

ZBR 2024 - Apr - 007

(This box for staff use only)

MAR 1 2 2024 C F# 42112

\$300

Date: March 12, 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: 36 & 38 Evarts Street
Tax Assessor's Plat: 09 Lot: 043-4 Zoning District: R-10
Special Use Permit (Non-Conforming Alteration) Regulatory (Dimensional) Variance
Special Use Permit (New Use) Use Variance Modification
Property Owner: 181 Honeyman Ave, LLC
Mailing Address: 2 Charles Street, Buildin C-3rd FL, Providence RI
Email Address:
Phone Number:
How long have you been the owner of the above premise? 1 Month (2/15/2024)
Legally Authorized Representative *if applicable: J. Russell Jackson, Esq.
Mailing Address:122 Touro Street, Newport RI 02840
Email Address: <u>jrjackson@millerscott.com</u> Phone Number: <u>401-847-7500</u>
Lessee: N/A
Mailing Address:
Email Address: Phone Number:



Property Characteristics

Dimensions of lot-frontage: S=50', E=100' ft. Lot Area: 5,000	_sq. ft.
Are there buildings on the premises at present? Yes	
Total square footage of the footprint of existing buildings: 1,786	_sq. ft.
Total square footage of the footprint of <u>proposed</u> buildings: 1,782	_sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	5,000	10,000	5,000
Coverage Area (sq. ft)	1,786	1,500	1,782
Lot Coverage (%)	35.72	30	35.64
Dwelling Units	3	3	3
Parking (# of spaces)	4	6	6
Front Setback (ft.)	S=0', E=0'	0'	S=0', E=0'
Side Setbacks (ft.)	W=22.1', N=22'+/-	5'	W=10.1', N=50'+/-
Rear Setback (ft.)	N/A	N/A	N/A
Height (ft.)	34.75'	30'	32'



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

Present use of Premise: Three Dwelling Unit Multi-Family Residential

Proposed use of Premise: Three Dwelling Unit Multi-Family Residential

Summary of Proposed Alterations

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

Section 17.109 (Special Use Permits)

Section 17.109.020 (F) (Category 6 Special Use Permit)

Section 17.72.030 (È) (Alteration to Nonconforming Development)

The Applicant is in the process of a full renovation, rehabilitation and modernization of the Subject Property which was damaged by fire. As part of those improvements, the Applicant proposes to remove the existing 400 sf detached garage and build a 396 sf addition on the existing three family residential structure. The Applicant also proposes to modify the the third floor and roof, reducing overall building height from 34.75' to 32'. The modifications to the third floor and converstion to a flat roof will allow for the full utilization of the third floor as a dwelling unit. The net result will be a small reduction in lot coverage and a reduction in building height. The proposed modifications will meet all the proportional dimensional requirements for the parcel. Existing dimensional non-conformities will not be increased or intensified.

The existing parcel is a non-conforming lot of record containing only 5,000 square feet of land. The property is in the R-10 Zone. The existing house and detached garage exceed allowable lot coverage at 35.72%. The existing three dwelling unit residential structure exceeds building height at 34.75'. The development already fails to meet the parking space requirements and commercial standards for a multi-family dwelling. As a result of the existing non-conforming conditions, any modifications require a Category 6 Special Use Permit. After the removal of the existing detached garage, modification of the roof and construction of the addition on the west side of the house, resulting lot coverage will be 35.64% and building height at 32', which are both less than existing conditions. Two additional parking spaces are being added to make the development more compliant.

The abutting property to the west along Evarts Street and the abutting property to the north along Prescott Hall Road both have structures with zero setbacks. The Subject Property sits directly on the corner of Evarts Street and Prescott Hall Road and also has a zero setback on both. As a result of the streetscape and existing on site conditions, there is no applicable front setback. The proposed modifications will meet setback requirements, reduce building height and reduce lot coverage. None of the existing dimensional non-conformities will be intensified. 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-10 Zone.



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 5,000 square feet of land. The existing structures already exceed lot coverage and encroach into the front setbacks. Existing conditions do not meet the commercial parking standards applicable to a multi-family property. As a result of the existing conditions and circumstances that are peculiar to this non-conforming development, alterations require a Category 6 Special Use Permit.

