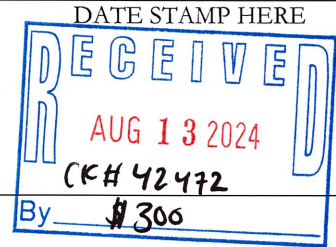




Newport Zoning Application

ZBR 2024 - Sept - 010

(This box for staff use only)



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: 523-525 Thames Street

Tax Assessor's Plat: 35 Lot: 124 Zoning District: Waterfront Business

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

Property Owner: 523-525 Thames 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? 1.5 Years (12/15/2022)

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: E=40', S=60' 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: 1,268 sq. ft.

Total square footage of the footprint of proposed buildings: 1,268 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	2,400	5,000	2,400
Coverage Area (sq. ft.)	1,268	960	1,268
Lot Coverage (%)	52.8	40	52.8
Dwelling Units	3	3	1
Parking (# of spaces)	4	8	4
Front Setback (ft.)	0'	0'	0'
Side Setbacks (ft.)	N=4', W=23'	5'	N=4', W=23'
Rear Setback (ft.)	N/A	5'	N/A
Height (ft.)	35' +/-	35'	35' +/-



Newport Zoning Application

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

Present use of Premise: Three Unit Multi Family Dwelling

Proposed use of Premise: Single Dwelling & 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 2,400 +/- sf of land. The property is also a non-conforming development based on lot coverage and the lack of sufficient on site parking.

The property contains three (3) dwelling units. The first floor dwelling unit will remain a long term rental of at least thirty (30) days or more. The dwelling units on the second and third floors will be used as a Guest House, consistent with the history of this property as a Guest House registered with the City. The Guest House use is allowed by right in the WB Zone. The property has a total of four (4) existing stacked parking spaces on site.

Based on the proposed uses, the property requires a total of eight (8) on site parking spaces comprised of two (2) spaces for the first floor dwelling, five (5) spaces for the Guest House and one (1) space for the Guest House manager. Therefore the Applicant is seeking a parking variance for a net total of two (2) spaces, based on the existing conditions and grandfathered parking deficiency. The Applicant also seeks relief from the commercial parking standards relative to driveway width, aisle width and backing into the public right of way as may be applicable.

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 in place for one parking space off site at 560 Thames Street and is actively seeking an agreement for other 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 2,400 +/- sf of land. The existing building covers 52.8% of the parcel. It does, however have a driveway which provides parking for four (4) stacked vehicles. Given these long standing conditions, it is impossible to provide sufficient area to meet the additional parking requirements under the code for the uses on site. The subject property is in the heart of downtown along the lower Thames Street commercial corridor.

The property has a long history of being registered with the City as a Guest House.

Many of the abutting parcels in this area of the Waterfront 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 Waterfront 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

August 13, 2024

Date



Owner Signature

Attorney for Applicant/Owner

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.



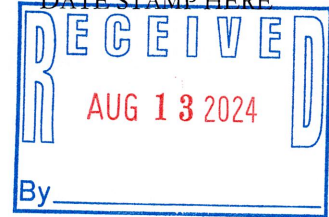
Newport Zoning Application Submittal Requirements

ZBR 2024 - Sept - 010

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

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DATE STAMP HERE



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

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 523-525 Thames Street, LLC
523-525 Thames Street - TAP: 35, Lot: 124
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 Waterfront Business Zone and is multi-family development with limited on-site parking. All existing and proposed uses are allowed by right. A parking variance is required for the use of the property as one dwelling and a 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.

