

# Staff Report

Prepared by Guy Weston,  
Zoning Officer

Meeting of April 27, 2020

## *Petition of Rubert Nesbitt*

Petitioner seeks permission to demolish an existing garage and construct a 2-story workshop/artist studio. This is a smaller version of a proposal approved by the Board in 2011.

The lot contains approximately 5,975 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 site plan shows the structure very close to the rear property line.

Testimony should be provided to explain why the structure could not be shifted more to the north, away from the rear property line.

### *Zoning History*

New larger structure approved - 2011.

Vote: \_\_\_\_\_

Condition(s): \_\_\_\_\_

\_\_\_\_\_

Secretary: \_\_\_\_\_

Date: \_\_\_\_\_

## *Narrative*

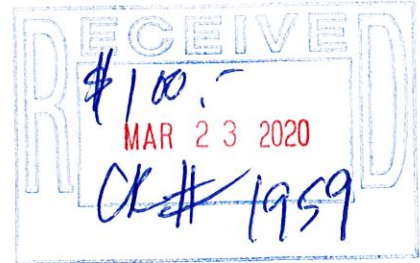
•••

PETITION OF RUPERT NESBIT, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to demolish the existing garage and construct a new 2-story, artist studio and workshop which will located 4.5' from the north property line, and 5.75' from the west property line, (10' required), and which will reduce the lot coverage from 39% to 38%, (20% allowed), applying to the property located at 15 Johnson Ct., TAP 14, Lot 13, (R-10 zone).

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

CITY OF NEWPORT, RI  
ZONING BOARD OF REVIEW

ZBK  
April 6



DATE: \_\_\_\_\_

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: 15 Johnson Ct

Tax Assessor's Plat 14 Lot 13

**Petitioner Information**

Applicant Rupert Nesbitt Address 15 Johnson Ct

Owner Rupert nesbitt Address 15 Johnson Ct

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

**Property Characteristics**

Dimensions of lot-frontage 60' 5" depth 100' area 5975 sq. ft.

Zoning District in which premises is located R-10

How long have you owned above premises? 22 Years

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings 2358 sq ft

Total square footage of the footprint of proposed buildings 2291 sq ft

Present use of premises workshop and arist's studio

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

Proposed use of premises workshop and artist's studio

---

---

---

Give extent of proposed alterations increase height per drawings, move slightly away from property lines, reduce square footage slightly, change roofline

---

### Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	5976	10000	5976
Lot Coverage	39.4%	20%	38.3%
Dwelling Units	1	1	1
Parking (# of spaces)	10		10
Front Setback	61	15	60
Side Setbacks	3' on neighbor side	10	3' 6"
Rear Setback	1'	20	2'
Height	19' 6"	30	28'

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

Maintain and repair of a dilapidated structure

---

---

---

---

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?

None Specified

---

---

---

---

---

---

---

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 non-conforming structure close to the property lines means roofline changes need variance

The structures low and dark second floor prevents its use for anything other than storage.

Adding windows for light would look into neighboring properties with the existing roof shape.

A new roof shape permits windows and light in this structure while retaining neighborly privacy.

---

---

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

The structure deperately needs repair. This proposal attempts to do that, provide additional

space and daylight while saving some of the structure's materials and character.

