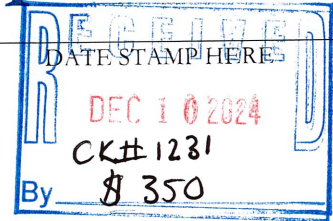




Newport Zoning Application

ZBR 2025 - JAN - 004

(This box for staff use only)



Date: December 6, 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: 138-142 Thames Street

Tax Assessor's Plat: 24 Lot: 038 Zoning District: General Business

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

Property Owner: Thames Street Real Estate Partners, LLC

Mailing Address: 72 Johnny Cake Hill Road, Middletown, RI 02842

Email Address: mlyons@ar-global.com

Phone Number: 401 408 4794

How long have you been the owner of the above premise? 6/26/2024

Legally Authorized Representative *if applicable: _____

Mailing Address: _____

Email Address: _____ Phone Number: _____

Lessee: N/A

Mailing Address: _____

Email Address: _____ Phone Number: _____



Newport Zoning Application

Property Characteristics

Dimensions of lot-frontage: 47.37 ft. Lot Area: 8,725 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 7,243 sq. ft.

Total square footage of the footprint of proposed buildings: 7,243 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	8,725	5,000	8,725
Coverage Area (sq. ft.)	7,243	4,000	7,243
Lot Coverage (%)	>80	80	>80
Dwelling Units	2	1 / 1,500sqft	1
Parking (# of spaces)	0 on-site	59 per restaurant service area; 2 per DU	0 on-site
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.)	37.2'	45'	37.2'



Newport Zoning Application

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

Present use of Premise: Mixed Use - Standard Restaurant; Retail (Salon); 2 dwelling units

Proposed use of Premise: Mixed Use - Standard Restaurant; Retail (Salon); 1 dwelling unit; 1 Guest House

Summary of Proposed Alterations

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

Section 17.108.020 (Special Use Permits)

Section 17.108.010 (Variances)

Section 17.104.020 (Parking Space Standards)

There will be no physical alterations to the structure or site. The property has been a mixed use property and will continue to be so. The dwelling unit that Applicant desires to convert into a Guest House contains 3 bedrooms and is comprised of 2,200 square feet. There is no requested change with regard to the other dwelling unit (which contains 2 bedrooms and is comprised of 1,025 square feet, and is also on the third floor). The Applicant cannot provide any on-site parking.

The Applicant therefore seeks a parking variance and a special use permit regarding the Guest House use.

The Applicant had submitted its short term registration application with the City and it was rejected by the Zoning Department. The Applicant was informed that the Guest House use requires a parking variance. The three (3) bedroom Guest House use requires four (4) on-site parking spaces; one for each guest bedroom and a space for the manager. The Compliance Officer advised that a net change of 2 additional parking spaces are needed. The Applicant cannot provide any additional on-site parking. The Applicant has historically secured and controlled parking spaces in the adjacent area for dwelling unit tenants, notably in the Brick Marketplace lot. The property is in the General Business District on Thames Street.

The plan proposed by the Applicant is consistent with the purpose and intent of the General Business Zone; and it is consistent with the mixed-use nature of the surrounding properties. The variance is also consistent with the lack of sufficient on-site parking with most of the surrounding properties.

The Applicant has an agreement under which five (5) spaces at the Brick Marketplace are rented for use by management staff at the restaurant. The Applicant is actively seeking additional spaces here. In addition, an affiliate of Applicant owns the nearby property located at 38 Washington Square (a short, three minute walk), which includes a private parking lot, and is working with said affiliate to secure the additional spaces needed hereunder.



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 long-standing, non-conforming lot of record. It is impossible to provide sufficient area to meet the parking requirements under the code for the uses on site. 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; they are also non-conforming parcels. 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.

A handwritten signature in blue ink, appearing to be "J. M. ...", written over a horizontal line.

Applicant Signature

December 6, 2024

Date

A handwritten signature in blue ink, appearing to be "A. J. ...", written over a horizontal line.

