

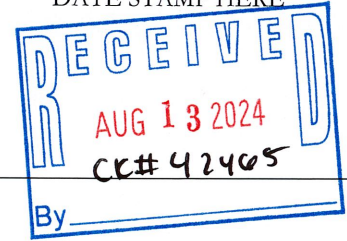


Newport Zoning Application

ZBR 2024 - Sept - 008

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Date: August 13, 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: 111 Kay Street

Tax Assessor's Plat: 20 Lot: 176 Zoning District: R-10A

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

Property Owner: Wesley Properties & Holdings, LLC

Mailing Address: 550 Liberty Street - Unit 2810, Braintree MA 02184

Email Address: _____

Phone Number: _____

How long have you been the owner of the above premise? 3 Months (5/9/2024)

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: 55.75 ft. Lot Area: 5,387 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 2,036 sq. ft.

Total square footage of the footprint of proposed buildings: 2,036 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	5,387	10,000	5,387
Coverage Area (sq. ft)	2,036	1,574.6	2,036
Lot Coverage (%)	37.79	29.23	29.23
Dwelling Units	1	1	1
Parking (# of spaces)	2+	2	2+
Front Setback (ft.)	5' +/-	8.1'	5' +/-
Side Setbacks (ft.)	E=8.3'+/-, W=10.9'+/-	5.4'	E=8.3'+/-, W=10.9'+/-
Rear Setback (ft.)	54.7' +/-	10.8'	54.7'+/-
Height (ft.)	34.75' +/-	30	34.75' +/-

**Existing Garage Setbacks: Rear-4'1", West Side-2'2"



Newport Zoning Application

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

Present use of Premise: Single Family Residence

Proposed use of Premise: Single Family Residence

Summary of Proposed Alterations

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

Section 17.109.010 Special Use Permits
Section 17.72.030 Alteration to Nonconforming Development
Section 17.109.020 (F) Category 6 Special Use Permit Re: Alteration of a Dimensionally Non-Conforming Structure; Creation of Second Level Deck & Third Level Balcony

The Applicant proposes to completely renovate, modernize and upgrade the existing single family residence. As part of this project, an existing solarium on the rear of the first floor of the house will be reconstructed, enclosed and incorporated as part of the first floor livable space by converting it into a bedroom and bathroom. The Applicant proposes to install a second level deck on the roof of the reconstructed and converted solarium. Lastly, a small balcony is proposed for the third floor bedroom. The balcony, which is proposed for the rear of the house will be directly above the proposed second level deck. This renovation and modernization of the house will be done completely within the footprint of the existing structure. There will be no change in lot coverage. There will be no change in any setback encroachments which may exist. There will be no new construction or modifications in any setbacks or to any part of the existing structure above the thirty (30') foot height limitation. There are no dimensional variances required.

The existing parcel is a legal non-conforming lot of record containing only 5,387 square feet of land. The property is in the R-10A Zone and is significantly substandard in size. The existing structures already exceed lot coverage and the garage encroaches into the west side and rear setbacks. As a result of the existing conditions and dimensional non-conformities, any modification of the property will result in the need for zoning relief. The new improvements will meet all dimensional requirements. Any existing setback encroachments will not be altered or increased. The proposed modifications will not require lot coverage relief. The existing roof exceeds the building height limit, however there are no modifications to the existing structure above the height limit of thirty (30') feet. No variance for building height is required. Only a Category 6 Special Use Permit is needed relating to the modification of a non-conforming development and the construction of a second level deck and third level balcony. The property is not in the Newport Historic District. The plan proposed by the Applicant is harmonious with the surrounding neighborhood and will not be injurious to, or inconsistent with the area or with the purpose and intent of the R-10A Zone.



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 legal non-conforming lot of record containing 5,387 square feet of land. The lot is substandard for the R-10A Zone. The existing structures already exceed lot coverage, encroach into setbacks and exceed the thirty (30') foot building height limitation. Based on the size of the lot, the location of existing structures, and the building height, any reasonable modifications will require zoning relief. As a result of the conditions and circumstances that are peculiar to this non-conforming development, a Category 6 Special Use Permit will be required for the proposed improvements.

The subject property is located on the south side of Kay Street. The neighborhood is fully developed with a number of other abutting parcels with existing dimensional nonconformities. Other properties also exceed lot coverage, building height, and encroach into setbacks. The literal interpretation of the zoning code, resulting in the denial of the relief requested, would unreasonably deny this Applicant the ability to make the requested improvements for the full use and enjoyment of the property. The proposed improvements will be appropriate and consistent with the surrounding neighborhood, and the rights enjoyed by other property owners in this area of the R-10A Zone.

The proposal will not alter or increase lot coverage. The house encroaches into the front setback and the garage encroaches into the side and rear setbacks. The house exceeds the building height limitation. None of those non-conformities will be altered, increased or intensified.

Overall, the project will be in compliance with the criteria for a Category 6 Special Use Permit. As stated, the project as proposed will not increase the existing dimensional nonconformities. The property is in the R-10A residential zone. The use of the property will continue as a single family residence. It will therefore not alter the character of the surrounding area within two hundred (200) feet of the property lines. There will be no increase of impervious surface and the project will therefore not result in an increase in stormwater runoff from the site. Lastly, any new exterior lighting on the site will be dark sky compliant.