---

---

---

---

---

## 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".**

Rupert Nesbitt  
Applicant's Signature

Rupert Nesbitt  
Owner's Signature

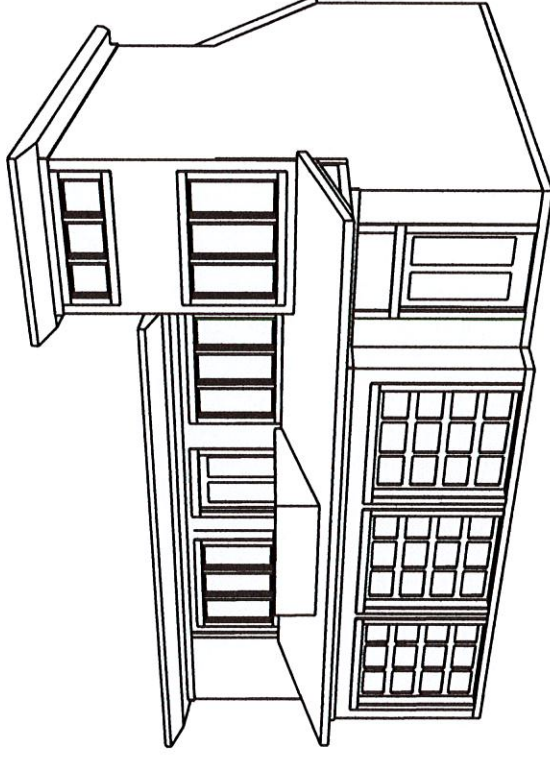
(401 ) 662-6028  
Telephone Number

( 401 ) 662-6028  
Telephone Number

**Email address** rupertnesbitt@gmail.com

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

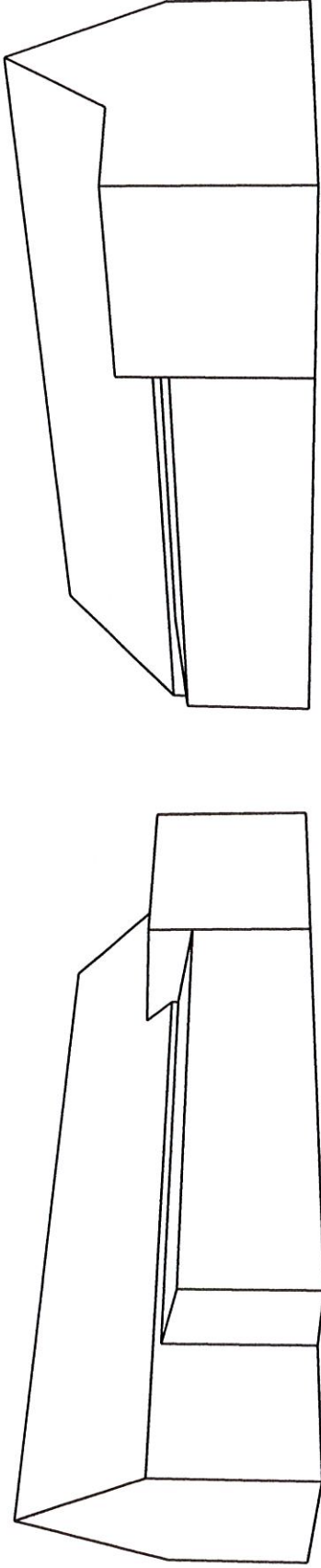
# Proposed Renovation of Barn at 15 Johnson Ct