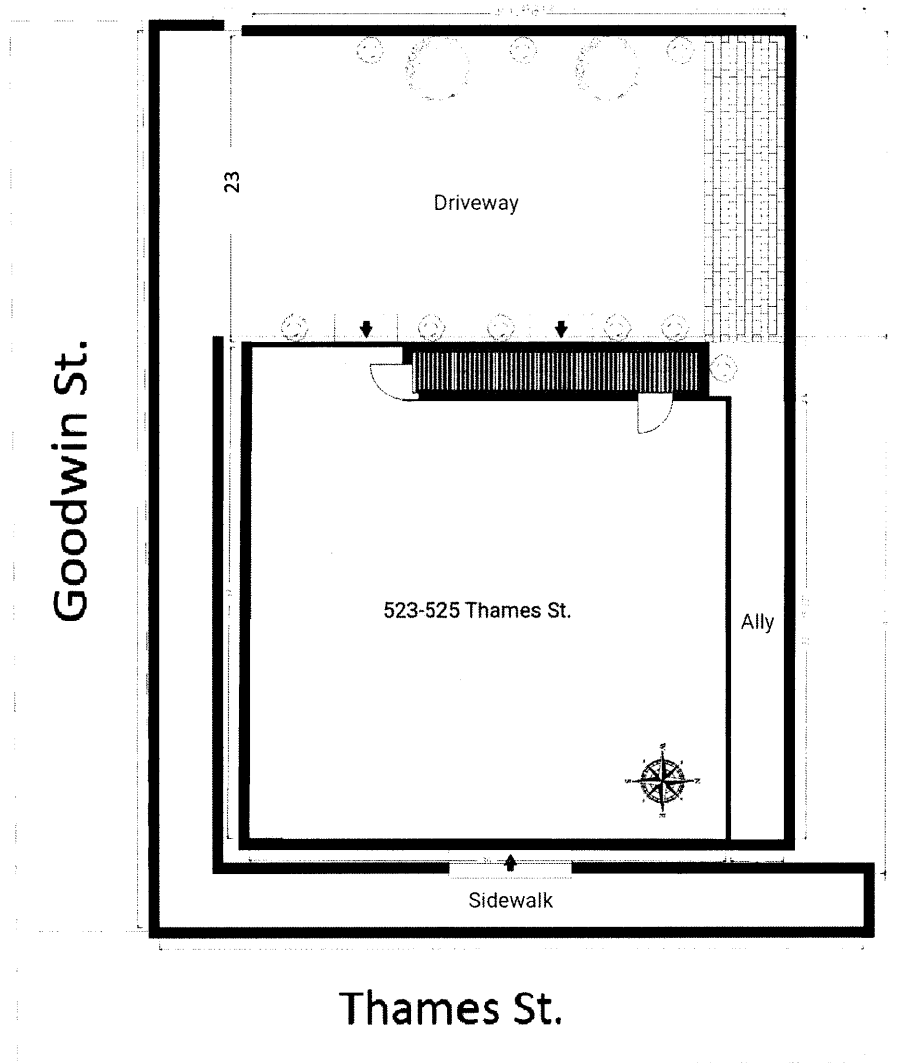
Sincerely,

/s/ J. Russell Jackson

J. Russell Jackson, Esq.

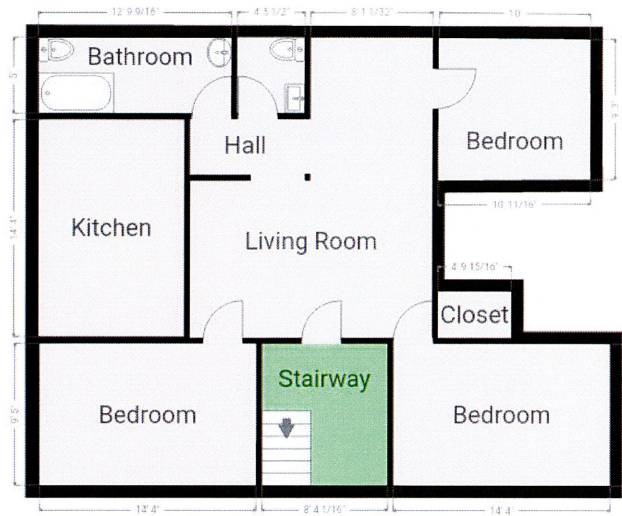
Cc: Client

523-525 Thames Street



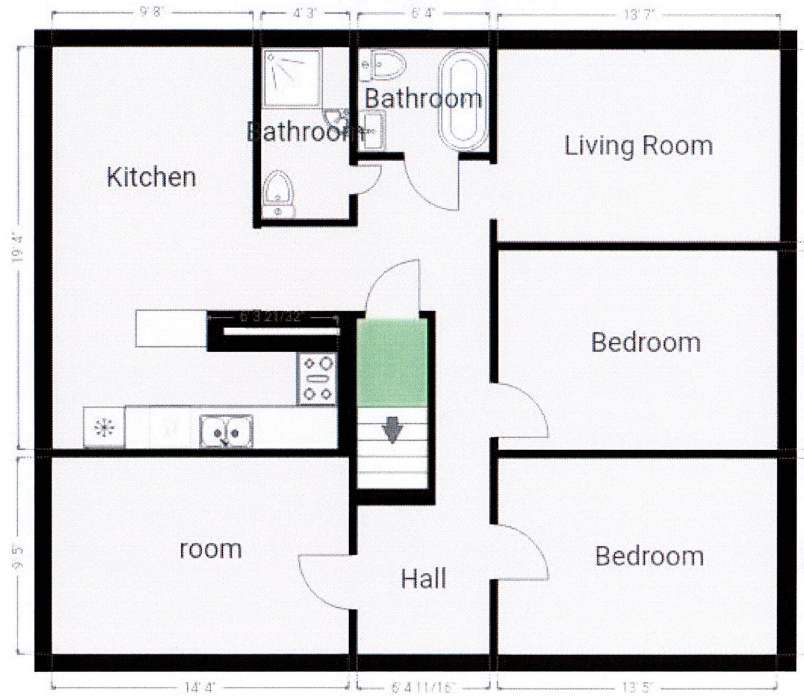
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523-525 Thames Street: 2nd Floor

