

COMBINED APPLICATION FOR SPECIAL USE PERMIT & A
REGULATORY (DIMENSIONAL) VARIANCE
CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW

2/10000 CHECK # 40068
JAN 10 2022

DATE: January 6, 2022

Board Members:

ZON JAN 6
The undersigned hereby petition 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.: 7 South Baptist Street

Tax Assessor's Plat 32 Lot 188

Petitioner Information

Applicant: Kate W. Haakonsen, Trustee

Address: 343 Lebanon Avenue, Apt. 3204

Owner: Same

Colchester CT 06416

Lessee: N/A

Address: Same

Address: N/A

Property Characteristics:

Dimensions of Lot: Frontage: 9.5'; Depth: 81.07' ±; Area: 2,023 SF ±

Zoning District in which premises is located: R-10

How long have you owned above premises? 12 Years

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing/approved buildings: 765 SF

Total square footage of the footprint of proposed buildings: 765 SF

Present use of premises: Single Family Dwelling

Proposed use of premises: Single Family Dwelling

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

Give extent of proposed alterations:

Applicant seeks a variance from the dimensional requirements for permission to install two (2) wall hung mini-split air condenser units with a sideyard setback of 2.5' from the east property line (10' required), applying to the property located at 7 South Baptist Street and identified as Lot 188 on Plat 32 in the R-10 Zone.

Zoning Characteristics Matrix

| | Existing/Approved | Required/Allowed | Proposed |
|---------------------------|--------------------------|-------------------------|-----------------|
| Lot Size (sq. ft.) | 2,023 SF | 10,000 SF | No Change |
| Lot Coverage (%) | 37.8% | 20% | No Change |
| Dwelling Units | 1 | 1 | No Change |
| Parking | 2 | 2 | No Change |
| Front Setback | 36.5' | 15' | No Change |
| Side Setbacks | 4' & 3.5' | 10' | 4' & 2.5' |
| Rear Setback* | 3.5' | 2' | No Change |
| Height | 23' 7" | 30" | No Change |

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

LU-1.2

What special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district?

At 2,023 square feet, the subject lot is very small and only 20% of the size required in the R-10 Zone. In addition, the lot has a very unusual configuration and the existing house is built into the rear and side setbacks.

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?

Denial of the requested variance would deprive the Applicant of the ability to install air conditioning units, a common amenity.

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

The hardship from which the Applicant seeks relief is clearly due to the unique characteristics of the lot, which is an undersized lot and unusually shaped, with minimal setbacks. The Applicant is using mini-split condenser which will be wall hung in order to minimize the requested variance.

The Zoning Board's 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/variance 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/variance has been met, the board must deny the application.

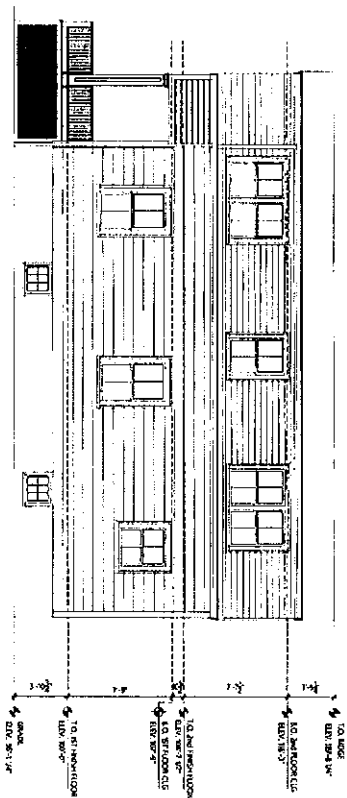
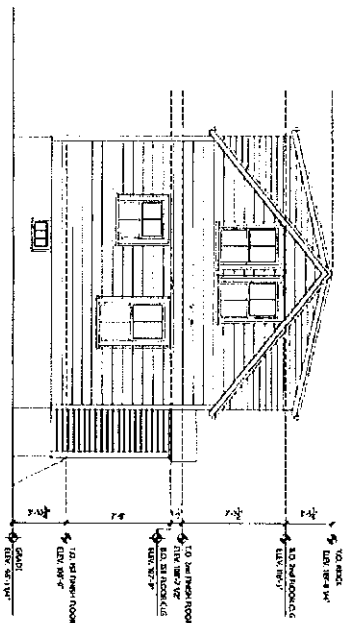
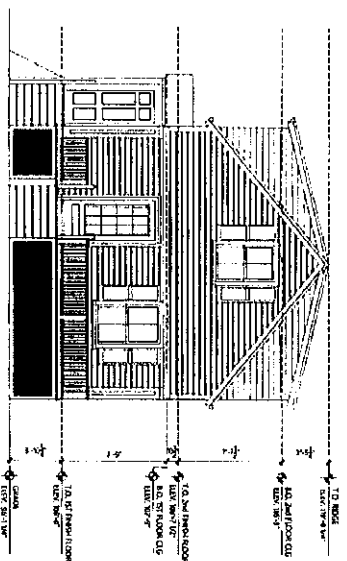
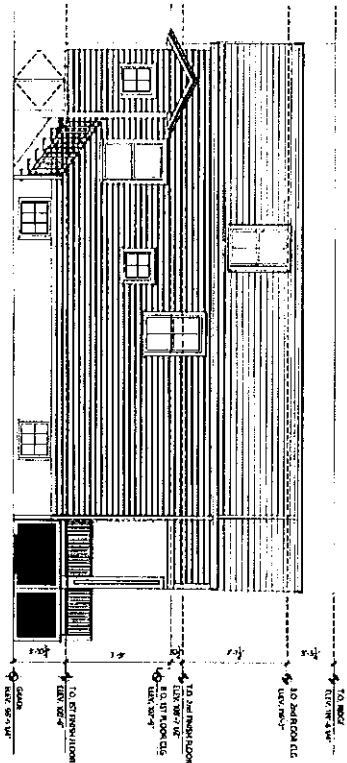
By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read the section entitled "The Zoning Board's Role".