15 Johnson Ct Newport RI 02840 Plat 14 Lot 13

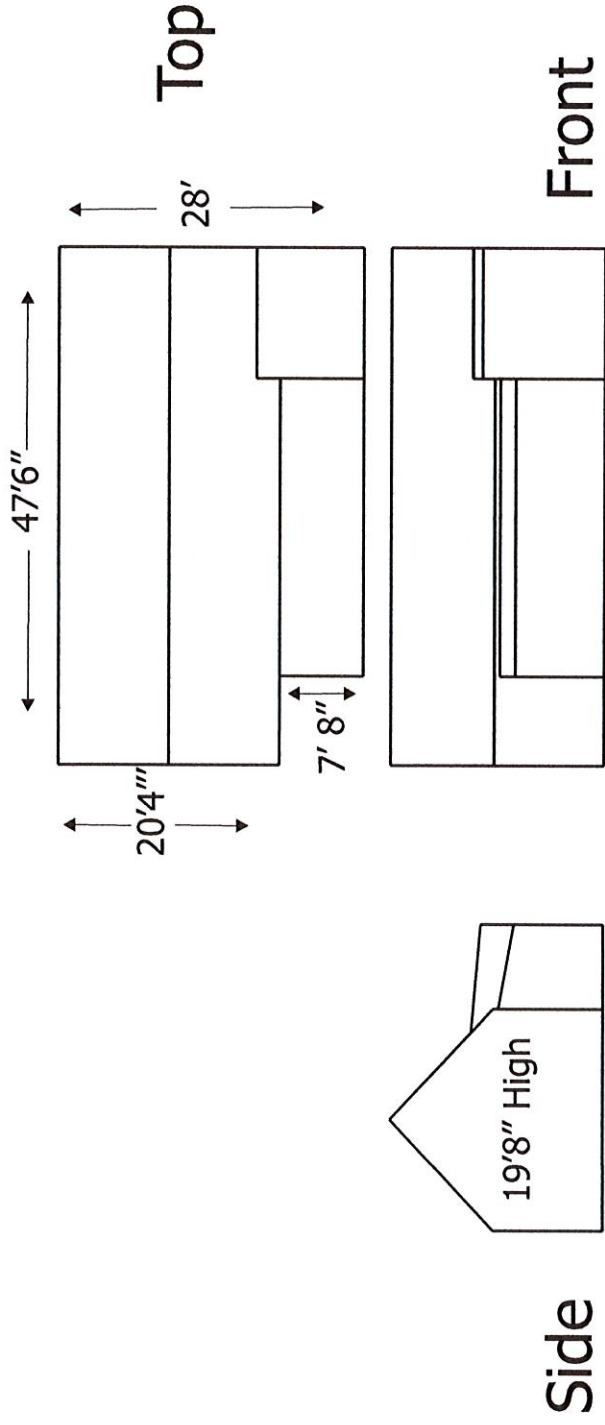
Rupert Nesbitt (401)662-6028 [rupertnesbitt@gmail.com](mailto:rupertnesbitt@gmail.com)

# Existing Barn Shape



Perspective from yard

Perspective from driveway

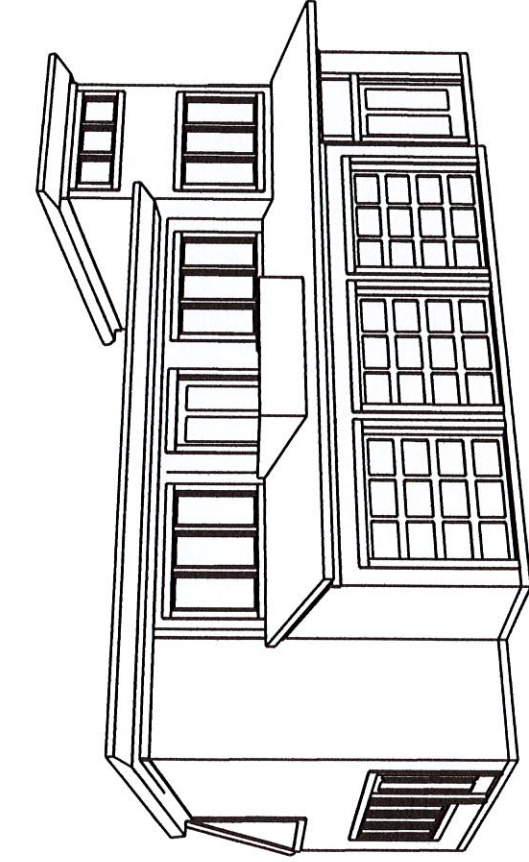


15 Johnson Ct Newport RI 02840 Plat 14 Lot 13

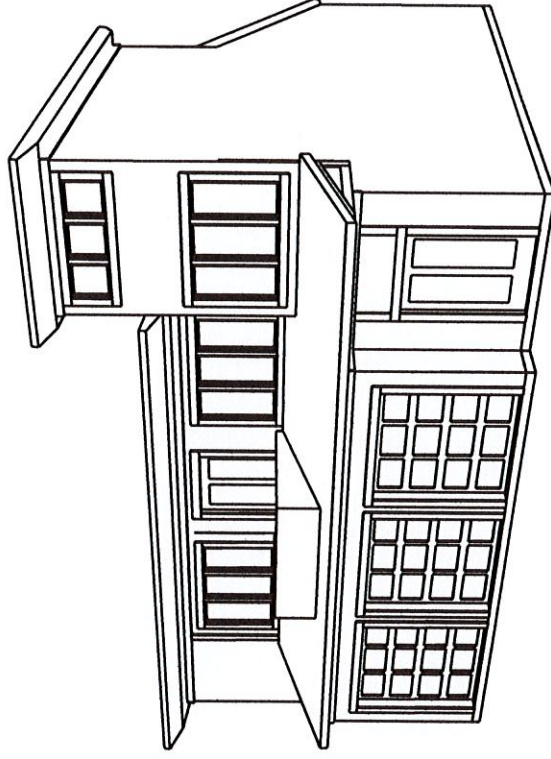
Rupert Nesbitt (401)662-6028 rupertnesbitt@gmail.com



