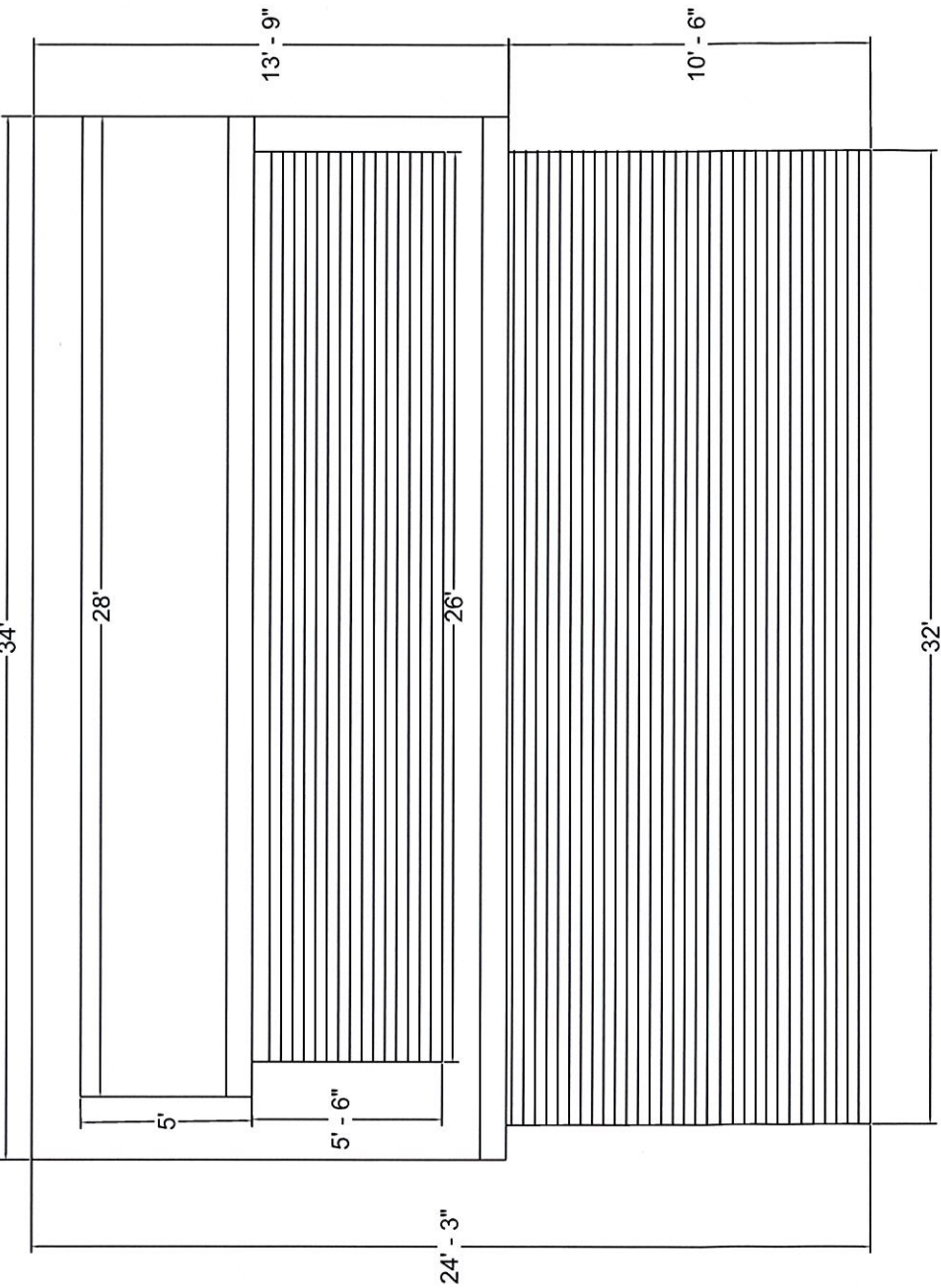




Passage Rock  
53 Ridge Rd.  
Newport, RI 02840  
Proposed New Garage First Floor Plan  
02/04/20

