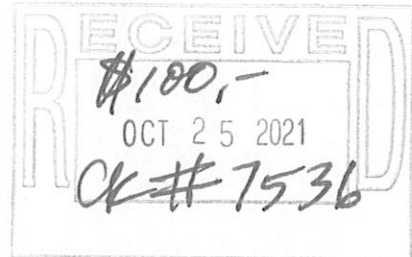


**COMBINED APPLICATION FOR A SPECIAL USE PERMIT & A
REGULATORY (DIMENSIONAL) VARIANCE**

**CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW**



DATE: October 25, 2021

ZBR
NOV-1

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: 34 S. Baptist Street

Tax Assessor's Plat 32 Lot 167

Petitioner Information

Applicant Cullen W. Guilmartin Address 50 Brace Road, West Hartford, CT 06107

Owner Cullen W. and Magdalena Guilmartin Address 50 Brace Road, West Hartford, CT 06107

Lessee NA Address _____

Property Characteristics

Dimensions of lot-frontage 41.5 ft depth 50 ft area 1,857 sq. ft.

Zoning District in which premises is located R10

How long have you owned above premises? 2 years

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings 822 sq. ft.

Total square footage of the footprint of proposed buildings 822 sq. ft.

Present use of premises Single Family Residence

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

Proposed use of
premises Single Family Residence

Give extent of proposed alterations Third story roof line to be raised 2.33 feet.

Dormers to be added to east and west facing third story roof. Dormer to be added to west facing second story roof. North facing balcony to be added to third story***.

***Balcony built in 2020 without required zoning relief

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	1,857 sq. ft.	10,000 sq. ft.	No Change
Lot Coverage	44.3%	20%	No Change
Dwelling Units	One	One	No Change
Parking (# of spaces)	Two	Two	No Change
Front Setback	6 in.	15 ft	No Change
Side Setbacks	16.5 ft (east) 7.83 ft (west)	10 ft	No Change
Rear Setback	10.75 ft	20 ft	No Change
Height	27.33 ft	30 ft	29.66 ft

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

Land Use: Goal LU-1: To provide a balanced city consisting of residential, commercial and employment uses consistent with the character, environmental resources and vision of the community.

Policy LU-1.7 The city shall protect the existing character of residential neighborhoods while encouraging local neighborhood business.

Housing: Goal H-1 To preserve and protect existing housing resources in the community.

Policy H-1.4 The city shall encourage resident involvement in identifying and addressing the maintenance of housing in their neighborhood.

Policy H-1.3 The city shall continue to promote the repair, revitalization and rehabilitation of residential structures and neighborhoods.

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 existing parcel is a legal non-conforming lot of record containing only 1,857 square feet of land. The lot is significantly substandard and is less than 20% the standard size for the R-10 Zone. The existing structure already exceeds lot coverage and encroaches into the front, rear and east side setbacks. Based on the size of the lot and location of existing structures, any reasonable improvements, additions or modifications will require dimensional relief. The proposed alterations do not increase lot coverage and will not further encroach on any existing setbacks. The proposed third story balcony was constructed in 2020 without the necessary zoning relief that is sought now by applicant. Prior to applicant owning the home, a substantially similar balcony did exist. Applicant understands that if relief is not granted, he will be required to remove the now constructed third story balcony.

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 applicant proposes to continue the single family residential use of the property and seek relief for dimensional variances and a special use permit for the alteration of a non-conforming development by adding dormers, raising the third story roof line and by adding a modest balcony to the third floor. As noted, the proposed balcony has been constructed without the required zoning relief which is being requested in this application. The subject property is located on the north side of South Baptist Street. The neighborhood is densely developed with a number of abutting parcels that are also substandard in size with existing dimensional nonconformities, including exceeding lot coverage and encroaching on set backs. A number of properties in the neighborhood also enjoy roof top decks. A literal interpretation of the zoning code, resulting in the denial of the relief requested, would unreasonably deny applicant the ability to raise the existing roof line, add dormers and to add a modest third floor balcony. No proposed alterations increase lot coverage or further encroach upon existing setbacks. The proposed alterations are appropriate and not inconsistent with the surrounding neighborhood, the South Baptist streetscape and the rights enjoyed by other property owners in this R10 Zone.