The subject property is located at the corner of Evarts Street and Prescott Hall Road. The neighborhood is fully developed with a number of other abutting parcels with existing dimensional nonconformities. Other properties also exceed lot coverage 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-10 Zone. The proposal will not increase the non-conforming lot coverage and will simply trade the square footage of an existing detached garage for the proposed addition on the west side of the house. Lot coverage will be reduced slightly to 35.64%, building heigh will be reduced to 32', and parking conditions will be improved. The new addition will meet all setbacks.

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 propety is in the R-10 residential zone. The Applicant will continue to use the property as a three dwelling unit multi-family development. It will therefore not alter the character of the surrounding area within two hundred (200) feet of the property lines. The proposed modifications will not increase lot coverage or the on site impervious surface and 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 overall improvement plan which renovates and modernizes this damaged property and helps to maintain the City's housing stock. The overall plan, including the west side addition and modifications to the roof, are appropriate in scope, scale and size for this property. The hardship and non-conforming features of this property relate to the existing lot coverage, setback encroachments, building height and parking. None of those non-conforming conditions are being intensified by the proposed improvements. 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-10 Zoning District.



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

March 12, 2024

Owner Signature

Attorney for Applicants/Owners

Date

Date

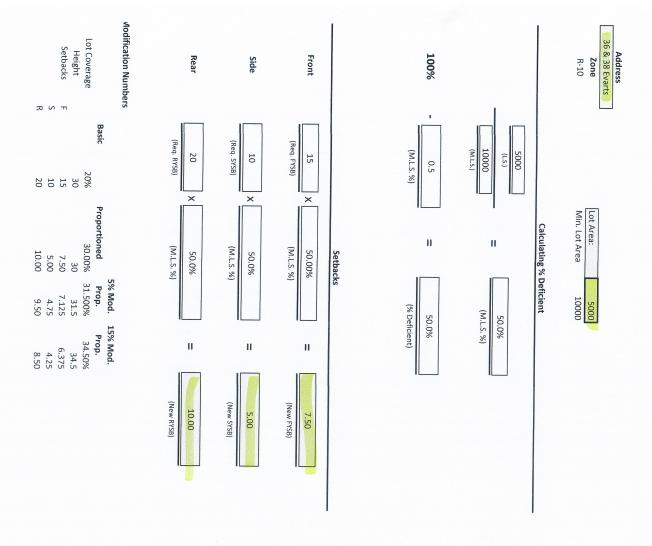


Newport Zoning Application Submittal Requirements

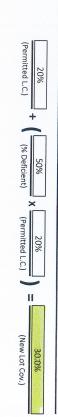
SUBMITTAL REQUIREMENTS CHECKLIST

Applications that are missing materials in this checklist will not be accepted for review.

	<u></u>
Section 1 – Application Forms – Page 3 of the G Required for All Projects	Guide
 A. Completed Zoning Project Application sections: 1. Zoning Project Application Form 2. Completed copy of this Zoning Appl B. Request to Waive any Submittal Requirement C. Application Fee (Please Refer to Current Fee 	lication Submittal Requirements Checklist (Page 2) nts (if applicable)
Section 2 – Plan Package – Pages 4-7 of the Gu Required for All Development Projects (Involving Ne Individual requirements of the Plan Package (listed	W Structures Additions Exterior Alterations eta.)
A. Class I Site Survey	E. Stormwater Management Plan
B. Proposed Site Plan	F. Landscape Plan
C. Lot Coverage Diagram	G. Building Elevations
D. Floor Plans	H. Change of Use
Section 3 – Supporting Documents, Studies, Gr May be required for certain Development Projects	aphics, and Depictions – Page 8 of the Guide
A. Site Photographs	D. Parking Survey
B. Photo Simulations	E. Traffic Impact Analysis
C. Structural Evaluation	



