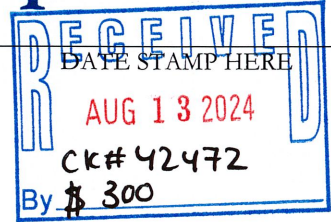




Newport Zoning Application

ZBR 2024 - Sept - 013

(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: 87 Spring Street

Tax Assessor's Plat: 24 Lot: 075 Zoning District: General Business

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

Property Owner: 87 Spring 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? 6 Years (3/15/2018)

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: 28.3 ft. Lot Area: 1,548 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 1,185 sq. ft.

Total square footage of the footprint of proposed buildings: 1,185 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	1,548	5,000	1,548
Coverage Area (sq. ft)	1,185	1,238.4	1,185
Lot Coverage (%)	76.5	80	76.5
Dwelling Units	4	4	3
Parking (# of spaces)	0	9	0
Front Setback (ft.)	0'	0'	0'
Side Setbacks (ft.)	N=0', S=0'	0'	N=0', S=0'
Rear Setback (ft.)	0'	5'	0'
Height (ft.)	30' +/-	45'	30' +/-



Newport Zoning Application

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

Present use of Premise: Four Unit Multi Family Dwelling

Proposed use of Premise: Three Unit Multi Family 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 1,548 +/- sf of land. The property is also a non-conforming development based on the lack of on site parking.

The property contains four (4) dwelling units. Three of the dwelling units will remain long term rentals of at least thirty (30) days or more. One of the dwelling units is proposed as a short term rental, or Guest House. The Guest House unit has two (2) bedrooms. The Guest House use is allowed by right in the GB Zone. The property has no on site parking.

Based on the proposed uses, the property requires nine (9) on site parking spaces; six (6) for the dwelling units, and three (3) for the Guest House use, (2 for the two guest rooms and a manager's space). There is no space on site for any parking. Therefore the Applicant is seeking a parking variance for a net total of one (1) space beyond existing conditions, and 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 is actively seeking an agreement for 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 1,548 +/- sf of land. The existing building covers 76.5% 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 heart of downtown along the Spring Street commercial corridor near Touro Street and Washington Square.

Many of the 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

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.