The Applicant has taken great care to develop a proposed improvement plan which is appropriate for this property. The overall proposal has been designed to meet the reasonable living needs of a future owner without seeking dimensional variances. The hardship is driven by the substandard lot, and the fact that the existing structures already exceed lot coverage, building height and encroach into setbacks. Accordingly, the proposed use of the property and the relief sought by the Applicant will not be injurious to, or create a burden for abutting property owners, will be harmonious with the neighborhood, and will be appropriate for this area of the R-10A Zoning 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

August 13, 2024

Date


Owner Signature

Attorney for Applicant/Owner

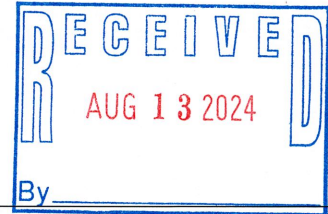
Date



Newport Zoning Application Submittal Requirements

ZBR 2024 - Sept - 008

DATE STAMP HERE



- 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)

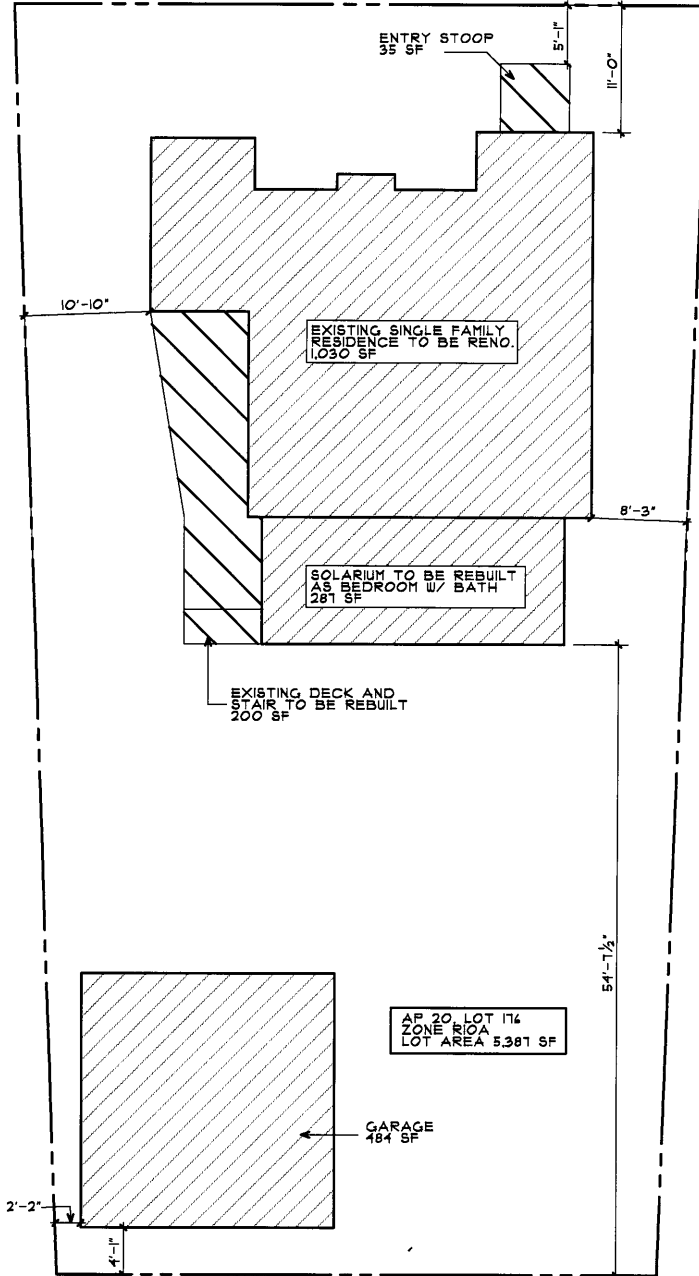
Section 2 – Plan Package – Pages 4-7 of the Guide Required for All Development Projects (Involving New Structures, Additions, Exterior Alterations, etc.) Individual requirements of the Plan Package (listed below) may differ depending on the project

- 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

K A Y S T R E E T



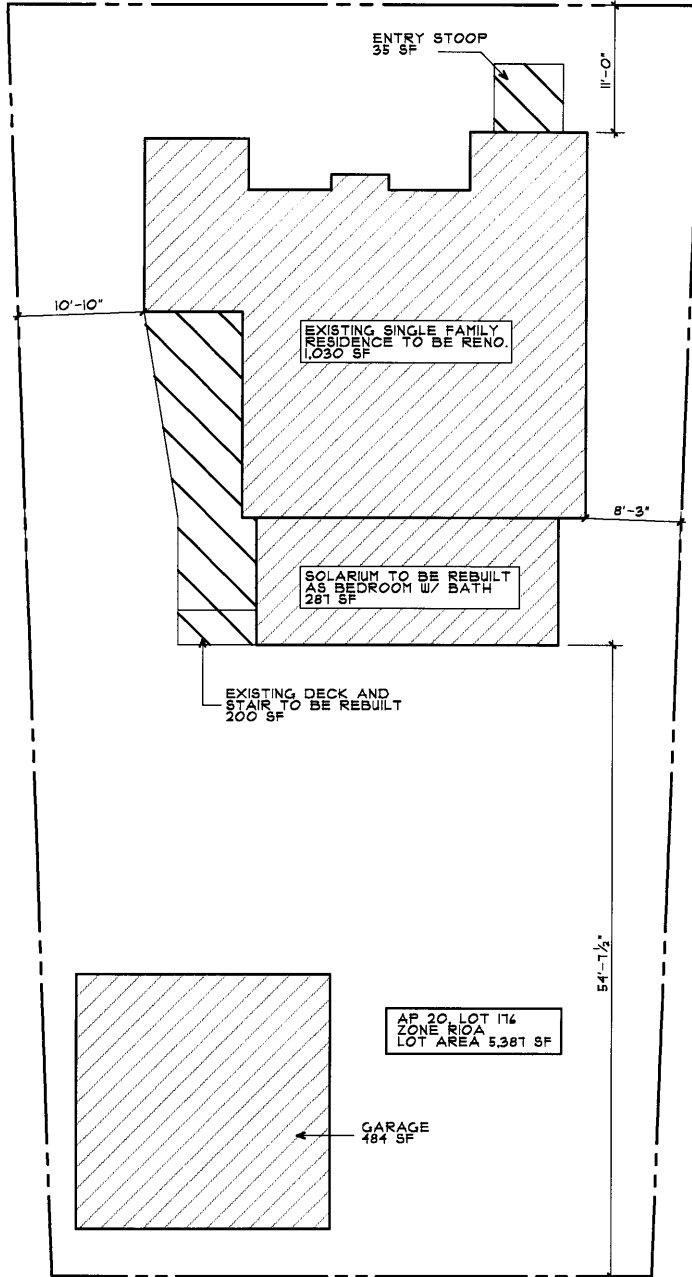
AP 20 LOT 174
ZONE R10A
LOT AREA 5,381 SF