Lot Coverage



	Legend
L.S.	Actual Lot Size of Subject Property
M.L.S	Minimum Lot Size for the District
M.L.S. %	% of the Minimum Lot Size
% Deficient	Deficiency of the Lot Size to the Minimum Required Lot Size
FYSB	Front Yard Setback (in feet)
SYSB	Side Yard Setback (in feet)
RYSB	Rear Yard Setback (in feet)
Permitted L.C.	Permitted Lot Coverage in the District
NOTE: This ONL	NOTE: This ONLY applies to properties that have a lot size smaller than the minimum lot area
	specifical broken and a second

required by the zoning district. Properties that exceed the minimum lot size follow the

standards requirements

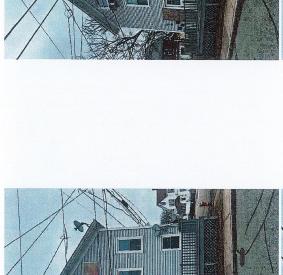
VIEW 3D MODEL

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Complete Measurements

PHOTOS 36 Evarts Street, Newport, RI











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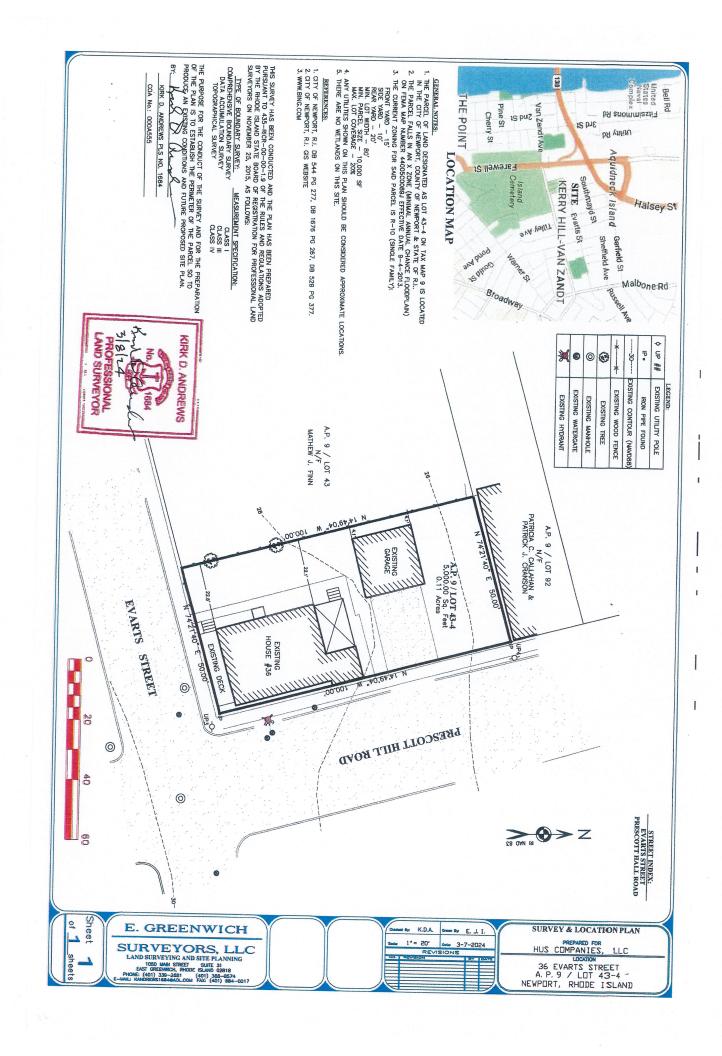


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KNOW ALL BY THESE PRESENTS:

THAT WE, JOHN D. MEIKLE AND DENISE M. MEIKLE, of Punta Gorda, Florida 33950, for Four Hundred Seventy Thousand and 00/100 Dollars (\$470,000.00) consideration paid grants to 181 HONEYMAN AVE LLC, a Rhode Island limited liability company with an address of 15 Coddington Street, Apt B, Newport, Rhode Island 02840, with WARRANTY COVENANTS, unto the said 181 HONEYMAN AVE LLC, to it and its successors and assigns, absolutely and in fee simple, all that certain lot or parcel of land together with all the buildings and improvements thereon, situated in the Town of Newport, County of Newport, State of Rhode Island, and bounded and described as follows:

SOUTHERLY by Evarts Street, fifty (50) feet;

WESTERLY by land now or formerly of Paul A. Winthrop, et al, one hundred (100) feet;

NORTHERLY by land now or formerly of Patricia E. Blood, fifty (50) feet; and

EASTERLY by Prescott Hall Road, one hundred (100) feet.

