

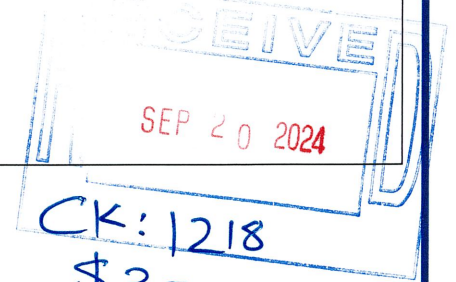


Newport Zoning Application

ZBR 2024 - Nov - 006

(This box for staff use only)

DATE STAMP HERE



Date: September 20, 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: 130 Touro Street

Tax Assessor's Plat: 21 Lot: 121 Zoning District: R10

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

Property Owner: 130 Touro Street, LLC

Mailing Address: 640 Thames 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 (10/27/20)

Legally Authorized Representative *if applicable: Joshua S. Parks, Esq.

Mailing Address: 49 Bellevue Ave, Newport, RI 02840

Email Address: jparks@apslaw.com Phone Number: 401-427-7200

Lessee: N/A

Mailing Address: _____

Email Address: _____ Phone Number: _____



Newport Zoning Application

Property Characteristics

Dimensions of lot-frontage: 167 ft. Lot Area: 13,360 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 2,488 sq. ft.

Total square footage of the footprint of proposed buildings: 2,488 sq. ft.

Zoning Characteristics Matrix

| | Existing | Required/Allowed | Proposed |
|------------------------|--------------------|------------------|--------------------|
| Lot Size (sq. ft.) | 13,360 | 10,000 | 13,360 |
| Coverage Area (sq. ft) | 2,488 | 2,000 | 2,488 |
| Lot Coverage (%) | 18.6 | 20 | 18.6 |
| Dwelling Units | 5 | 2 | 3 |
| Parking (# of spaces) | 10 | 10 | 2 |
| Front Setback (ft.) | 15' +/- | 15' | 15' +/- |
| Side Setbacks (ft.) | W = 44', E=12' +/- | 10' | W = 44', E=12' +/- |
| Rear Setback (ft.) | 27' | 20' | 27' |
| Height (ft.) | +/- 45 | 30' | +/- 45 |



Newport Zoning Application

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

Present use of Premise: Office and Multifamily

Proposed use of Premise: Office, Multifamily and Guest House

Summary of Proposed Alterations

See Application Narrative.



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)

See Application Narrative.



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

September 20, 2024

Date


Owner Signature

Attorney for Applicant/Owner.

Date



Newport Zoning Application Submittal Requirements

DATE STAMP HERE

ZBR _____ - _____ - _____

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

APPLICATION NARRATIVE

Application by 130 Touro Street, LLC to the Newport Zoning Board of Review for Use Variance

Zoning District: R10

I. Introduction

On behalf of 130 Touro Street, LLC (“Applicant/Owner”), we have prepared this application narrative in connection with Applicant/Owner’s request for a use variance for the property owned by Applicant/Owner located on 130 Touro Street in Newport, Rhode Island, and further identified as Assessor’s Plat 21, Lot 121 (the “Property”). Situated on the Property is a multi-family building with an office.

II. Short Term Rentals at the Property

Applicant/Owner proposes renting two (2) dwelling units, with a total of two (2) bedrooms as short-term rentals, specifically as a Guest House (the “Proposed Special Use”), pursuant to a use variance.

III. Special Use Permit Requested by Applicant/Owner

Applicant/Owner requests the following use variance:

- Use Variance: Pursuant to Chapter 17.108.020.C. which states the standard required for a variance.

IV. Summary of Standards Applicable to the Project

The Proposed Special Use meets the specific and objective criteria for variances provided in Section 17.108.020.C. of the Zoning Ordinance, namely that:

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in GLRI §45-24-30(a)(16).
2. That the hardship is not the result of any prior action of the applicant; and
3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent of purpose of the zoning ordinance of the comprehensive plan which the ordinance is based.