PROJECT NORTH

1 SITE PLAN
A.I.O. 1" = 10'-0"



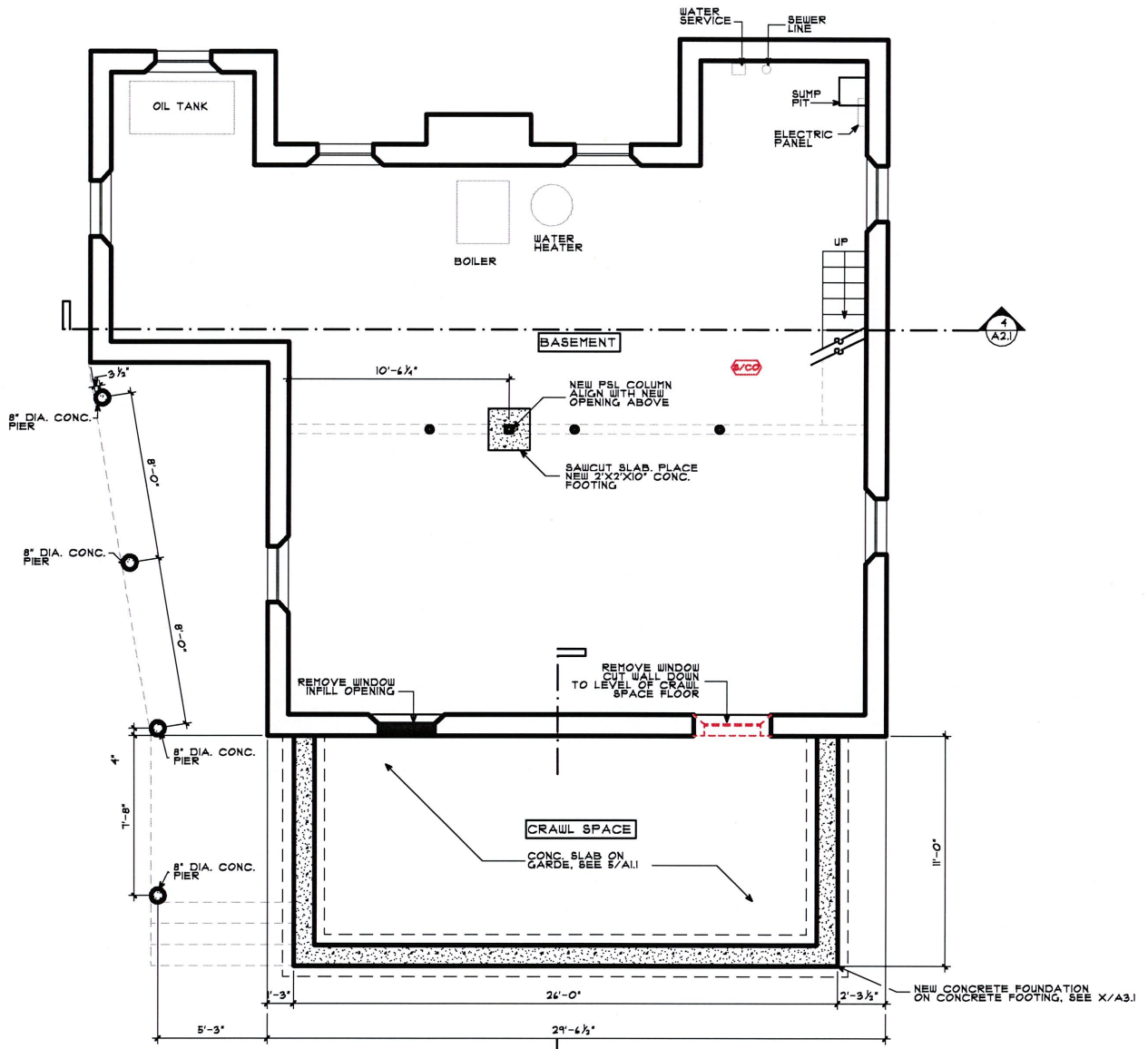
K A Y S T R E E T