BE ALL said measurements more or less or however otherwise the same may be bounded or described.

BEING AP 9, Lot 43-4 on the Newport Tax Assessor's records as presently constituted for reference purposes only.

Subject to real estate taxes assessed December 31, 2023 by the City of Newport.

Meaning and intending to convey and hereby so conveying the same premises conveyed to these Grantors by Deed of The Federal Deposit Insurance Corporation dated May 1, 1992 and recorded May 5, 1992 in Book 544, Page 277 of the Newport Land Evidence Records.

AN ACKNOWLEDGEMENT OF DISCHARGE OF R.L.G.L. §44-30-71.3 LIEN WILL BE OBTAINED FOR JOHN D. MEIKLE AND DENISE M. MEIKLE.

Grantors have complied with Rhode Island laws and regulations concerning the installation of smoke and carbon monoxide detectors.

LAURA C SWISTAK CITY OF HEMPORT CITY CLERK Feb 15,2024 03:13P BOOK: 3184 PAGE:

IN WITNESS whereof John D. Meikle and Denise M. Meikle have caused his/her presents to be affixed hereto this 24 day of January, 2024.

Maygard Causia John I

Denise M. Meikle

COUNTY OF CHALLETE

On this A day of January, 2024, before me, the undersigned notary public, personally appeared John D. Meikle and Denise M. Meikle, personally known to the notary or proved to the notary through satisfactory evidence of identification, which was

signed on the preceding or attached document, and acknowledged to the notary that he/she signed it voluntarily for its stated nurpose.

Notary Public

My Commission Expires

Property Address: 36 & 38 Evarts Street Newport, RI 02840 (AP 9, Lot 43+4)

Mailing Address: 2 Charles street Building C, 3FL Providunce, R1 02904

ARMCCA E Cabros.

MELLY Public - State of Figures
Commission - Her 149303

Ay Conn. Expert Art 1, 2005

TAX 5: 2-162.00
DATE: Feb 15-2024
RECORDER: 50-2
CITY OF NEWPORT

2015+



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

ZONING CERTIFICATE

January 20, 2024

Tiffany Worthen Sayer Regan & Thayer LLP 130 Bellevue Avenue Newport, RI 02840

RE: 36-38 Evarts Street, Tax Assessor's Plat 09, Lot 043-04

Property of JOHN D & DENISE M MEIKLE

Dear Ms. Worthen;

The undersigned, Dennis P. Sullivan, being the Deputy Zoning Officer for the City of Newport, Rhode Island, hereby certifies to as follows:

- The property is located in a Residential (R-10) Zoning District. The property is not located in the local Historic District.
- 2. The use of the property is that of a multi-family dwelling containing (3) three units. This use is legal non-conforming use of record.
- The lot contains approximately 5,000 sq. ft. of land. The lot is a legal non-conforming lot of record.
- To the best of my knowledge, the property is in compliance with all applicable zoning regulations.

IN WITNESS WHEREOF, the undersigned has executed this Certificate this 20th day of January, 2024.

