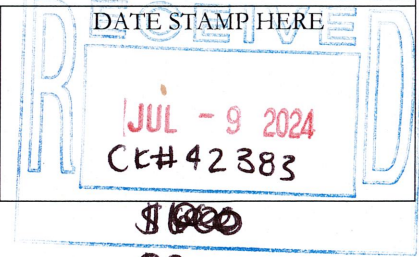




Newport Zoning Application

ZBR 2024 - AUG - 005

(This box for staff use only)



~~\$1000~~
\$300

Date: July 9, 2024

Board members:

The undersigned hereby petitions the Zoning Board of Review for a special use permit or 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: 78-80 Thames Street

Tax Assessor's Plat: 17 Lot: 138 Zoning District: General Business

- Special Use Permit (Non-Conforming Alteration)
- Regulatory (Dimensional) Variance
- Special Use Permit (New Use)
- Use Variance
- Modification

Property Owner: 78-80 Thames Street, LLC

Mailing Address: 130 Touro Street, Newport RI 02840

Email Address: amanda@thenewportventure.com

Phone Number: 401-219-1120

How long have you been the owner of the above premise? 7.5 Years (11/8/2016)

Legally Authorized Representative *if applicable: J. Russell Jackson, Esq.

Mailing Address: 122 Touro Street, Newport RI 02840

Email Address: jrjackson@millerscott.com Phone Number: 401-847-7500

Lessee: N/A

Mailing Address: _____

Email Address: _____ Phone Number: _____



Newport Zoning Application

Property Characteristics

Dimensions of lot-frontage: W=42.13, N= 60.14 ft. Lot Area: 2,536 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 2,520 sq. ft.

Total square footage of the footprint of proposed buildings: 2,520 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	2,536	5,000	2,536
Coverage Area (sq. ft)	2,520	2,028.8	2,520
Lot Coverage (%)	99	80	99
Dwelling Units	2	1	2
Parking (# of spaces)	0	16	0
Front Setback (ft.)	W=0', N=0'	0'	W=0', N=0'
Side Setbacks (ft.)	E=0', S=0'	0'	E=0', S=0'
Rear Setback (ft.)	N/A	5'	N/A
Height (ft.)	45' +/-	45'	45' +/-



Newport Zoning Application

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

Present use of Premise: Mixed Use - Retail, Office, Two Dwellings

Proposed use of Premise: Mixed Use - Retail, Office, Guest House & Dwelling

Summary of Proposed Alterations

The Applicant seeks relief under the following provisions of the Zoning Code:

Section 17.108.010 (Variances)

Section 17.104.020 (Parking Space Standards)

There are no alterations or modifications proposed for the existing structure or site.

The existing parcel is a non-conforming lot of record containing only 2,536 +/- sf of land. The property, is also a non-conforming development based on lot coverage and the lack of on site parking.

The property is a mixed use commercial building located in the General Business Zone with frontage on both Thames Street and Coddington Street. The entire first level of the building is comprised of approximately 2,520 sf +/- of retail space and associated storage. There is also approximately 560 sf of office space on the second floor utilized by one of the retail tenants. The remainder of the second floor is a three (3) bedroom dwelling. The third and fourth floors are a four (4) bedroom dwelling. The Applicant seeks to use the second floor dwelling as a guest house. The retail, office, guest house and residential uses are allowed by right in the GB Zone. The property has no on site parking.

Based on the retail, office and two family dwelling use, the property requires thirteen (13) on site parking spaces, (9.1 retail, 1.6 office & 2 dwellings). None are provided. Based on the proposed mixed use of the property with retail, office, one dwelling and a three (3) room guest house with a manager's parking space, the total parking requirement is sixteen (16) spaces. Therefore the Applicant is seeking a parking variance for a net total of three (3) spaces.

The property is located in the heart of down town and is surrounded primarily by commercial use properties. As such, the proposed use will be harmonious with the surrounding area and the lack of sufficient on site parking is consistent with most of the properties in the area.

The Applicant has an agreement with St. Paul's Methodist Church on Marlborough Street for the rental of one (1) parking space. The Applicant is actively seeking an agreement for additional off site parking to mitigate any impacts to the surrounding neighborhood.