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

The applicant proposes a modest increase in the height of the third story roof line and added dormers. The proposed height will be below the required 30 feet and allow for modern, well lit living spaces in the very small, single family home. The proposed balcony will allow for increased outdoor living space. The proposed balcony is approx. 9.5 ft by 5.5 feet, and is architecturally consistent with surrounding properties. The applicant has taken great care to develop the proposed alterations which meet their needs and is appropriate in scope, size and scale for this substandard lot. The hardship is driven by the substandard lot. Granting the request for the relief is the minimum variance which will allow for the reasonable use of the property. Accordingly, the proposed use of the property and the relief sought by the applicant will not be injurious to, or create a burden for abutting property owners, will be harmonious with the neighborhood, and will be an appropriate use for this areas of the R10 Zoning District.

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:

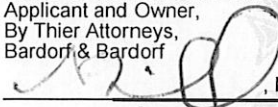
- a. That the reasons set forth in the application justify the granting of the variance and that the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;
- b. That the variance will not be injurious to the neighborhood or otherwise 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 and Owner,
By Thier Attorneys,
Bardorf & Bardorf



Michael J. Richards, Esq.

Applicant's Signature

Owner's Signature

(401) 845-8900

Telephone Number

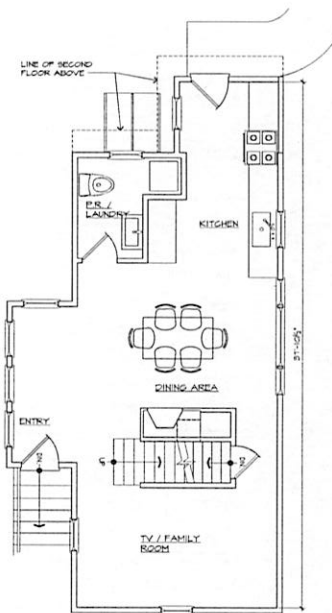
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Telephone Number

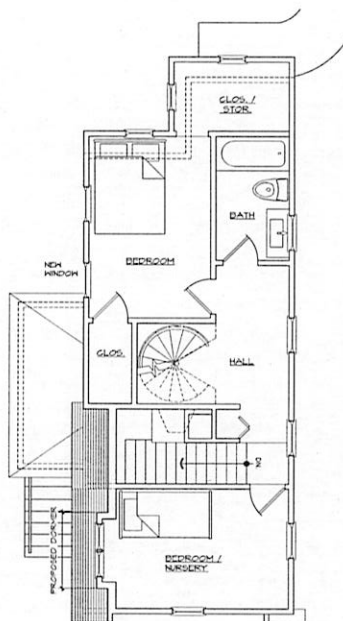
Email address

mrichards@bardorf.com

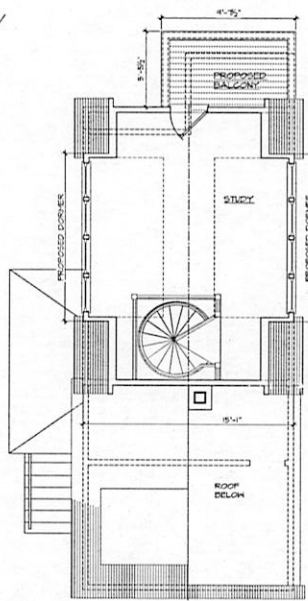
Be sure all required drawings are attached to this application at the time of the submittal.



