

Staff Report

Prepared by Guy Weston,
Zoning Officer

Meeting of April 27, 2020

Petition of Gordon Development

Petitioner seeks permission to construct a small, 2-story 40 sq. ft. rear laundry room/living addition along with adding an air conditioner condenser to the rear of the house.

The lot contains approximately 2,178 sq. ft. of land and is a non-conforming lot of record.

The use of the property is that of a single-family dwelling.

The addition will have the same rear setback as the existing house.

The increase in the lot coverage is minimal and will not have an adverse impact on abutting properties.

Zoning History

Rear addition approved February 2020.

Vote: _____

Condition(s): _____

Secretary: _____

Date: _____

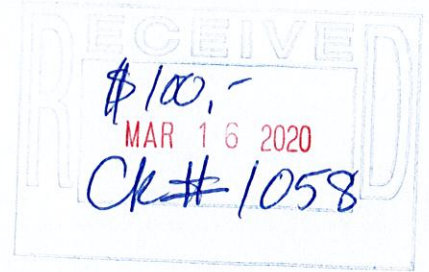
Narrative

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PETITION OF GORDON DEVELOPMENT, applicant and owner, for a special use permit and a variance to the dimensional requirements for permission to construct a 5' x 8' rear laundry room and balcony addition which will be located approximately 17' from the south property line, (20' required), and which will increase the lot coverage from 22% to 24%, (20% allowed), also to place an air conditioning condenser 1' from the west property line, (10' required), applying to the property located at 7 Young St., TAP 32, Lot 318, (R-10 zone).

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

CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW



DATE: 3/13/2020

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April-3

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: 7 Young Street

Tax Assessor's Plat 32 Lot 318

Petitioner Information

Applicant Gordon Development Address 6 Blackstone Valley Place, B 4, Lincoln, RI 02865

Owner Gordon Development Address 6 Blackstone Valley Place, B4, Lincoln, RI 02865

Lessee N/a Address _____

Property Characteristics

Dimensions of lot-frontage 44' depth 51' area 2,178 sq ft.

Zoning District in which premises is located Limited Business (LB)

How long have you owned above premises? 3 Months

Are there buildings on the premises at present? Existing House Only

Total square footage of the footprint of existing buildings 500

Total square footage of the footprint of proposed buildings 540

Present use of premises SF Dwelling

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

Proposed use of premises SF Dwelling

Give extent of proposed alterations Bathroom/Laundry area and closet and small balcony on second floor.

ADDITIONALLY, THERE WILL BE A SMALL A.C. CONDENSER AT REAR. PLEASE REFER TO SCHEMATIC INCLUDED.

Zoning Characteristics Matrix

| | Existing | Required/Allowed | Proposed |
|-----------------------|----------|------------------|----------|
| Lot Size (sq ft) | 2,178 | 3,000 | 2,178 |
| Lot Coverage | 22.1% | 50% | 24.1% |
| Dwelling Units | 1 | Multiple | 1 |
| Parking (# of spaces) | 2 | None | 2 |
| Front Setback | 0' | 0' | 0' |
| Side Setbacks | 1' | 0 | 1' |
| Rear Setback | 16'10" | 5' | 16'10" |
| Height | 28' | 45' | 28' |

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

3.3 Goals and policies LU-1.6

5.2 Goals and policies H1.3

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 subject has no room for laundry facilities, no first floor bath renders property functionally obsolete, second floor bedroom would benefit from a closet/storage area.

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?

There are many dwellings in existing limited business zone with significantly higher lot coverage, which benefits them with the ability to have a dwelling with a functional floor plan. We feel the additional 80 Sq.Ft. (40 SqFt on first floorbath/laundry area and 40 Sq.Ft on second floor utilized as a closet/storage area) will not impact the abutters; however, will make a substantial impact upon livability/functionality of the dwelling. Additionally, there will be no view obstruction from any abutter with regards to the second floor closet.

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

The applicant feels that the addition of a laundry area/bathroom/second floor closet would be minimum in size and would have no impact on all abutters and would not be visible from the street. The additional 72 Sq.Ft. is the minimal SqFt which would allow needed updates/improvements. Please refer to drawing which will illustrate the minimal impact the proposed addition will have.

**Be advised that the first floor addition was approved at the February 2020 meeting. We have decided to ask for the second floor closet to be added to the approval. It will have no affect on the approved footprint and will not obstruct any abutter view.

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.