In addition to the requirements above, the ZBR also requires pursuant to Section 17.108.020.C.3(a):

4. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring lands or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance.

First, Section 17.108.020.C. states that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure. This property is large and contains five (5) dwelling units. Based on the size and previous use for short term rentals, this Property would be greatly benefitted as a Guest House. It has large driveway with ample parking space designed for use a short term rental property and office. Additionally, it is located directly across from the fire station and near hotels and businesses, making it ideal for short term renters.

Second, that the hardship is not a result of any prior action of the applicant. See Section 17.108.020.C.2. The Property was approved as a Transient Guest Facility previously in 2020, so the Applicant/Owner wishes to use the property for short term rentals and rent two (2) dwelling units, each with one (1) bedroom, for a total of two (2) bedrooms used as Guest Houses, out of the five (5) dwelling units. Due to its ample parking, multiple dwelling units and office space, it would be greatly benefitted from the ability to use only two (2) of the dwelling units for Guest Houses.

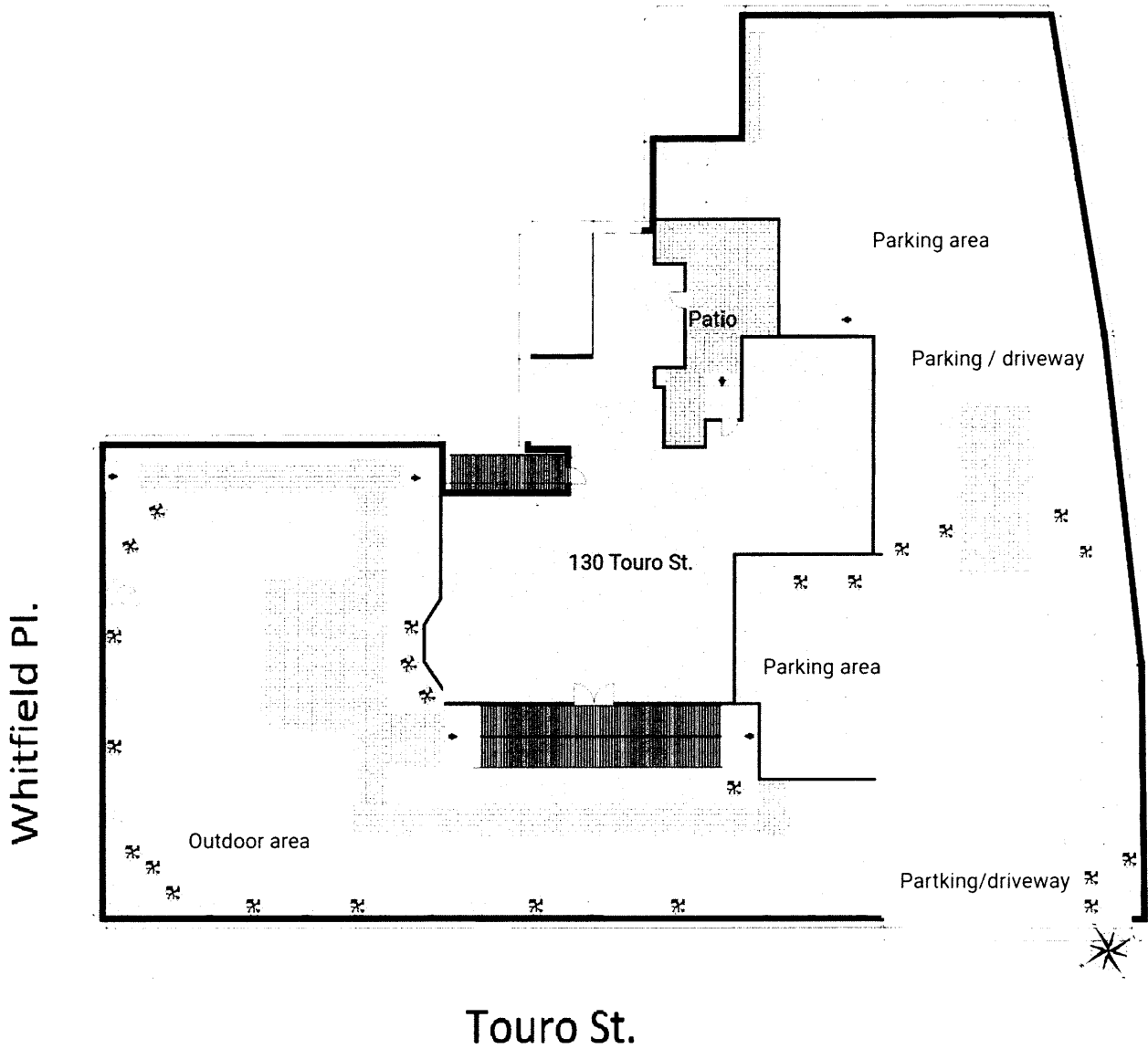
Third, that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance. See Section 17.108.020.C.3. Granting the use of the Property for Guest Houses will not alter the general character of the surrounding area of impair the intent of the zoning ordinance because the surrounding area includes a fire house, hotels and commercial businesses, in addition to the residential properties. Additionally, the Property was previously used as a Guest House and already contains ten (10) parking spaces, so no changes will be made that will increase traffic or impair the surrounding area.