Kate W. Haakonsen, Trustee,
By Her Attorney,

/s/ Peter Brent Regan

Peter Brent Regan, Esq.
Sayer Regan & Thayer, LLP
130 Bellevue Avenue
Newport, RI 02840
(401) 849-3040
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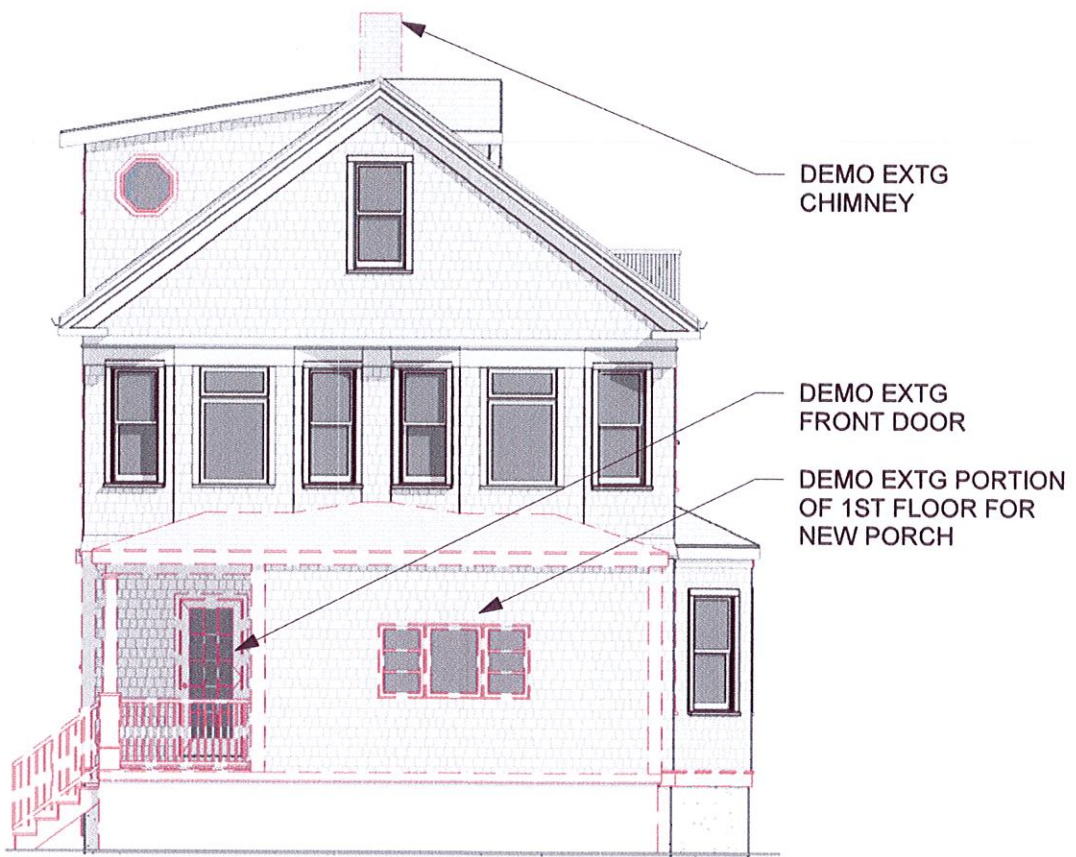


| Mark | Width | Height | Description | Comments |
|------|---------|---------|---------------------------------|----------|
| 01 | 3' - 0" | 6' - 8" | EXTERIOR SINGLE SWING 2/3 GLASS | |
| 02 | 5' - 6" | 7' - 0" | EXTERIOR FRENCH DOOR | |

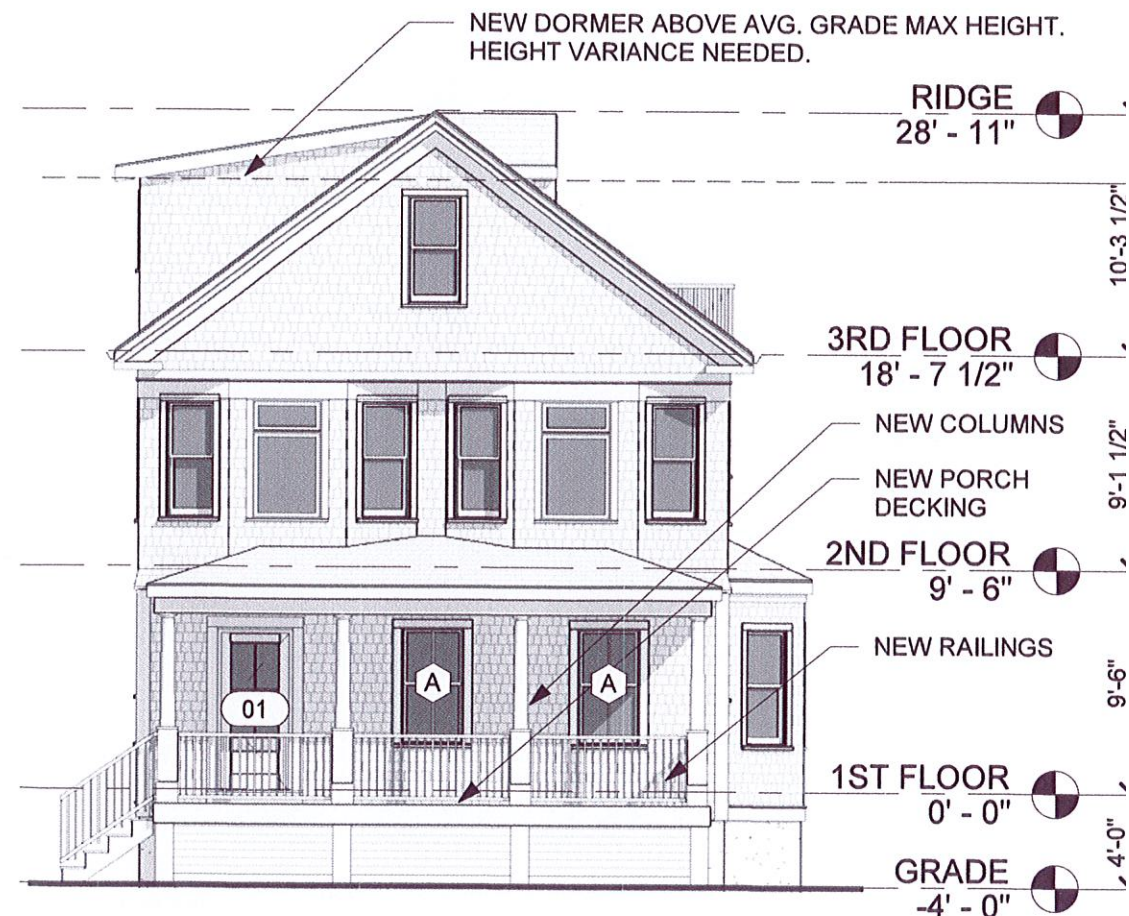
Grand total: 2

| Type Mark | Count | Width | Height | Sill Height | Description |
|-----------|-------|---------|---------|-------------|-------------|
| A | 16 | 2' - 9" | 5' - 0" | 2' - 0" | DOUBLEHUN |
| B | 1 | 2' - 9" | 4' - 6" | 2' - 0" | DOUBLEHUN |
| D | 11 | 2' - 6" | 3' - 0" | | CASEMENT |