# Planned: Repaired and Altered Barn Shape



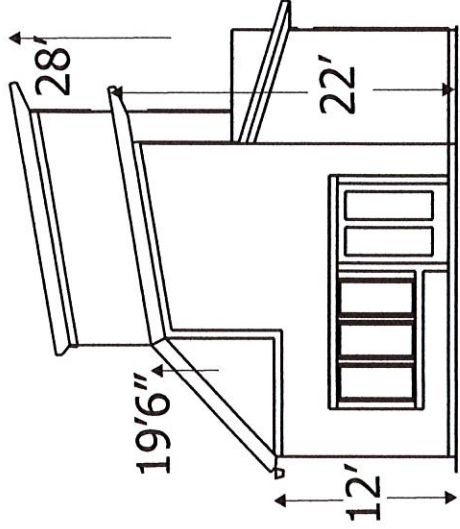
Perspective from yard



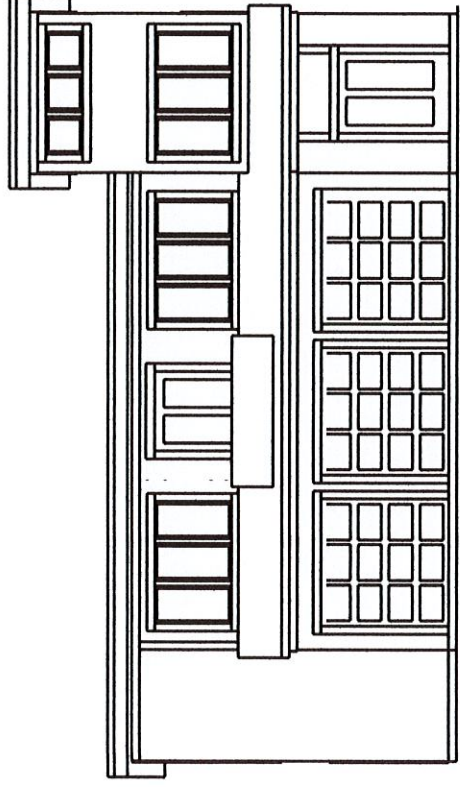
Perspective from driveway

15 Johnson Ct Newport RI 02840 Plat 14 Lot 13

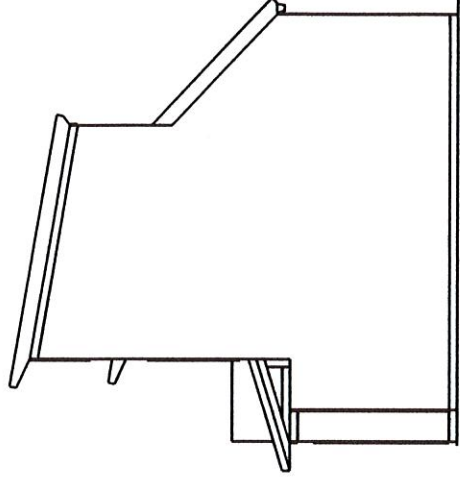
Rupert Nesbitt (401)662-6028 rupertnesbitt@gmail.com