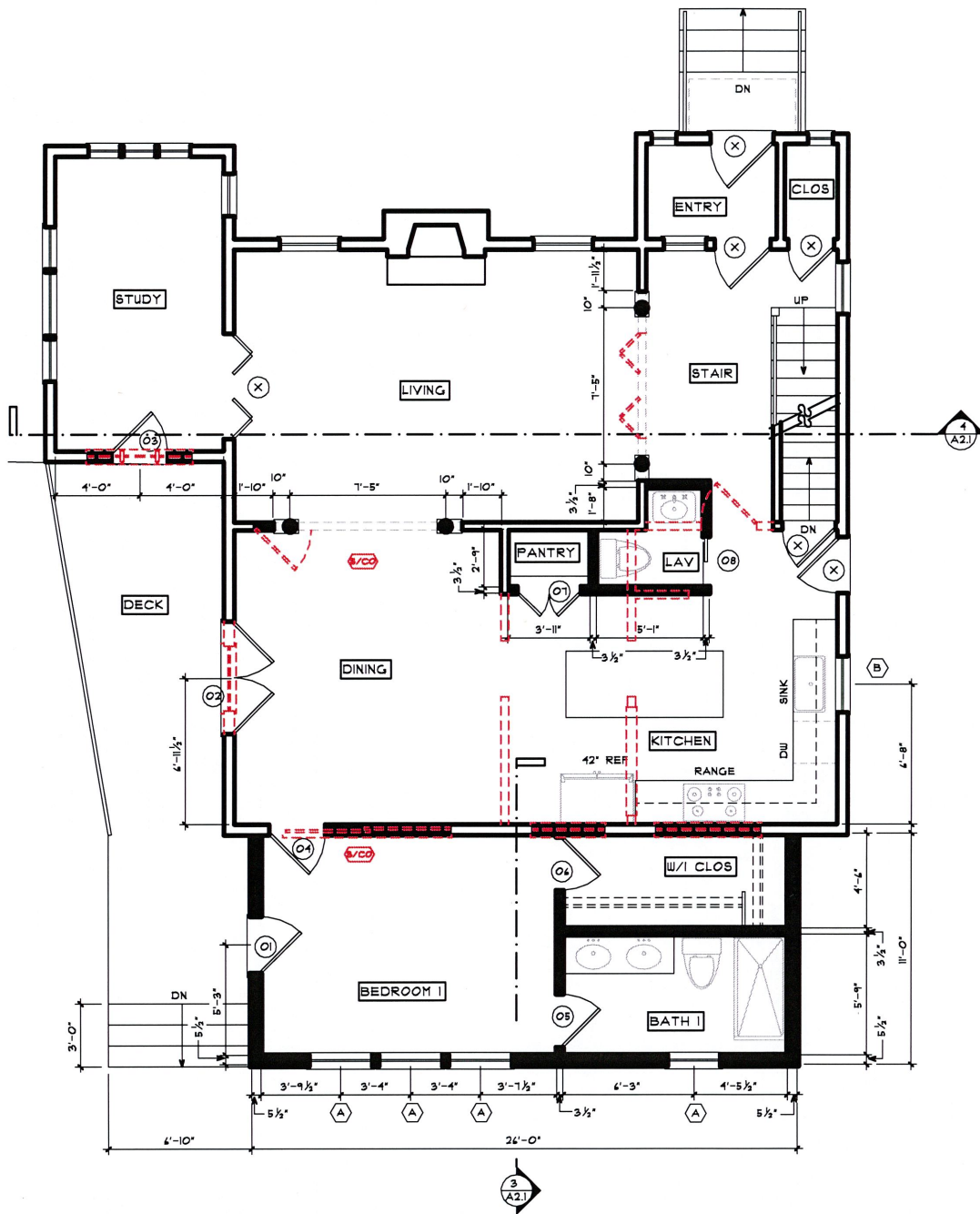
PROJECT NORTH

1 SITE PLAN
A.L.O. 1" = 10'-0"