Fourth, the Property cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. The size of the property, including the ample parking, combined with the office space, makes this property ideal for renting. The owners of the Property believed short term rentals was an allowed use based on its previous use as a Transient Guest Facility and its location between the fire station, Broadway and Bellevue Ave makes it very appealing to short term renters. In addition, its location and ample parking spaces allows for renters to explore Newport by foot and helps alleviate vehicle traffic.

V. Conclusion

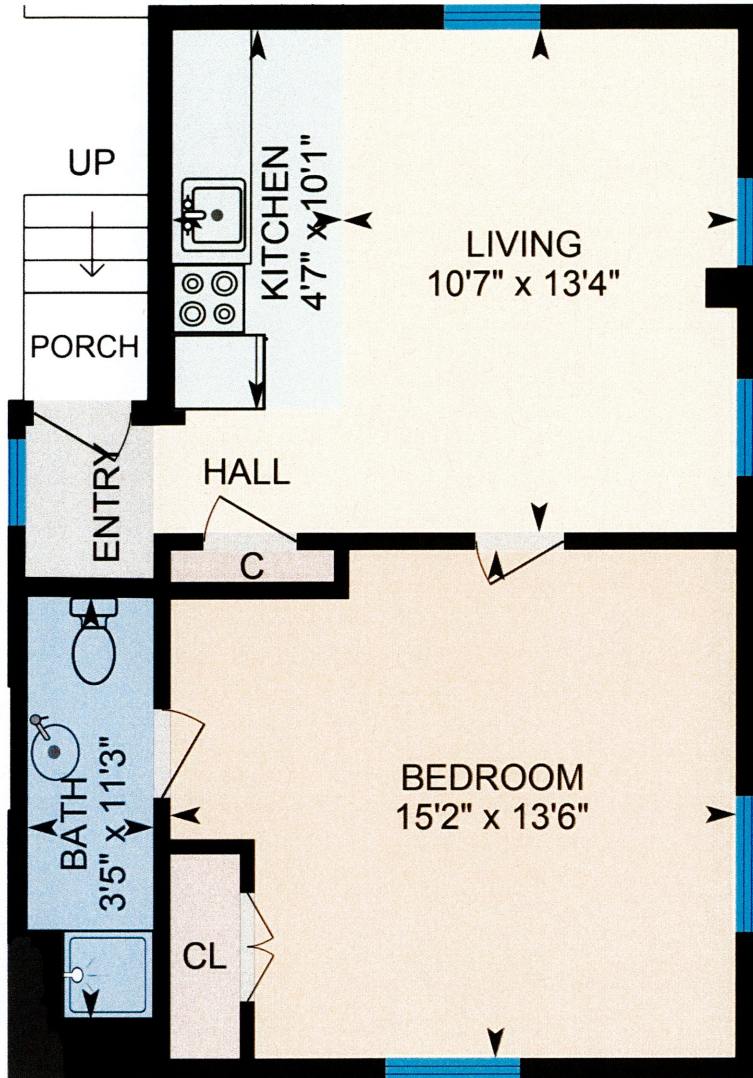
Applicant/Owner's proposed use of the Property for short term rentals as a Guest House requires that it apply for a use variance for the Property. Applicant/Owner has and will provide any necessary evidence and support of its satisfaction of the Zoning Ordinance's criteria for issuance of a use variance, and respectfully requests that the ZBR approve of its present application.