Newport Zoning Application

Applicant Statement

How does your application meet the required standards for variance(s) or special use permit(s)?
(See page 6 for most common applicable standards)

The existing parcel is a non-conforming lot of record containing only 2,536 +/- sf of land. The existing building covers 99% of the parcel. Given these long standing conditions, it is impossible to provide sufficient area to meet the parking requirements under the code for the uses on site. The subject property is in the heart of the downtown Thames Street commercial corridor, bounded by Thames Street to the west and Coddington Street to the north.

The vast majority of abutting parcels in this area of the General Business Zone have little to no on-site parking and fail to meet the parking requirements under the zoning code. Like the subject parcel, they are non-conforming developments. As a result, the literal interpretation of the zoning code, resulting in the denial of the relief requested, would unreasonably deny this Applicant the ability to engage in reasonable commercial uses which are allowed by right. The proposed use of the property will be appropriate and consistent with the surrounding neighborhood, and the rights enjoyed by other property owners in this area of the General Business Zone.



Newport Zoning Application

Upon submittal of this application, please make sure you have also reviewed our Zoning Application Submittal Requirements packet, and included with your application, a copy of the Submittal Checklist which can also be found here: [Zoning Application Submittal Requirements](#). If an application is missing any submittal requirements and/or necessary application information, your application may be regarded incomplete. Incomplete applications will not be publicly advertised or appear on an agenda until the project is deemed complete.

By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read through this application thoroughly and understand what is required to submit a completed application.


Applicant Signature

July 9, 2024

Date


Owner Signature

Attorney for Applicant/Owner

Date

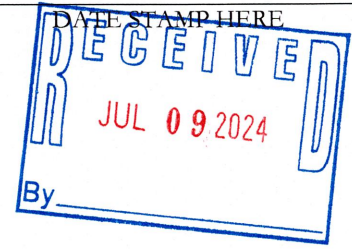


Newport Zoning Application Submittal Requirements

ZBR 2024 - AUG - 005

- Special Use Permit (new) Variance
- Special Use Permit (modification) Modification

(This box for staff use only)



SUBMITTAL REQUIREMENTS CHECKLIST

Applications that are missing materials in this checklist will not be accepted for review.

Section 1 – Application Forms – Page 3 of the Guide Required for All Projects

- A. Completed Zoning Project Application Packet comprised of the following individual sections:
 1. Zoning Project Application Form
 2. Completed copy of this Zoning Application Submittal Requirements Checklist (Page 2)
- B. Request to Waive any Submittal Requirements (*if applicable*)
- C. Application Fee (Please Refer to Current Fee Schedule)

Section 2 – Plan Package – Pages 4-7 of the Guide Required for All Development Projects (Involving New Structures, Additions, Exterior Alterations, etc.) Individual requirements of the Plan Package (listed below) may differ depending on the project

- A. Class I Site Survey
- B. Proposed Site Plan
- C. Lot Coverage Diagram
- D. Floor Plans
- E. Stormwater Management Plan
- F. Landscape Plan
- G. Building Elevations
- H. Change of Use

Section 3 – Supporting Documents, Studies, Graphics, and Depictions – Page 8 of the Guide May be required for certain Development Projects

- A. Site Photographs
- B. Photo Simulations
- C. Structural Evaluation
- D. Parking Survey
- E. Traffic Impact Analysis

J. Russell Jackson, Esq.
jrjackson@millerscott.com

Tel: 401-847-7500
Fax: 401-848-5854

July 9, 2024

Nicholas Armour
Zoning Officer
Newport City Hall
43 Broadway
Newport, RI 02840

RE: Zoning Application of 78-80 Thames Street, LLC
78-80 Thames Street - TAP: 17, Lot: 138
Application Waiver Request

Mr. Armour:

I am writing to request that the Zoning Application requirement for a Class One Survey and a formal stormwater management plan regarding the above captioned matter be waived.

The Applicant seeks a variance to the parking requirements. There are no alterations or modifications to the site or structure associated with this petition. The property is in the General Business Zone and is a mixed use development with no on-site parking. All existing and proposed uses are allowed by right. A parking variance is required for the use of an existing dwelling as a three (3) room guest house.

