

City of Newport

Zoning Board of Review



**Application for a
Regulatory (Dimensional) Variance**

Revision 3/13/15

Instructions

(Please read and follow carefully)

This application is to be used when submitting a petition to the City of Newport's Zoning Board of Review 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.) The zoning ordinance prohibits the varying of the density requirements for multi-family dwellings.

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 petitioner 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 petitioner must be available to appear before the Zoning Board of Review at a public hearing. The petitioner 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.

Other required items in addition to the completed application:

A site plan (see example)

Elevations (see example)

Any other drawing or information deemed necessary by the Zoning Officer

The appropriate filing fee.

Information for prospective petitioners

Rhode Island's Zoning Enabling Act of 1991 defines a "dimensional variance" as:

Permission to depart from the dimensional requirements of a zoning ordinance, where the applicant for the requested relief has shown by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the request relief from the dimensional regulations.
(R.I.G.L. § 45-24-31(61)(b))

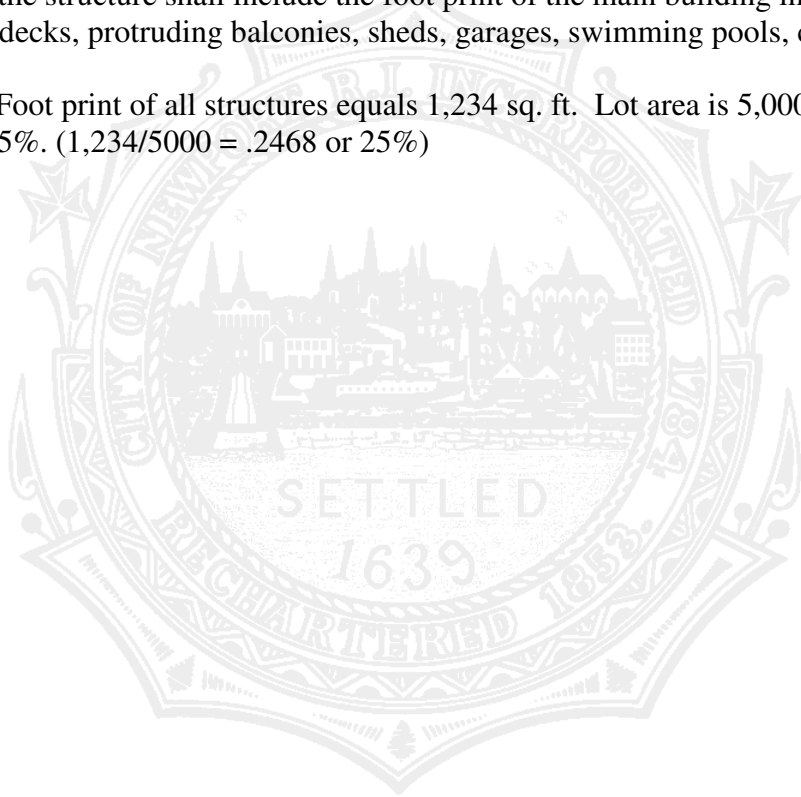
After hearing testimony and weighing the evidence provided by you the petitioner in this application and at a public hearing, the Zoning Board of Review shall render a decision. The Board shall have the duty to authorize, upon appeal in a specific case, such variance(s) from the provision of the Newport zoning ordinance, owing to special conditions, a literal enforcement of the zoning ordinance would result in unnecessary hardship. Financial detriment shall not and cannot be considered an unnecessary hardship.

Information for perspective petitioners (cont'd)

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.

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%)



APPLICATION FOR DIMENSIONAL VARIANCE

CITY OF NEWPORT, RI ZONING BOARD OF REVIEW

DATE: _____

Board members:

The undersigned hereby petitions 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: _____

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 _____

Proposed use of premises _____

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

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 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

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".

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Applicant's Signature	Owner's Signature
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Telephone Number	Telephone Number

Email address _____

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