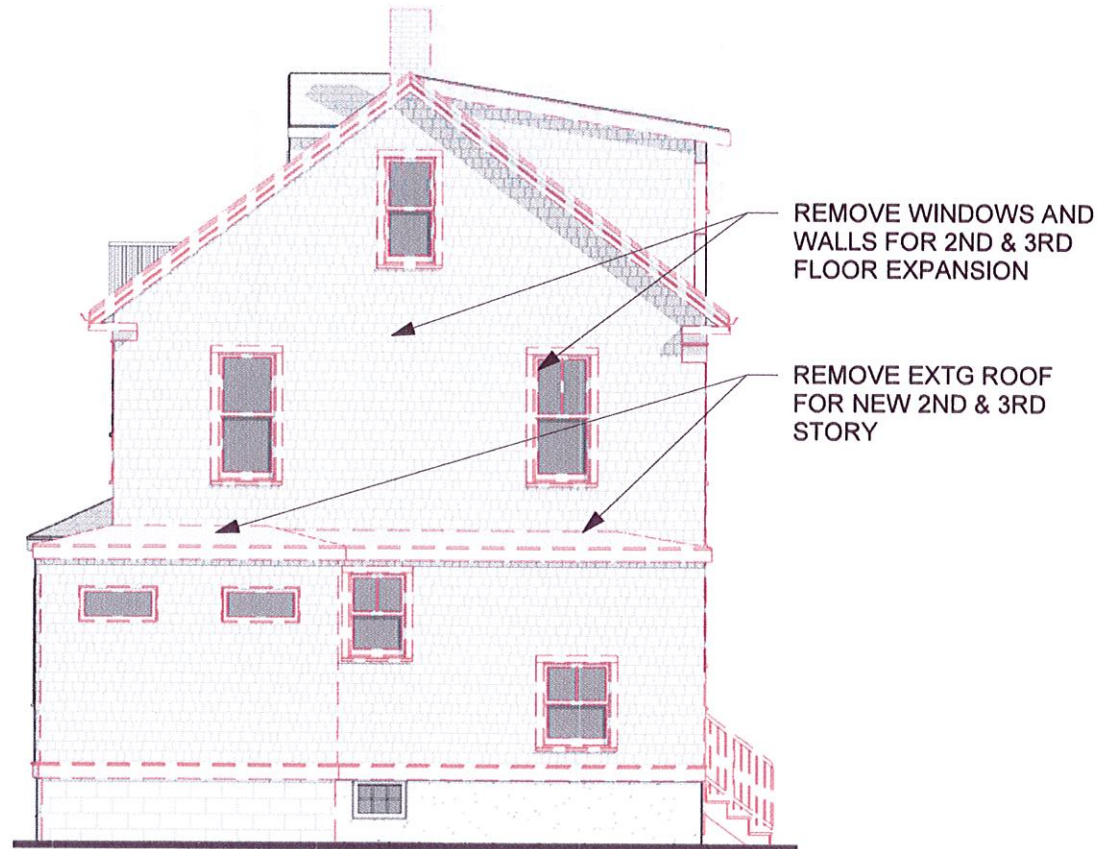
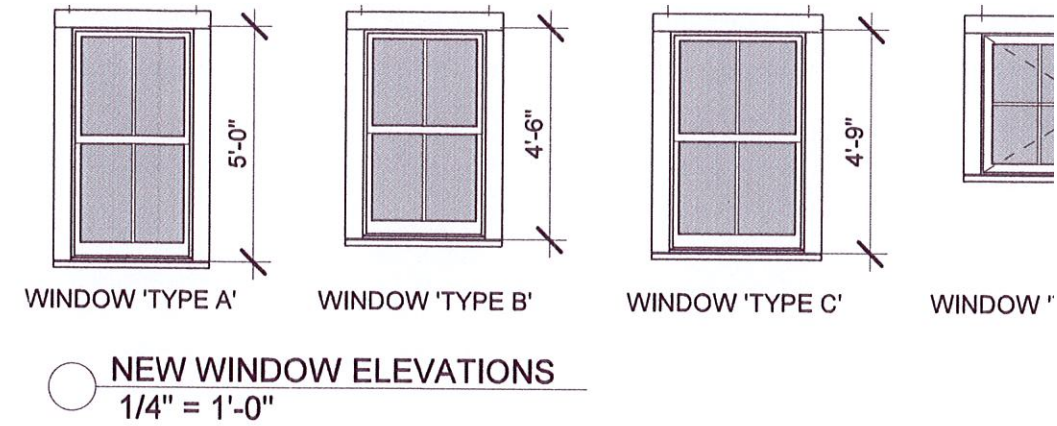
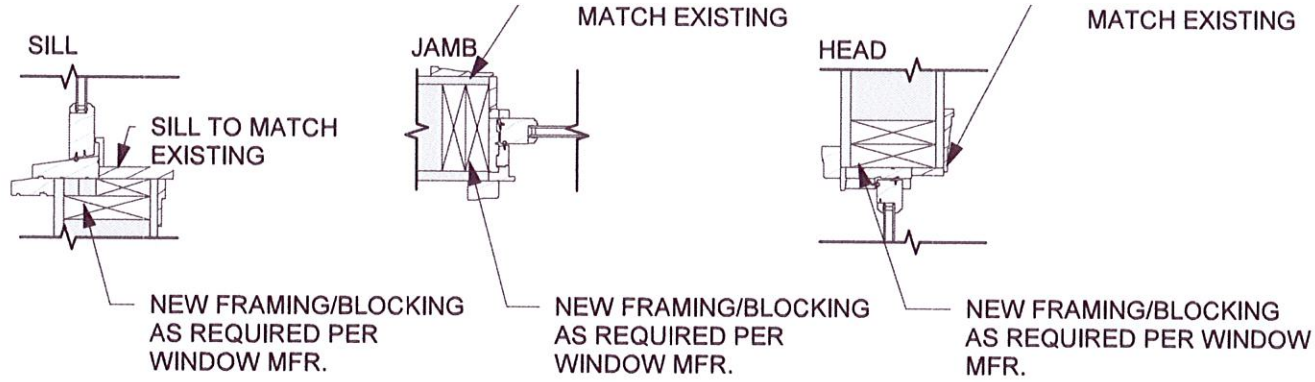
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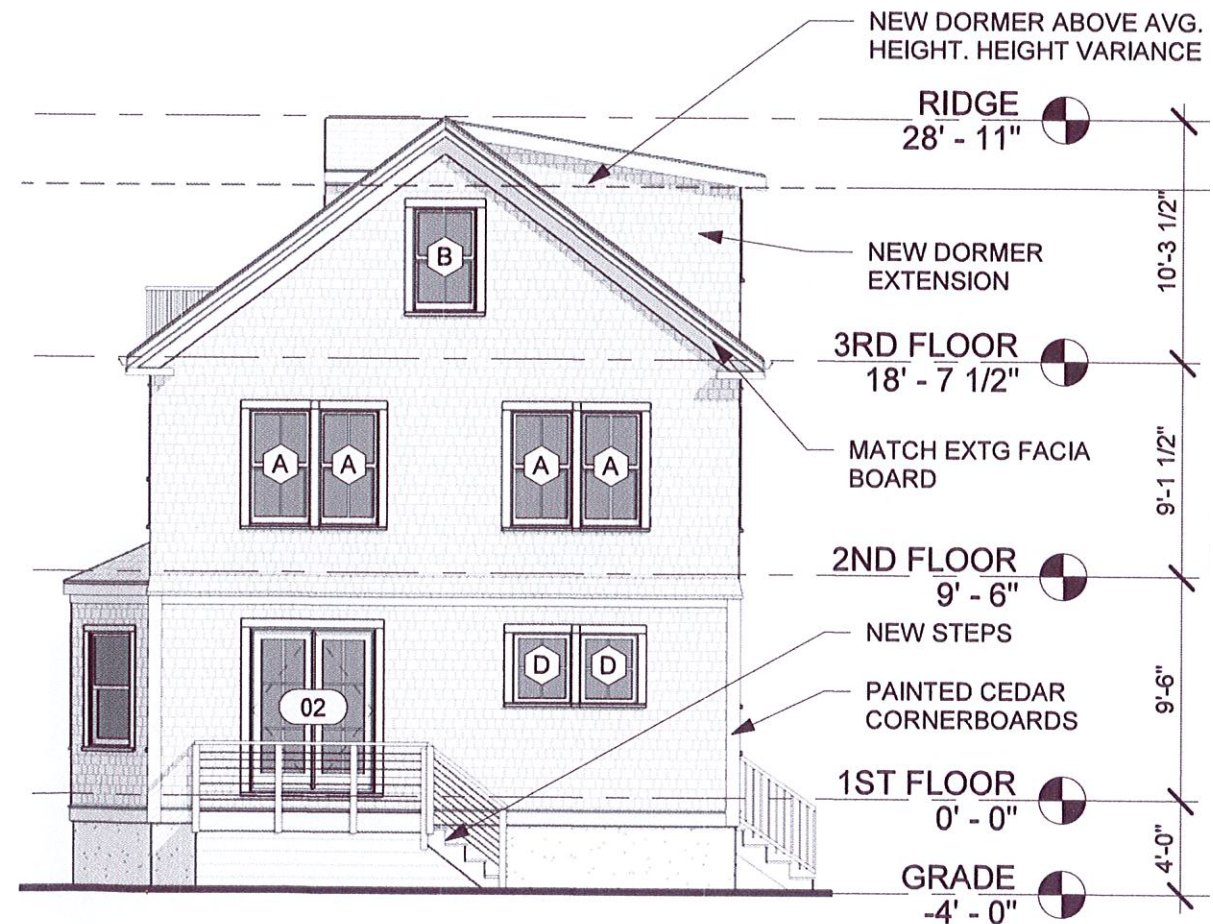
① FRONT ELEVATION (NORTH)
1/8" = 1'-0"



