



Newport Zoning Application

ZBR 2024 - AUG - 000

(This box for staff use only)

DATE STAMP HERE



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: 20-24 Franklin Street

Tax Assessor's Plat: 27 Lot: 050 Zoning District: General Business

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

Property Owner: 20-24 Franklin 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? 3 Years (5/19/2021)

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: 60.8 ft. Lot Area: 3,240 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 2,832 sq. ft.

Total square footage of the footprint of proposed buildings: 2,832 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	3,240	5,000	3,240
Coverage Area (sq. ft)	2,832	2,592	2,832
Lot Coverage (%)	87.4	80	87.4
Dwelling Units	1	1	1
Parking (# of spaces)	0	14	0
Front Setback (ft.)	S=0', N=0'	0'	S=0', N=0'
Side Setbacks (ft.)	W=4.8', E=0'	0'	W=4.8', E=0'
Rear Setback (ft.)	N/A	5'	N/A
Height (ft.)	30' +/-	45'	30' +/-



Newport Zoning Application

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

Present use of Premise: Mixed Use - Retail, Single Dwelling/Guest House

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

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 3,240 +/- 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 Franklin Street and Prospect Hill Street. The entire first level of the building is comprised of 2,317 sf +/- of retail space. The second and third floors are a single dwelling with four (4) bedrooms. The dwelling has been used as a short term rental. Both the retail and guest house uses are allowed by right in the GB Zone. The property has no on site parking.

Based on the retail and single family use, the property requires ten (10) on site parking spaces, (8.4 retail, 1 dwelling). None are provided. Based on the proposed mixed use of the property with the same retail space and a four (4) room guest house with a manager's parking space, the total parking requirement is fourteen (14) spaces. Therefore the Applicant is seeking a parking variance for a net total of four (4) 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 is actively seeking an agreement for 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 3,240 +/- sf of land. The existing building covers 87.4% 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 Franklin Street to the south and Prospect Hill Street to the north. It is only a few parcels to the east of Thames Street.

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 - 060

DATE STAMP HERE



- 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 20-24 Franklin Street, LLC
20-24 Franklin Street - TAP: 27, Lot: 050
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 the existing dwelling as a four (4) 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.