CITY OF NEWPORT, RHODE ISLAND

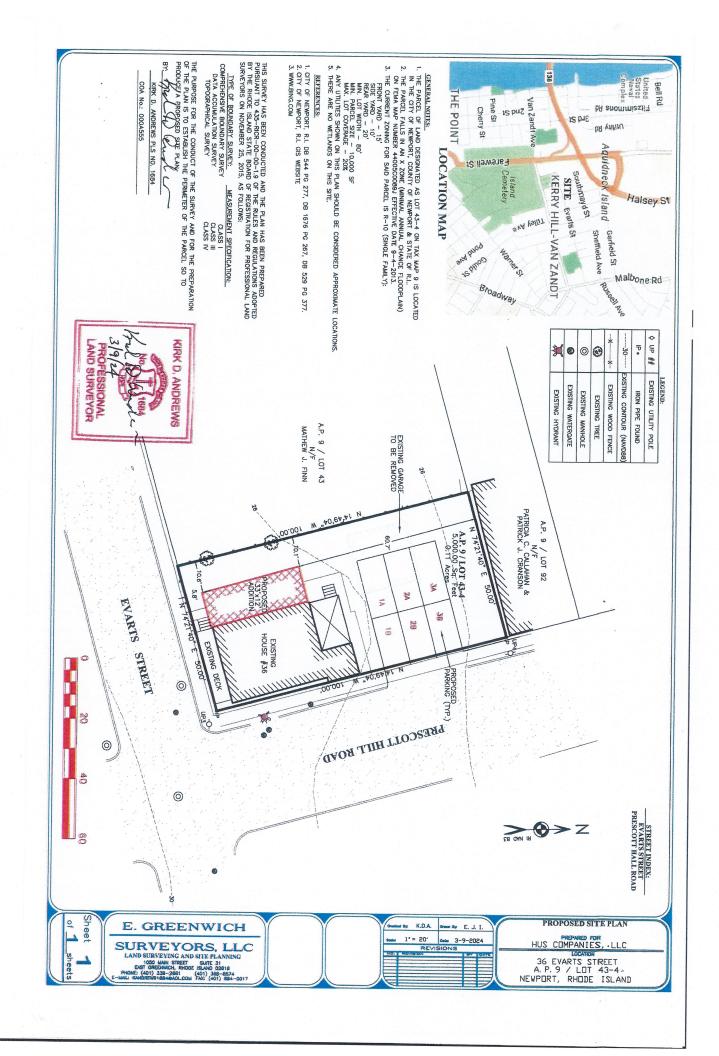
Dennis P. Sullivan

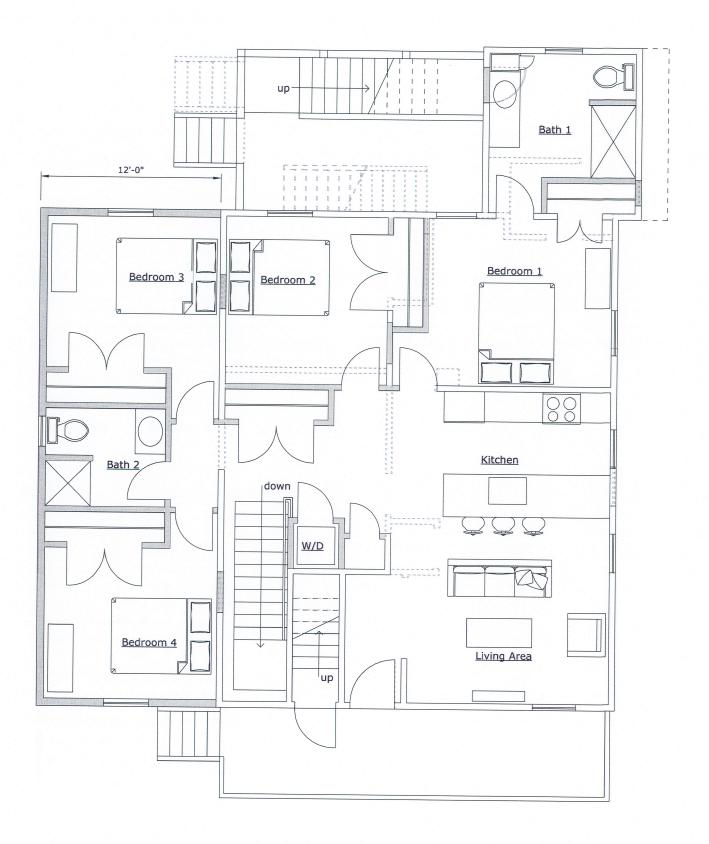
Deputy Zoning Officer

Cc. Tax Assessor

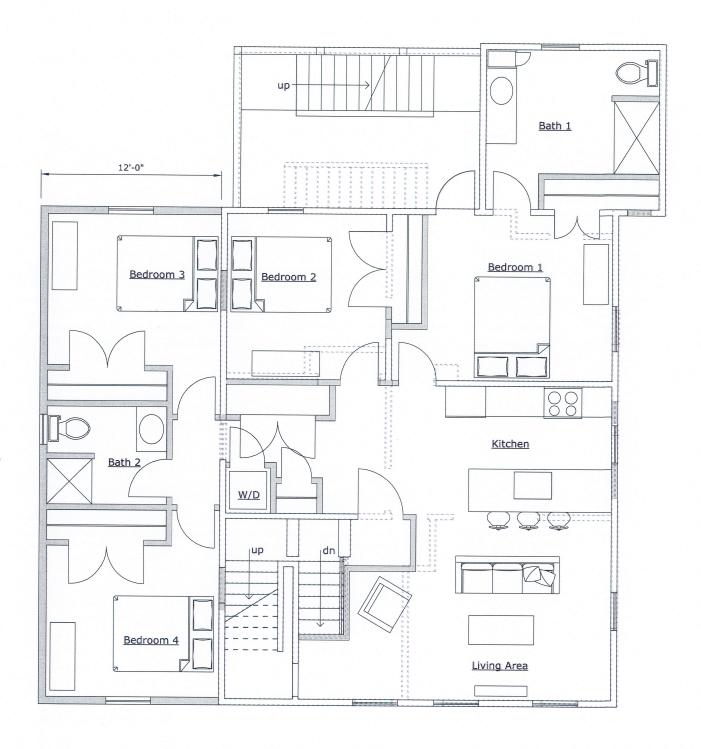
