



Newport Zoning Application

ZBR 2024 - Aug - 005

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SEP 20 2024

Date: September 20, 2024

Amendment to Zoning Application

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: 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? 7.5 years (11/8/2016)

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

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, Two Guest Houses

Summary of Proposed Alterations

The Applicant seek 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 the second and third floor dwellings as guest houses. 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 guest houses, 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, two guest houses (five (5) bedrooms in total) 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.



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Property Characteristics

Dimensions of lot-frontage: W=42.3, 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	0
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

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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 the second and third floor dwellings as guest houses. Two (2) bedrooms will be locked out to not exceed the maximum number of bedrooms. 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 guest houses, 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, two guest houses (five (5) bedrooms in total) with a manager's parking space, the total parking requirement is fifteen (15) spaces. Therefore the Applicant is seeking a parking variance for a net total of two (2) 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.

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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 hear 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

September 20, 2024

Date



Owner Signature

Attorney for Applicant/Owner.

Date



Newport Zoning Application Submittal Requirements

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ZBR _____ - _____ - _____

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

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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)

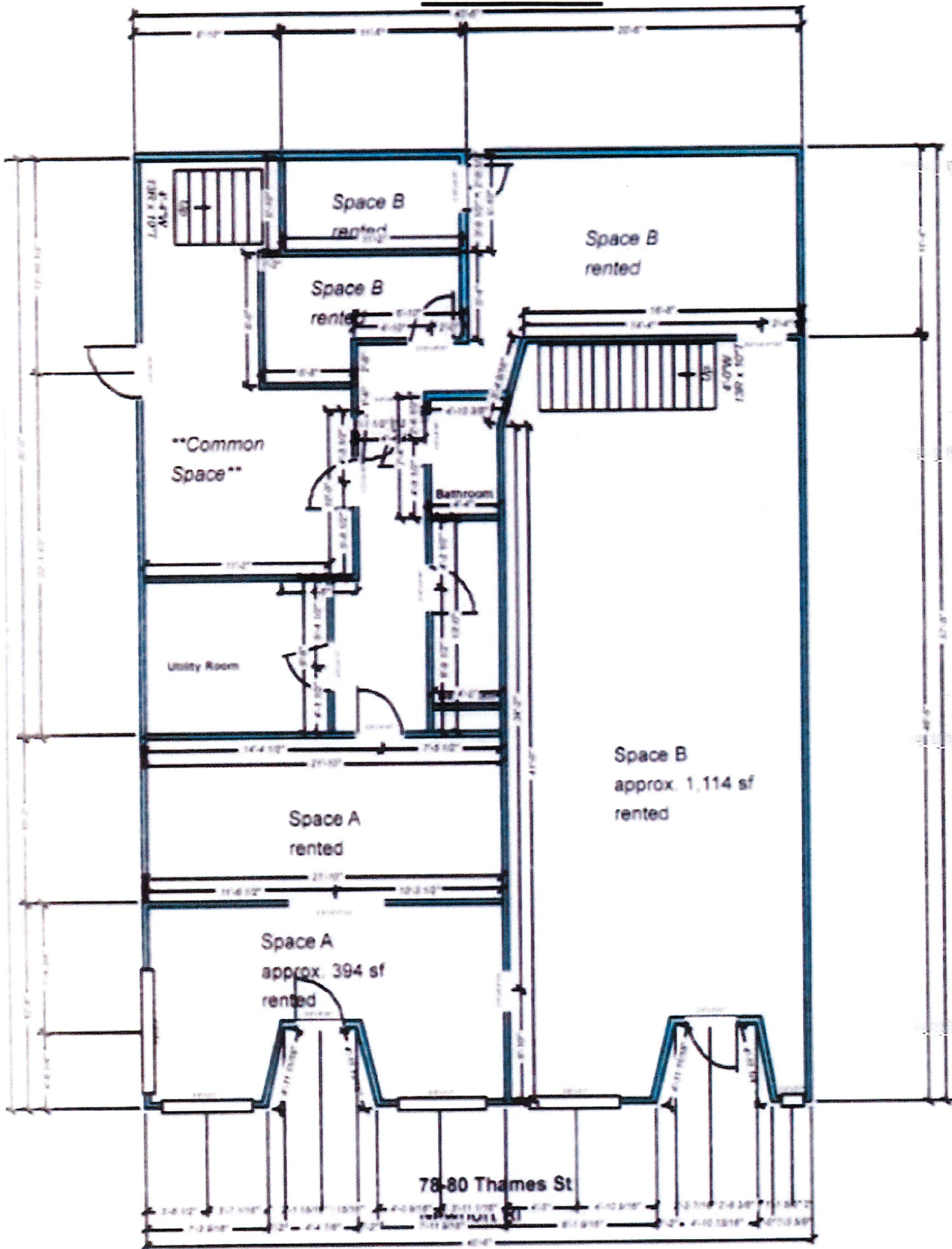
Section 2 – Plan Package – Pages 4-7 of the Guide Required for All Development Projects (Involving New Structures, Additions, Exterior Alterations, etc.) Individual requirements of the Plan Package (listed below) may differ depending on the project