For these reasons, requiring the Applicant to incur the expense of a Class One Survey and fully engineered storm water management plan as part of this Zoning Application seems burdensome considering the nature of the proposed project.

Accordingly, we believe the materials provided with the Zoning Application are sufficient and will provide the necessary information for Zoning Board consideration.

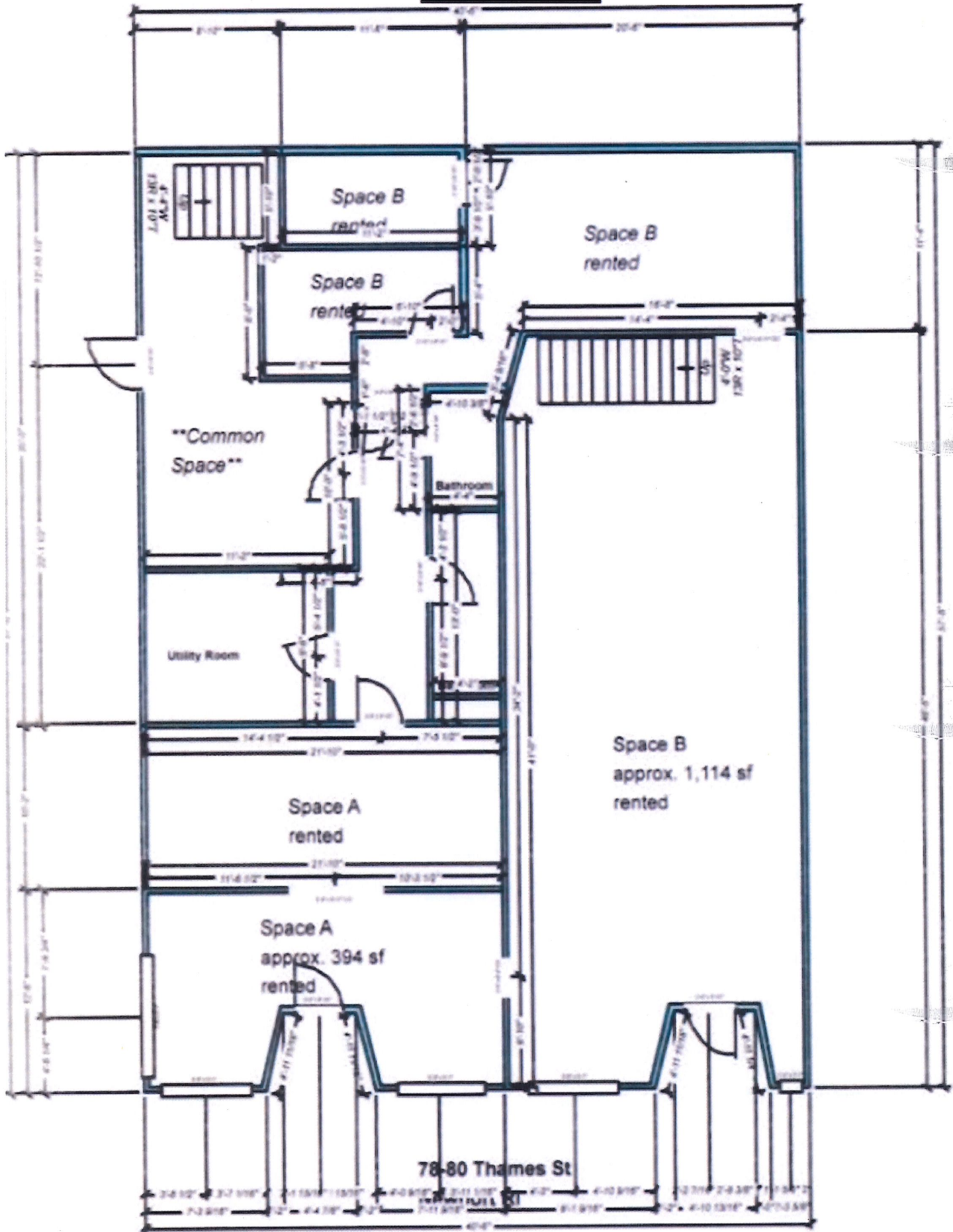
Sincerely,