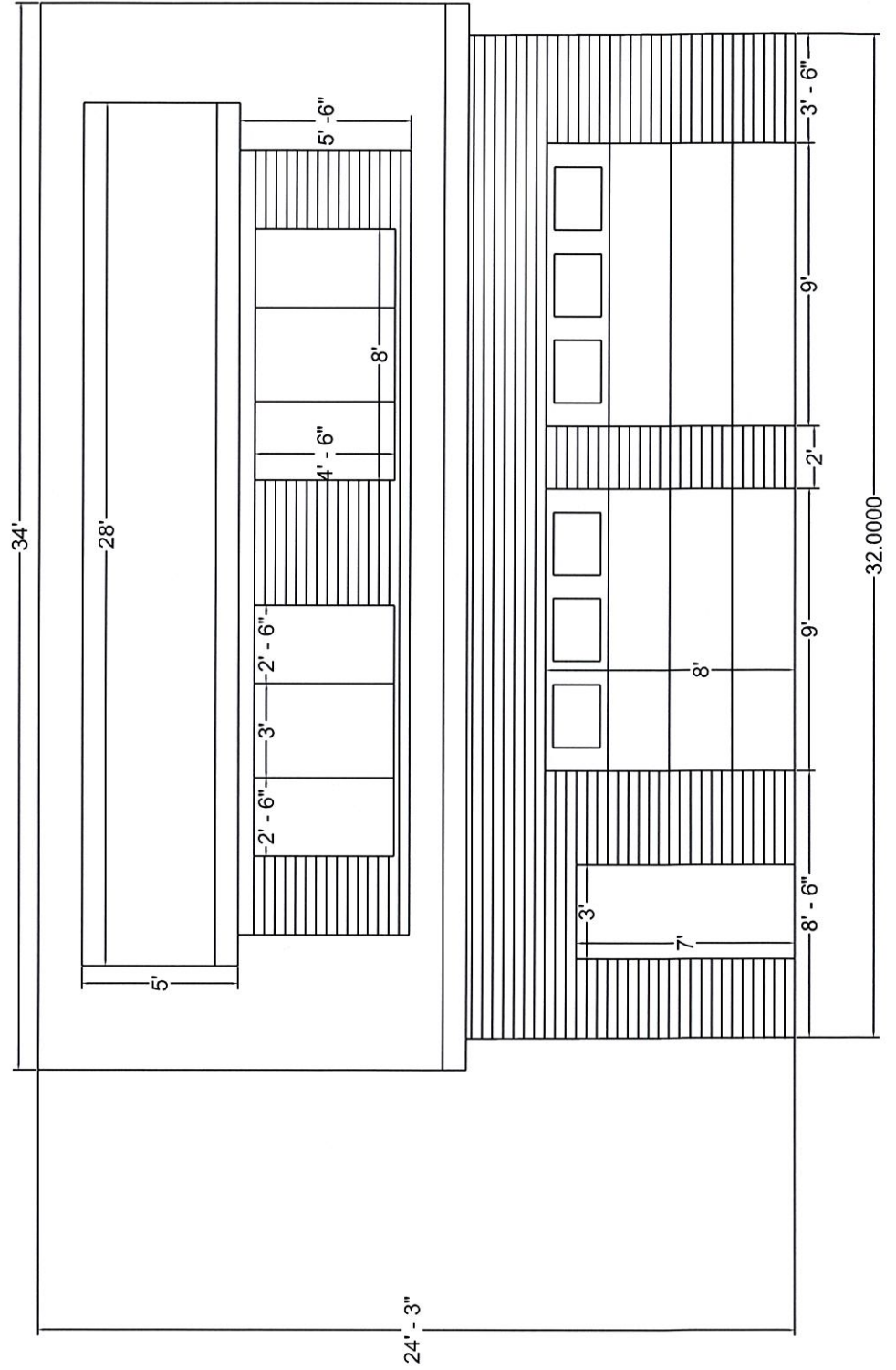


Passage Rock  
53 Ridge Rd.  
Newport, RI 02840  
Proposed New Garage East Elevation  
02/04/20