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



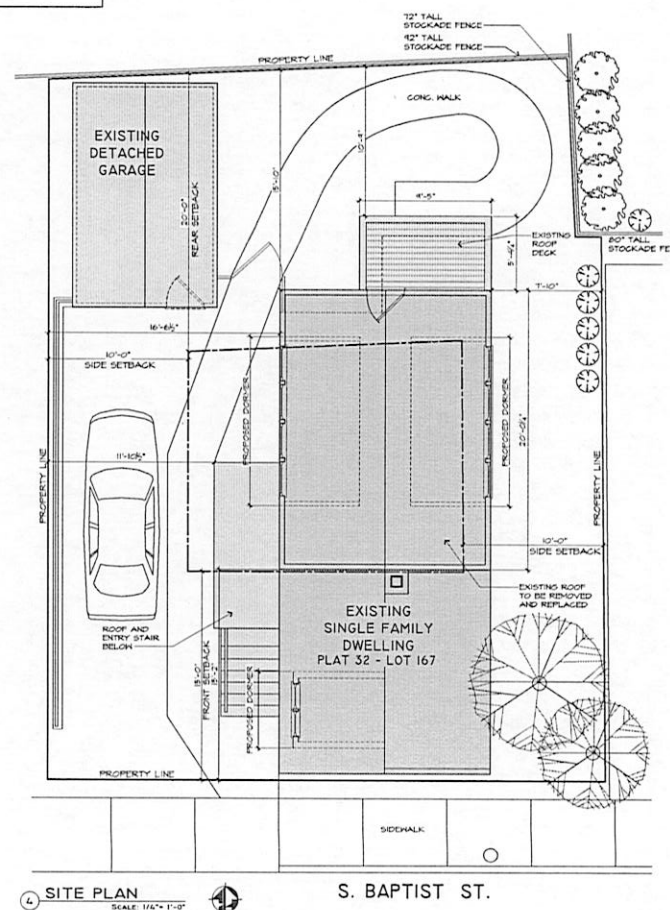
2 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



3 THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"

ZONING INFORMATION				
LOT AND BUILDING INFORMATION	REQUIRED	EXISTING	PROPOSED	COMMENTS
ZONING DISTRICT	R10	R10	NO CHANGE	
MIN. LOT AREA	10,000 SQ/FT	1,857 SQ/FT	NO CHANGE	
MIN. LOT WIDTH	80 FT	41 FT	NO CHANGE	
MIN. LOT DEPTH				
MAX. LOT COVERAGE	20%	44.3%	NO CHANGE	REFER TO COVERAGE CHART
PRIMARY STRUCTURE SETBACKS				
FRONT SETBACK	15'-0"	9'-4"	NO CHANGE	FIRST AND SECOND FLOORS
SIDE SETBACK (EAST)	10'-0"	7'-10"	NO CHANGE	THIRD FLOOR / ATTIC
SIDE SETBACK (WEST)	10'-0"	16'-4"	NO CHANGE	THIRD FLOOR / ATTIC
REAR SETBACK	20'-0"	10'-9"	NO CHANGE	FIRST AND SECOND FLOORS
REAR SETBACK	20'-0"	15'-10"	NO CHANGE	THIRD FLOOR / ATTIC
ACCESSORY STRUCTURE SETBACKS				
NO CHANGES TO EXISTING GARAGE				
BUILDING HEIGHT				
PRIMARY STRUCTURE	30'-0"	27'-4"	29'-8"	
ACCESSORY STRUCTURE	N/A			

LOT COVERAGE CALCULATIONS			
PRIMARY STRUCTURE	EXISTING	PROPOSED	COMMENTS
RESIDENCE (LIVING AREA)	428 SQ/FT	628 SQ/FT	NO CHANGE: INCREASED EXISTING SECOND FLOOR OVERHANG OF FIRST FLOORS
ENTRY STEPS	27 SQ/FT	27 SQ/FT	NO CHANGE
OTHER			
ACCESSORY STRUCTURE			
GARAGE	167 SQ/FT	167 SQ/FT	NO CHANGE
ADDITIONAL INFORMATION			
TOTAL	622 SQ/FT	822 SQ/FT	
EXISTING LOT COVERAGE	822 SQ/FT		822 SQ/FT / 1,857 SQ/FT = 44.3%
PROPOSED LOT COVERAGE		822 SQ/FT	822 SQ/FT / 1,857 SQ/FT = 44.3%