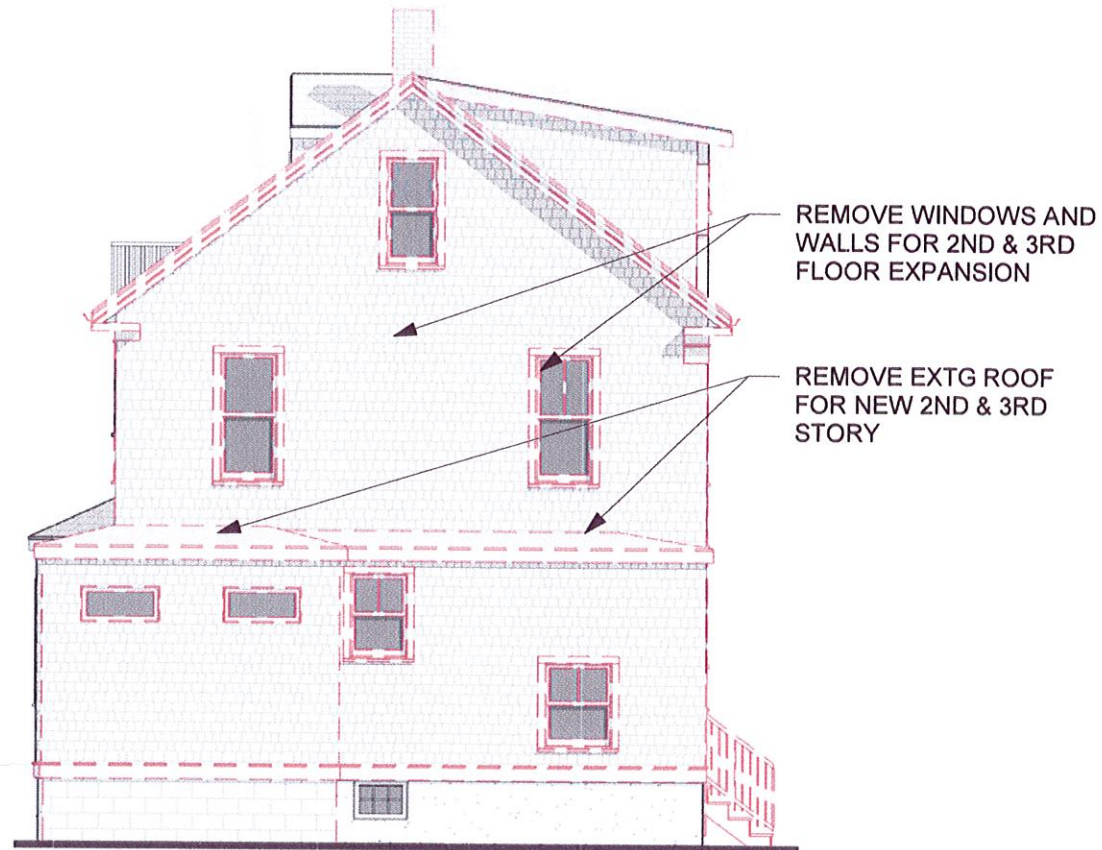
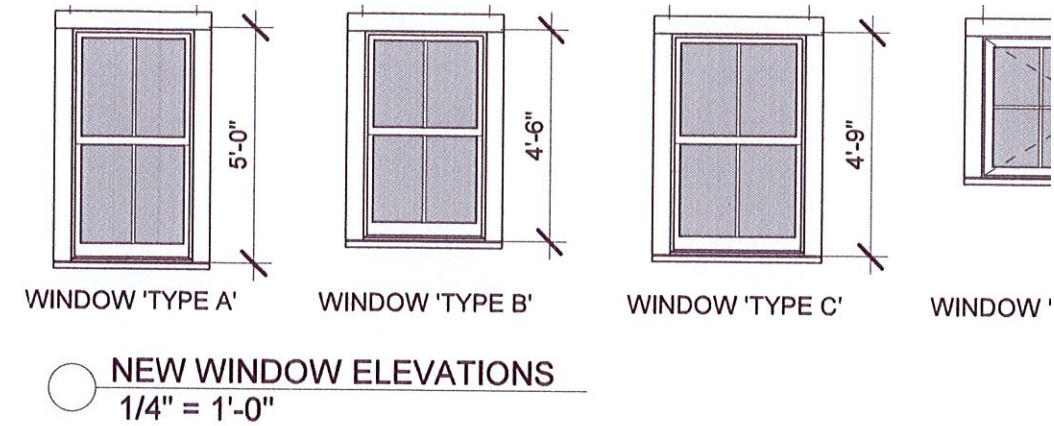
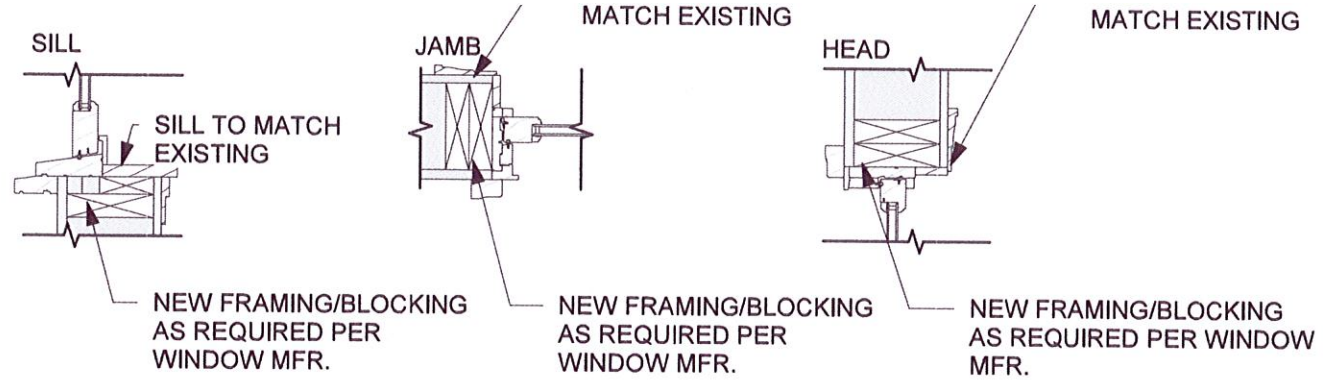
② FRONT ELEVATION (NORTH) PROPOSED
1/8" = 1'-0"