Left

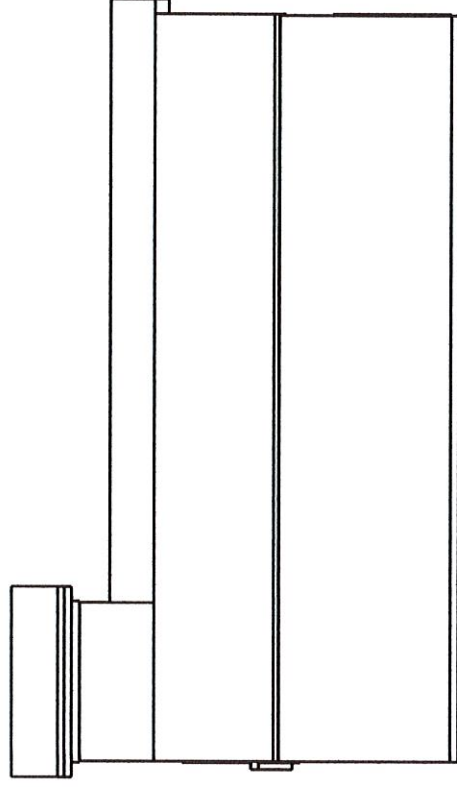


Front



Right

Facing House and Johnson Ct- Technically Northwest Fascade

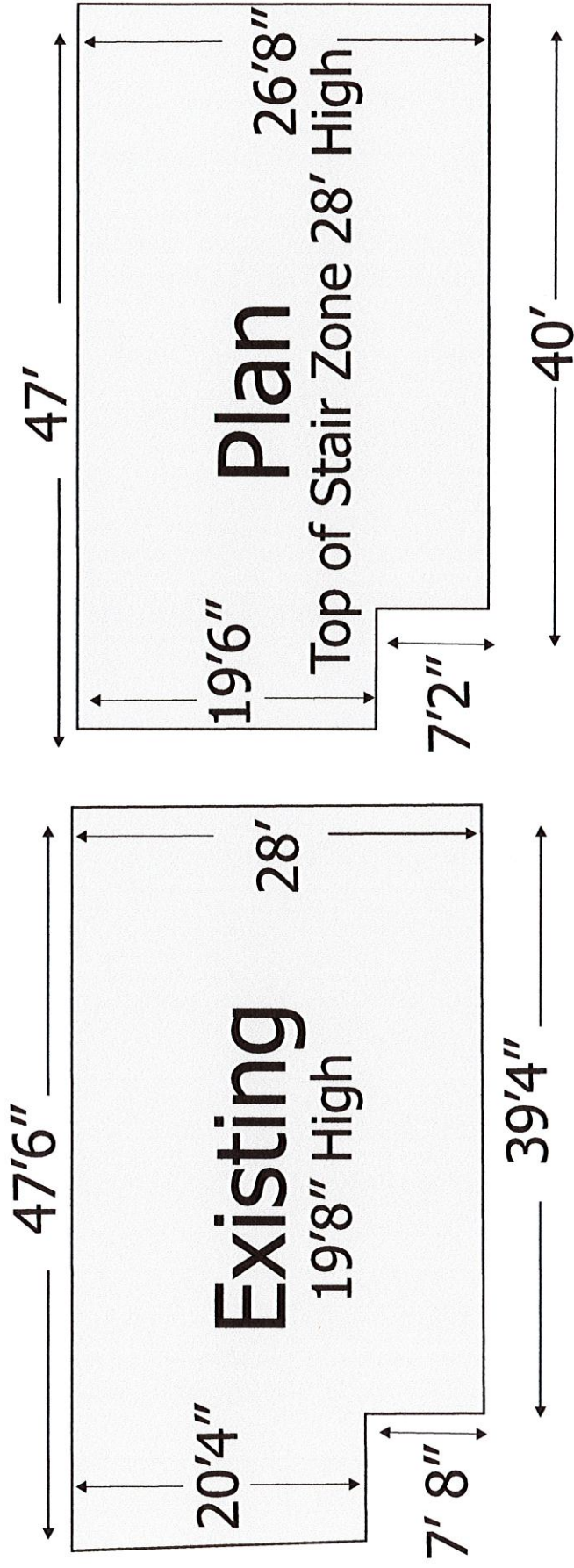


Rear

15 Johnson Ct Newport RI 02840 Plat 14 Lot 13

Rupert Nesbitt (401)662-6028 rupertnesbitt@gmail.com