130 Touro

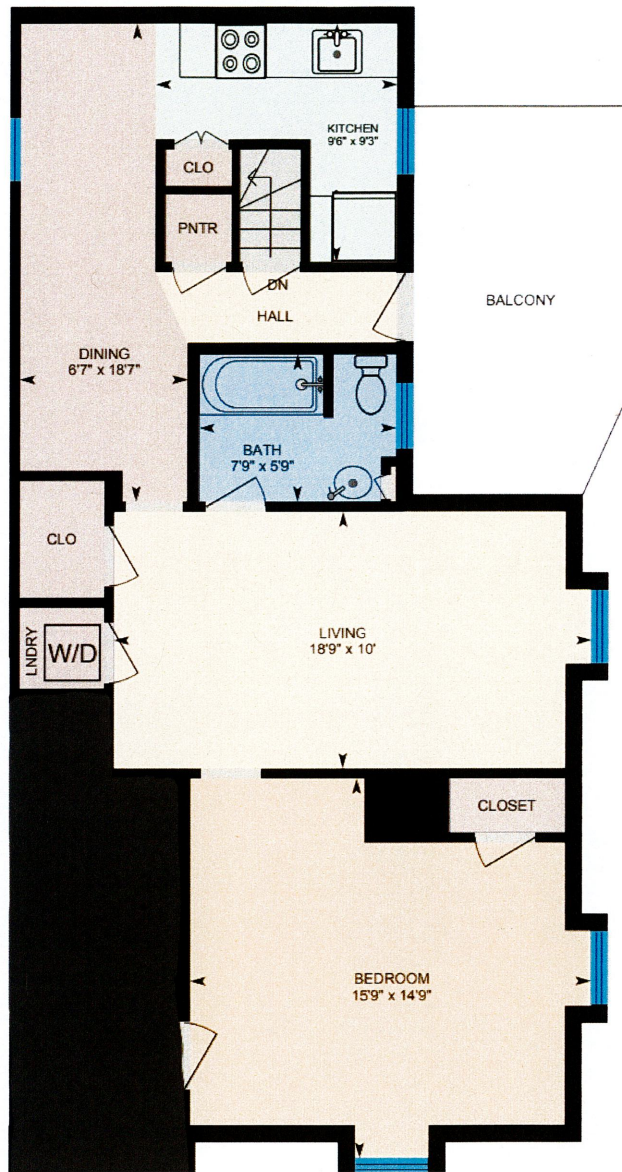


THIS FLOOR PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS

Unit B



Unit E



September 20, 2024

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

RE: *Zoning Application of 130 Touro Street, LLC*
130 Touro Street – AP: 21, Lot: 121
Application Waiver Request

Dear 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 may be waived.

The Applicant seeks a use variance to allowed uses. There are no alterations or modifications to the site or structure associated with this petition. The property is in the Limited Business District and is a mixed-use building with office space and dwelling units. The proposed use of Guest House is a prohibited use in a Limited Business District. Therefore, a use variance is required for the use of part of the property as Guest Houses for short term rentals.

