



Newport Zoning Application

ZBR 2024 - Feb - 011

(This box for staff use only)

DATE STAMP HERE

JAN 16 2024
CK# 41959

\$100

Date: January 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: 57 Marchant Street

Tax Assessor's Plat: 39 Lot: 469 Zoning District: R-10

☒ Special Use Permit (Non-Conforming Alteration)

☒ Regulatory (Dimensional) Variance

☐ Special Use Permit (New Use)

☐ Use Variance

☐ Modification

Property Owner: Amer Taj and Chrysanthé Taj

Mailing Address: 57 Marchant Street, Newport RI 02840

Email Address: _____

Phone Number: _____

How long have you been the owner of the above premise? 2+ Years (12/2/2021)

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: 72.20 ft. Lot Area: 4,582.14 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 1,415 sq. ft.

Total square footage of the footprint of proposed buildings: 1,877 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	4,582.14 sf	10,000 sf	4,582.14 sf
Coverage Area (sq. ft)	1,415 sf	1,413.13 sf	1,877 sf
Lot Coverage (%)	30.88%	30.84%	40.96%
Dwelling Units	1	1	1
Parking (# of spaces)	2	2	2
Front Setback (ft.)	1.7'	6.87'	1.7'
Side Setbacks (ft.)	N=20', S=17.1'	4.58'	N=5.5', S=17.1'
Rear Setback (ft.)	11'	9.16'	11'
Height (ft.)	25.25'	30'	25.25'



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 Applicants seek relief under the following provisions of the Zoning Code:

Section 17.108.020 (Special Use Permits)

Section 17.108.010 (Variances)

Section 17.72.030 (Alteration to Nonconforming Development)

Section 17.20.050 (R-10 Lot Coverage Requirements)

The Applicants acquired the Subject Property just over two years ago. They completely renovated and upgraded the home and now occupy it as their primary residence. After settling in, the Applicants determined that a garage and connecting mudroom would provide much needed storage and a functional secondary entrance. A second level is proposed for the garage structure to provide additional above grade living space and storage.

The existing parcel is a legal non-conforming lot of record containing only 4,582.14 square feet of land. The property is in the R-10 Zone and is significantly substandard in size. The house encroaches into the modified and proportional front setback. Existing lot coverage is at 30.88%, which slightly exceeds the modified proportional limit of 30.84%. As a result of the existing conditions and dimensional non-conformities, any addition or expansion to the property will result in the need for zoning relief. The new mudroom and garage will not encroach into any setbacks. The resulting lot coverage is not unreasonable given the extremely small size of the lot. No building height relief is required. 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-10 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 4,582.14 square feet of land. The lot is significantly substandard for the R-10 Zone. The existing structures already exceed lot coverage and encroach into the front setback. Based on the size of the lot and the location of existing structures, any reasonable improvement, addition or modification will require dimensional relief. As a result of the existing conditions and circumstances that are peculiar to this non-conforming development, the proposed improvements will result in a modest increase of lot coverage. The proposed garage and mudroom will comply with all setback requirements.

The subject property is located on the west side of Marchant Street. 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 these Applicants the ability to make the requested improvements for the full use and enjoyment of the property. The proposed mudroom and garage addition 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 require an increase of lot coverage from 30.88% to 40.96%, which is a modest expansion, given the small lot size. The house already encroaches into the front setback, however this non-conformity will not be intensified. The new addition will meet all setbacks. The improvements will allow for expanded living area and much needed above grade storage. The property is in a flood zone and the basement is wet and often floods.

The Applicants have taken great care to develop a proposed improvement plan which provides additional functional space to accommodate their growing family, meeting their present and future needs. The plan is appropriate in scope, scale and size for this property. The overall proposal has been designed to meet the reasonable living needs of the Applicant with minimal dimensional variances. The hardship is driven by the significantly substandard lot and the fact that the existing structures already exceed lot coverage and encroach into the front setback. The Applicants are seeking the minimum variance which will allow the reasonable use of the property. Accordingly, the proposed use of the property and the relief sought by the Applicants 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.



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

January 12, 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:

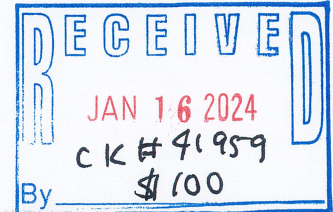
1. The alteration, change, enlargement, addition or intensification will not increase the dimensional nonconformity, or a variance shall be obtained from the zoning board of review, subject to the affirmative determination of the standards for variances under 17.108.020.C.
2. Will not alter the character 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 - Feb - 011

DATE STAMP HERE



- ☐ 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. <input checked="" type="checkbox"/> Class I Site Survey | E. <input type="checkbox"/> Stormwater Management Plan |
| B. <input checked="" type="checkbox"/> Proposed Site Plan | F. <input type="checkbox"/> Landscape Plan |
| C. <input checked="" type="checkbox"/> Lot Coverage Diagram | G. <input checked="" type="checkbox"/> Building Elevations |
| D. <input checked="" type="checkbox"/> Floor Plans | H. <input type="checkbox"/> Change of Use |

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

- | | |
|---|---|
| A. <input type="checkbox"/> Site Photographs | D. <input type="checkbox"/> Parking Survey |
| B. <input type="checkbox"/> Photo Simulations | E. <input type="checkbox"/> Traffic Impact Analysis |
| C. <input type="checkbox"/> Structural Evaluation | |

Address

57 Marchant

Zone

R-10

Lot Area:

4582.14

Min. Lot Area

10000

Calculating % Deficient

4582.14

(L.S.)