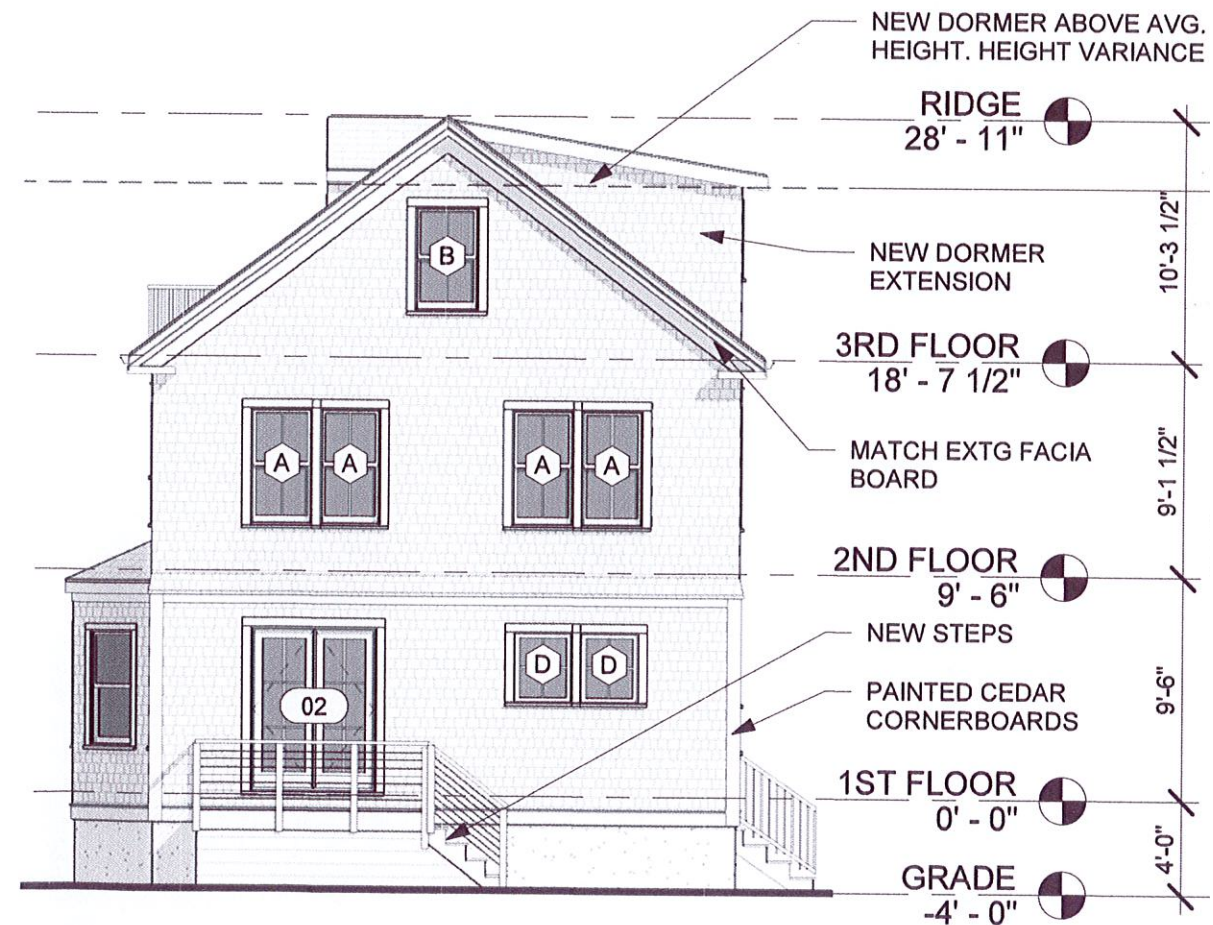
1 REAR ELEVATION (SOUTH)
1/8" = 1'-0"



