

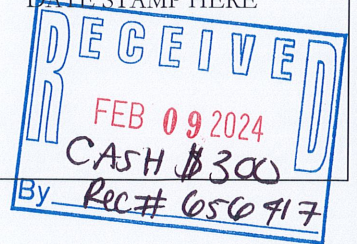


# Newport Zoning Application

ZBR 2024 - MAR - 005

*(This box for staff use only)*

DATE STAMP HERE



Date: Feb. 9, 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: 7 Carroll ave

Tax Assessor's Plat: 40 Lot: 131 Zoning District: Limited Business

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

Property Owner: 7 Carroll Ave LLC

Mailing Address: 7 Carroll Ave Newport RI

Email Address: 7CarrollaveLLC@gmail.com

Phone Number: 401-862-9427

How long have you been the owner of the above premise? 15 years

Legally Authorized Representative \*if applicable: Ian Billings Martins

Mailing Address: 2 Atlantic Street Apt 2, Newport RI

Email Address: IanMartins22@gmail.com Phone Number: 401-862-9427

Lessee: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_



# Newport Zoning Application

## Property Characteristics

Dimensions of lot-frontage: 100' ft. Lot Area: 6,898 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 5,348 sq. ft.

Total square footage of the footprint of proposed buildings: 5,348 sq. ft.

## Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	6,898	5000 min	6,898
Coverage Area (sq. ft)	3,503	3,503	3,503
Lot Coverage (%)	.50%	.50%	.50%
Dwelling Units	2	2	0
Parking (# of spaces)	<del>8</del> 6	7	<del>8</del> 6
Front Setback (ft.)	6	0	6
Side Setbacks (ft.)	3	0	3
Rear Setback (ft.)	5	5	5
Height (ft.)	35 <sup>ft</sup>	45 <sup>ft</sup>	35 <sup>ft</sup>



# Newport Zoning Application

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

Present use of Premise: Commercial Building, Inn + Cafe

Proposed use of Premise: no changes

## Summary of Proposed Alterations

# Converting two existing dwelling units to two guest house units, with five(5) total bedrooms.

The required manager parking space is on the property line of the adjoining property, 3 Carroll ave. That property is also owned by 7 Carroll ave LLC.



# 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)*

See separate attachment  
"Applicant Statement".



# 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

Feb 9, 2024

Date

Owner Signature

Feb 9, 2024

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:

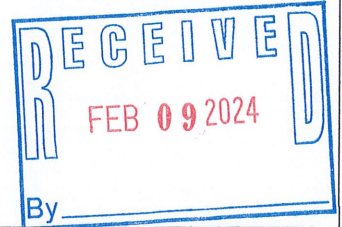
1. The alteration, change, enlargement, addition or intensification will not increase the dimensional nonconformity, or a variance shall be obtained from the zoning board of review, subject to the affirmative determination of the standards for variances under 17.108.020.C.
2. Will not alter the character 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 - MAR - 005

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.  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

Ian Martins  
February 6, 2024  
Site Plan  
Guest House Variance

7 Carroll Ave LLC

## Applicant Statement

7 Carroll Ave LLC purchased 3 and 7 Carroll Ave in 2009. At that said date, in accordance with the City of Newport Municipal Ordinances, 17.52.020 Use Regulations; 7 Carroll Ave LLC was permitted by RIGHT to the operation of an Inn.

In 2017 as presented as evidence A, 7 Carroll Ave LLC had a license to operate an Inn, in the City of Newport, as was their RIGHT under law. As of May 3<sup>rd</sup>, 2021, 7 Carroll Ave LLC according to the City of Newport Code of Ordinances, Section 17.52.020 States the Use Regulations. According to Section A, Sub section 3. Guests Houses are listed as PERMITTED BY RIGHT.

I would like to note here, the language of "Inn" was converted to "Guest House" sometime between 2016-2021.

As of today, according to the City of Newport Code of Ordinances, Section 17.52.020 States the Use Regulations. According to Section B, Sub section 15. Guests Houses are listed as REQUIRE A SPECAIL USE PERMIT FROM THE ZONING BOARD OF REVIEW.

At this time, I strongly note that the RIGHTS of 7 Carroll Ave LLC have been stripped from them. Their right was converted into a privilege.

I contest 7 Carroll Ave LLC should be grandfathered in, with their RIGHTS as they were afforded to them at the time of purchase of said property be honored.

Furthermore, I apply to the Zoning Board of Newport RI to come under compliance with the city. I believe 7 Carroll Ave LLC meets all zoning requiremnts of the Zoning Board to operate a "Guest House". There are two units, labeled Unit 2 and 3. These units are in the limited business zone.

Unit 2 is a Three-bedroom, 3 full bathroom unit. It sleeps 5 people, and has a full kitchen, living room, dining room, den and a deck.

Unit 3 is a two-bedroom, one full bathroom unit. It sleeps three people and has a full kitchen and living room. It has a deck, separate from Unit 2.