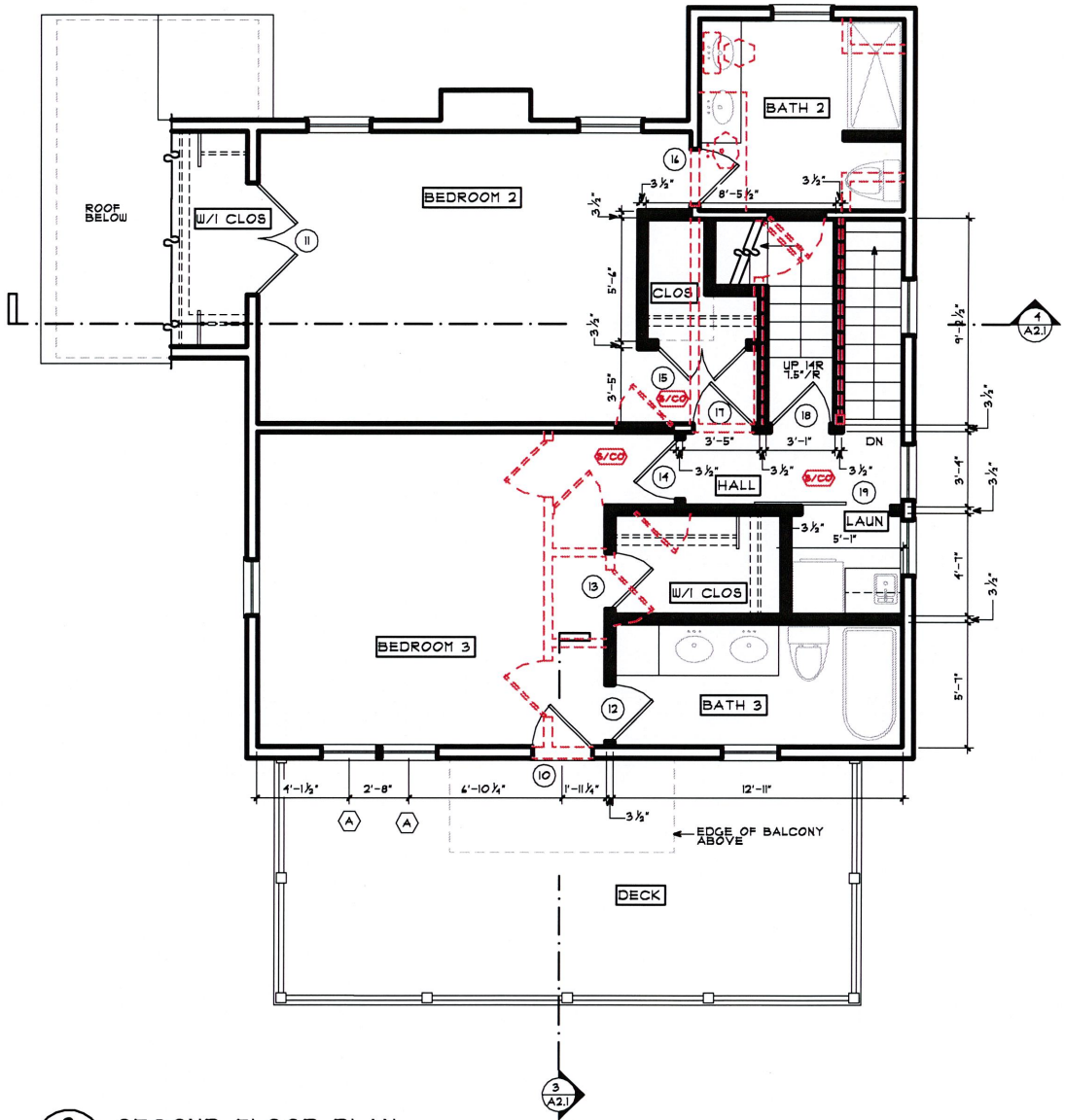




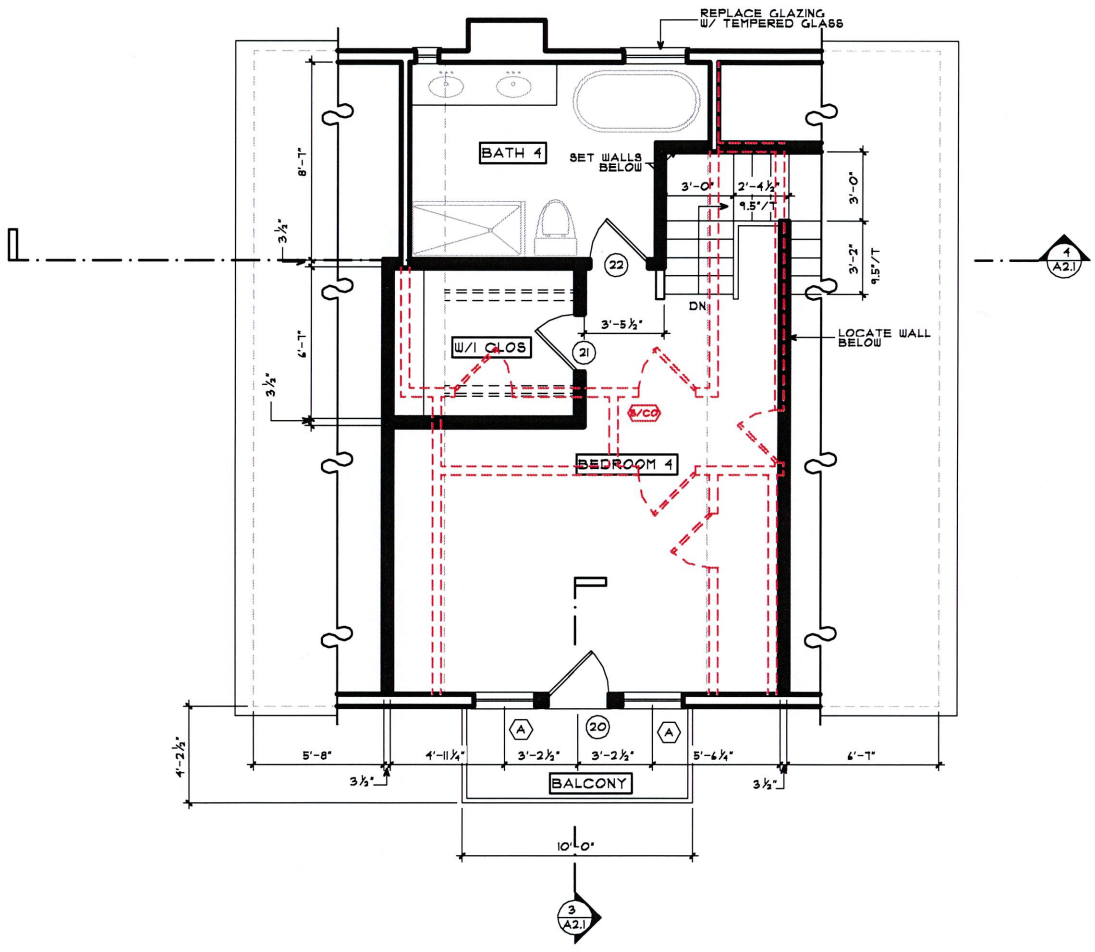
2 BASEMENT PLAN
 A1.0 1/4" = 1'-0"