10000

(M.L.S.)

=

45.8%

(M.L.S. %)

100% -

0.458214

(M.L.S. %)

 =

54.2%

(% Deficient)

Setbacks

Front

15

(Req. FYSB)

X

45.82%

(M.L.S. %)

=

6.87

(New FYSB)

Side

10

(Req. SYSB)

X

45.8%

(M.L.S. %)

=

4.58

(New SYSB)

Rear

20

(Req. RYSB)

X

45.8%

(M.L.S. %)

=

9.16

(New RYSB)

Modification Numbers

		Basic	Proportioned	5% Mod. Prop.	15% Mod. Prop.
Lot Coverage		20%	30.84%	32.378%	35.46%
Height		30	30	31.5	34.5
Setbacks	F	15	6.87	6.52955	5.8422285
	S	10	4.58	4.353033	3.89
	R	20	9.16	8.71	7.79

Lot Coverage

20%

(Permitted L.C.)

+

54%

(% Deficient)

X

20%

(Permitted L.C.)

=

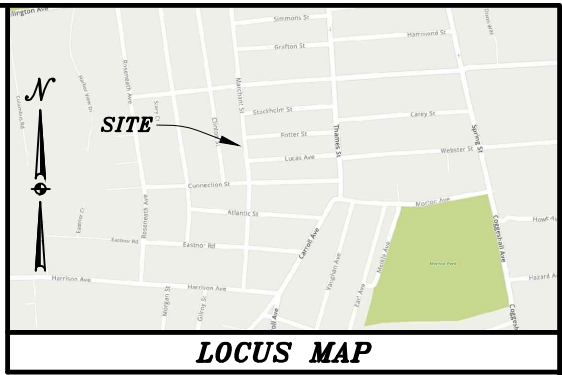
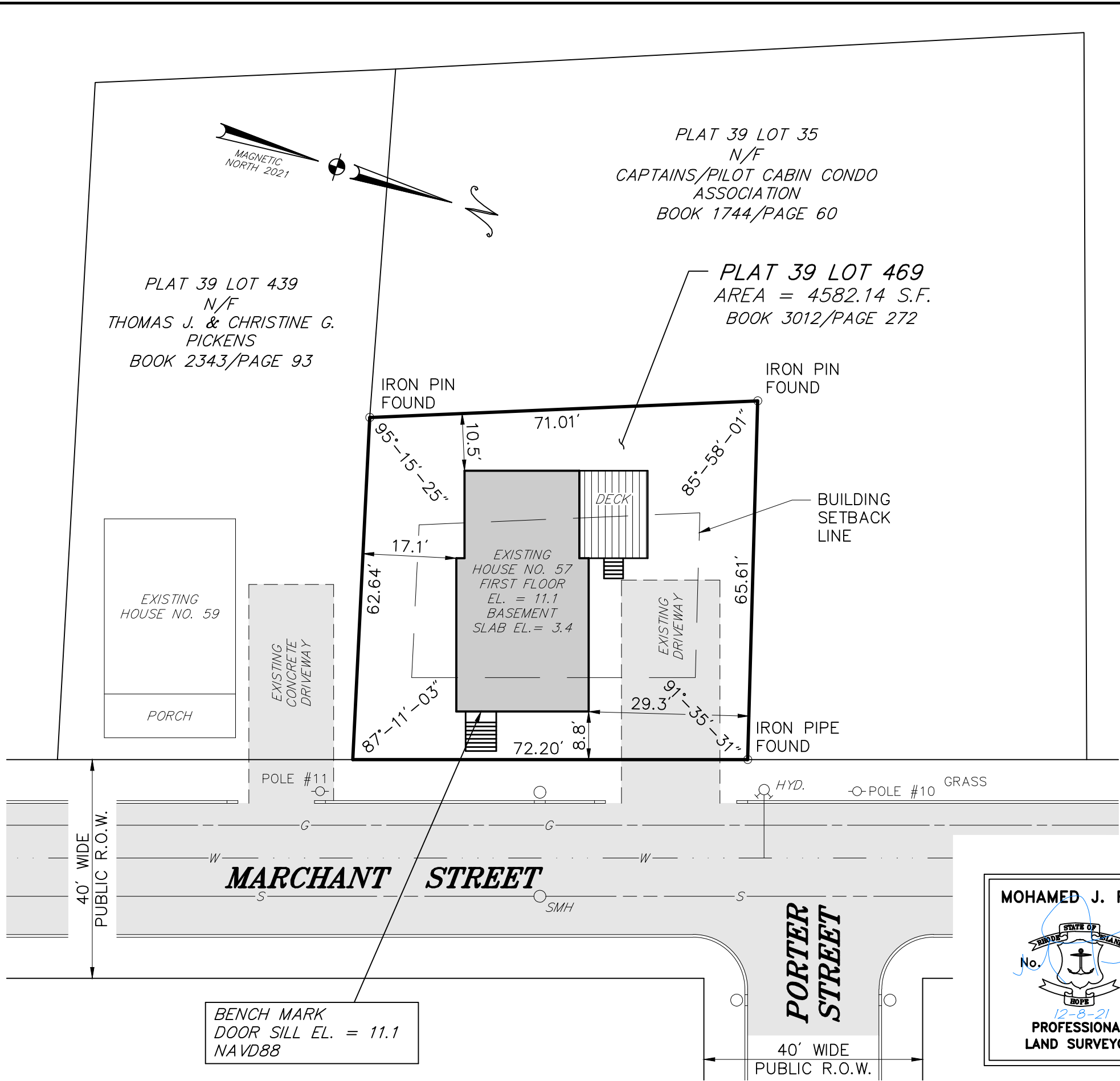
30.8%

(New Lot Cov.)

