

City of Newport

Zoning Board of Review



Application for a
Special-Use Permit

And a

Regulatory (Dimensional) Variance

Revision 3/13/15

Instructions

(Please read and follow carefully)

This application is to be used when seeking to apply for a special use permit, which is required when changing an existing non-conforming development (property), and when submitting a petition in seeking to depart from the dimensional requirements of the city's zoning ordinance (i.e., lot coverage allowances, setbacks requirements, off-street parking and design standards, building height allowance and sign regulations, etc.) to the City of Newport's Zoning Board of Review.

This application is an important legal public document. Please type or print all information completely, accurately, clearly and legibly. It is your responsibility as the appellant to provide accurate and complete information and data. Incomplete, inaccurate or missing information and data may cause a delay in the Board's ability to render a decision or cause the application to be rejected as incomplete.

The applicant and owner must be available to appear before the Zoning Board of Review at a public hearing. The applicant and/or owner may be represented by legal counsel at this hearing. Architects, realtors, contractors, etc. may testify during the hearing, but they may not represent the petitioner and should not be listed as the applicant.

Required items in addition to the completed application include:

A site plan showing all off-street parking and accessory structures (see example).

Elevations (see example)

Floor Plans

Any other drawing or information deemed necessary by the Zoning Officer

The appropriate filing fee.

Information for prospective petitioners

Once the application is received and certified as complete, a list of abutting property owners located within 200 feet of the subject property will be prepared. A letter of notice will be sent to these abutters two weeks prior to the meeting date. While the city, as a service, will prepare and send this letter, it is the ultimate responsibility of the petitioner to review and insure all abutting property owners are notified.

To speed the hearing process, the Zoning Board will accept written testimony of any expert witness. This written testimony may be presented with the application at the time of the submittal or any time up to fourteen (14) days prior to the hearing date.

A special use permit for a particular project runs with the land and cannot be restricted by the zoning board of review to a particular owner or developer.

The Newport Planning Board may receive and review your application for conformance to the city's Comprehensive Land Use Plan after which they may make a recommendation to the Zoning Board. Petitioners are encouraged to attend the Planning Board meeting to answer any questions the Planning Board may have.

A frequently asked question is what is lot coverage? "Lot Building Coverage" is that portion of the lot that is or may be covered by all structures/buildings. The total lot coverage is the sum of the square footage for all structures on the lot divided by the area of the lot. The square footage of the structure shall include the foot print of the main building including overhangs, stairs, decks, protruding balconies, sheds, garages, swimming pools, car ports, etc.

Example: Foot print of all structures equals 1,234 sq. ft. Lot area is 5,000 sq. ft. Lot coverage equals 25%. $(1,234/5000 = .2468$ or 25%)

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

**CITY OF NEWPORT, RI
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: _____

Tax Assessor's Plat _____ Lot _____

Petitioner Information

Applicant _____ Address _____

Owner _____ Address _____

Lessee _____ Address _____

Property Characteristics

Dimensions of lot-frontage _____ depth _____ area _____ sq. ft.

Zoning District in which premises is located _____

How long have you owned above premises? _____

Are there buildings on the premises at present? _____

Total square footage of the footprint of existing buildings _____

Total square footage of the footprint of proposed buildings _____

Present use of premises _____

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

Proposed use of premises _____

Give extent of proposed alterations _____

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)			
Lot Coverage			
Dwelling Units			
Parking (# of spaces)			
Front Setback			
Side Setbacks			
Rear Setback			
Height			

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

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?

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?

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

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