For these reasons, requiring the Applicant to insure 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.

Best regards,



Joshua S. Parks, Esq.

130 Touro Street, Newport, RI

Abutters List (200')

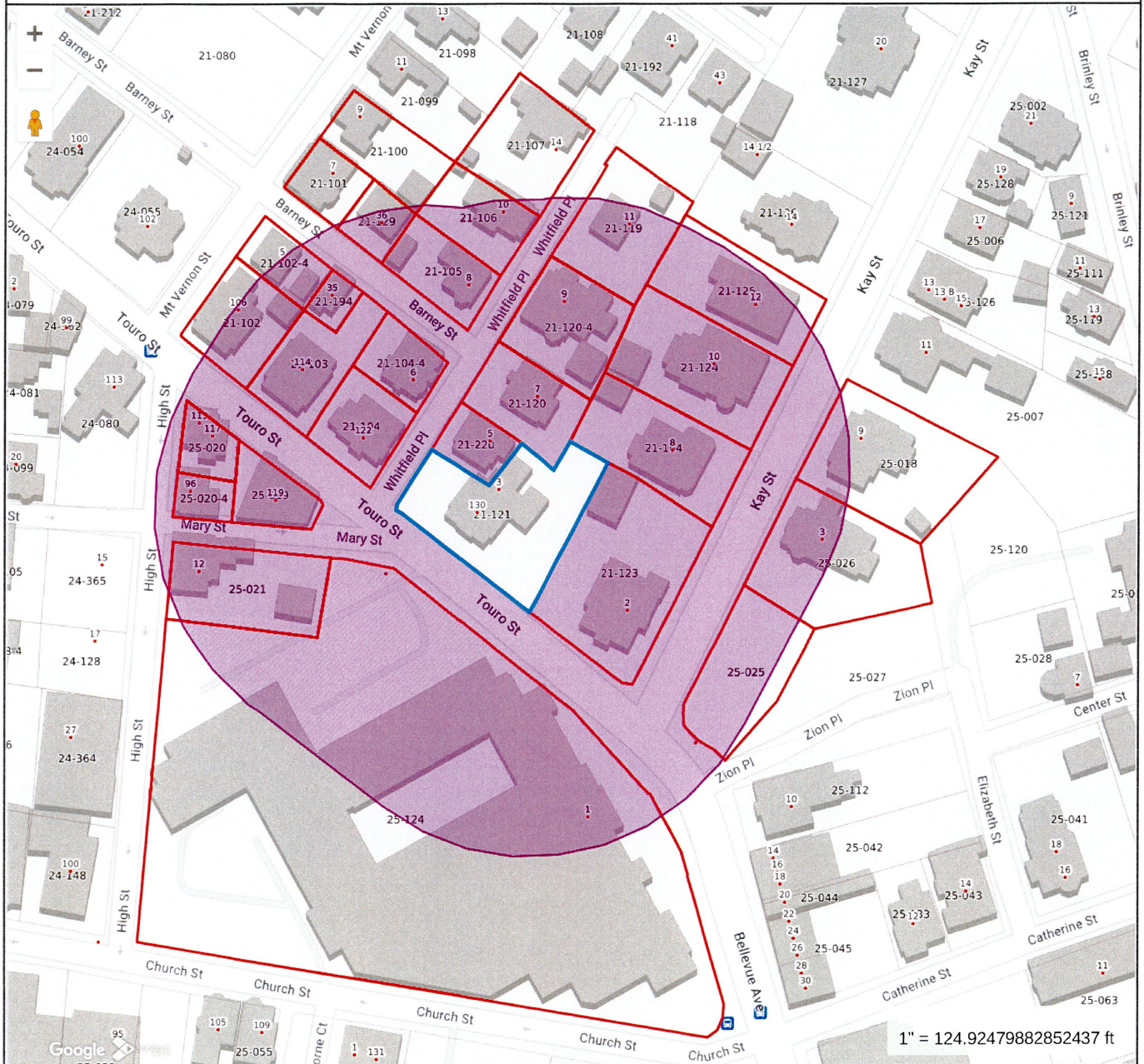
| ID | Site Address | Owner Name | Co-Owner Name | Owner Address | Owner Address 2 | Owner City | Owner State | Owner Zip |
|----------|---------------------------------------|--|---------------------------|---------------------------------------|-----------------|------------|-------------|-----------|
| 21-100 | 9 MT VERNON ST | TRAUTVETER WILLIAM E | | 9 MT VERNON ST | | NEWPORT | RI | 02840 |
| 21-101 | 7 MT VERNON ST | 7 MT VERNON LLC | | 36 BARNEY ST | | NEWPORT | RI | 02840 |
| 21-102 | 106 TOURO ST | GALLUSCIO PAUL | | 106 TOURO ST | APT 1W | NEWPORT | RI | 02840 |
| 21-102-4 | 5 MT VERNON ST | REAVEY CAROLINE L | | 97 SEWALL AVE | APT #1 | BROOKLINE | MA | 02446 |
| 21-103 | 114 TOURO ST | 114 TOURO STREET LLC | | WALLY ZAINOUN | 11 CARTER DRIVE | NATICK | MA | 01760 |
| 21-104 | 122 TOURO ST | TURNER C SCOTT | | 122 TOURO ST | | NEWPORT | RI | 02840 |
| 21-104-4 | 6 WHITFIELD PL | REVOCABLE TRUST | SCOTT TURNER C | 6 WHITFIELD PL | | NEWPORT | RI | 02840 |
| 21-105 | 8 WHITFIELD PL | SPENTZOS NOULA & CHATY ANNALAE | SPENTZOS DINO N | 8 WHITFIELD PL | | NEWPORT | RI | 02840 |