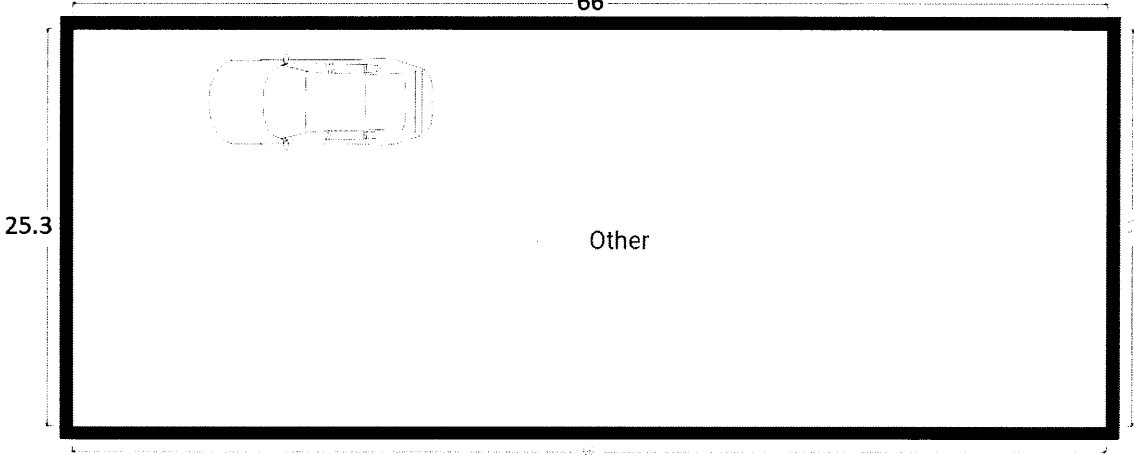


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3rd Floor



523-525 Thames
MGR Parking- off site
560 Thames - Behind Shell



Newport

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

Parcel: 35-124 Location: 523-525 THAMES ST Owner: 523-525 THAMES STREET LLC
 Account: 6298 User Acct: R06739 LUC: 04 - Combination Zoning: WB

Parcel Values
 Total: \$2,118,300 Land: \$400,700 Land Area: 2,400 SF Building: \$1,717,600 Assessed: \$2,118,300

Sales Information

Book and Page	Instrument Type	Date	Price	Grantor
3122-268	Warranty	12/15/2022	\$2,025,000	JOSEPH E FITZPATRICK
3117-56	Quit Claim	11/02/2022	\$0	FITZPATRICK JOSEPH

Building Type: Res Type Com **Year Built:** 1899 **Grade:** B- **Condition:** AV
Heat Fuel: Oil **Heat Type:** Hot Water **% Air Conditioned:** 100.00 **Fireplaces:** 0
Exterior Wall: Clapboard **Bsmnt Garage:** 0 **Roof Cover:** Rolled Compo **# of Units:** 4
of Rooms: 12 **# of Bedrooms:** 6 **Full Bath:** 3 **1/2 Baths:** 1

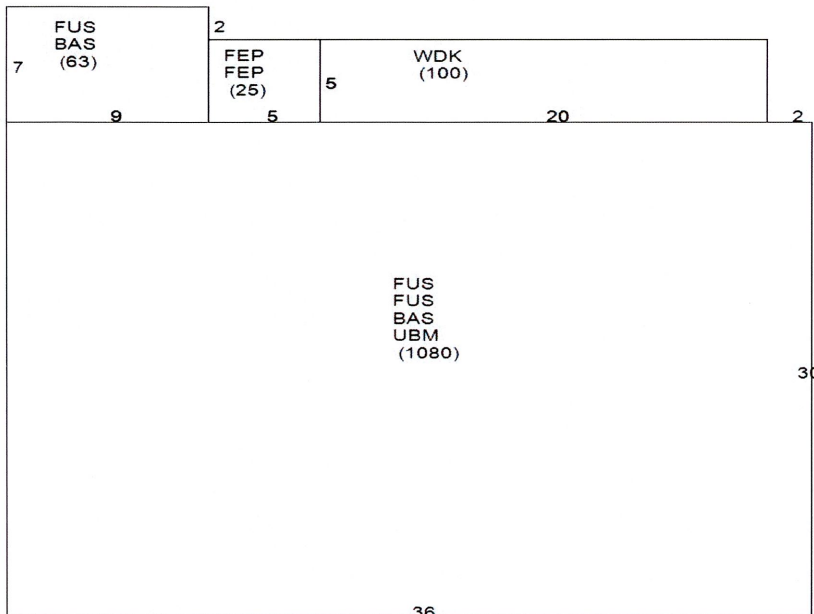
Yard Item(s)

Description	Quantity	Size	Year	Condition	Quality	Value

Building Areas


Area	Net Area	Finished Area
Basement, Unfinished	1,080 SF	0 SF
Deck, Wood	100 SF	0 SF
First Floor	1,143 SF	1,143 SF
Porch, Enclosed, Finished	50 SF	0 SF
Upper Story, Finished	2,223 SF	2,223 SF

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





Property Information	
ID	35-124
Location	523-525 THAMES 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.