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

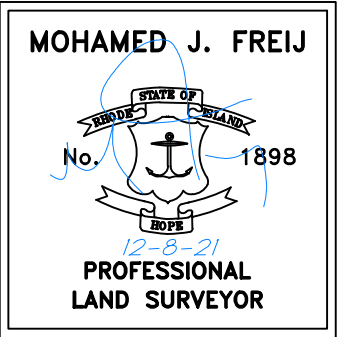
NOTE: This ONLY applies to properties that have a lot size smaller than the minimum lot area required by the zoning district. Properties that exceed the minimum lot size follow the standards requirements



NOTES:

- REFERENCE: RECORD PLAT CARDS
POCKET 9, FOLDER 1 NO. 12
POCKET 22, FOLDER 5 NO. 1
 - ZONING: R10
MINIMUM FRONT YARD SETBACK 15'
MINIMUM SIDE YARD SETBACK 10'
MINIMUM REAR YARD SETBACK 20'
MAXIMUM BUILDING HEIGHT = 30'
MAXIMUM LOT COVERAGE = 20%
 - SITE IS LOCATED IN ZONE AE (EL. 12) PER FIRM MAP NO. 44005C0177J EFFECTIVE 9-4-2013.
 - UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATELY LOCATED, MUST CONTACT DIG-SAFE AT 1-888-DIG-SAFE BEFORE THE START OF CONSTRUCTION.
 - THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE STATE OF RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS NOVEMBER 25, 2015 AS FOLLOWS:
COMPREHENSIVE BOUNDARY SURVEY- CLASS I
- THE PURPOSE FOR CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THIS PLAN IS AS FOLLOWS:
BOUNDARY SURVEY & SITE PLAN

BY MJF DATE 12-8-21
MOHAMED J. FREIJ PLS NO. 1898 C.O.A. NO. A263
REGISTERED PROFESSIONAL LAND SURVEYOR



BOUNDARY SURVEY & SITE PLAN PLAT 39 LOT 469 57 MARCHANT STREET NEWPORT, RI 02840	PROJECT NO.
	SCALE 1" = 20'
OWNER: TAJ RESIDENCES, LLC TELEPHONE 1-339-364-1217	DATE DECEMBER 8, 2021
	DRAWN BY RMM
PREPARED BY MJF ENGINEERING ASSOCIATES 326 SOWAMS ROAD BARRINGTON, R.I. 02806 TEL. 401-241-5153 OR 401-247-2003 E-MAIL LANDSURVEYRI@AOL.COM	CHECKED BY MJF
	FILENAME MARCHANT STREET.DWG
1 of 1 SHTS	

ATTACHED GARAGE ADDITION

57 MARCHANT STREET
NEWPORT, RI 02840

PROJECT DESCRIPTION: ATTACHED GARAGE
ADDITION, THE ADDITION WILL BE OF AN
GARAGED WITH A NEW MUDROOM AREA TO THE
RIGHT OF THE EXISTING DWELLING.

DRAWING LIST

A0.0 COVER SHEET

Demolition

D0.1 DEMOLITION PLAN

Architectural

A0.1 GENERAL NOTES

A0.2 SITE PLAN AND CODE ANALYSIS

A1.0 FLOOR PLANS

A1.1 FLOOR PLANS

A3.0 EXTERIOR ELEVATIONS

A3.1 EXTERIOR ELEVATIONS

A5.0 3D VIEWS

Grand total: 9



matnah
STUDIOS

ATTACHED GARAGE ADDITION
57 MARCHANT STREET
NEWPORT, RI

No.	Description	Date

COVER SHEET		
Project number	2023.03	A0.0
Date	Jan. 12th, 2024	
Drawn by	MATNAH	
Checked by	Checker	Scale



ZONING TABLE

ZONING DISTRICT	R-10	SQUARE FOOTAGE CALCULATIONS:	
EXISTING FOOTPRINT PROPOSED FOOTPRINT	1,415 SF 1,877 SF	EXISTING HOUSE, EXTERIOR STAIRS AND DECKS:	1,415 SF
LOT SIZE EXISTING REQUIRED PROPOSED	4,582.14 SF 10,000 SF NO CHANGE	STAIRS AND DECKS TO BE REMOVED:	55 SF
LOT COVERAGE % EXISTING ALLOWED PROPOSED	31% (1,415 SF) 20% (916 SF) 41% (1,877 SF)	PROPOSED GARAGE AND MUDROOM:	517 SF
FRONT SETBACK EXISTING REQUIRED PROPOSED	1' - 7" 15' - 0" NO CHANGE	TOTAL PROPOSED FOOTPRINT:	1,877 SF
RIGHT SETBACK EXISTING REQUIRED PROPOSED ALLOWABLE	19' - 5" 10' - 0" 5' - 5" 4' - 7"		
LEFT SETBACK EXISTING REQUIRED PROPOSED ALLOWABLE	17' - 3" 10' - 0" NO CHANGE 4' - 7"		
REAR SETBACK EXISTING REQUIRED PROPOSED ALLOWABLE	11' - 0" 20' - 0" NO CHANGE 9' - 2"		
HEIGHT EXISTING ALLOWED PROPOSED	± 25' - 3" 30' - 0" NO CHANGE		