4 SITE PLAN
SCALE: 1/4" = 1'-0"

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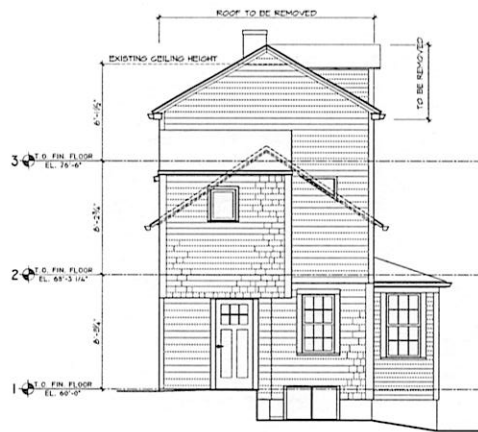
ZONING SUBMISSION

GUILMARTIN
RESIDENCE
34 S. BAPTIST STREET
NEWPORT, RI
PLAT 32, LOT 167

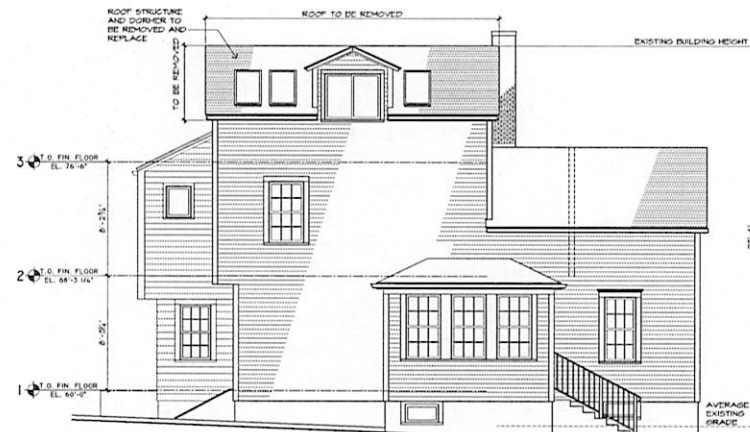
ZONING SUBMISSION
NOT FOR
CONSTRUCTION

FLOOR PLANS,
SITE PLAN

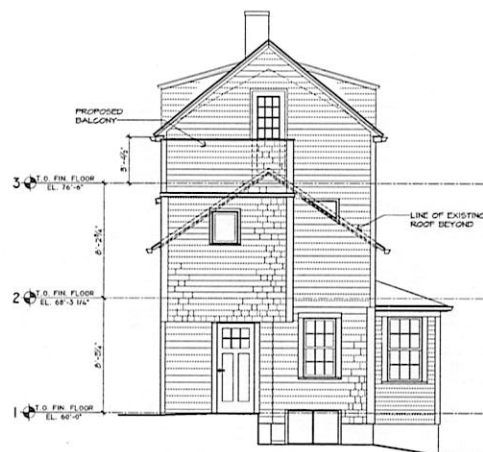
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1 EXISTING NORTH ELEV.
SCALE: 1/4" = 1'-0"