- 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

EXHIBIT A



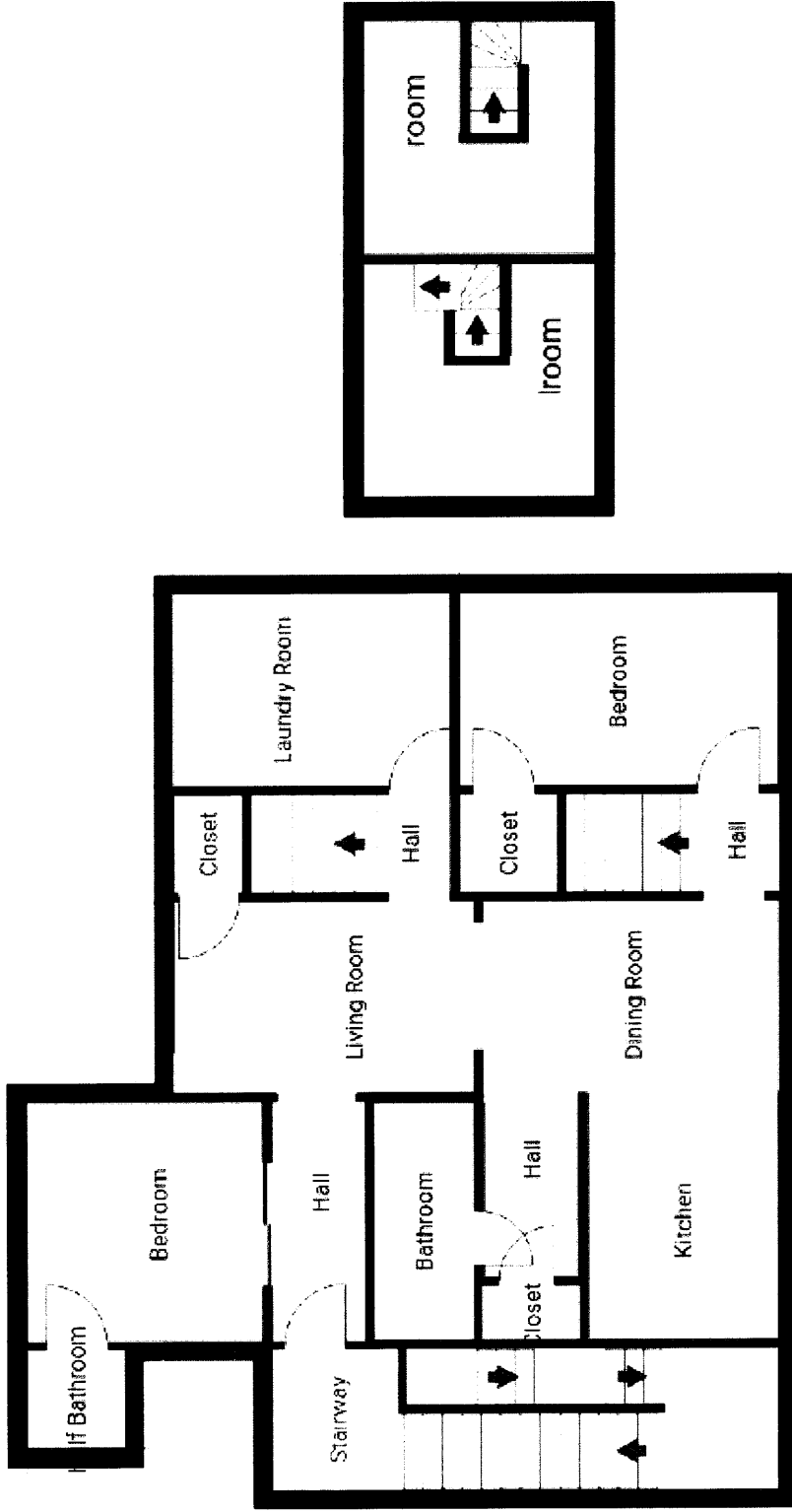
Drawing is for conceptual purposes only! All measurements should be verified

10'-0" 11/16"