CODE SUMMARY

CONTRACTOR SHALL CONFORM TO ALL CODES, ORDINANCES ETC. AND RETAIN RESPONSIBILITY FOR JURISDICTION OVER THE WORK. ALL WORK SHALL COMPLY WITH LATEST REVISIONS OF ALL APPLICABLE CODES AND ORDINANCES INCLUDING THE FOLLOWING:

No.	Description	Date

SITE PLAN AND CODE ANALYSIS

Project Number	2023.03
Date	Jan. 12th, 2024
Drawn by	Author
Checked by	Checker

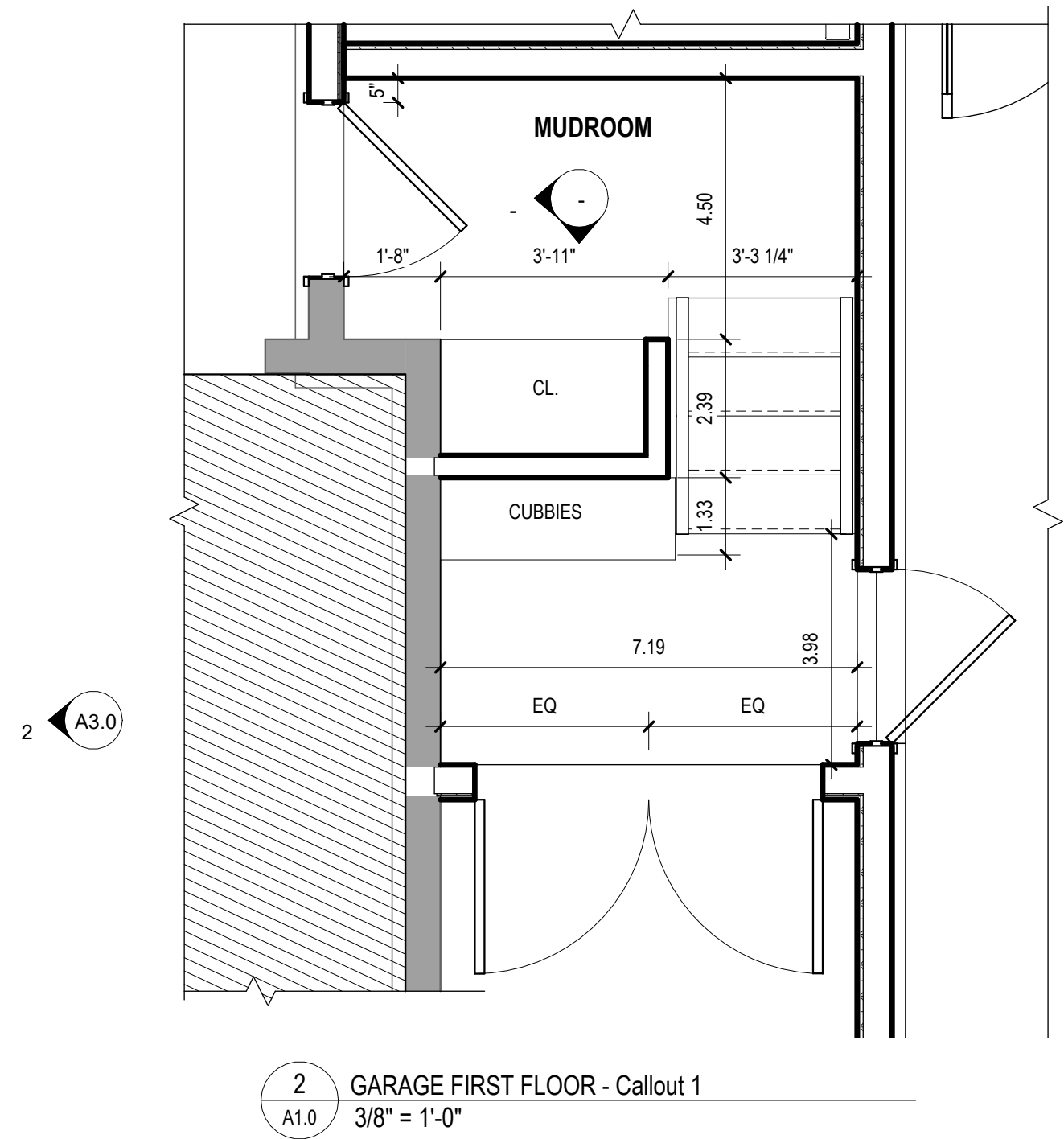
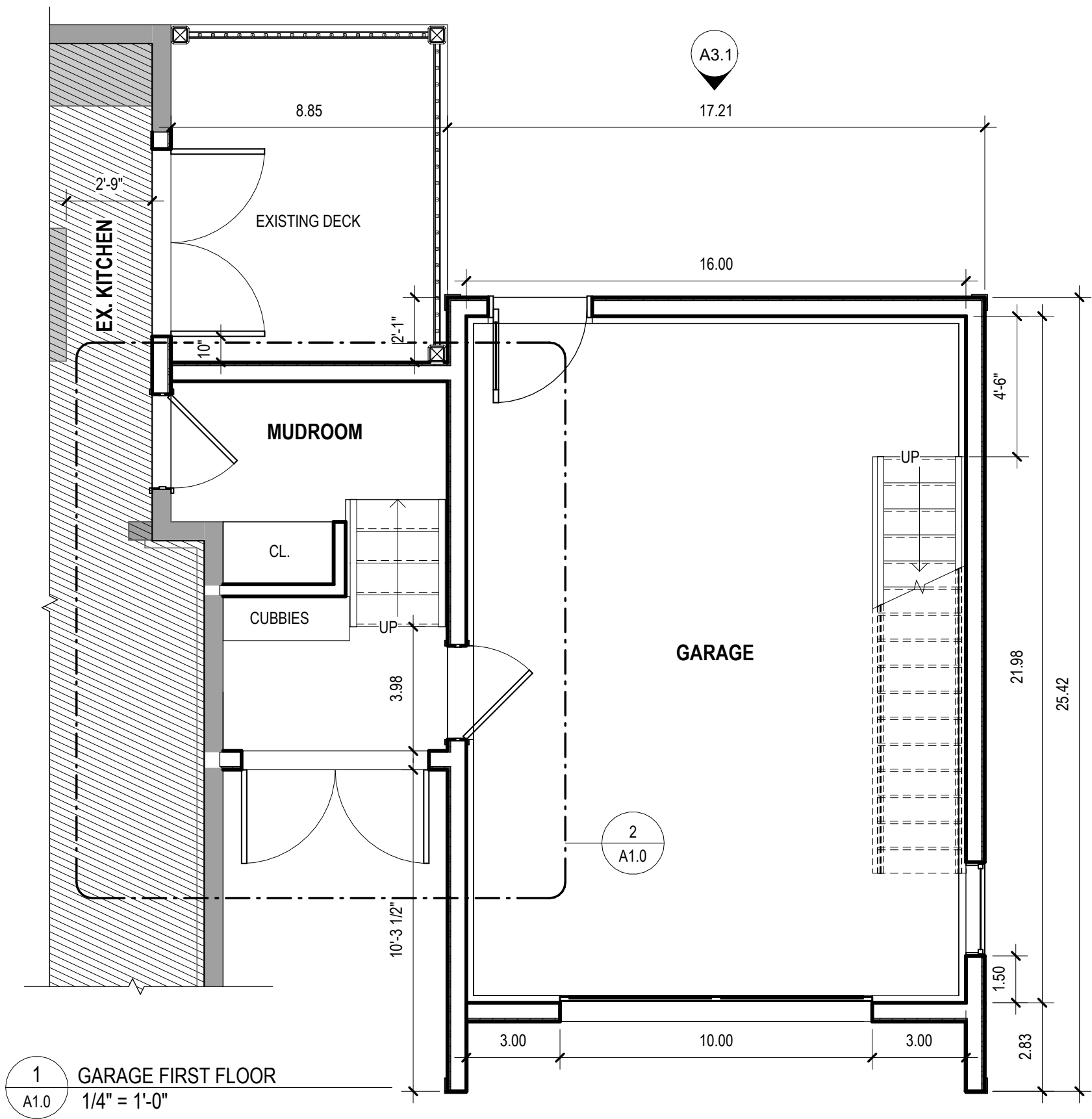
A0.2