/s/ J. Russell Jackson

J. Russell Jackson, Esq.

Cc: Client

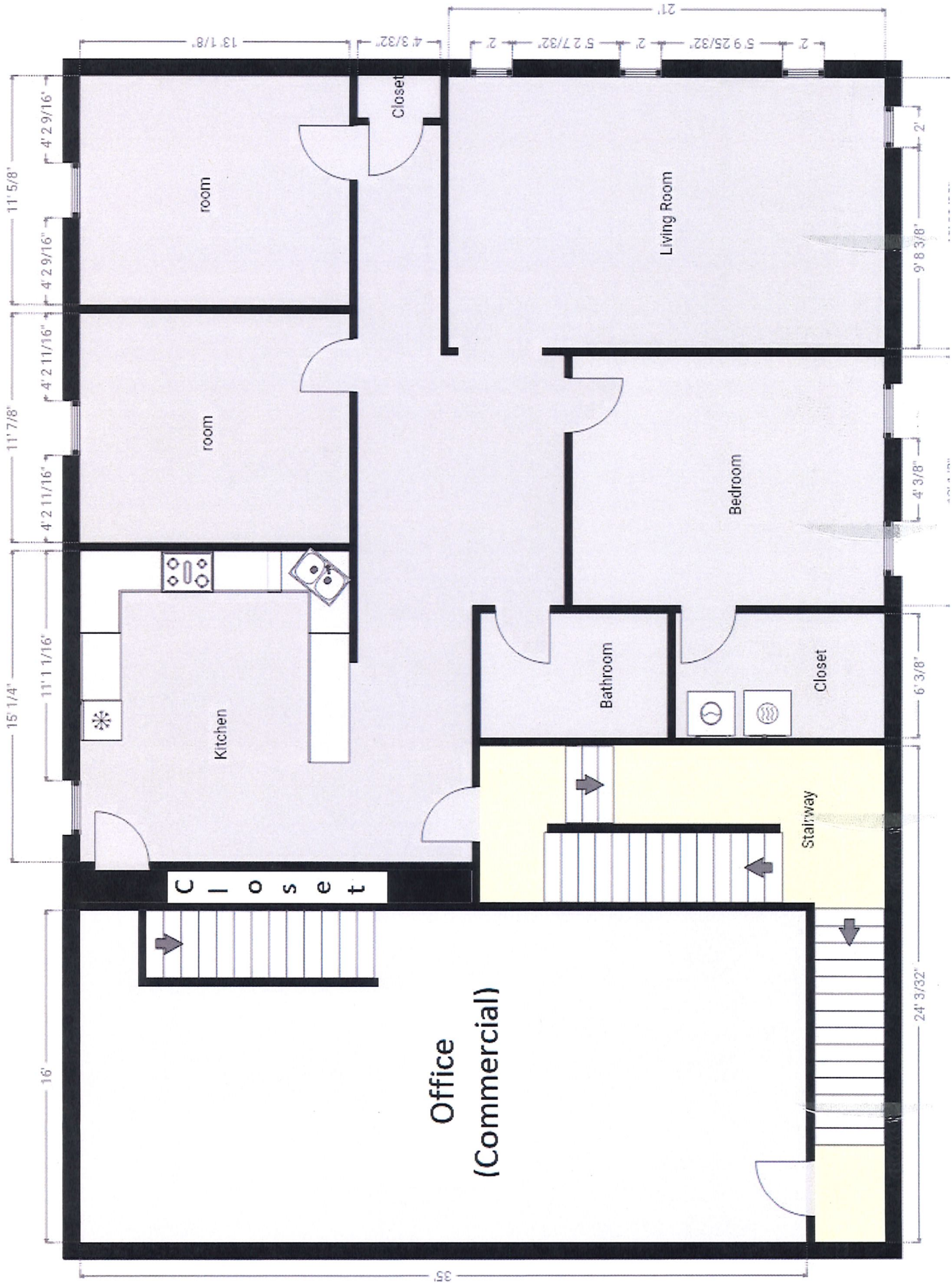
EXHIBIT A



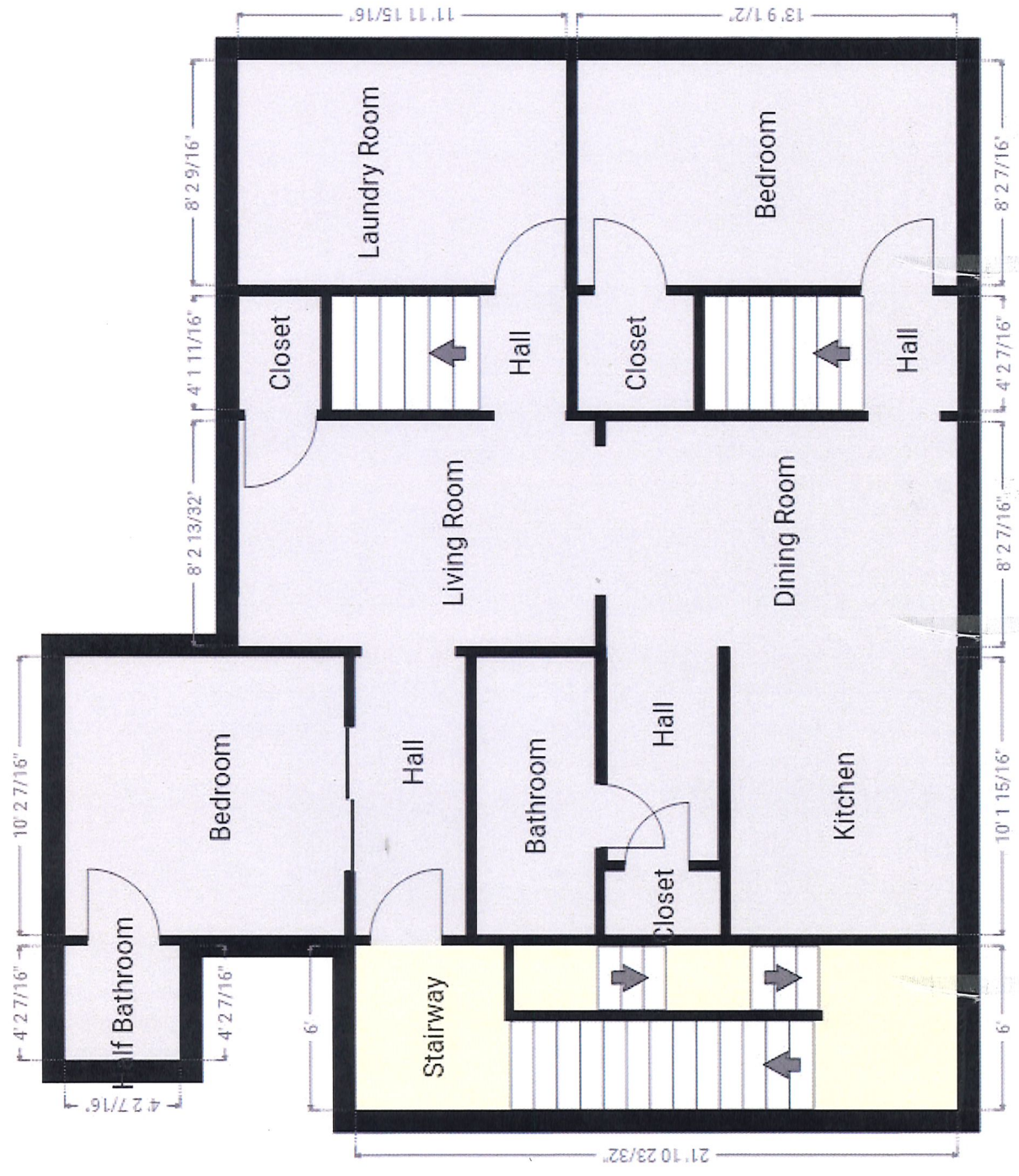
Drawing is for conceptual purposes only! All measurements should be verified