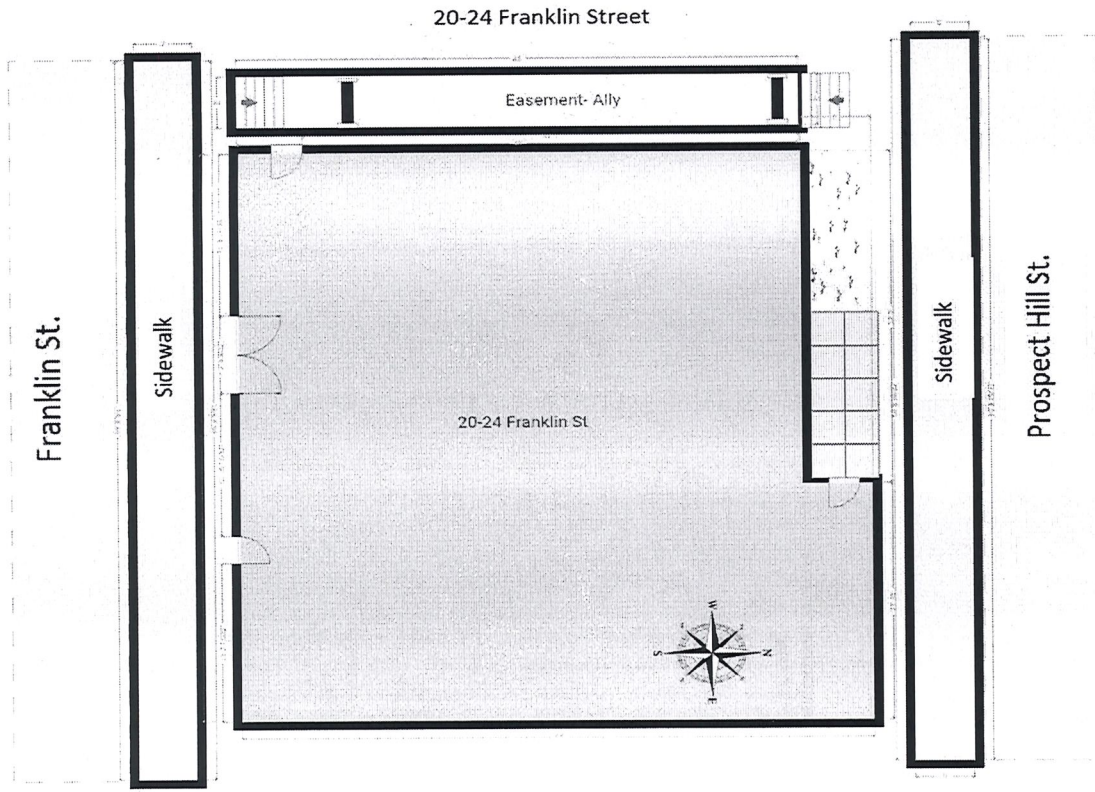
Sincerely,

/s/ J. Russell Jackson

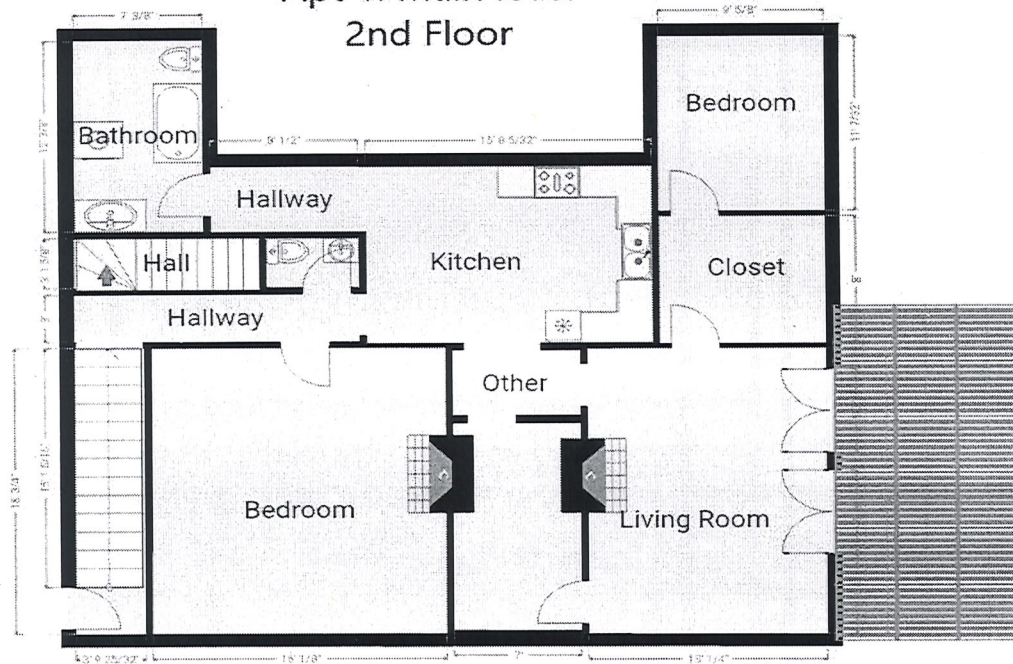
J. Russell Jackson, Esq.