Scale As indicated

1 ARCHITECTURAL SITE PLAN
A0.2 3/32" = 1'-0"

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STUDIOS

ATTACHED GARAGE ADDITION
57 MARCHANT STREET
NEWPORT, RI

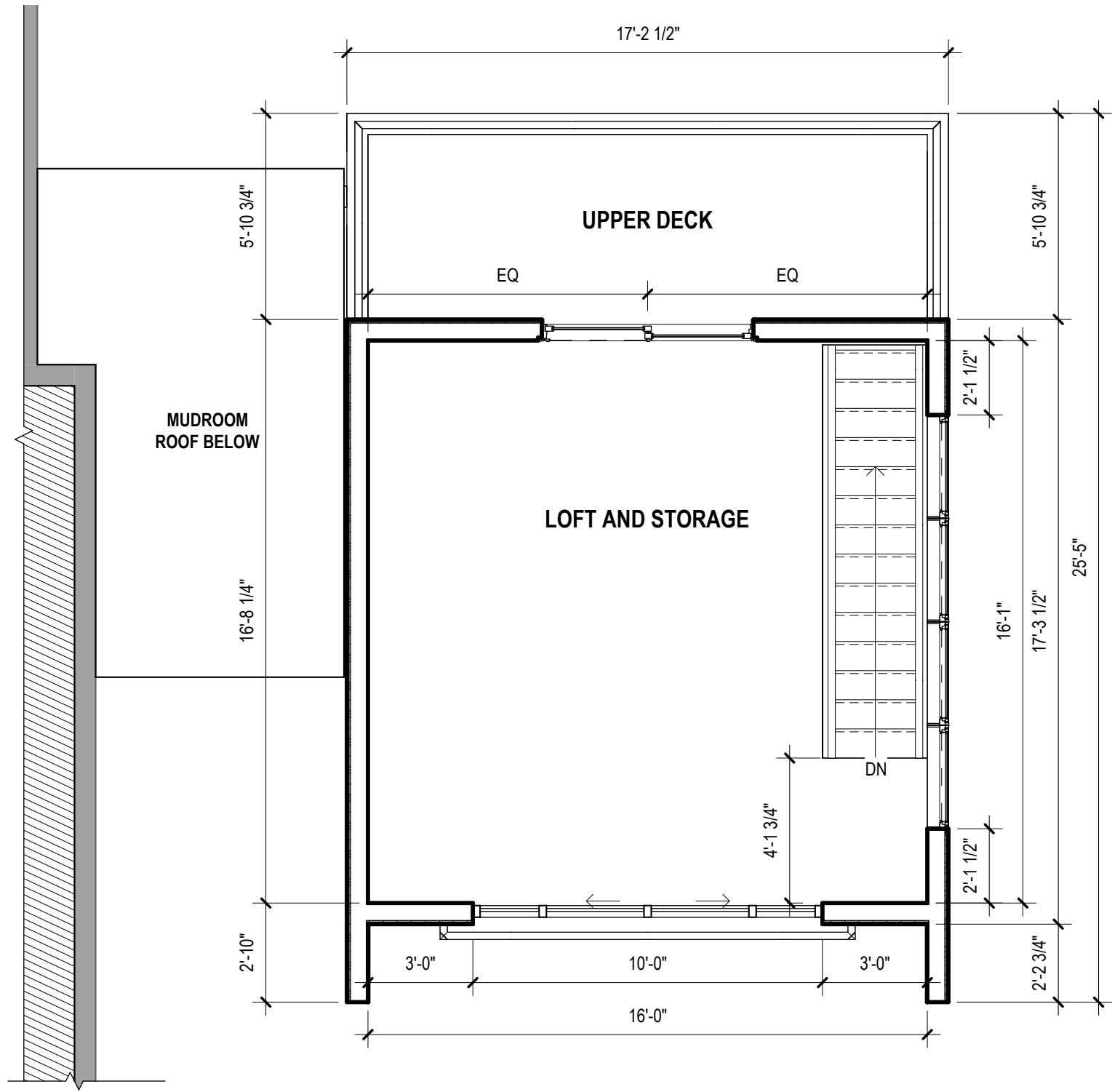


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STUDIOS

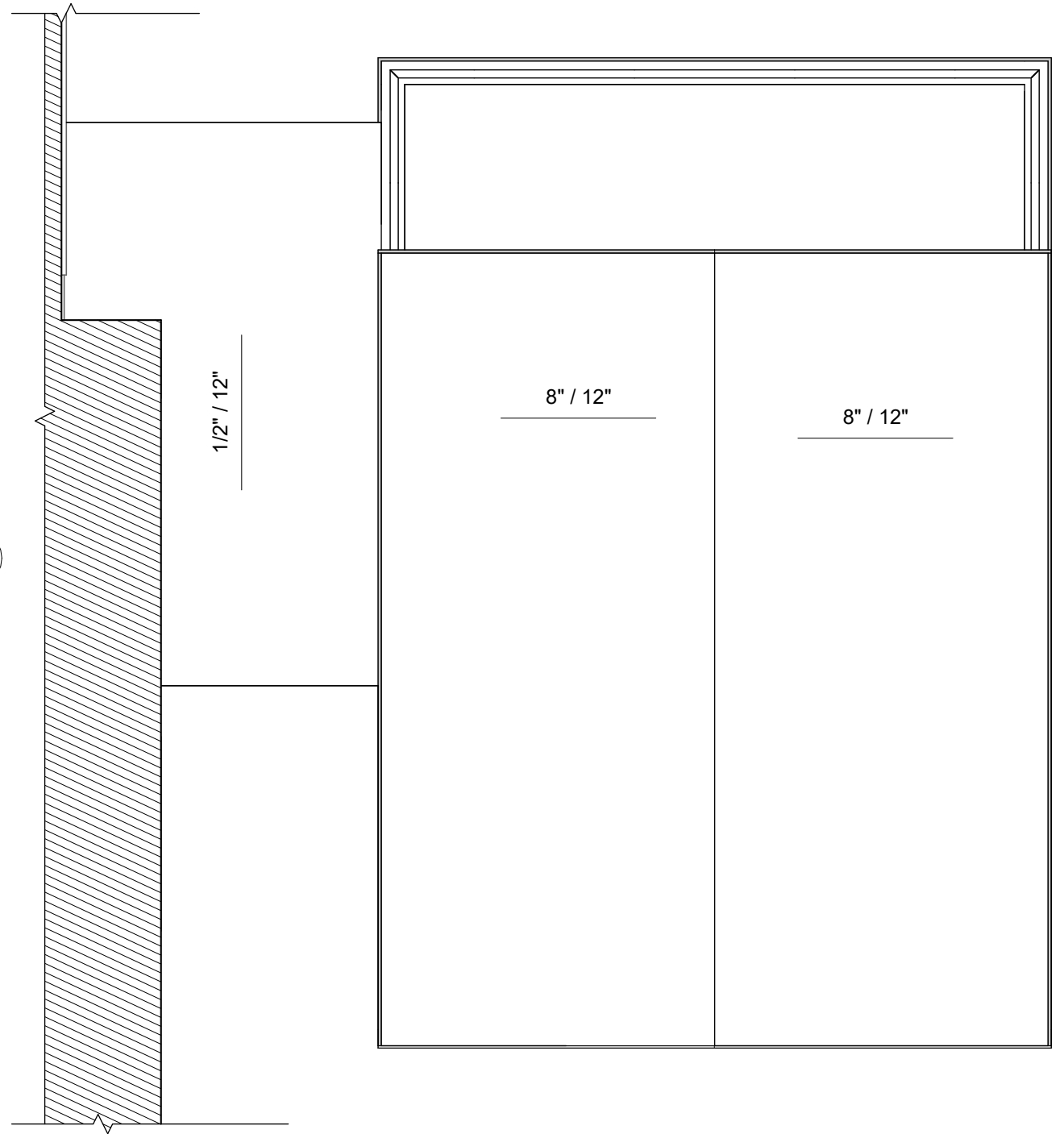
ATTACHED GARAGE ADDITION
57 MARCHANT STREET
NEWPORT, RI

No.	Description	Date

FLOOR PLANS		
Project number	2023.03	A1.0
Date	Jan. 12th, 2024	
Drawn by	MATNAH	
Checked by	Checker	
		Scale As indicated