LAURA C SMISTAK CITY OF MEMPORT CITY CLERK Jon 22,2024 12:4 BOOK: 3181 PAGE

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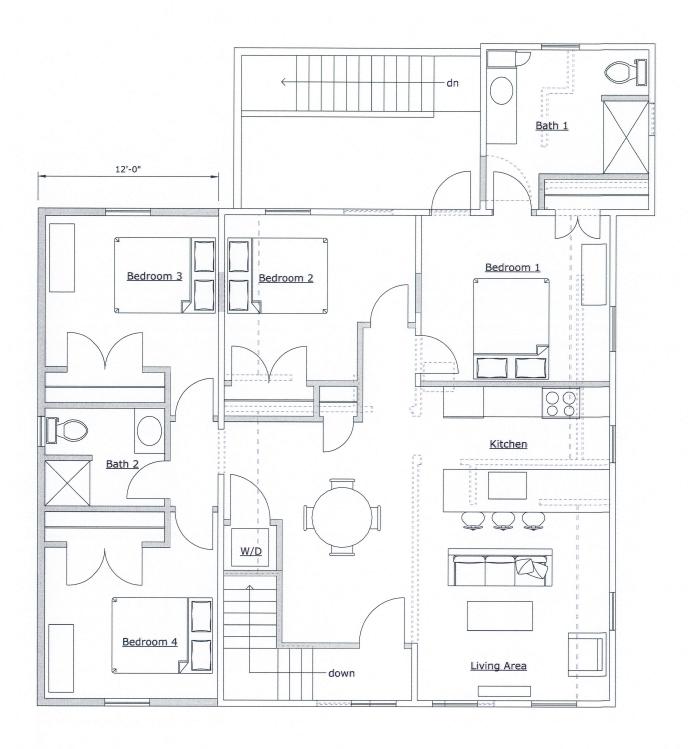




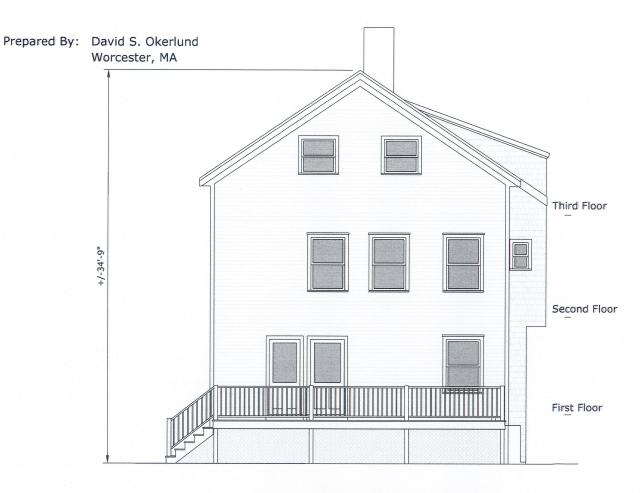
First Floor Plan
1/4"=1'-0" (printed at 11"x17")



