

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

CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW



DATE: 1/27/2020

PREVIOUS DESIGN SUMMARY APPROVED
JANUARY 2019

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: 65 THIRD STREET, NEWPORT, RI 02840

Tax Assessor's Plat 65 Lot 034

Petitioner Information

Applicant Patricia Ludwig Address 65 THIRD STREET, NEWPORT, RI 02840

Owner Patricia Ludwig Address 65 THIRD STREET, NEWPORT, RI 02840

Lessee _____ Address _____

Property Characteristics

Dimensions of lot-frontage 56' - 6" depth 97' - 0" area 4,791 sq. ft.

Zoning District in which premises is located R10

How long have you owned above premises? 23 YEARS

Are there buildings on the premises at present? YES

Total square footage of the footprint of existing buildings 1,815 SF

Total square footage of the footprint of proposed buildings 108 SF (NEW REAR STAIR)

Present use of
premises TWO FAMILY DWELLING

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

Proposed use of premises TWO FAMILY DWELLING (NO CHANGE)

Give extent of proposed alterations 108 SF rear egress stairway. New rear roof line on second floor addition will increase massing above existing non-conforming north setback. Remove existing rear gable & replace with a 378 SF rear deck.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	4,791 SF	10,000 SF	No Change
Lot Coverage	37.8%	20%	40.1%
Dwelling Units	2	2	No Change
Parking (# of spaces)	3	3	No Change
Front Setback	2'	15'	No Change
Side Setbacks	5' - 2"	10'	No Change
Rear Setback	8' - 1" (existing shed)	20'	34'-11" (new stair)
Height	24'-9"	30'	No Change

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

None, this is an existing two family dwelling in a residential zone.

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 lot is undersized for the R10 district (4,791 SF). The existing footprint already exceeds the lot coverage percentage. The addition is constrained to the existing building footprint that is already established. The new rear stair will provide code compliant egress from the 2nd floor dwelling in the smallest footprint possible as confirmed by the HDC process.

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?

Second floor addition above existing house footprint is common in the neighborhood. The proposed addition and deck sit within the existing non-conforming house footprint. The new stairs are an extension of the existing nonconforming footprint (north setback) & provide necessary egress.

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

The very small existing second floor apartment is 596 sf. The proposed roof line will increase the usable apartment space by only 143 sf to meet modern living needs. The exterior stairs will provide needed access to the second floor which currently can only be accessed by a very steep interior stair with steep risers unsuitable for access & decrepit fire escape attached outside north window.

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".

Patricia Ludwig
Applicant's Signature

(401) 848-7079
Telephone Number

Patricia Ludwig
Owner's Signature

(401) 848-7079
Telephone Number

Email address pd1udwig@gmail.com

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