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



2 GARAGE ROOF
A1.1 1/4" = 1'-0"

matnah
STUDIOS

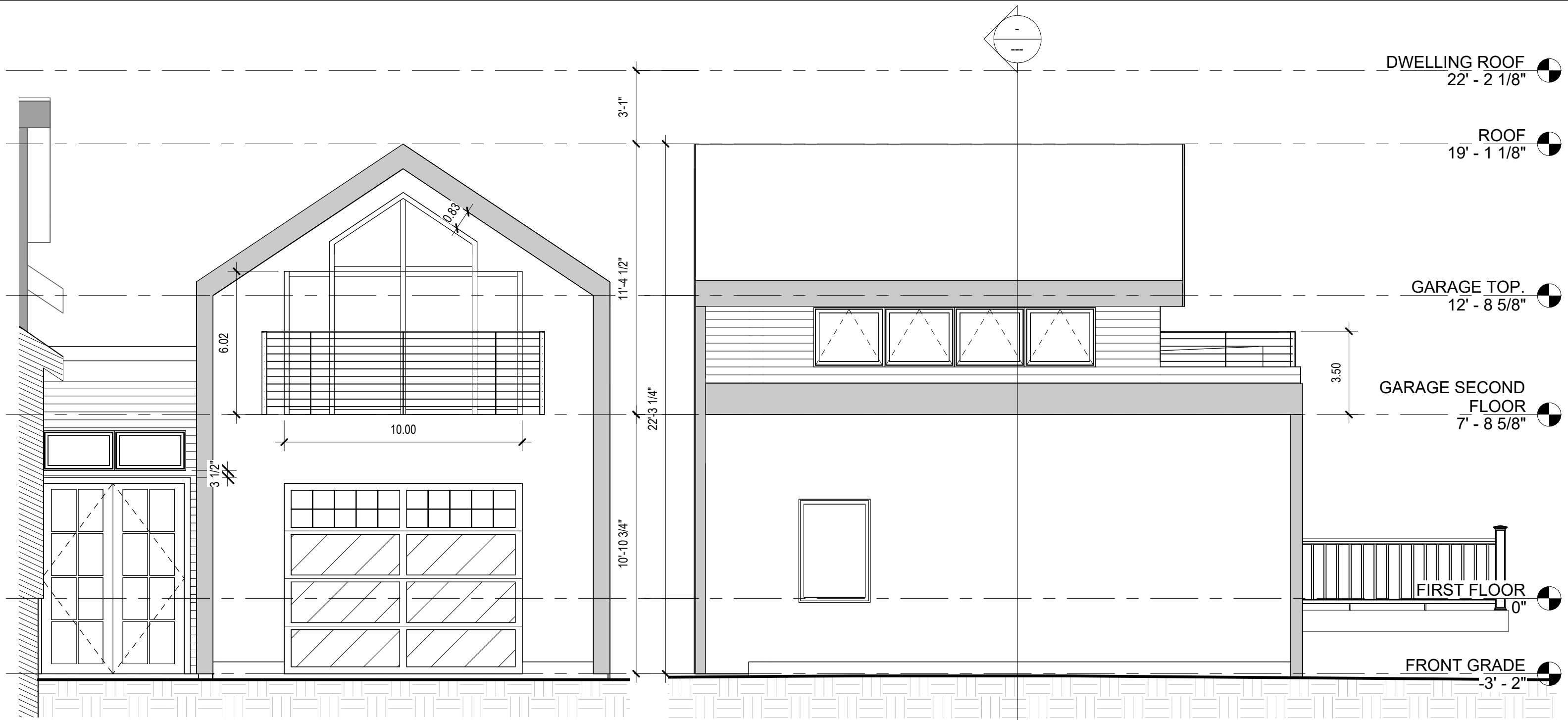
ATTACHED GARAGE ADDITION
57 MARCHANT STREET
NEWPORT, RI

No.	Description	Date

FLOOR PLANS

Project number	2023.03
Date	Jan. 12th, 2024
Drawn by	MATNAH
Checked by	Checker

A1.1
Scale 1/4" = 1'-0"