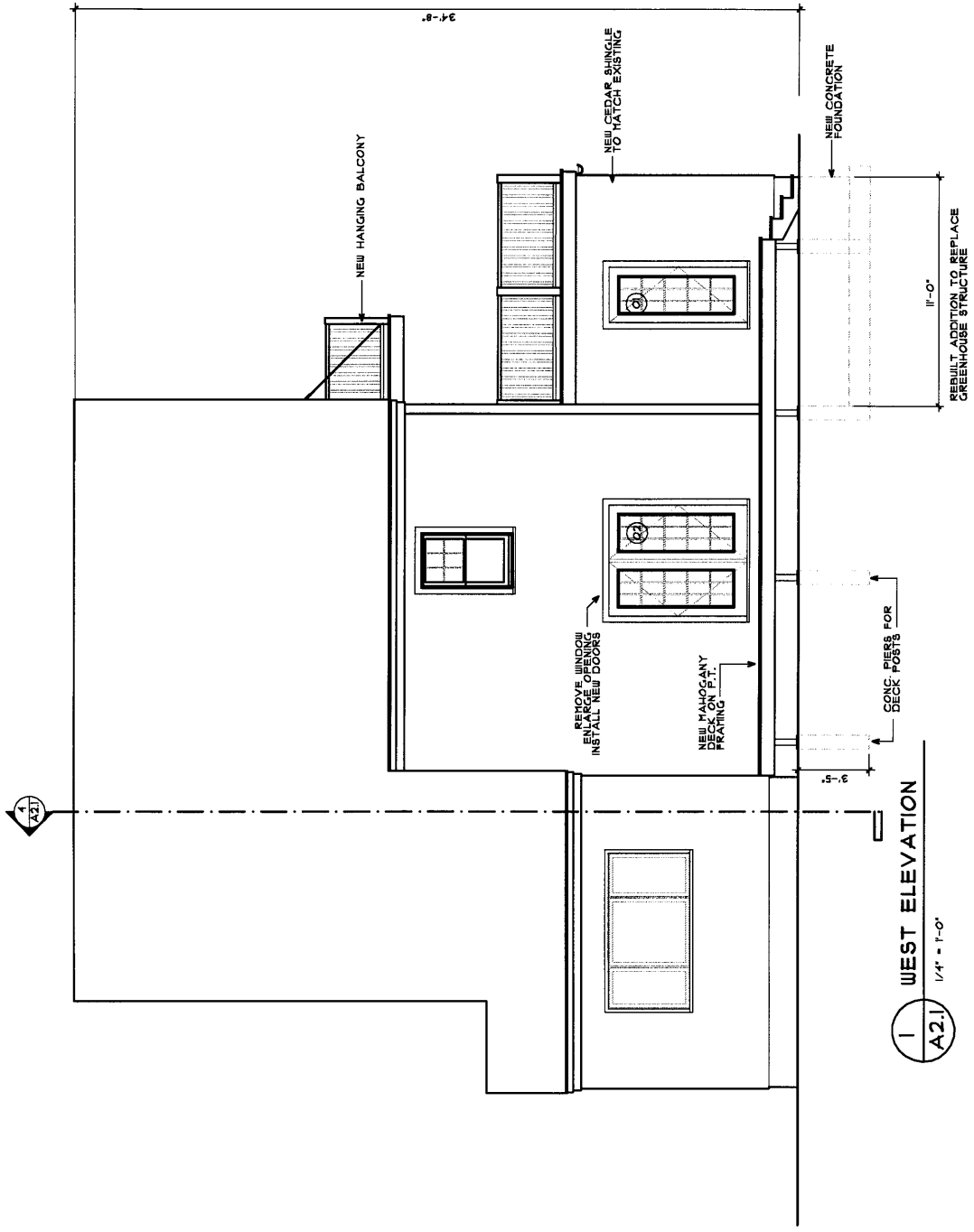
1 FIRST FLOOR PLAN
 A1.1 1/4" = 1'-0"