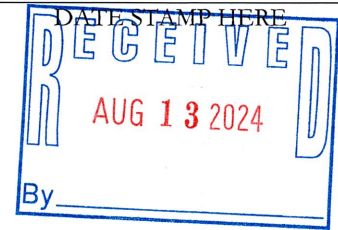


Newport Zoning Application Submittal Requirements

ZBR 2024 - Sept - 013

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

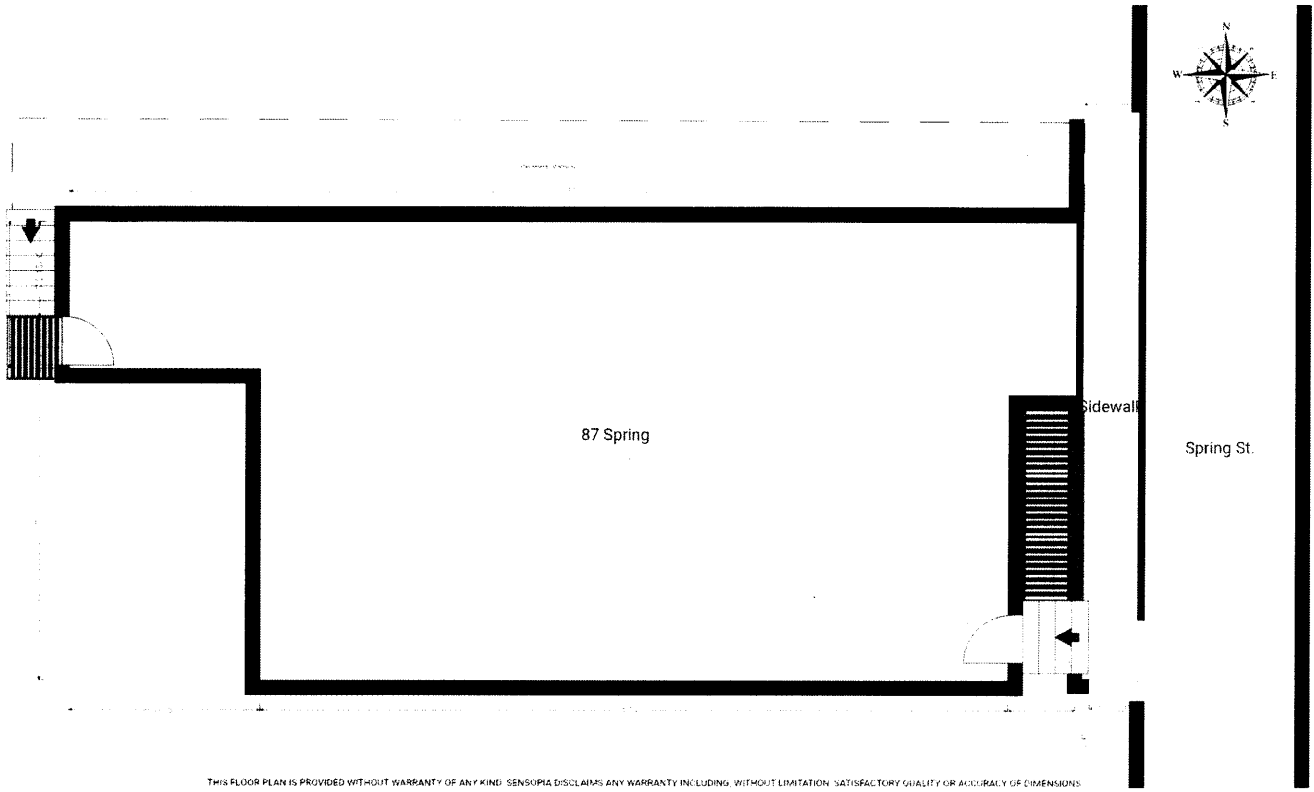
Section 2 – Plan Package – Pages 4-7 of the Guide Required for All Development Projects (Involving New Structures, Additions, Exterior Alterations, etc.) Individual requirements of the Plan Package (listed below) may differ depending on the project

- 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

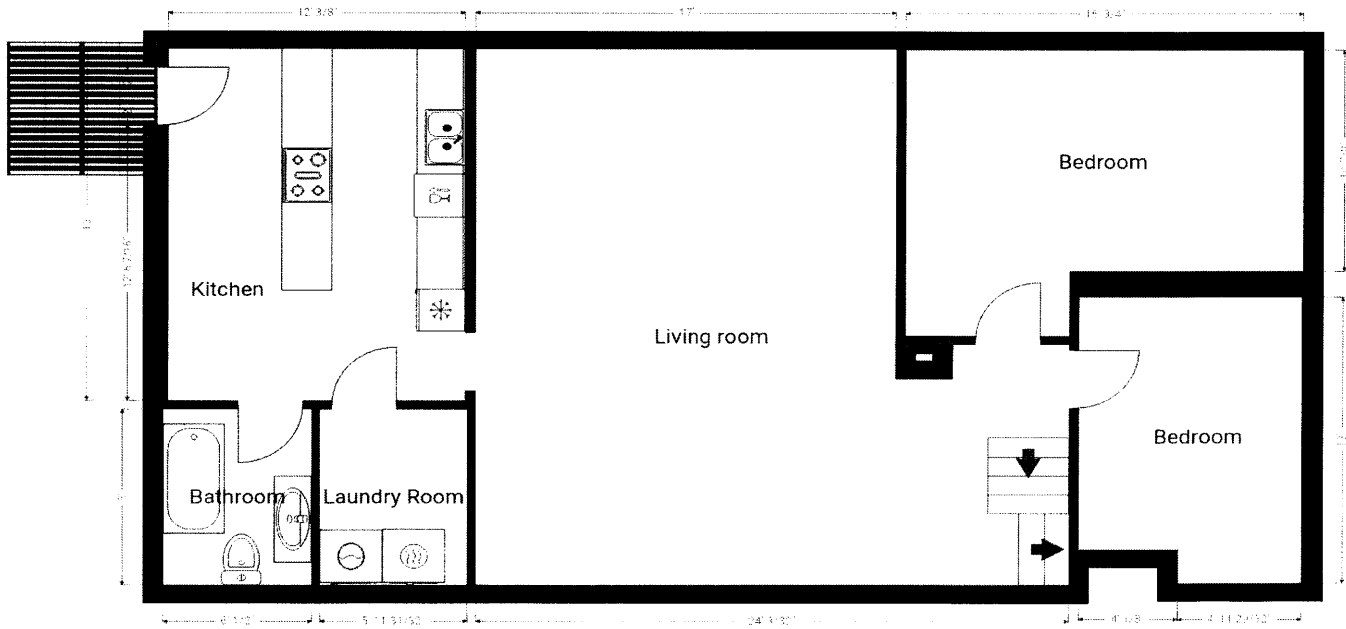
Section 3 – Supporting Documents, Studies, Graphics, and Depictions – Page 8 of the Guide May be required for certain Development Projects