Owner Signature

*Authorized
Signature*

Date



Newport Zoning Application Submittal Requirements

DATE STAMP HERE

ZBR _____ - _____ - _____

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

(This box for staff use only)

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

N/A

- 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

THAMES STREET REAL ESTATE PARTNERS, LLC
138-142 THAMES STREET

December 6, 2024

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

***RE: Zoning Application of Thames Street Real Estate Partners, LLC
138-142 Thames Street – AP 24, Lot 38
Application Waiver Request***

Dear Mr. Armour:

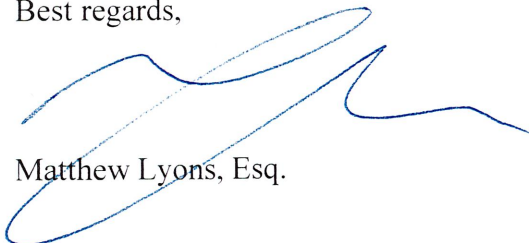
I am writing to request that the Zoning Application requirement for a Class One Survey and a formal stormwater management plan regarding the above captioned matter may be waived.

The Applicant is seeking a variance to the parking requirements under the Zoning Code. There are no alterations or modifications to the site or structure associated with this matter. The property is in the General Business Zone and is mixed-use 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 to include one Guest House with three (3) bedrooms.

For these reasons, requiring the Applicant to insure the expense of a Class One Survey and fully engineered stormwater management plan as part of this Zoning Application seems burdensome considering the limited nature of the Applicant's proposal.

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

Best regards,

A handwritten signature in blue ink, appearing to read "Matthew Lyons, Esq.", with a large, sweeping flourish underneath.

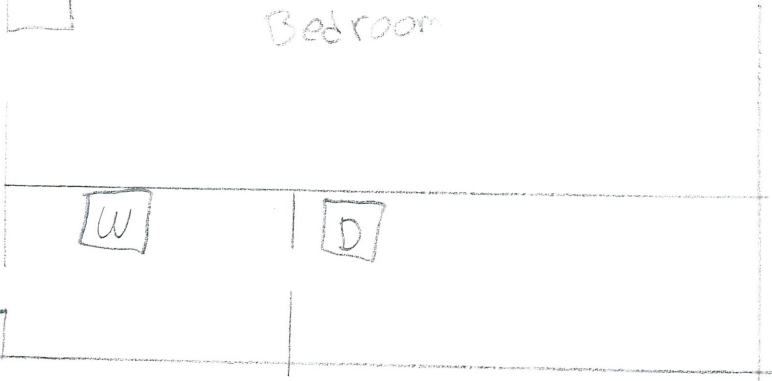
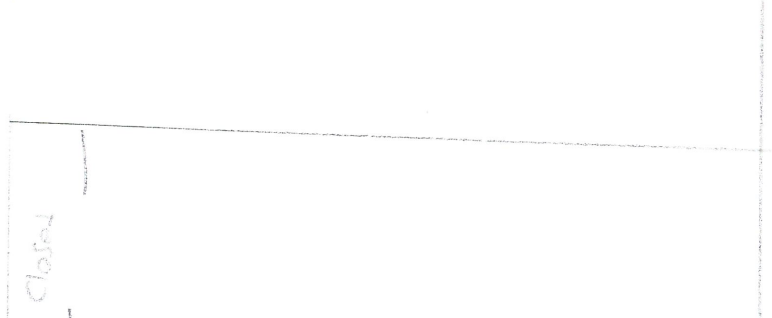
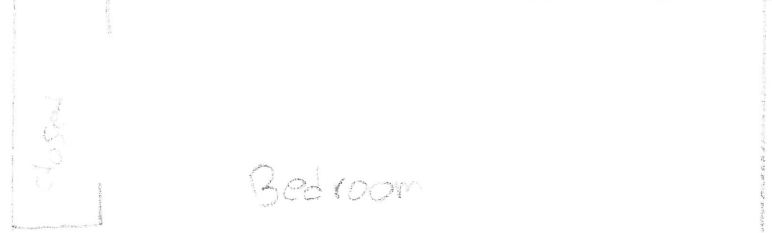
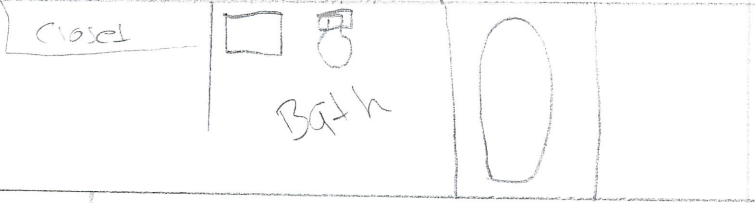
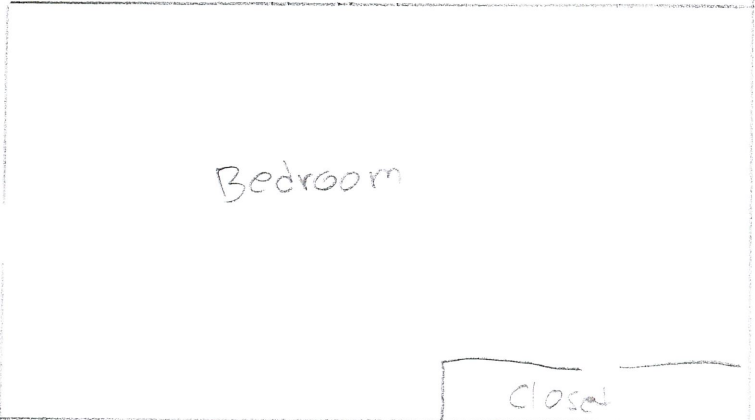
Matthew Lyons, Esq.



