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

CITY OF NEWPORT, R.I.
ZONING BOARD OF REVIEW

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 artist’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

<table>
<thead>
<tr>
<th>Zoning Characteristics Matrix</th>
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<tbody>
<tr>
<td><strong>Lot Size (sq. ft.)</strong></td>
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<tr>
<td>-------------------------------</td>
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<tr>
<td>5976</td>
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<tr>
<td><strong>Lot Coverage</strong></td>
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<tr>
<td><strong>Dwelling Units</strong></td>
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<tr>
<td><strong>Parking (# of spaces)</strong></td>
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<tr>
<td><strong>Front Setback</strong></td>
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<td><strong>Side Setbacks</strong></td>
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<tr>
<td><strong>Rear Setback</strong></td>
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<tr>
<td><strong>Height</strong></td>
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</table>

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 desperately 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”.

[Signature]
Applicant’s Signature  [Signature]
Owner’s Signature

(401) 662-6028  (401) 662-6028
Telephone Number  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
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
**Dimension Changes**

Existing

- 19'8" High
- 20'4"
- 7' 8"
- 39'4"
- 47'6"

Plan

- 19'6"
- Top of Stair Zone 28' High
- 17'2"
- 26'8"
- 40'

**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
15 Johnson Ct Newport RI 02840 Plat 14 Lot 13

Chesley (401) 662-6028 rupertsnesbitt@gmail.com

Proposed Barn Changes
- Barn 1270 sq feet
- Barn now 1203 sq feet
- Lot coverage 2291 sq feet
- Lot 5976 sq feet
- 38.3% down from 39.4%

Existing Structures
- Barn 2700 sq feet
- House 1088 sq feet
- Lot 5976 sq feet
- Lot coverage 2358 sq feet
- 39.4%
Size Comparison of 2011 Withdrawal Proposal with Current Plan

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.

This proposal takes some of the aesthetic of the old plan and makes a much smaller change.

Being a dwelling which is not the intent with this plan. This proposal takes the idea of the second level and makes a much better solid wall.

A 2011 proposal for this barn renovation was withdrawn as I decided it was too large and too expensive. It is designed to be the slope to make a dwelling. That were the intention.

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.

Notes:

- This structure is dilapidated and in need of repair. Leaks and animal invasions have made it unusable for anything.