| 21-106 | 10 WHITFIELD PL | MCCUSKEY RALPH | | 10 WHITFIELD PL | | Newport | RI | 02840 |
| 21-107 | 14 WHITFIELD PL | HALL JANET DECLARATION OF TRST | HALL JANET TRUSTEE | 14 WHITFIELD PL | | NEWPORT | RI | 02840 |
| 21-119 | 11 WHITFIELD PL | SCHAEFER CHARLES J BOHAN J STEPHEN LIFE ESTATE | JUDY B | PO BOX 545 | | NEWPORT | RI | 02840 |
| 21-120 | 7 WHITFIELD PL | | BOHAN MARIE LIFE ESTATE | 7 WHITFIELD PL | | Newport | RI | 02840 |
| 21-123 | 2 KAY ST | ARC HTNEWRI001 LLC | | C/O ARC REAL ESTATE PARTNERS | 2 KAY ST | NEWPORT | RI | 02840 |
| 21-124 | 10 KAY ST | THOMAS JENNIFER E | | 10 KAY ST | | NEWPORT | RI | 02840 |
| 21-125 | 12 KAY ST | COUSSA PATRICIA & BRENNAN MARK J AND GINA M | DOLOHANTY, MARY BETH | 12 KAY ST | | NEWPORT | RI | 02840 |
| 21-129 | 36 BARNEY ST | YOUNG PHILIP A | | 36 BARNEY ST | | NEWPORT | RI | 02840 |
| 21-164 | 8 KAY ST | BLUE MOON LLC | | 8 KAY ST | | NEWPORT | RI | 02840 |
| 21-194 | 35 BARNEY ST | DUMLER PIERRE A | YOLANDE A LIFE ESTATE | 15 FRIENDS DR | | NEWPORT | RI | 02840 |
| 21-120-4 | 9 WHITFIELD PL, Unit 1 | DUMLER FRANCOISE | BEDDALL THOMAS | 9 WHITFIELD PL 1 | | NEWPORT | RI | 02840 |
| 21-120-4 | 9 WHITFIELD PL, Unit 2 | MCVEY KEVIN M AND LYNNE A | | 128 PLEASANT ST | | BROOKLINE | MA | 02446 |