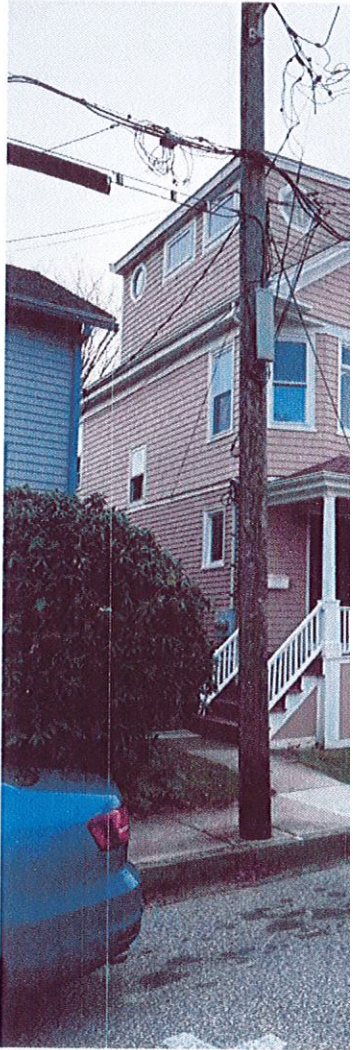
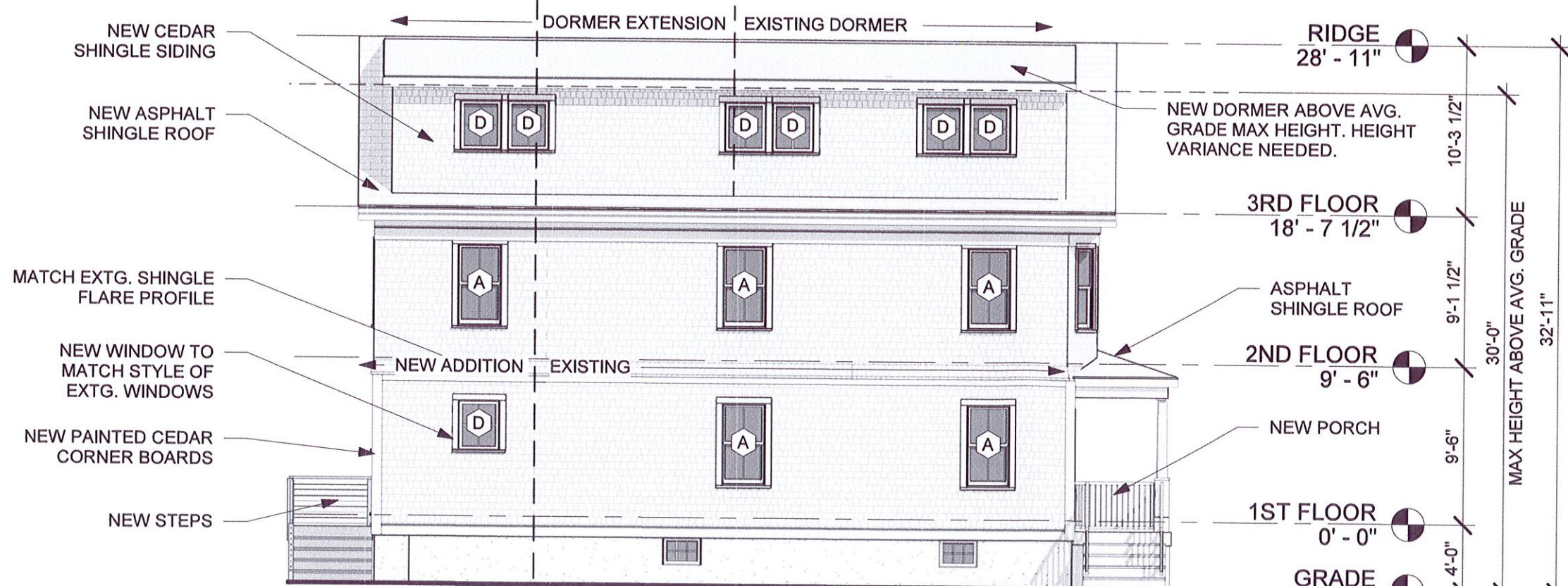
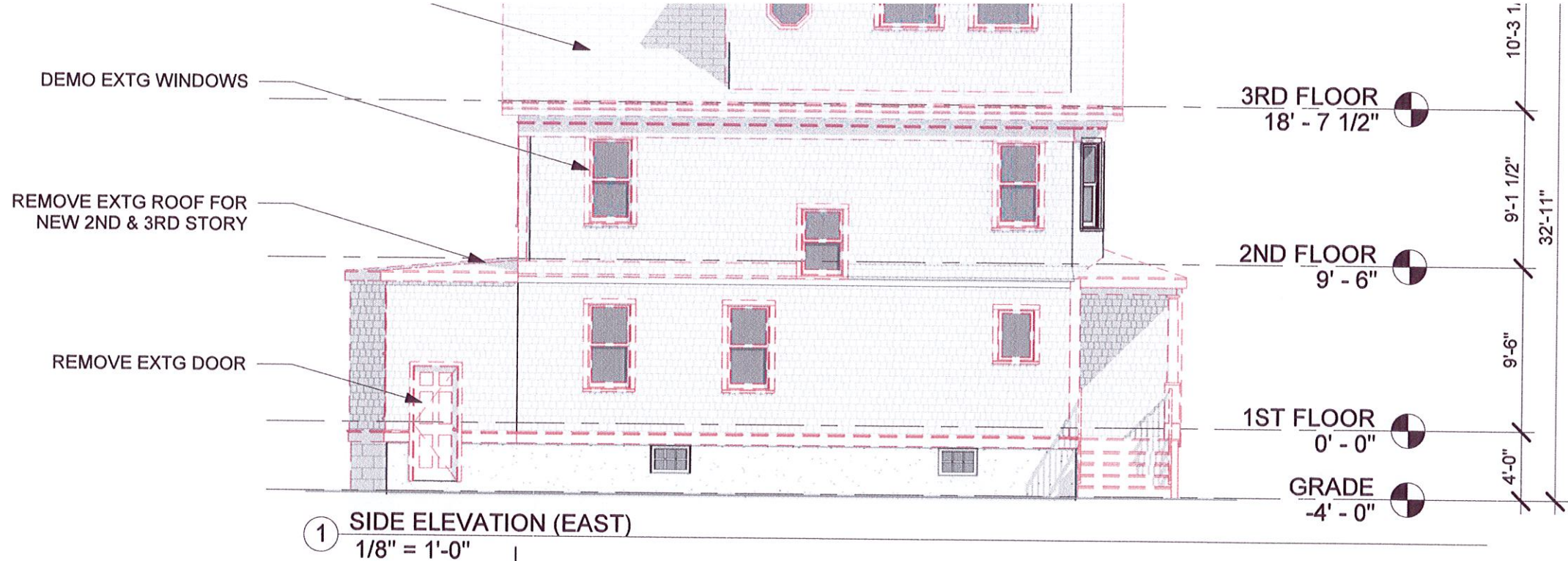
2 REAR ELEVATION (SOUTH) PROPOSED
1/8" = 1'-0"