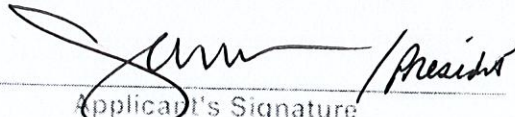
In granting a variance, the zoning board of review shall *require* that evidence of the following standards be entered into the record of the proceedings

- 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

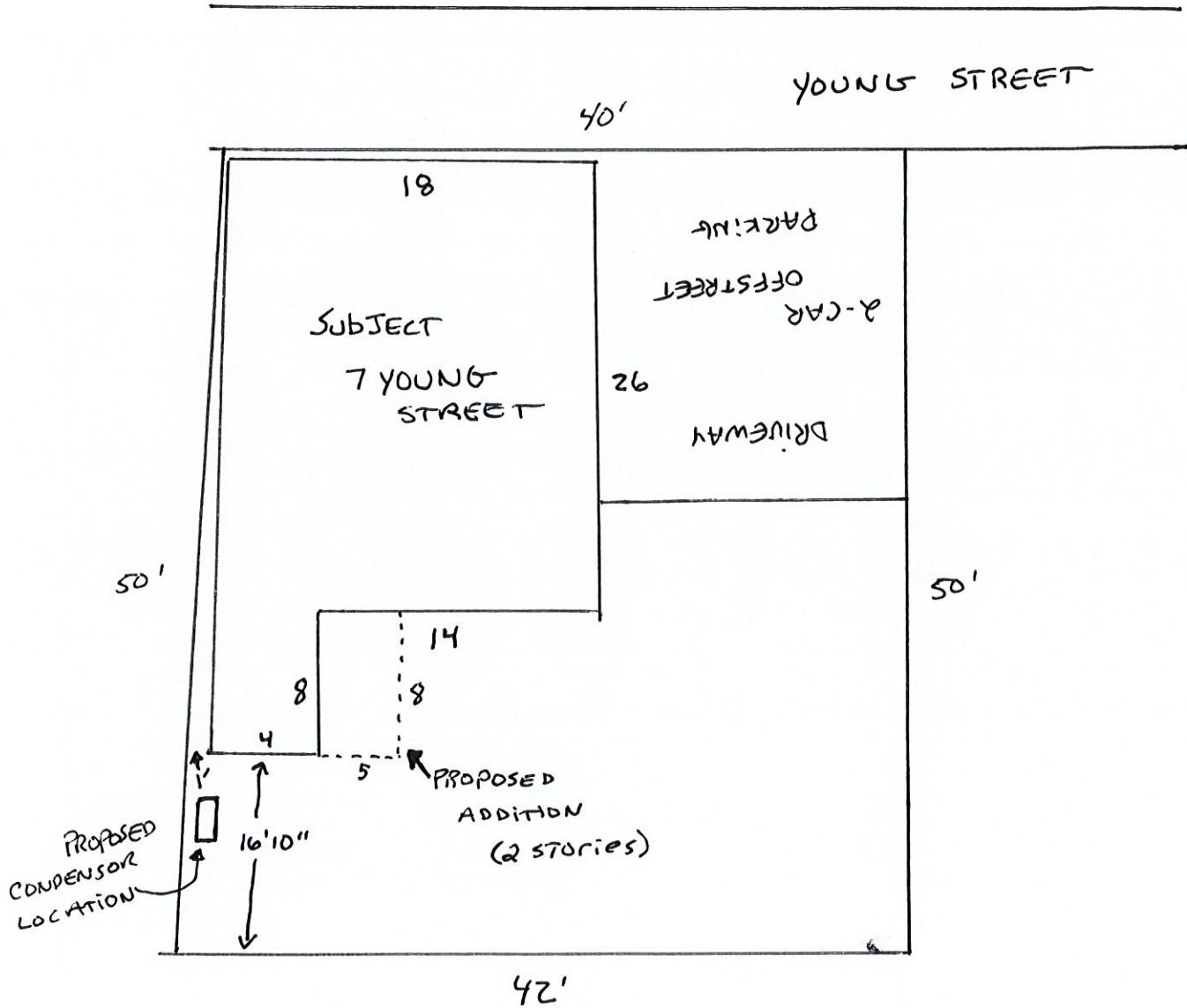
- d. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
- e. That the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted 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.