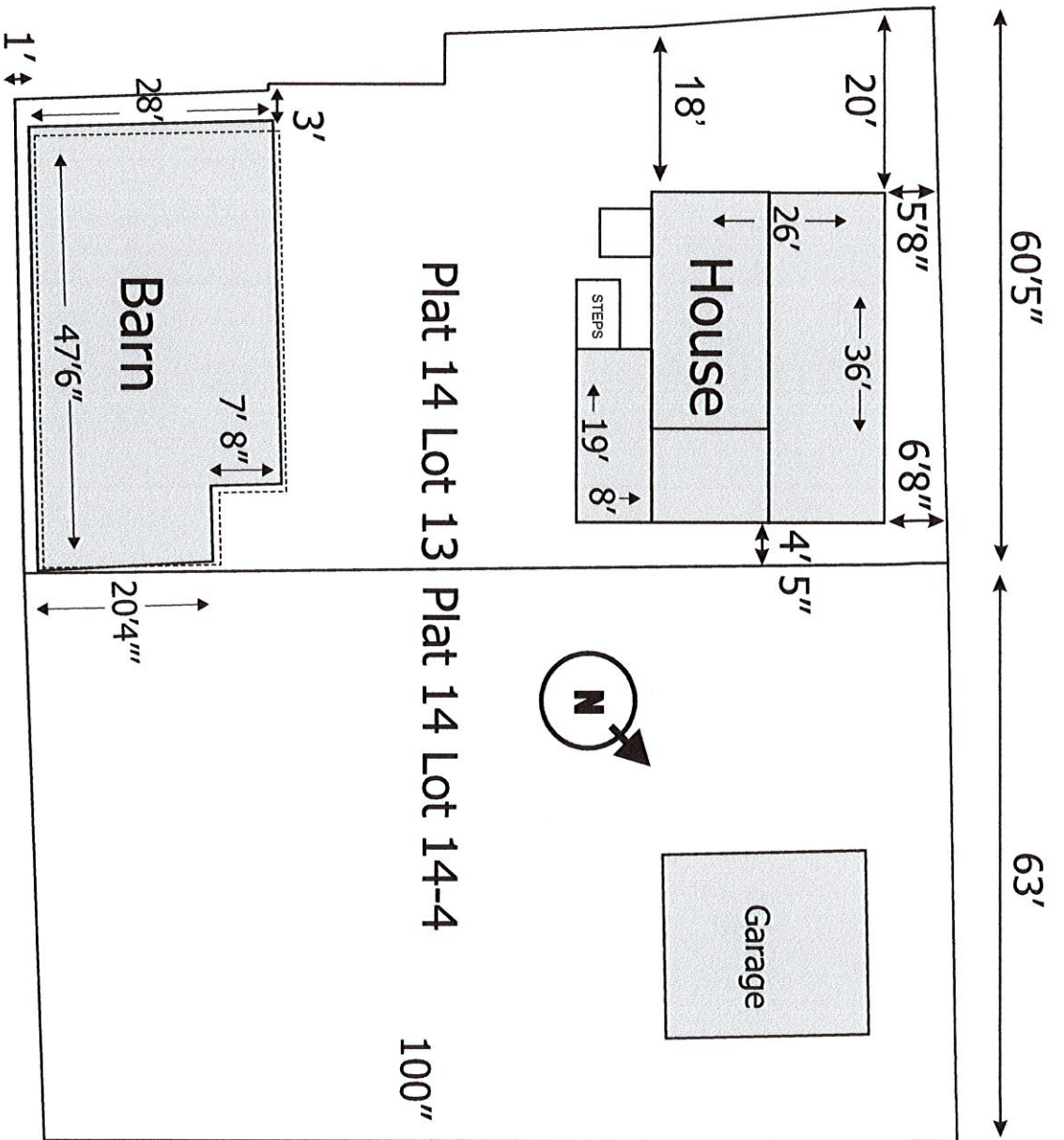
## Dimension Changes



**Shift Off Property Lines:** See Site Plan for Change Shifted 12" Further Off Rear Property Line. From 1' to 2' Shifted 6" Further Off Right Property Line. From 3' to 3'6"