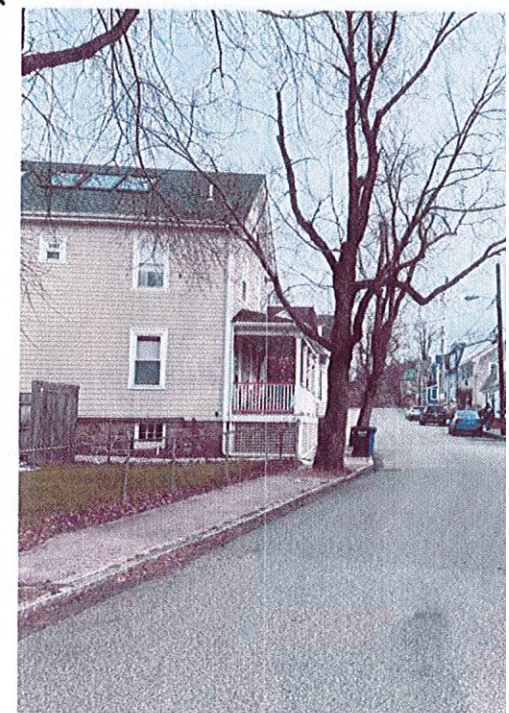
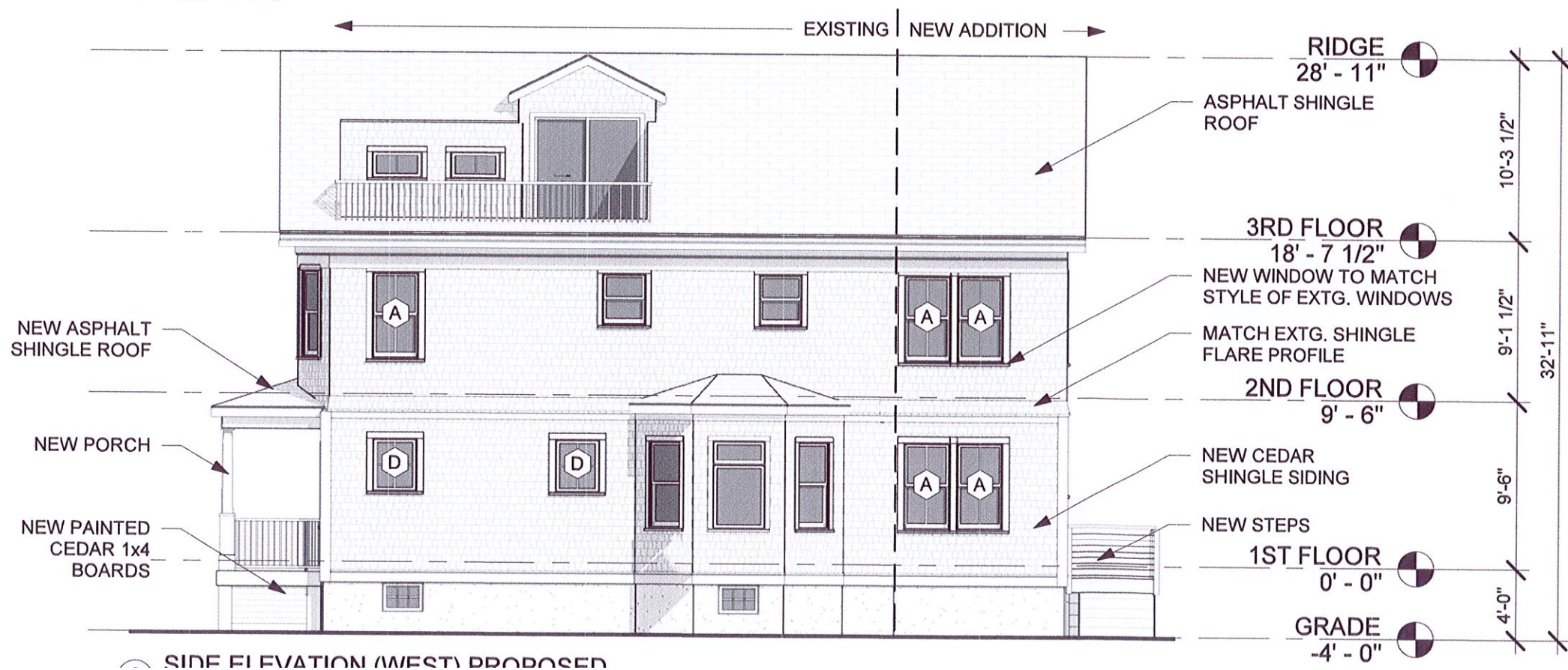
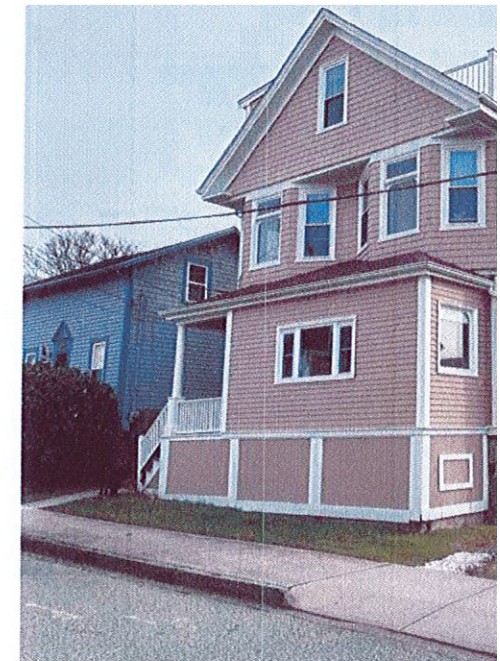