2 SECOND FLOOR PLAN
 A1.1 1/4" = 1'-0"

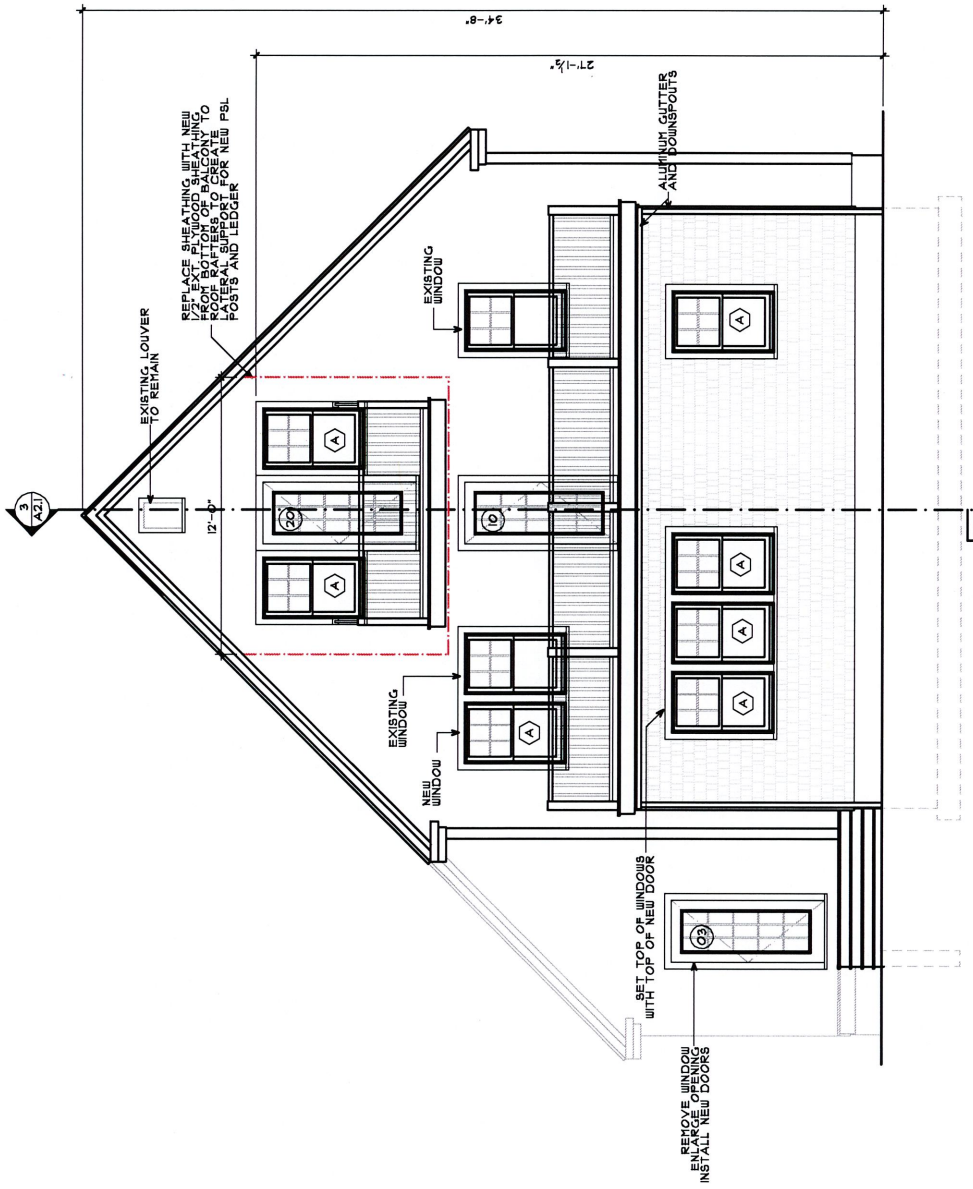


3 THIRD FLOOR PLAN
 A1.2 1/4" = 1'-0"



1 WEST ELEVATION
 A2.1 1/4" = 1'-0"

1
 A2.1



2 SOUTH ELEVATION
 A2.1 1/4" = 1'-0"

MILLER SCOTT HOLBROOK & JACKSON
Attorneys and Counselors at Law

122 Touro Street, Newport, RI 02840

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

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

August 13, 2024

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

RE: Zoning Application of Wesley Properties & Holdings, LLC
111 Kay Street - TAP: 20, Lot: 176
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 enclosed Zoning Application seeks to reconstruct an existing solarium on the rear of the house and install a second level deck above, as well as a third floor balcony. The project requires a Category 6 Special Use Permit, however it does not need any dimensional variances. The proposed modifications will be done completely within the existing footprint of the residence. There will be no increase in lot coverage or further encroachments into setbacks. The project will not result in any increase of impervious surfaces.

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

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

Newport

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

Parcel: 20-176 Location: 111 KAY ST Owner: WESLEY PROPERTIES AND HOLDINGS LLC
 Account: 3751 User Acct: R03951 LUC: 01 - Single Fam Zoning: R10A

Parcel Values
 Total: \$1,008,300 Land: \$394,200 Land Area: 5,387 SF Building: \$614,100 Assessed: \$1,008,300

Sales Information

Book and Page	Instrument Type	Date	Price	Grantor
3195-14	Warranty	05/09/2024	\$930,000	RICK LOUISE E
959-326		01/01/1900	\$0	

Building Type: Colonial **Year Built:** 1930 **Grade:** B- **Condition:** GD
Heat Fuel: Oil **Heat Type:** Hot Water **% Air Conditioned:** 0.00 **Fireplaces:** 1
Exterior Wall: Wood Shingle **Bsmnt Garage:** 0 **Roof Cover:** Asph/F Gls/C **# of Units:** 1
of Rooms: 10 **# of Bedrooms:** 5 **Full Bath:** 1 **1/2 Baths:** 1