15 Johnson Ct Newport RI 02840 Plat 14 Lot 13

Rupert Nesbitt (401)662-6028 rupertnesbitt@gmail.com



# Site Plan

Plat 14 Lot 13  
Existing Structures

Barn 1270 sq feet  
House 1088 sq feet  
Lot 5976 sq feet

Lot coverage 2358 sq feet  
39.4%

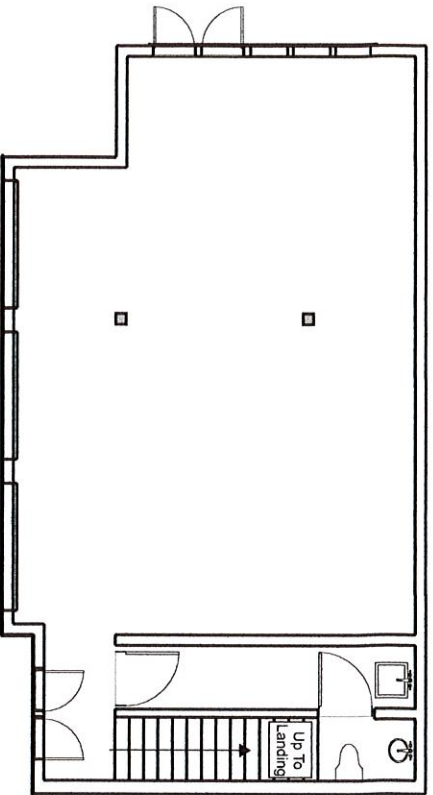
Proposed Barn Changes  
**Dotted Line**

Pulled off property lines  
on two sides and  
slightly smaller footprint  
Barn now 1203 sq feet  
from 1270  
Lot 5976 sq feet  
Lot coverage 2291 sq feet  
38.3% down from 39.4%

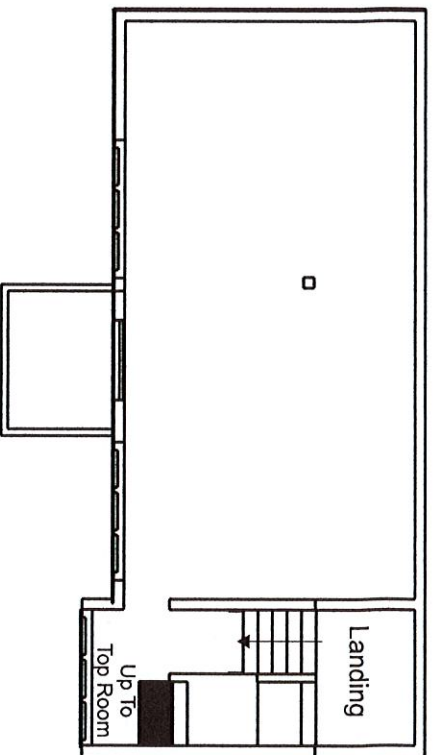
15 Johnson Ct Newport RI 02840 Plat 14 Lot 13

Rupert Nesbitt (401)662-6028 rupertnesbitt@gmail.com

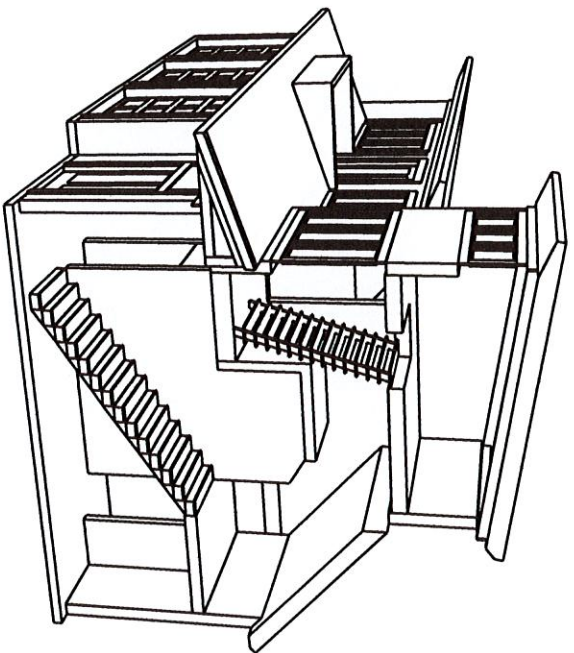
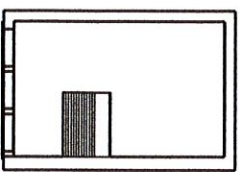
# Ground Floor