1 FRONT ELEVATION
1/4" = 1'-0"

2 RIGHT ELEVATION
1/4" = 1'-0"

matnah
STUDIOS

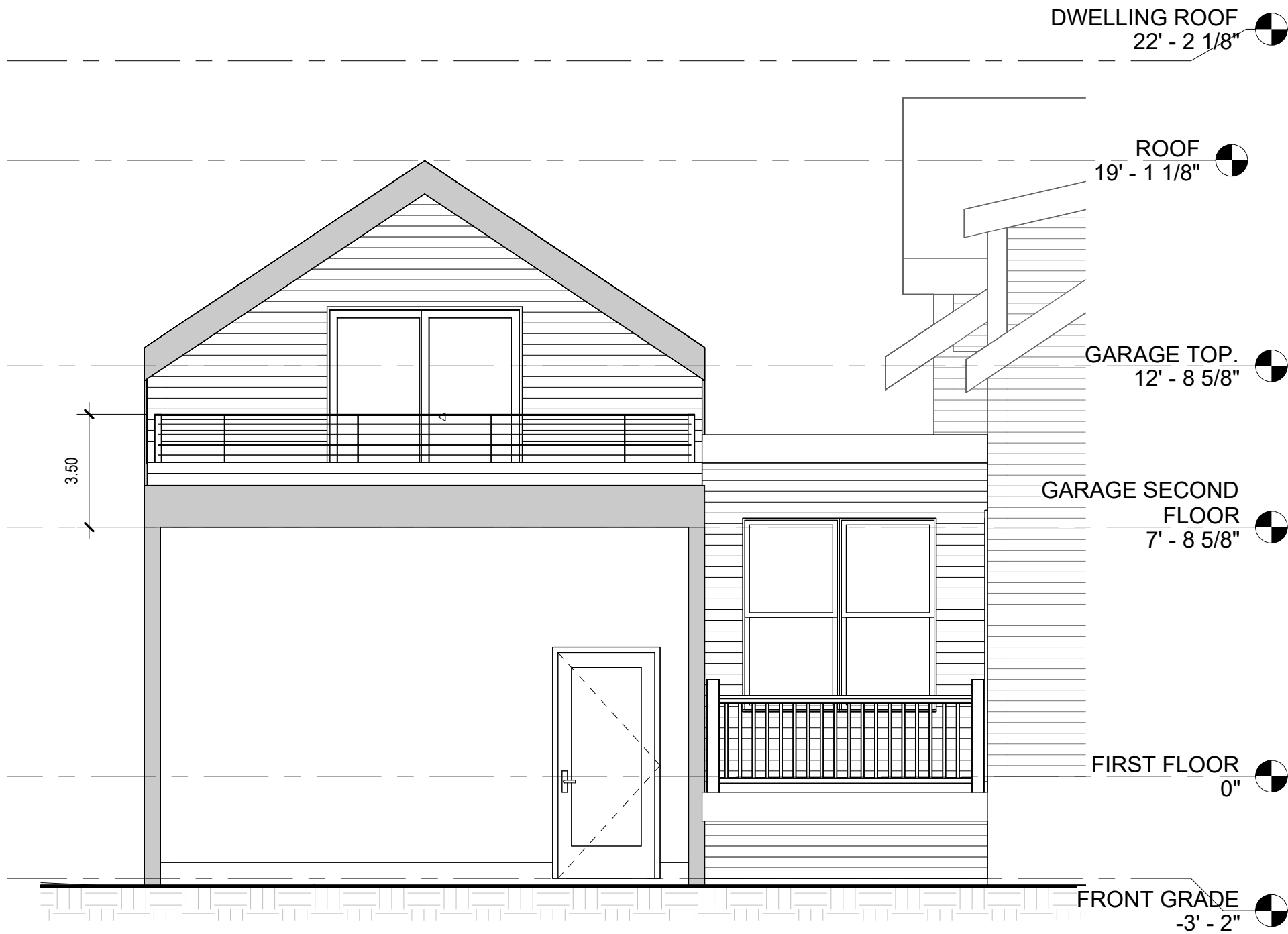
ATTACHED GARAGE ADDITION
57 MARCHANT STREET
NEWPORT, RI

No.	Description	Date

EXTERIOR ELEVATIONS

Project number 2023.03
Date Jan. 12th, 2024
Drawn by Author
Checked by Checker

A3.0
Scale 1/4" = 1'-0"



1 REAR ELEVATION
A3.1 1/4" = 1'-0"

matnah
STUDIOS

ATTACHED GARAGE ADDITION
57 MARCHANT STREET
NEWPORT, RI

No.	Description	Date

EXTERIOR ELEVATIONS		
Project number	2023.03	A3.1 Scale 1/4" = 1'-0"
Date	Jan. 12th, 2024	
Drawn by	MATNAH	
Checked by	Checker	



matnah
STUDIOS

ATTACHED GARAGE ADDITION
57 MARCHANT STREET
NEWPORT, RI

No.	Description	Date

3D VIEWS		
Project number	2023.03	A5.0
Date	Jan. 12th, 2024	
Drawn by	Author	
Checked by	Checker	Scale

**Property Information**

ID 39-469
Location 57 MARCHANT 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.

Newport

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

Parcel: 39-469
Account: 7174

Location: 57 MARCHANT ST
User Acct: R07669

Owner: TAJ RISALUDDIN & SAMINA
LUC: 01 - Single Fam Zoning: R10

Parcel Values

Total: \$745,600 Land: \$267,800 Land Area: 4,520 SF Building: \$477,800 Assessed: \$745,600

Sales Information

Book and Page	Instrument Type	Date	Price	Grantor
3138-117	Warranty	04/10/2023	\$0	TAJ RISALUDDIN & SAMINA
3138-114	Warranty	04/10/2023	\$0	TAJ RISALUDDIN

Building Type: Conventional Year Built: 1890 Grade: B Condition: AG
Heat Fuel: Gas Heat Type: Hot Water % Air Conditioned: 0.00 Fireplaces: 0
Exterior Wall: Clapboard Bsmnt Garage: 0 Roof Cover: Asph/F GlS/C # of Units: 1
of Rooms: 8 # of Bedrooms: 4 Full Bath: 2 1/2 Baths: 1

Yard Item(s)

Description	Quantity	Size	Year	Condition	Quality	Value
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Building Areas

Area	Net Area	Finished Area
Basement, Finished	672 SF	672 SF
Basement, Unfinished	336 SF	0 SF
Deck, Wood	208 SF	0 SF
First Floor	1,008 SF	1,008 SF
Porch, Open, Finished	0 SF	0 SF
Upper Story, Finished	0 SF	0 SF

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