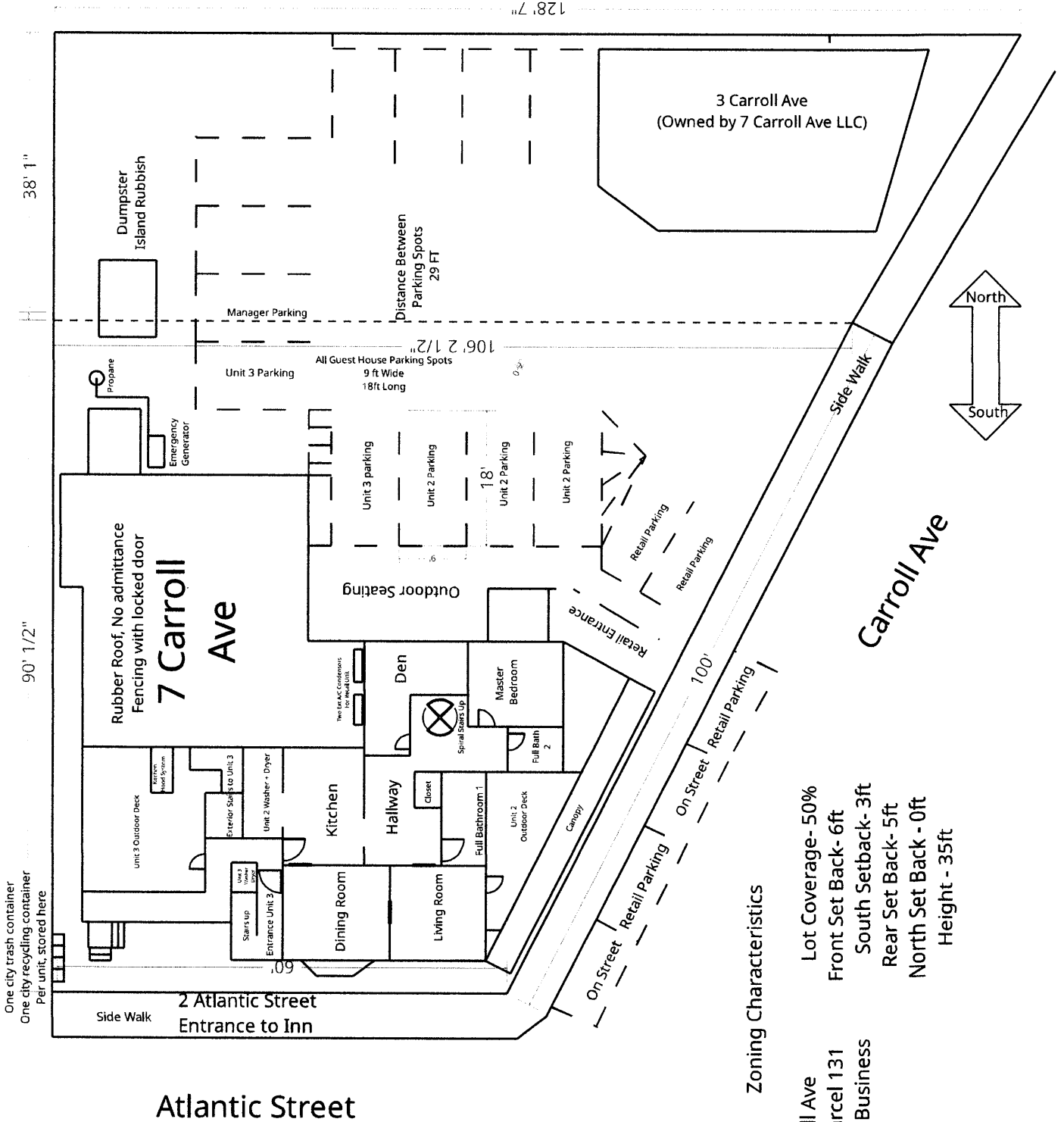
Each unit has a designated parking space for each bedroom and a space for the manager on the property.

Auxiliary parking is in the same parking lot, technically on the property of 3 Carroll Ave. That property is also owned by 7 Carroll Ave LLC. There are an additional six spaces.