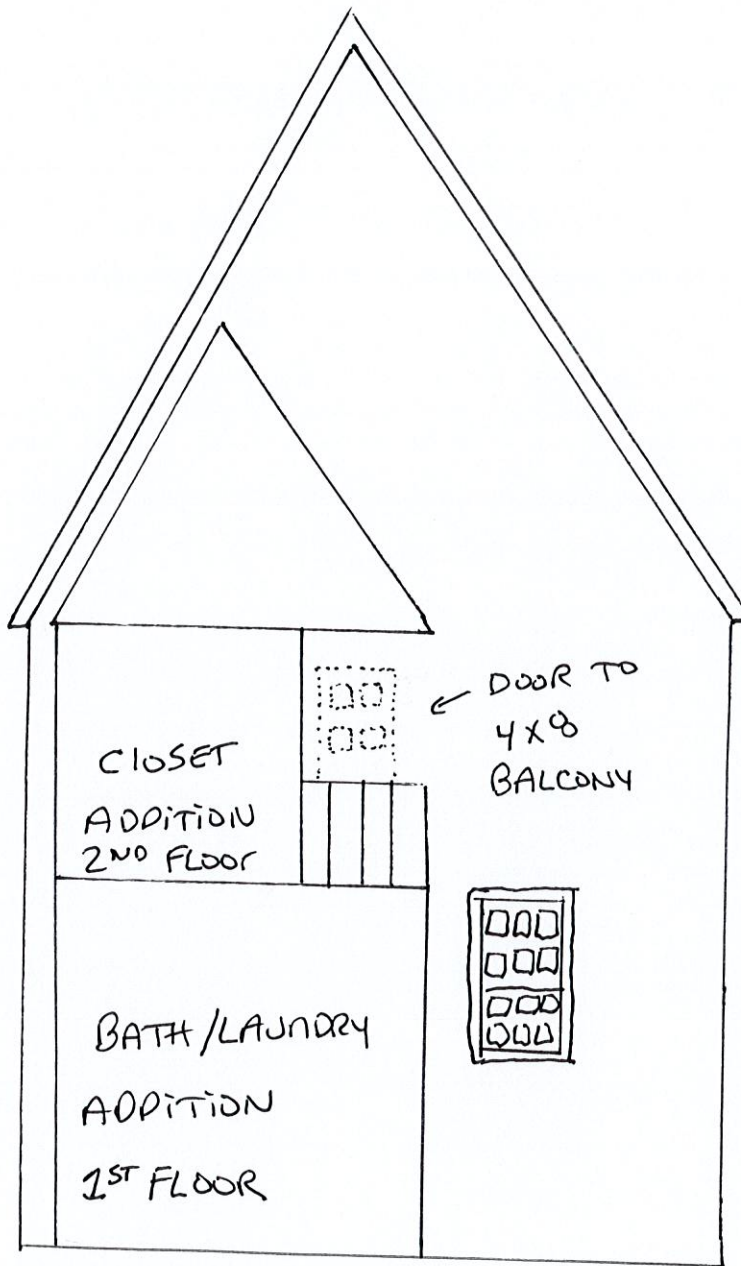
By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read the section entitled "The Zoning Board's Role".

| | |
|--|---|
|  Applicant's Signature | James Dusty is President/owner of Gordon Development Owner's Signature |
| (401) 486-5038 Telephone Number | () Telephone Number |
| Email address <u>jdusty@me.com</u> | |

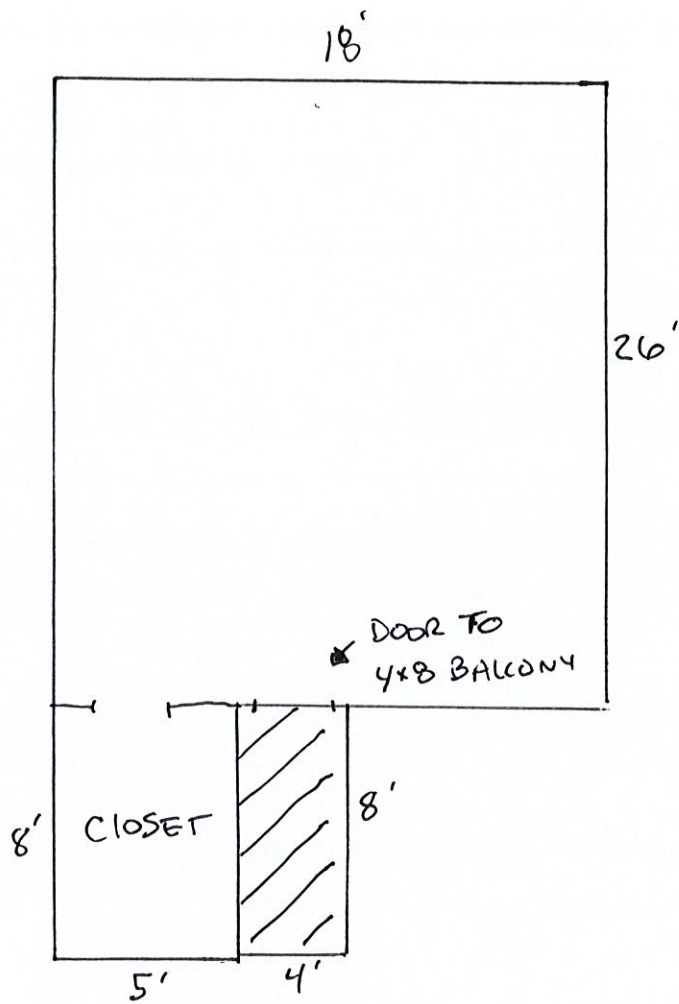
Be sure all required drawings are attached to this application at the time of the submittal.

James
Dusty





REAR VIEW



SECOND FLOOR PROPOSED
ADDITION