Cc: Client

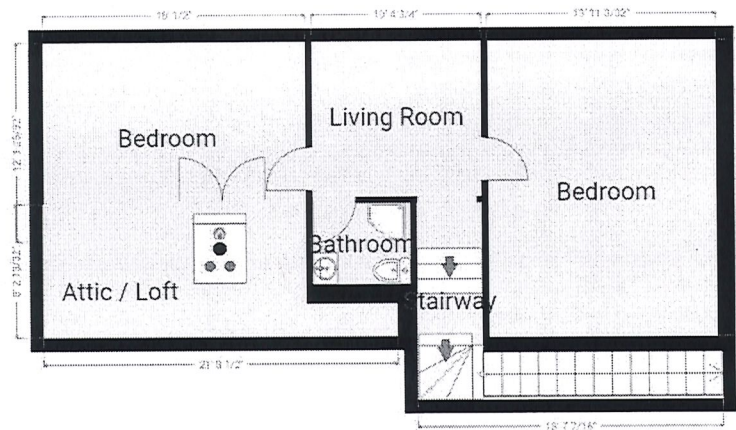
20-24 Franklin Street



Apt 1: Main level 2nd Floor



20-24 Franklin Street
Apt 1 : Upper Level
3rd Floor



THIS FLOOR PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS

Newport

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

Parcel: 27-050 Location: 20-24 FRANKLIN ST Owner: 20-24 FRANKLIN STREET LLC
 Account: 4796 User Acct: R05099 LUC: 04 - Combination Zoning: GB

Parcel Values
 Total: \$865,700 Land: \$386,000 Land Area: 3,240 SF Building: \$479,700 Assessed: \$865,700

Sales Information

Book and Page	Instrument Type	Date	Price	Grantor
3050-186	Quit Claim	11/22/2021	\$0	NEWPORT REAL ESTATE VENTURE LLC T
3007-26	Quit Claim	05/19/2021	\$437,500	NEWPORT REAL ESTATE VENTURE LLC T

Building Type: MIX USE LG **Year Built:** 1744 **Grade:**C **Condition:**AV
Heat Fuel: Gas **Heat Type:** Forced Air-D **% Air Conditioned:** 100.00 **Fireplaces:**0
Exterior Wall:Clapboard **Bsmnt Garage:** 0 **Roof Cover:** Asph/F GlS/C **# of Units:** 3
of Rooms: 0 **# of Bedrooms:** 2 **Full Bath:** 1 **1/2 Baths:** 2

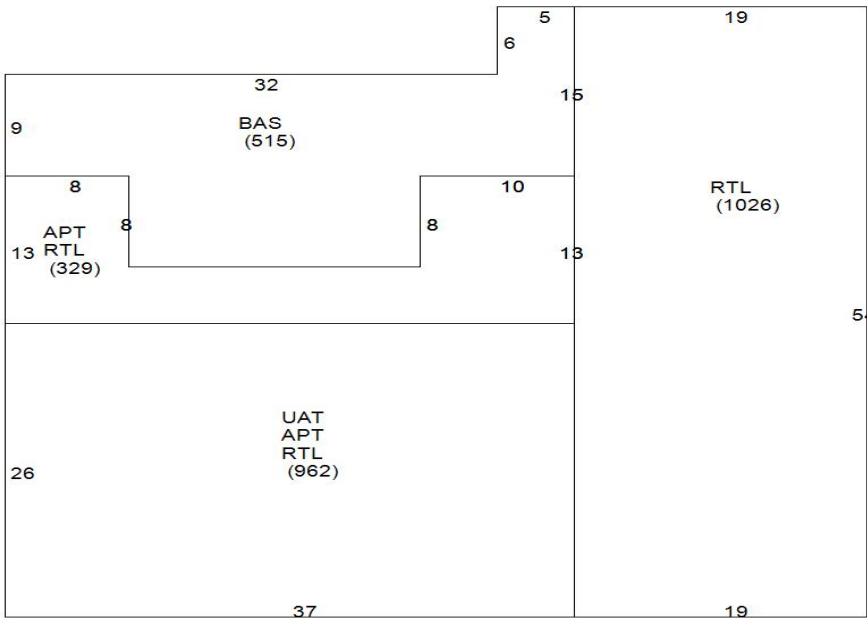
Yard Item(s)