# Second Floor



# Top Room



Stair View  
Cut-Away

15 Johnson Ct Newport RI 02840 Plat 14 Lot 13

Rupert Nesbitt (401)662-6028 rupertnesbitt@gmail.com

**Notes:**

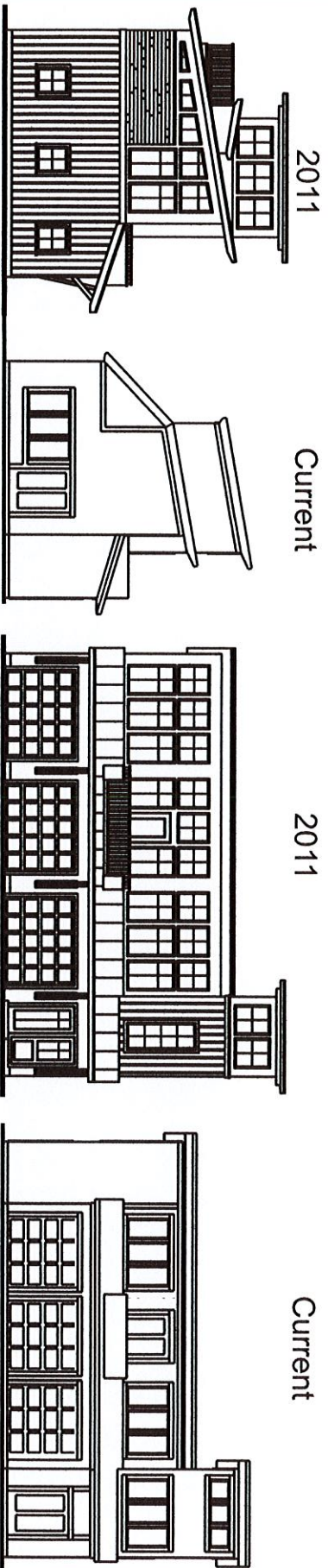
The existing structure is dilapidated and in need of repair. Leaks and animal intrusions have finally rendered it unuseable for anything other than storage. This proposal allows re-use of some of the barn materials to reduce waste and to maintain some of its character. The particular configuration also allows stages of repair and construction without needing to demolish the entire structure. Light and space are the primary needs that I have as a working artist and this design carefully reduces the number of columns on the floor plans. It also maximizes light without creating windows that look directly into neighboring properties. The main house has solar and the highest part of barn structure exists to allow solar panels with enough height to avoid shadows and trees in the vicinity.

This structure has been in use for 20 years as a workshop and Artist's Studio- that use will continue. There is no plan to use this as a dwelling. Because of the use as a studio- it has very little in terms of a floor plan. I own the adjacent lot: Plat 14 Lot 14-4 which would be the spot to make a dwelling if that were the intention.

A 2011 proposal for this barn renovation was withdrawn as I decided it was too large and too expensive. It's design was based on being a dwelling which is not the intent with this plan. This proposal takes some of the aesthetics of that old plan and makes a much smaller change.

The existing structure has shed rainwater into the gap between the lots and this construction will make a point to carefully direct rainwater away from the neighboring properties.

## Size Comparison of 2011 Withdrawn Proposal with Current Plan



15 Johnson Ct Newport RI 02840 Plat 14 Lot 13

Rupert Nesbitt (401)662-6028 rupertnesbitt@gmail.com