2 EXISTING WEST ELEV.
SCALE: 1/4" = 1'-0"



3 PROPOSED NORTH ELEV.
SCALE: 1/4" = 1'-0"



4 PROPOSED WEST ELEV.
SCALE: 1/4" = 1'-0"

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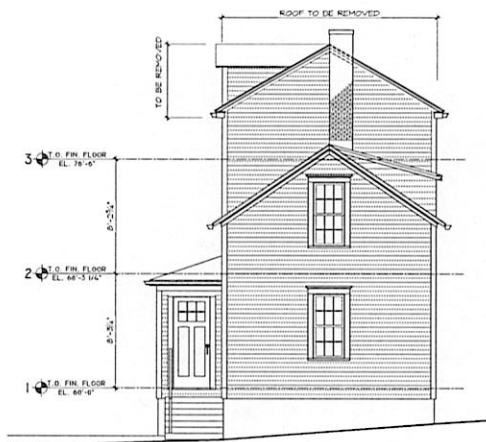
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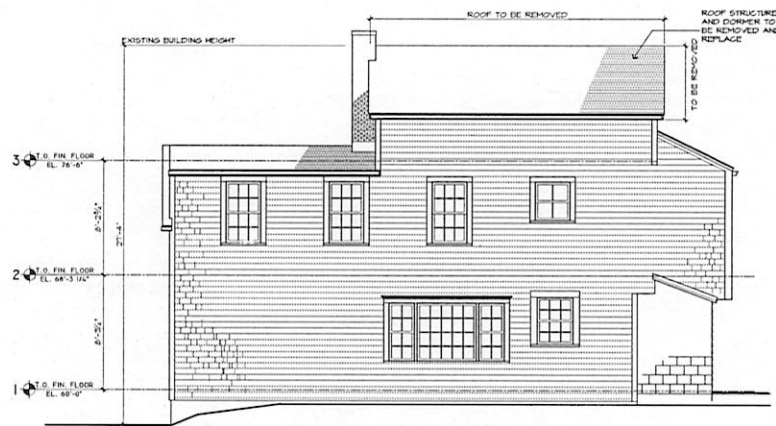
ZONING SUBMISSION
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EXISTING AND PROPOSED
EXTERIOR ELEVATIONS

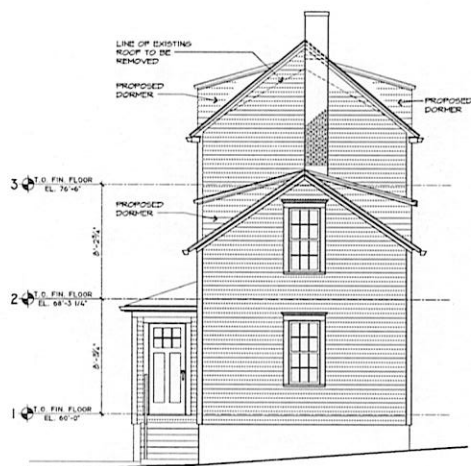
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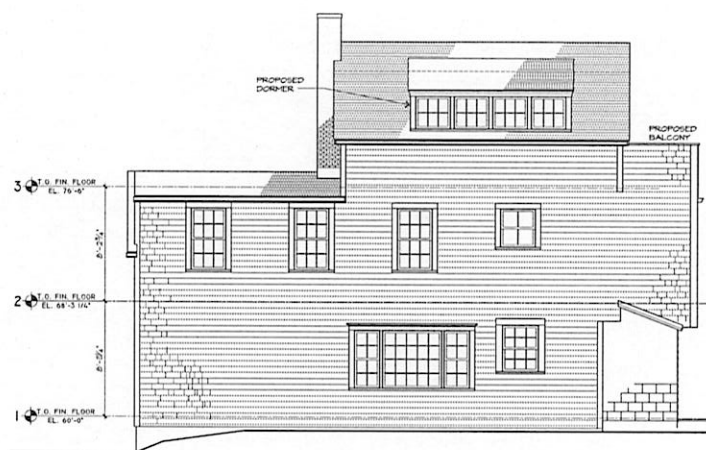
1 EXISTING SOUTH ELEV.
SCALE: 1/4" = 1'-0"



2 EXISTING EAST ELEV.
SCALE: 1/4" = 1'-0"



3 PROPOSED SOUTH ELEV.
SCALE: 1/4" = 1'-0"



4 PROPOSED EAST ELEV.
SCALE: 1/4" = 1'-0"

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EXISTING AND PROPOSED
EXTERIOR ELEVATIONS

A3