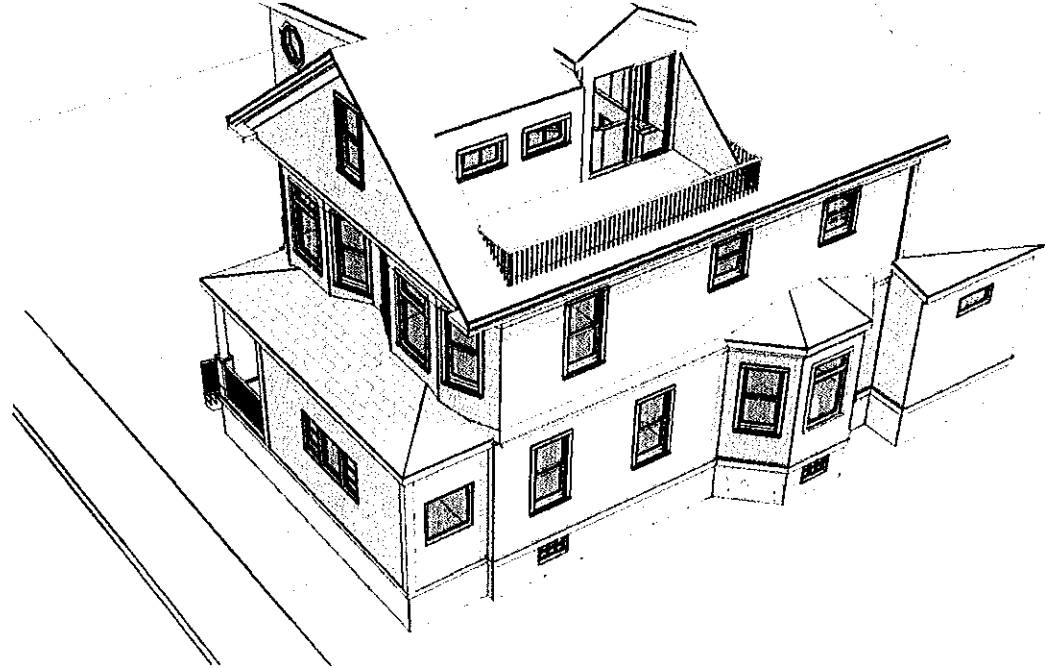
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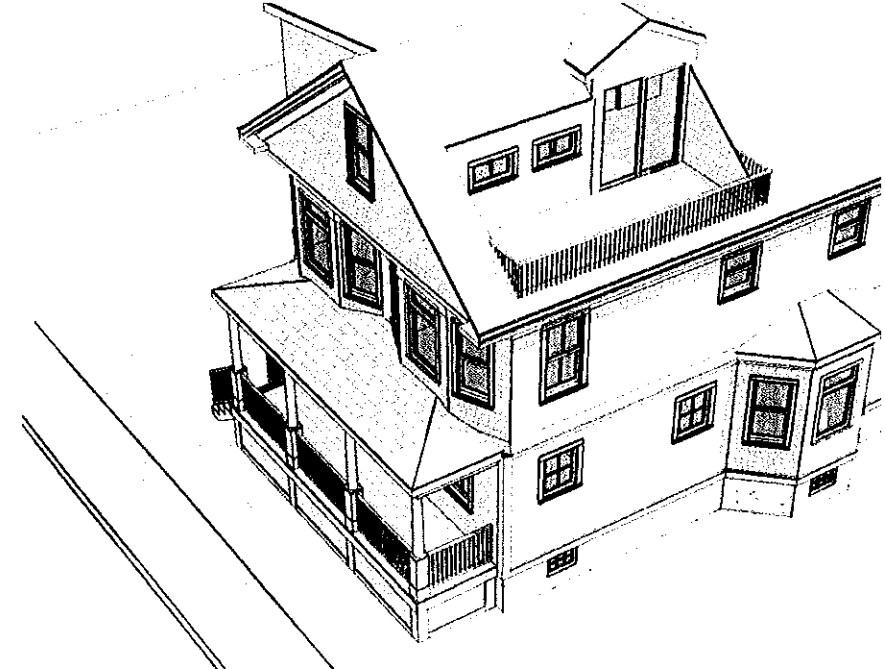
2 REAR ELEVATION (SOUTH) PROPOSED
1/8" = 1'-0"







③ VIEW 4 EXISTING



④ VIEW 4 PROPOSED