| 21-120-4 | 9 WHITFIELD PL, Unit 3 | POMPONIO EDWARD V | POMPONIO PAULA | 21 N CHATSWORTH AVE | APT 4G | LARCHMONT | NY | 10538 |
| 21-120-4 | 9 WHITFIELD PL, Unit 4 | JAMES GREGORY | MARKOWITZ ALANA | 9 WHITFIELD PL, Unit 4 | | Newport | RI | 02840 |
| 21-120-4 | 9 WHITFIELD PL, Unit 5 | NEWPORT CITY OF | | 9 WHITFIELD PL 5 | | NEWPORT | RI | 02840 |
| 25-019 | 0 TOURO ST | FORGIONE WILLIAM & SASSO JOHN A | FORGIONE SUSAN | CITY HALL | 43 BROADWAY | NEWPORT | RI | 02840 |
| 25-018 | 9 KAY ST | HEARN JOSEPH | | 9 KAY ST | | NEWPORT | RI | 02840 |
| 25-020 | 117 TOURO ST & HIGH ST 2 | | | 115 TOURO ST | | NEWPORT | RI | 02840 |
| 25-020-4 | 96 MARY ST | | | 96 MARY ST | | NEWPORT | RI | 02840 |
| 25-021 | 12 HIGH ST | PRIESTLEY JULIE A TRUST | PRIESTLEY JULIE A TRUSTEE | PO BOX 7881 | | PETERSBURG | FL | 33734 |
| 25-025 | 0 KAY ST | JEWISH CEMETERY | | KAY STREET | | NEWPORT | RI | 02840 |
| 25-026 | 3 KAY ST | DELGUERCIO PAUL | | 3 KAY STREET | | NEWPORT | RI | 02840 |
| 25-124 | 1 BELLEVUE AVE | LSREF3 VIKING LLC | C/O ALTUS GROUP | 1 RAVINIA DR | STE 1600 | ATLANTA | GA | 30346 |
| 21-220 | 5 WHITFIELD PL | DURAND STEPHEN P | CHRISTAF | 5 WHITFIELD PL | | NEWPORT | RI | 02840 |
| 25-020 | 115-117 TOURO & 2 HIGH STREET, Unit 1 | MORAN SHARON & MORAN SUSAN L | | 115-117 TOURO & 2 HIGH STREET, Unit 1 | | Newport | RI | 02840 |