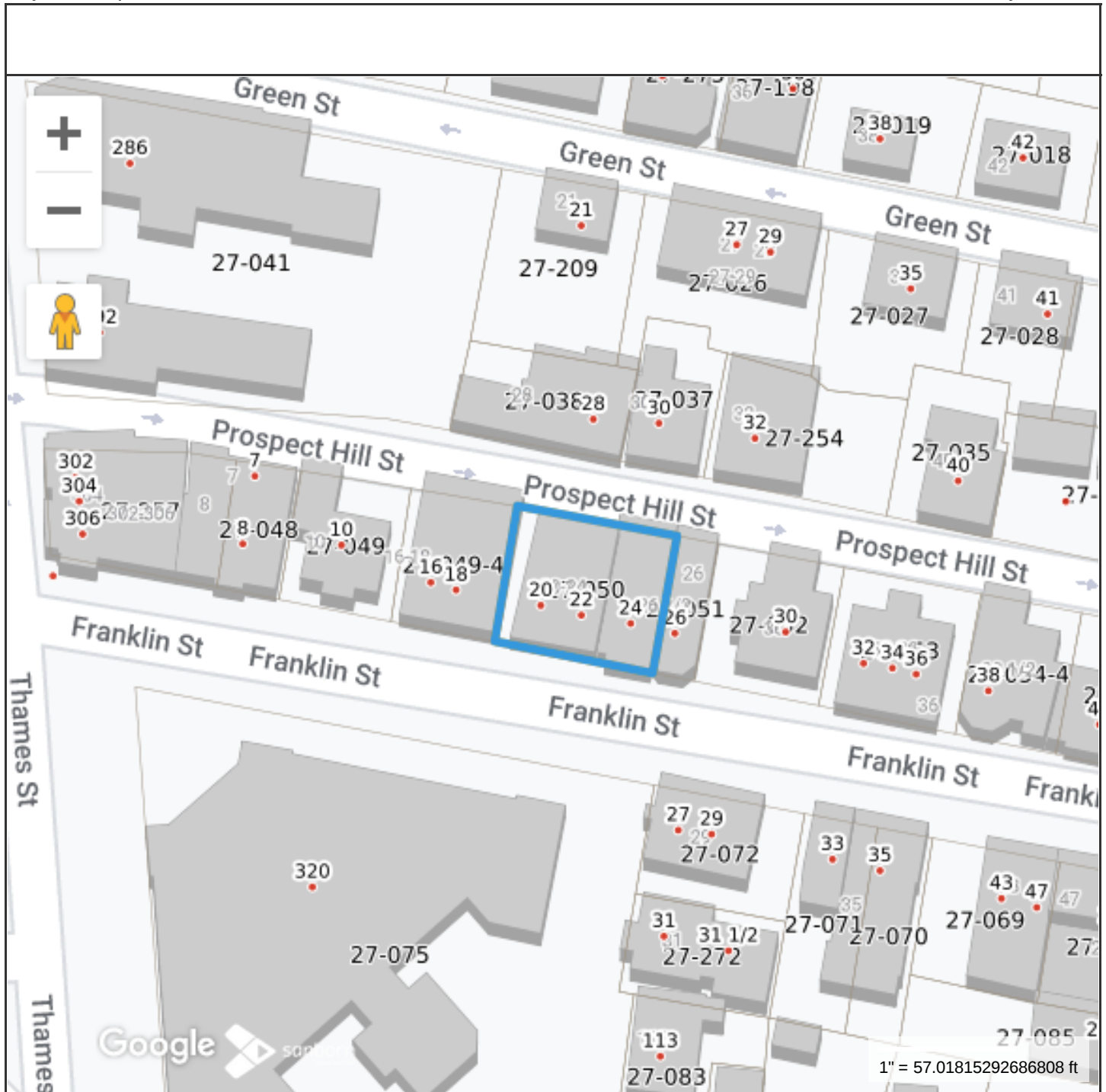
Description	Quantity	Size	Year	Condition	Quality	Value
-------------	----------	------	------	-----------	---------	-------

Building Areas

Area	Net Area	Finished Area
Apartment	1,291 SF	1,291 SF
Attic, Unfinished	192.4 SF	0 SF
First Floor	515 SF	515 SF
Retail	2,317 SF	2,317 SF

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





Property Information

ID 27-050
 Location 20-24 FRANKLIN 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.