Living



Dining Area



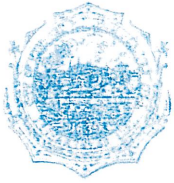
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THE CITY OF NEWPORT, RHODE ISLAND – AMERICA'S FIRST RESORT
Department of Zoning & Inspections

ZONING CERTIFICATE

June 12, 2024

David J. Fox
Middletown Commons
850 Aquidneck Avenue
Middletown, RI 02842

RE: 138-142 Thames Street, Newport.; Tax Assessor's Plat 24, Lot 38 ("the Property").
Property of BRICK ALLEY BUILDING LLC.

Dear Mr. Fox;

The undersigned, Nicholas Armour, being the Zoning Officer for the City of Newport, Rhode Island, and authorized to issue Zoning Certificates by the Zoning Ordinance of the City of Newport, hereby certifies to as follows:

1. The property is located in a General Business (GB) zoning district. The property is not located within the local Historic District.
2. The use of the property is that a mixed use. The building contains a standard restaurant, two (2) dwelling units and a store where goods are sold or service is rendered primarily at retail, (a beauty salon). The uses are permitted as a matter of right. These uses were confirmed via an onsite inspection conducted on July 13, 2021.
3. The lot contains approximately 8,725 sq. ft. of land area. This is a conforming lot of record.
4. To the best of my knowledge, the property is in compliance with all applicable provisions of the zoning code and there are no outstanding notices of zoning violation relating to the Property.

IN WITNESS WHEREOF, the undersigned has executed this Certificate this 12th day of June, 2024.

CITY OF NEWPORT, RHODE ISLAND

By: 
 Nicholas Armour
 Zoning Officer

EMERSON STATE
 CITY OF NEWPORT
 CITY CLERK
 JUN 13 2024 09:06A
 BOOK: 3199 PAGE: 208

Cc:

NEW

TRANSIENT GUESTHOUSE REGISTRATION

Owner: Thames Street Real Estate Partners, LLC
d/b/a: Thames Street Real Estate Partners, LLC
Address: 140 Thames St. 3rd floor

APPROVE

DISAPPROVE

TO: ZONING
FIRE MARSHAL
BUILDING OFFICIAL

✓

COMMENTS:

Guest House - 3 bedrooms require 3 parking spaces for the bedrooms, and one space for the on-site or and off-site manager
- Total of 4 spaces needed with a net change is 2 additional parking spaces, which will require you apply for a parking variance to the Zoning Board of Review.

Kevin P. Sullivan
Signature Kevin P. Sullivan
Compliance