130 Touro Street, Newport, RI


Abutters List (200')

| | | | | | | | | |
|--------|---------------------------------------|------------------|-------------------|-------------------------------|--------|---------|----|-------|
| 25-020 | 115-117 TOURO & 2 HIGH STREET, Unit 2 | GODON NORMAN P & | GODON MARY BETH O | 115-117 TOURO & 2 HIGH STREET | UNIT 2 | NEWPORT | RI | 02840 |
| 25-020 | 115-117 TOURO & 2 HIGH STREET, Unit 3 | RICCIUTI JEAN | | 121 PRESIDENTS LN | | QUINCY | MA | 02169 |

130 Touro Radius



| Property Information | |
|----------------------|--------------|
| ID | 21-121 |
| Location | 130 TOURO 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.

21-100
TRAUTVETTER WILLIAM E
9 MT VERNON ST
NEWPORT, RI 02840

21-102-4
REAVEY CAROLINE L
97 SEWALL AVE APT #1
BROOKLINE, MA 02446

21-104-4
SPENTZOS NOULA &
SPENTZOS DINO N
6 WHITFIELD PL
NEWPORT, RI 02840

21-107
HALL JANET DECLARATION OF TRST
HALL JANET TRUSTEE
14 WHITFIELD PL
NEWPORT, RI 02840

21-123
ARC HTNEWRI001 LLC
C/O ARC REAL ESTATE PARTNERS 2 KAY ST
NEWPORT, RI 02840

21-129
BRENNAN MARK J AND GINA M
36 BARNEY ST
NEWPORT, RI 02840

21-120-4
DUMLER PIERRE A
YOLANDE A LIFE ESTATE
9 WHITFIELD PL 1
NEWPORT, RI 02840

21-120-4
POMPONIO EDWARD V
POMPONIO PAULA
9 WHITFIELD PL, Unit 4
Newport, RI 02840

25-018
FORGIONE WILLIAM &
FORGIONE SUSAN
9 KAY ST
NEWPORT, RI 02840

25-021
PRIESTLEY JULIE A TRUST
PRIESTLEY JULIE A TRUSTEE
PO BOX 7881
ST PETERSBURG, FL 33734

21-101
7 MT VERNON LLC
36 BARNEY ST
NEWPORT, RI 02840

21-103
114 TOURO STREET LLC
WALLY ZAINOUN 11 CARTER DRIVE
NATICK, MA 01760

21-105
CHATTY ANNALEE
8 WHITFIELD PL
NEWPORT, RI 02840

21-119
SCHAEFER CHARLES J
JUDY B
PO BOX 545
NEWPORT, RI 02840

21-124
THOMAS JENNIFER E
10 KAY ST
NEWPORT, RI 02840

21-164
YOUNG PHILIP A
8 KAY ST
NEWPORT, RI 02840

21-120-4
DUMLER FRANCOISE
BEDDALL THOMAS
128 PLEASANT ST
BROOKLINE, MA 02446

21-120-4
JAMES GREGORY
MARKOWITZ ALANA
9 WHITFIELD PL 5
NEWPORT, RI 02840

25-020
SASSO JOHN A
115 TOURO ST
NEWPORT, RI 02840

25-025
JEWISH CEMETERY
KAY STREET
NEWPORT, RI 02840

21-102
GALLUSCIO PAUL
106 TOURO ST APT 1W
NEWPORT, RI 02840

21-104
TURNER C SCOTT REVOCABLE TRUST
SCOTT TURNER C
122 TOURO ST
NEWPORT, RI 02840

21-106
MCCLUSKEY RALPH
10 WHITFIELD PL
Newport, RI 02840

21-120
BOHAN J STEPHEN LIFE ESTATE
BOHAN MARIE LIFE ESTATE
7 WHITFIELD PL
Newport, RI 02840

21-125
COUSSA PATRICIA &
DOLOHANTY, MARY BETH
12 KAY ST
NEWPORT, RI 02840

21-194
BLUE MOON LLC
15 FRIENDS DR
NEWPORT, RI 02840

21-120-4
MCVEY KEVIN M AND LYNNE A
21 N CHATSWORTH AVE APT 4G
LARCHMONT, NY 10538

25-019
NEWPORT CITY OF
CITY HALL 43 BROADWAY
NEWPORT, RI 02840

25-020-4
HEARN JOSEPH
96 MARY ST
NEWPORT, RI 02840

25-026
DELGUERCIO PAUL
3 KAY STREET
NEWPORT, RI 02840

25-124
LSREF3 VIKING LLC
C/O ALTUS GROUP
1 RAVINIA DR STE 1600
ATLANTA, GA 30346

21-220
DURAND STEPHEN P
CHRISTA F
5 WHITFIELD PL
NEWPORT, RI 02840

25-020
MORAN SHARON & MORAN SUSAN L
115-117 TOURO & 2 HIGH STREET, Unit 1
Newport, RI 02840

25-020
GODON NORMAN P &
GODON MARY BETH O
115-117 TOURO & 2 HIGH STREET UNIT 2
NEWPORT, RI 02840

25-020
RICCIUTI JEAN
121 PRESIDENTS LN
QUINCY, MA 02169