# 7 Carroll Ave LLC SITE PLAN

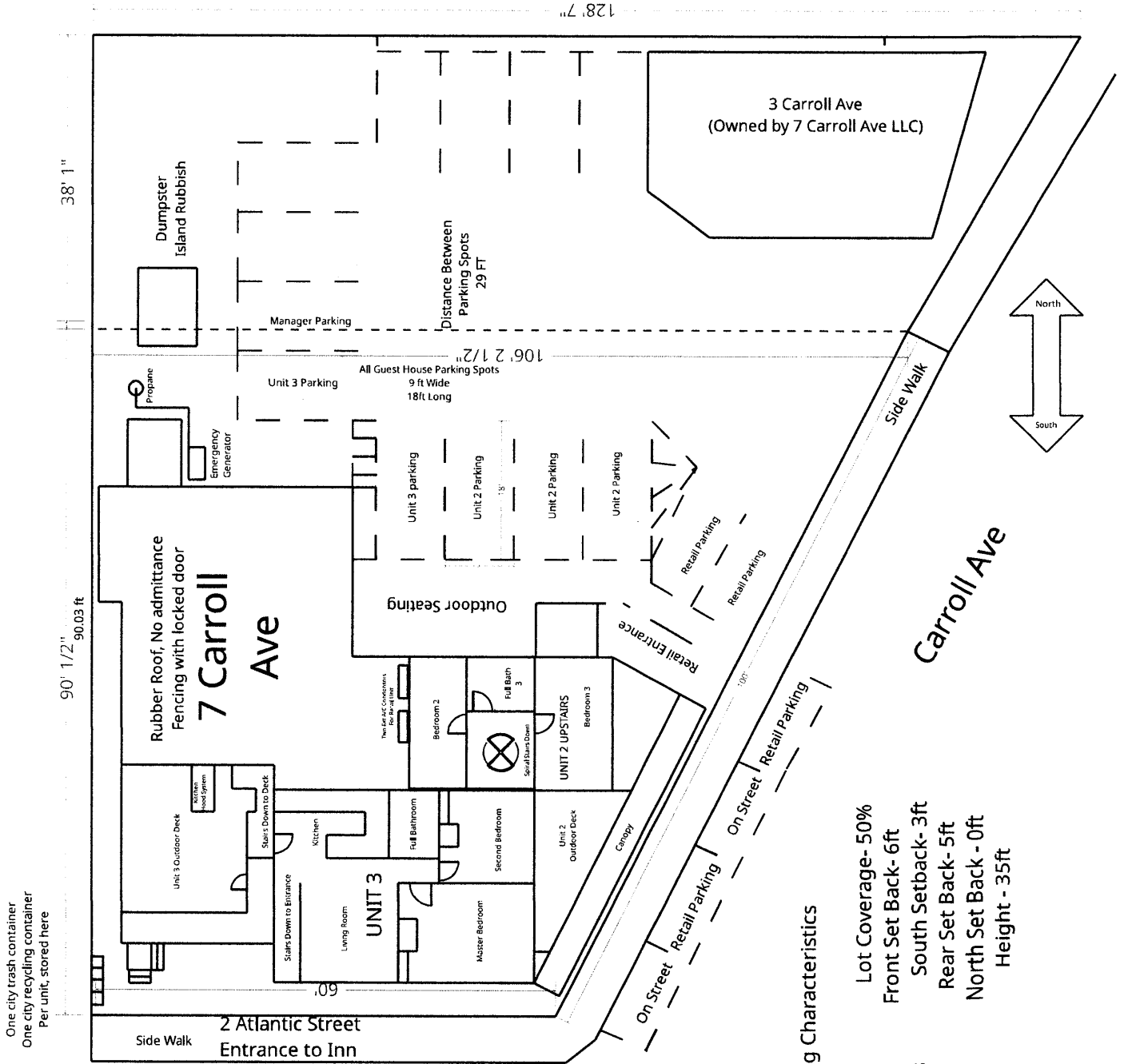
Prepared By: Ian Martins



- One city trash container
  - One city recycling container
  - Per unit, stored here
- Zoning Characteristics**
- 7 Carroll Ave
  - Plat 40 - Parcel 131
  - Limited Business
  - Lot Coverage - 50%
  - Front Set Back - 6ft
  - South Setback - 3ft
  - Rear Set Back - 5ft
  - North Set Back - 0ft
  - Height - 35ft

# 7 Carroll Ave LLC SITE PLAN

Prepared By: Ian Martins



One city trash container  
One city recycling container  
Per unit, stored here

38' 1"

90' 1/2" 90.03 ft

60'

106'

106'

106'

106'

106'

106'

106'

106'

106'

106'

Atlantic Street

2 Atlantic Street  
Entrance to Inn

Rubber Roof, No admittance  
Fencing with locked door  
**7 Carroll Ave**

Dumpster  
Island Rubbish

Propane  
Emergency  
Generator

Manager Parking

Unit 3 Parking  
All Guest House Parking Spots  
9 ft Wide  
18 ft Long

Distance Between  
Parking Spots  
29 FT

106' 2 1/2"

Unit 3 parking

Unit 2 parking

Unit 2 parking

Unit 2 parking

Unit 2 parking

Unit 2 parking

Unit 2 parking

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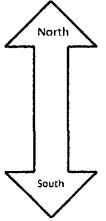
Unit 2 parking

Unit 2 parking

Unit 2 parking

Unit 2 parking

3 Carroll Ave  
(Owned by 7 Carroll Ave LLC)



Carroll Ave

- Lot Coverage- 50%
- Front Set Back- 6ft
- South Setback- 3ft
- Rear Set Back- 5ft
- North Set Back - 0ft
- Height - 35ft

## Zoning Characteristics

7 Carroll Ave  
Plat 40 - Parcel 131  
Limited Business