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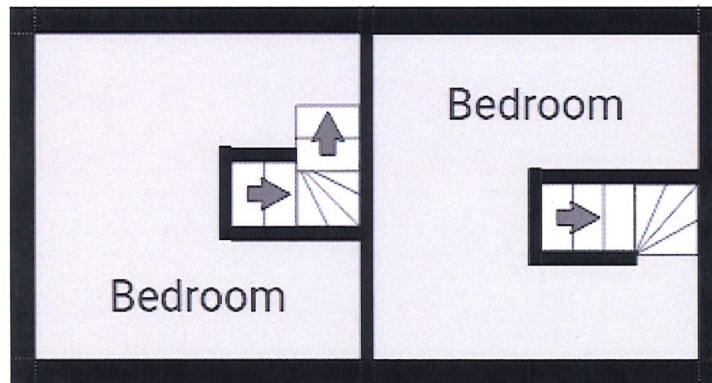
2nd floor



78-80 Thames
3rd floor



78-80 Thames
4th floor
(part of 3rd fl unit)



Newport

(Summary Data - may not be Complete Representation of Property)

Parcel: 17-138 Location: 78-80 THAMES ST Owner: 78-80 THAMES STREET LLC
 Account: 3165 User Acct: R03336 LUC: 04 - Combination Zoning: GB

Parcel Values
 Total: \$786,700 Land: \$269,600 Land Area: 2,515 SF Building: \$517,100 Assessed: \$786,700

Sales Information

Book and Page	Instrument Type	Date	Price	Grantor
2627-253		11/08/2016	\$735,000	STAAB KATHLEEN A
1133-125		03/22/2002	\$550,000	KELLEY PAMELA F

Building Type: MIX USE LG **Year Built:** 1760 **Grade:** C **Condition:** AV
Heat Fuel: Gas **Heat Type:** Hot Water **% Air Conditioned:** 0.00 **Fireplaces:** 0
Exterior Wall: Clapboard **Bsmnt Garage:** 0 **Roof Cover:** Asph/F Gls/C **# of Units:** 4
of Rooms: 0 **# of Bedrooms:** 4 **Full Bath:** 2 **1/2 Baths:** 2

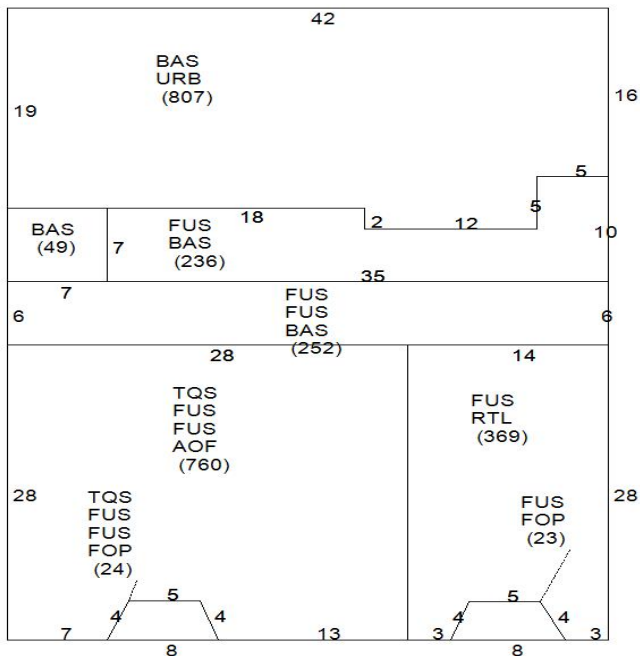
Yard Item(s)

Description	Quantity	Size	Year	Condition	Quality	Value
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Building Areas

Area	Net Area	Finished Area
Basement, Unfinished, Rai	807 SF	0 SF
First Floor	1,344 SF	1,344 SF
Office, (Average)	760 SF	760 SF
Porch, Open, Finished	47 SF	0 SF
Retail	369 SF	369 SF
Three Quarter Story	627.2 SF	627.2 SF
Upper Story, Finished	2,700 SF	2,700 SF

Disclaimer: This information is for tax assessing purposes and is not warranted





Property Information

ID 17-138
 Location 78-80 THAMES ST
 Owner



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

City of Newport, RI makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.