Second Floor Plan 1/4"=1'-0"



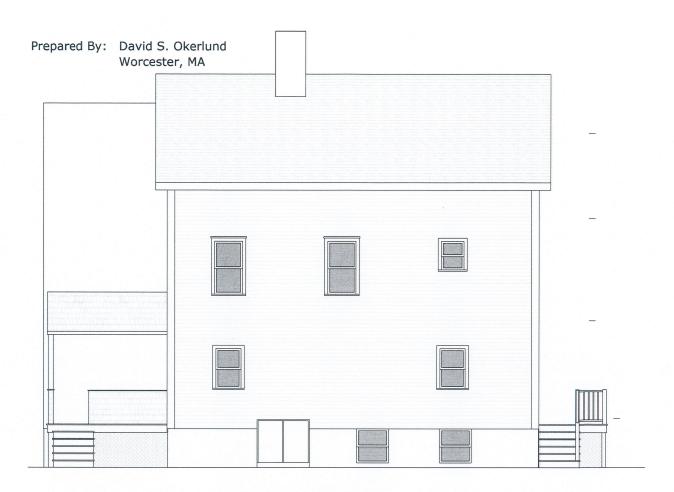
Third Floor Plan
1/4"=1'-0"



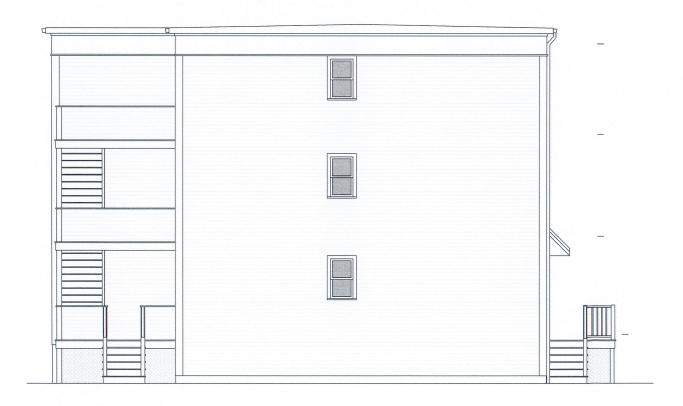
Existing South (Evarts St.) Elevation 3/16"=1'-0"



Proposed South (Evarts St.) Elevation 3/16"=1'-0"



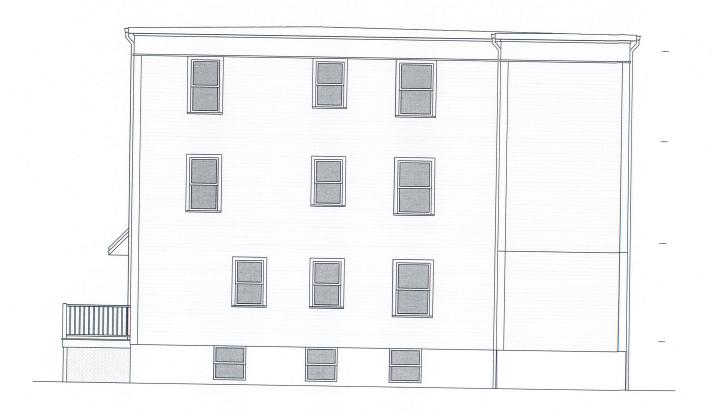
Existing West Elevation 3/16"=1'-0"



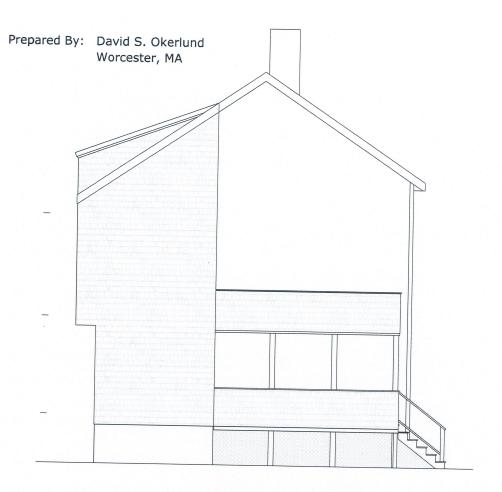
Proposed West Elevation 3/16"=1'-0"



