

APPLICATION FOR DIMENSIONAL VARIANCE

CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW

DATE: February 14, 2020

Board members:

The undersigned hereby petitions the Zoning Board of Review for 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: 46 Church Street

Tax Assessor's Plat 24 Lot 154

Petitioner Information

Applicant Sean Napolitano Address 29 1/2 Bliss Road, Newport, RI

Owner A-1 Roofing & Construction Address 29 1/2 Bliss Road, Newport, RI

Lessee _____ Address _____

Property Characteristics

Dimensions of lot-frontage 51.5' depth 60' area 2,050 sq. ft.

Zoning District in which premises is located General Business

How long have you owned above premises? 4 years

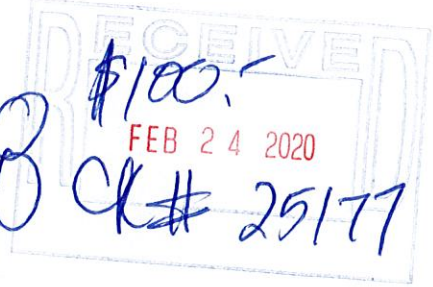
Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings 1,378

Total square footage of the footprint of proposed buildings No change

Present use of premises Single family dwelling

Proposed use of premises Two family dwelling



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

Give extent of proposed alterations Convert single family dwelling to a two family dwelling
(Single family allowed) and provide 1 parking spot where 2 are required

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	2,550	5,000	2,550
Lot Coverage (%)	54%	80%	54%
Dwelling Units	1	1	2
Parking (# of spaces)	1	2	2
Front Setback	0	0	0
Side Setbacks	0	0	0
Rear Setback	5	5	5
Height	35	45	35

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 property was in significant disrepair and structurally unsound which ultimately
required the demolition of the original structure. Had Petitioner been able to keep the
structure, he could have converted it to a two family.

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 literal interpretation deprives the right of the Petitioner of the right to have a two
family dwelling. The Petitioner had the right to convert the original structure to a two
family, but the structure was structurally unsound and had to be demolished.

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

The newly constructed residential dwelling is only replacing what existed and which was
entitled to a two family use

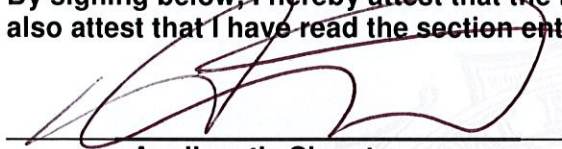
The Zoning Boards Role

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;

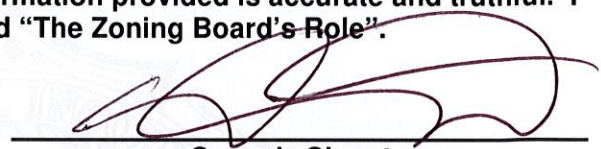
By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read the section entitled "The Zoning Board's Role".



Applicant's Signature

(401) 849 6200

Telephone Number



Owner's Signature

(901) 849 6200

Telephone Number

Email address dmartland@silvalawgroup.com

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

AP 24, LOT 112
N/F
THE GRACE HOTELS
VANDERBILT, LLC

AP 24, LOT 298
N/F
MATTHEW T. MURDOCK &
SUZANNE E. WILDBERGER

MAP 24 PARCEL 154
#46
AREA=2,462 S.F.