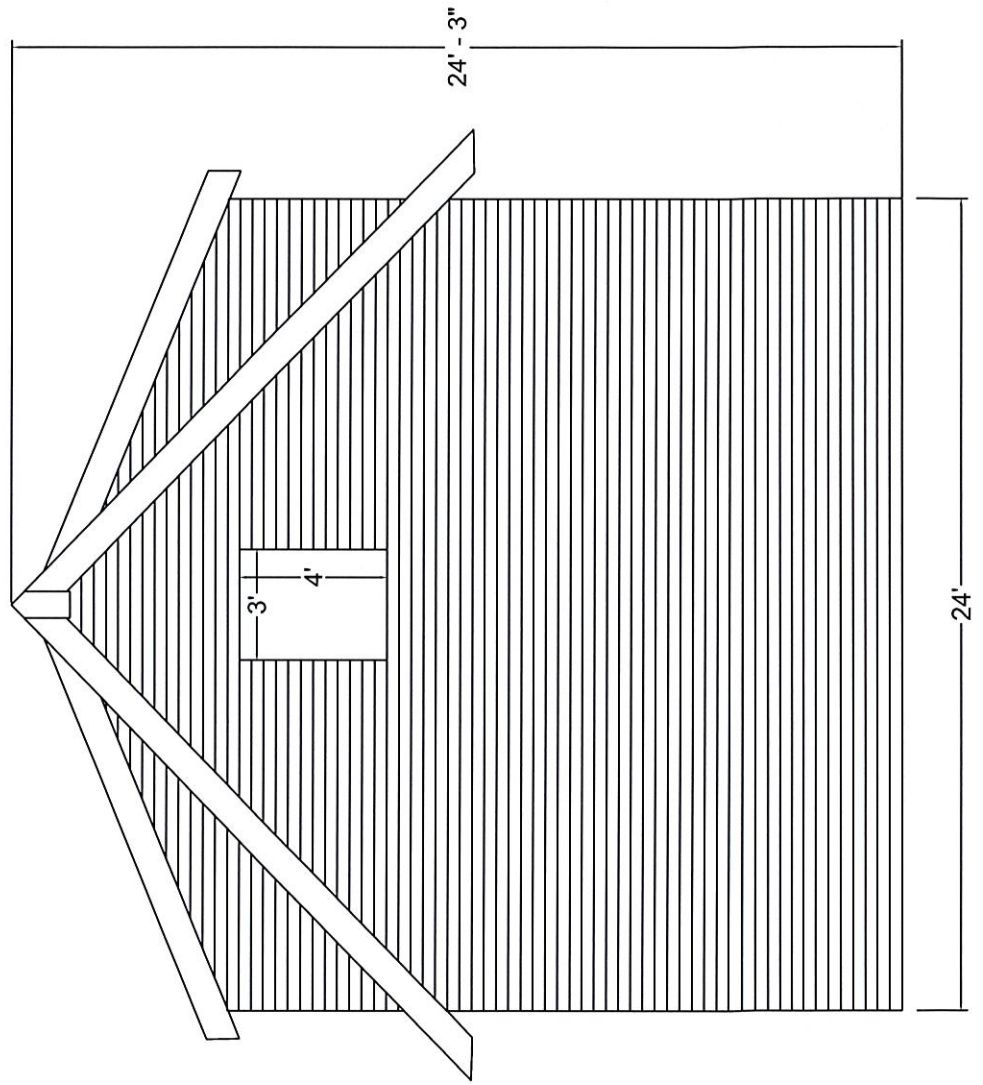




Passage Rock  
53 Ridge Rd.  
Newport, RI 02840  
Proposed New Garage West Elevation  
02/04/20



Passage Rock  
53 Ridge Rd.  
Newport, RI 02840  
Proposed New Garage North Elevation  
02/04/20





Passage Rock  
53 Ridge Rd.  
Newport, RI 02840  
Proposed New Garage South Elevation  
02/04/20