- A. Site Photographs
- B. Photo Simulations
- C. Structural Evaluation
- D. Parking Survey
- E. Traffic Impact Analysis

87 Spring Street



Apt. 3



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 87 Spring Street, LLC
87 Spring Street - TAP: 24, Lot: 075
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 General Business Zone and is multi-family 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 three (3) unit multi-family and 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

Newport

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

Parcel: 24-075 Location: 87 SPRING ST Owner: 87 SPRING STREET LLC
 Account: 4301 User Acct: R04524 LUC: 20 - 4-5 Family Zoning: GB

Parcel Values
 Total: \$993,500 Land: \$326,100 Land Area: 1,548 SF Building: \$667,400 Assessed: \$993,500

Sales Information

Book and Page	Instrument Type	Date	Price	Grantor
2733-23		03/15/2018	\$610,000	TERRIEN WILLIAM L
730-2		06/27/1996	\$0	

Building Type: Apt House Year Built: 1898 Grade: B Condition: VG
 Heat Fuel: Oil Heat Type: Hot Water % Air Conditioned: 0.00 Fireplaces: 0
 Exterior Wall: Clapboard Bsmnt Garage: 0 Roof Cover: Asph/F Gls/C # of Units: 4
 # of Rooms: 0 # of Bedrooms: 7 Full Bath: 4 1/2 Baths: 0

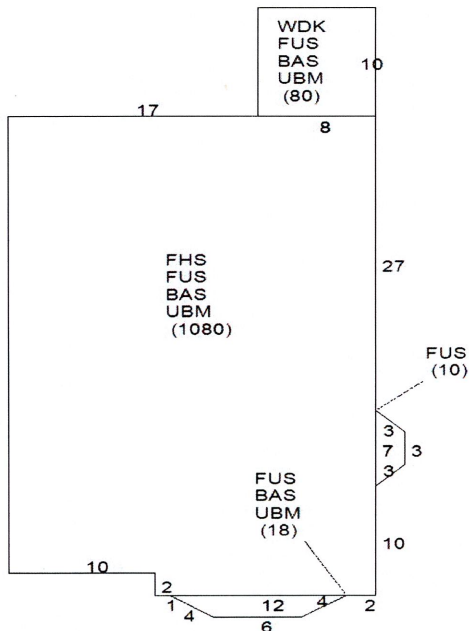
Yard Item(s)

Description	Quantity	Size	Year	Condition	Quality	Value
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Building Areas


Area	Net Area	Finished Area
Basement, Unfinished	1,178 SF	0 SF
Deck, Wood	80 SF	0 SF
First Floor	1,178 SF	1,178 SF
Half Story, Finished	540 SF	540 SF
Upper Story, Finished	1,188 SF	1,188 SF

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





Property Information	
ID	24-075
Location	87 SPRING 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.