



THE CITY OF NEWPORT, RHODE ISLAND – AMERICA'S FIRST RESORT
Department of Planning & Development

September 25, 2024

Sent Via Email: amkagan@cox.net
mresnick@ksplawpc.com

Dear Applicant,

Please be advised that your Zoning application, for 517 Thames Street, has been deemed complete, as of September 25, 2024. The following legal description has been prepared, and will be sent to the Newport Daily News for publication on November 8, 2024 to comply with State law. Additionally, letters describing your application will be mailed by our office to all abutting property owners within 200 feet of your property. The legal description of your application is as follows:

App #2024-Nov-008 PETITION OF 517 THAMES STREET, LLC, applicant and owner, 517 Thames Street, TAP 35, Lot 128 (WB Zone), for a dimensional variance to convert one dwelling unit into a two-bedroom guest house, without providing additional parking (1 additional space required for the manager).

Said petition will appear on the Zoning Board of Review agenda for the next public hearing, to be held on **November 25, 2024**. Please note that this item will first appear on the agenda noted above, and will be scheduled to be considered at that hearing if it is determined that your item is a “Summary” or “Abbreviated Summary” hearing. If your application is determined to be a “Full Hearing” item, either due to the scope of the project, or if any objections are received once public notices are mailed, your application must await a Full Hearing behind other applications that were deemed complete prior to your application. I will be in contact with you regarding scheduling once this determination has been made.

If you have questions, please email me at narmour@cityofnewport.com.

Sincerely,

Nicholas Armour
Zoning Officer



Newport Zoning Application

ZBR 2024 - NOV - 008

(This box for staff use only)

DATE STAMP HERE
RECEIVED
SEP 20 2024
By CK: 3525

\$300

Date: _____

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: 517 Thames Street, Newport, RI

Tax Assessor's Plat: 35 Lot: 128 Zoning District: Waterfront Business

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

Property Owner: 517 Thames Street, LLC

Mailing Address: 29 Cliff Avenue, Newportm, RI 02840

Email Address: amkagan@cox.net

Phone Number: (401) 855-8850

How long have you been the owner of the above premise? Since 1999

Legally Authorized Representative *if applicable: Michael D. Resnick, Esq.

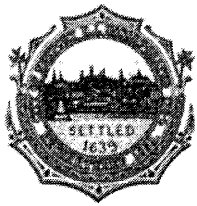
Mailing Address: 128 Dorrance Street, Suite 300, Providence, RI 02903

Email Address: mresnick@ksplawpc.com Phone Number: (401) 490-7334

Lessee: N/A

Mailing Address: _____

Email Address: _____ Phone Number: _____



Newport Zoning Application

Property Characteristics

Dimensions of lot-frontage: _____ ft. Lot Area: 2,400 sq. ft.

Are there buildings on the premises at present? yes

Total square footage of the footprint of existing buildings: 1,308 sq. ft.

Total square footage of the footprint of proposed buildings: no change sq. ft.

Zoning Characteristics Matrix

| | Existing | Required/Allowed | Proposed |
|------------------------|------------------|------------------|-------------------|
| Lot Size (sq. ft.) | 2,400 | 5,000 | 2,400 (no change) |
| Coverage Area (sq. ft) | 1,308 | 40% | 1,308 (no change) |
| Lot Coverage (%) | 54.5% | 40% | no change |
| Dwelling Units | 1 | 1 | 0 |
| Parking (# of spaces) | 0 | 2 | no change |
| Front Setback (ft.) | 0 ft. | 0 ft. | no change |
| Side Setbacks (ft.) | 0 ft. | 0 ft. | no change |
| Rear Setback (ft.) | 0 ft. | 5 | no change |
| Height (ft.) | less than 35 ft. | 35 ft. | no change |



Newport Zoning Application

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

Present use of Premise: Mixed Use - Restaurant and Apartment

Proposed use of Premise: Mixed Use - Restaurant and Short Term Rental

Summary of Proposed Alterations

According to the Applicant's plan for the Property no alterations are necessary.



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 Applicant seeks relief under:
Section 17.108.020 (Variance)
Section 17.104.020(T) (Guest House Parking)

The Applicant seeks relief for this property to operate a short term rental ("STR") and parking variance. The Property has a commercial space with a tenant on the first floor and a two (2) bedroom apartment on the second and third floors. The Property has been operating as a mixed use property with restaurant or retail space on the first floor and an apartment on the second and third floors since before the Applicant purchased the Property in 2001. The Applicant does not intend to interrupt or change otherwise the use of the first floor of the Property as a commercial space.

The Applicant is in the process of registering the apartment as an STR with the City to operate an STR as the Property is located in a Waterfront Business District. The Apartment requires two (2) parking spaces, one for each bedroom, however, the Applicant cannot provide any on-site parking. The lack of on-site parking is not due to any actions of the Applicant, but rather, is due to the unique characteristics of the Property. Since the Property is located in the commercial corridor along lower Thames Street, a parking variance will not alter the general character of the neighborhood nor impair the intent or purpose of the Zoning Ordinance or Comprehensive Plan. In fact, to remedy the parking issue the Applicant has secured two (2) parking spaces in an adjacent private parking lot and shall continue to obtain private parking spaces for the Apartment.

Accordingly, the Applicant's plan to continue using the first floor of the Property for commercial use and to operate an STR on the upper floors is harmonious with the surrounding neighborhood and is consistent with the purpose and intent of the Waterfront Business District.



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

09/17/2024

Date

Owner Signature

09/17/2024

Date



Newport Zoning Application

Applicable Standards for Approval of Variances and Special Use Permits for alterations to non-conforming developments

A. Variances – Newport Municipal Code Chapter 17.108

17.108.020.C.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 §45-34-30(a)(16).

17.108.020.C.2. That the hardship is not the result of any prior action of the applicant

17.108.020.C.3. 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 or the comprehensive plan upon which the ordinance is based.

The zoning board of review, shall, in addition to the above standards, require that evidence is entered into the record of the proceedings showing that:

- a. 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; and
- b. In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. 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. The zoning board of review, or planning board where unified development review is enabled shall have the power to grant dimensional variances where the use is permitted by a special use permit.

B. Special Use Permit – Newport Municipal Code Chapter 17.109

For applicable Standards for Special Use Permit Categories 1-5, please see Newport Municipal Code Chapter 17.109.020 A-E

Category 6

A structure or land which is nonconforming by dimension, but the use of which is a use permitted by right in the district in which the land or structure is located, shall only be altered, changed, enlarged or subject to addition or intensification with respect to its nonconforming element(s) by obtaining a special use permit from the zoning board of review. Special use permits for alterations, changes, enlargements, or subject to addition or intensification with respect to its nonconforming element(s) must comply with the following:

1. The alteration, change, enlargement, addition or intensification will not increase the dimensional nonconformity, or a variance shall be obtained from the zoning board of review, subject to the affirmative determination of the standards for variances under 17.108.020.C.
2. Will not alter the character of the surrounding area within 200' of the property lines.
3. No net increase in stormwater runoff from the site.
4. All proposed lighting is Dark-Sky compliant.