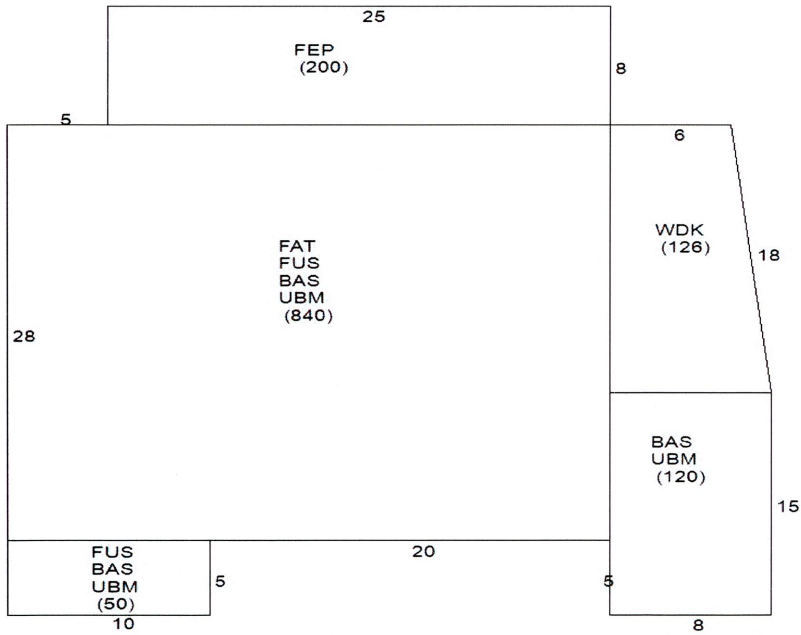
Yard Item(s)

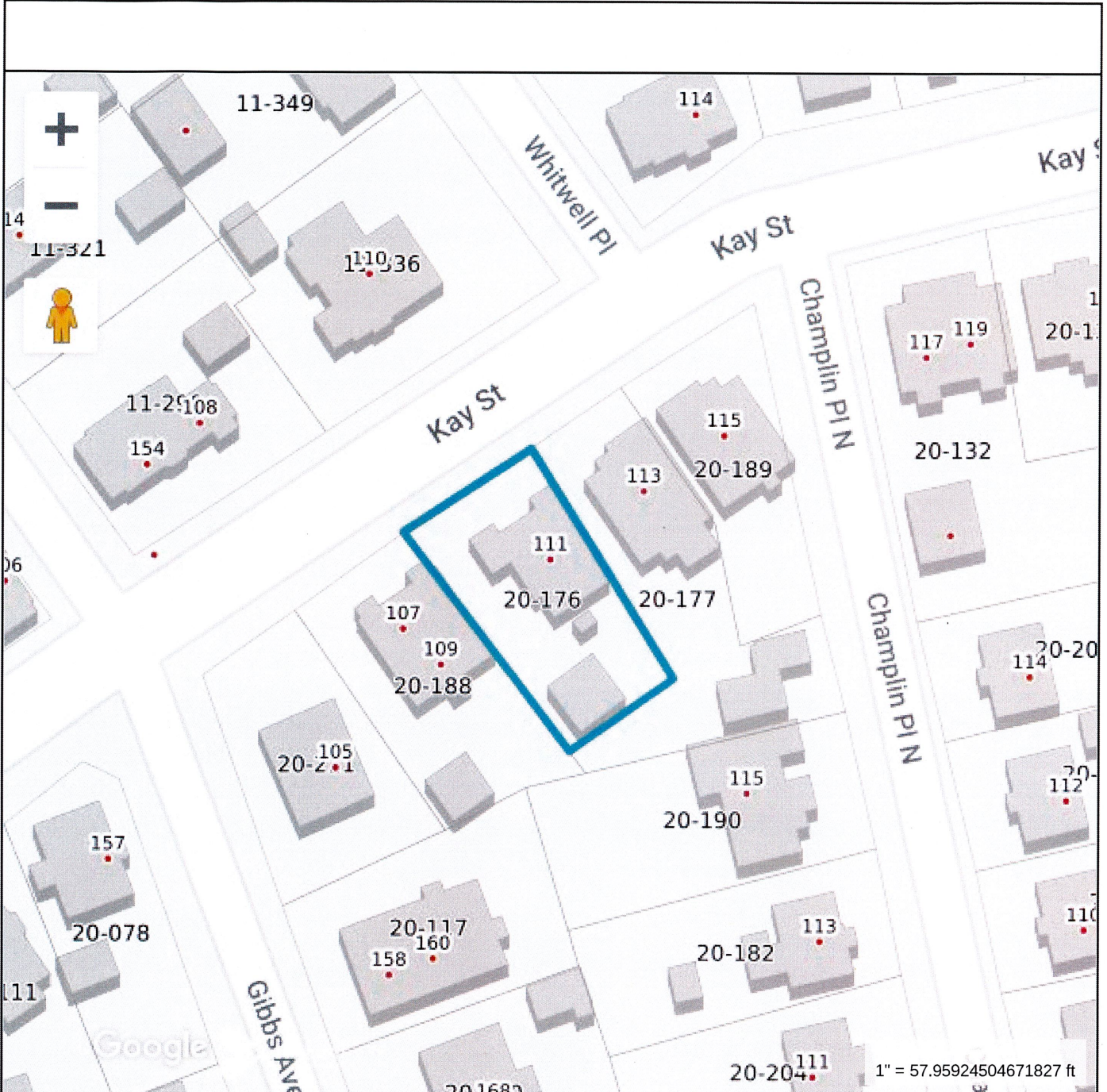
Description	Quantity	Size	Year	Condition	Quality	Value
GARAGE-AVE	1	440	2001	AV	Average	\$13,400.00

Building Areas


Area	Net Area	Finished Area
Attic, Finished	168 SF	168 SF
Basement, Unfinished	1,010 SF	0 SF
Deck, Wood	126 SF	0 SF
First Floor	1,010 SF	1,010 SF
Porch, Enclosed, Finished	200 SF	0 SF
Upper Story, Finished	890 SF	890 SF

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





Property Information	
ID	20-176
Location	111 KAY 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.