Existing East (Prescott Hill Rd.) Elevation 3/16"=1'-0"



<u>Proposed East (Prescott Hill Rd.) Elevation</u> 3/16"=1'-0"



Existing North Elevation 3/16"=1'-0"



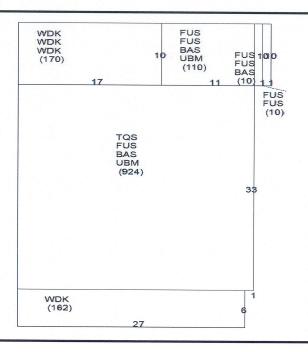
<u>Proposed North Elevation</u> 3/16"=1'-0"

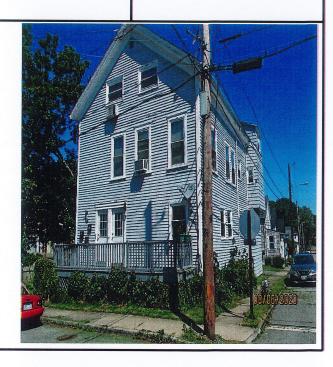
Newport

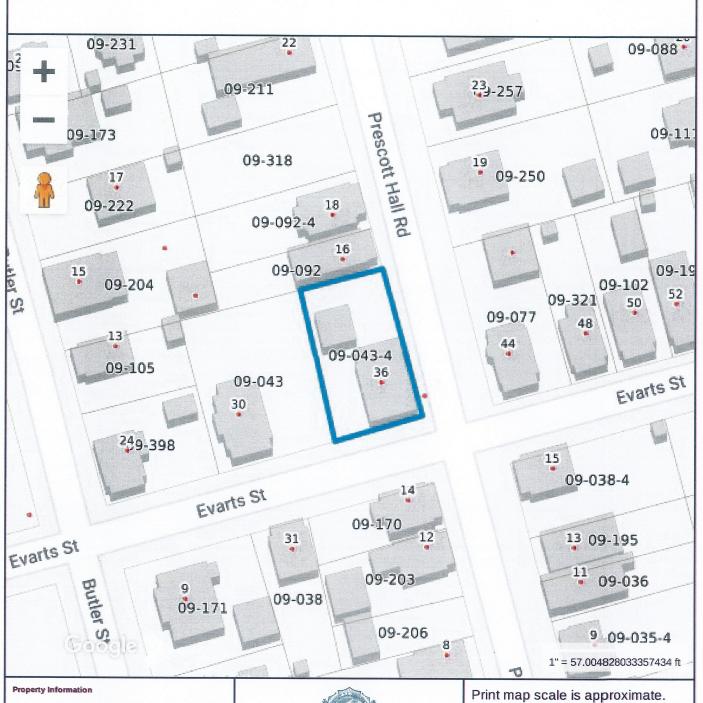
(Summary Data - may not be Complete Representation of Property)

Parcel: 09-043-4 Location: 36 & 38 EVARTS ST Owner: MEIKLE JOHN D Account: 1066 User Acct: R01118 LUC: 02 - 2-3 Family Zoning: R10 **Parcel Values** Total: \$701,000 Land: \$169,500 Land Area: 5,000 SF Building: \$531,500 Assessed: \$701,000 **Sales Information Book and Page** Instrument Type Date Price Grantor 544-277 05/05/1988 \$0 Building Type: Three Family Year Built: 1899 Grade:C Condition:GD 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: 3 # of Rooms: 14 # of Bedrooms: 6 Full Bath: 3 1/2 Baths: 0 Yard Item(s) Description Quantity Size Year Condition Quality Value **GARAGE-AVE** 400 1940 \$9,800.00 Average **Building Areas** Area **Net Area Finished Area** Basement, Unfinished 1,034 SF 0 SF Deck, Wood 672 SF 0 SF First Floor 1,044 SF 1,044 SF Three Quarter Story 739.2 SF 739.2 SF Upper Story, Finished 1,184 SF 1,184 SF

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







ID 09-043-4 Location 36 & 38 EVARTS ST Owner



MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

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