2nd floor

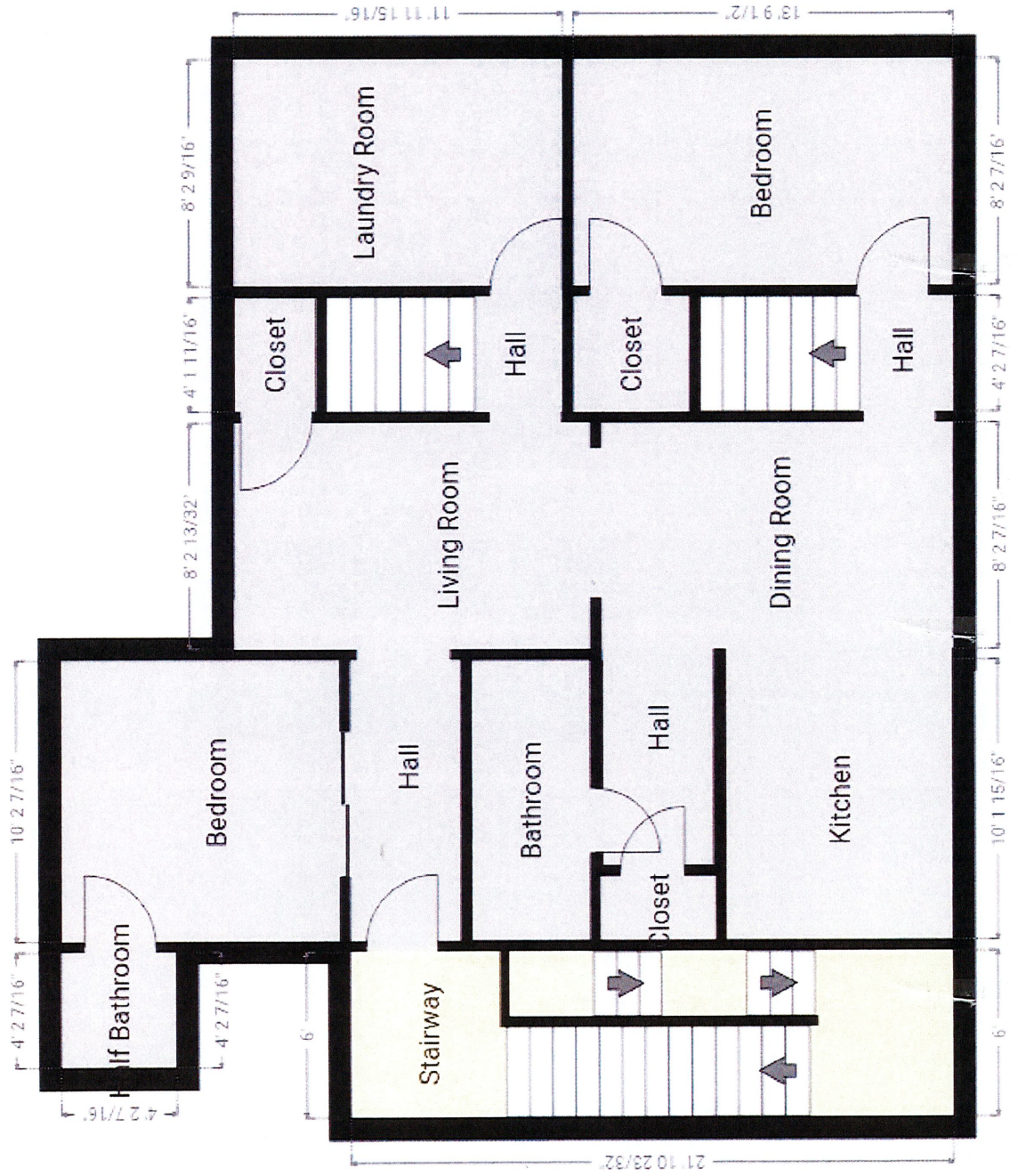


78-80 Thames Street Apt 3

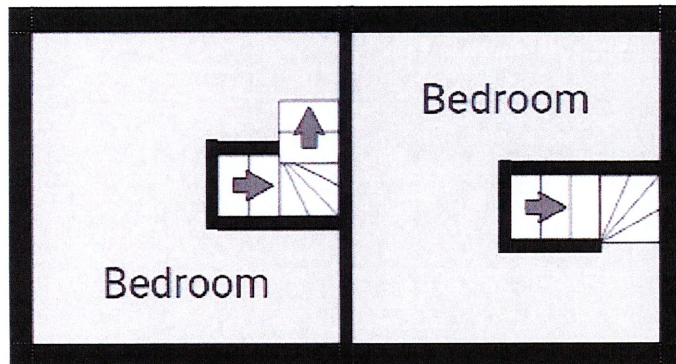


THIS FLOOR PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY, INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.

78-80 Thames
3rd floor



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



September 20, 2024

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

RE: *Amended Zoning Application of 78-80 Thames Street, LLC*
78-80 Thames Street – AP: 17, Lot: 138
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 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 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 property as two (2) Guest Houses with five (5) bedrooms.

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 Amended Zoning Application seems burdensome considering the nature of the proposed project.

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

Best regards,



Joshua S. Parks, Esq.