

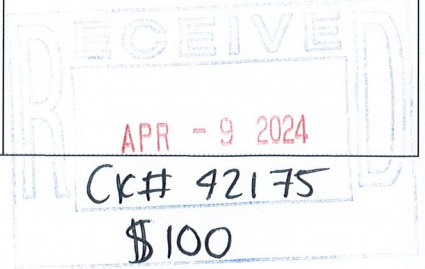


# Newport Zoning Application

**ZBR 2024 - MAY - 010**

*(This box for staff use only)*

DATE STAMP HERE



Date: April 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: 5 Halidon Terrace

Tax Assessor's Plat: 42 Lot: 024 Zoning District: R-40

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

Property Owner: Turner C. Scott & Kathleen Pratt

Mailing Address: 5 Halidon Terrace, Newport RI 02840

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

How long have you been the owner of the above premise? 29 + Years (1/19/1995)

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

<b>ZBR</b> _____ <i>(This box for staff use only)</i>	DATE STAMP HERE
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Lessee: N/A

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

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



# Newport Zoning Application

## Property Characteristics

Dimensions of lot-frontage: 201.7 ft. Lot Area: 25,980 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 4,240 sq. ft.

Total square footage of the footprint of proposed buildings: 4,640 sq. ft.

## Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	25,980	40,000	25,980
Coverage Area (sq. ft)	4,240	5,260.95	4,640
Lot Coverage (%)	16.3	20.25	17.9
Dwelling Units	2	2	2
Parking (# of spaces)	4	4	4
Front Setback (ft.)	25'	32.5'	25'
Side Setbacks (ft.)	W=4.3', E=96.3'	26'	W=3.2', E=96.3'
Rear Setback (ft.)	16.7'	13'	16.7'
Height (ft.)	Less than 30'	30'	(no change)



# Newport Zoning Application

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

Present use of Premise: Single Family Dwelling with Short Term Rental Unit

Proposed use of Premise: Two Family with Dwelling Units in Detached Residential Buildings

## Summary of Proposed Alterations

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

Section 17.109 (Special Use Permits)

Section 17.108.020 (Variances)

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

Section 17.72.030 (E) (Alteration to Nonconforming Development)

Section 17.32.040 (R-40 Zone-Setbacks)

Section 17.40.050 (E) (More Than One Principal Residential Building on a Single Lot)

The Subject Property is a single family residence with a detached garage/carriage house that has been used as a registered short term rental for over twenty years. The guest unit has an existing kitchen. Over the last couple years the guest unit has been used primarily by family. The Applicants now propose a conversion of the property to a two family development pursuant to Section 17.32.070(B), with one dwelling in the main house and a second dwelling in the detached garage/carriage house. The conversion is intended by the Applicants to allow for the expansion and modernization of the existing guest unit in the carriage house to allow their adult daughter to live there full time.

The Applicants propose to build an 18 x 20'1" addition on the north side of the garage/carriage house. The addition will essentially provide two new garage stalls. The footprint and structure of the existing garage will then be encompassed as part of the expanded dwelling unit. The unit will be completely renovated, expanded, and updated to create a one bedroom unit which is consistent with current building codes and standards of modern residential living.

Dimensionally, only west side setback relief is needed. The existing garage/carriage house is 4.3' from the west property line. The new addition to the north side of the garage will be 3.2' from the west property line. The proposed project will otherwise meet all requirements for lot coverage and setbacks. Both the main house and carriage house are single story residential buildings. They will both remain well below the height limitation. The purpose of the project is to allow the owners to create a modern dwelling unit for full time occupancy by their adult daughter. The proposed modifications require minor dimensional relief.

The parcel is an existing non-conforming lot of record containing 25,980 square feet of land. The property is in the R-40 Zone. The existing garage/carriage house structure already encroaches into the west setback. With the existence of a kitchen in the carriage house, the property currently has two detached residential structures on the same parcel, although that relief has never previously been granted. The property does, however, meet the density requirement for the conversion to a two family development in the R-40 Zone. As a result of the existing non-conforming conditions, any modifications require a Category 6 Special Use Permit.

The Subject Property is on Halidon Terrace. The proposed modifications will result in a minor increase of the west side setback encroachment. The plan proposed by the Applicants 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-40 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 non-conforming lot of record containing 25,980 square feet of land. It is a significantly sub-standard lot for the R-40 Zone. The existing garage/carriage house structure already encroaches into the west side setback. There are already two detached residential dwelling structures on the same parcel. 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 on Halidon Terrace. The neighborhood is fully developed with a number of other abutting parcels with existing dimensional nonconformities. Other properties also have setback encroachments and the R-40 Zone has many examples of carriage house dwellings detached from the principal residential structure. 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 improvements will be appropriate and consistent with the surrounding neighborhood and the rights enjoyed by other property owners in this area of the R-40 Zone. The proposal will result in a minor increase of the west side setback encroachment, but will not increase or intensify any other dimensional non-conformities. Building height will remain below 30 feet. On site parking will be sufficient.

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 most of the existing dimensional nonconformities, other than the west side setback. The property is in the R-40 residential zone. The Applicants will convert the use of the existing dwelling in the garage/carriage house from a short term rental to a dwelling unit occupied on a full time basis by their adult daughter. The new use will be less intense than the historic use of the carriage house. Therefore, it will not alter the character of the surrounding area within two hundred (200) feet of the property lines. The modest addition to the garage will not result in a significant increase of 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 Applicants have taken great care to develop a proposed overall improvement plan which renovates and modernizes an existing detached dwelling structure for the full time use and occupancy by a family member. By converting the guest unit dwelling into a modern dwelling unit, there will be a net increase to the City's housing stock. The overall plan, including the garage addition is appropriate in scope, scale and size for this property. The property is not in the Newport Historic District. The hardship and non-conforming features of this property relate to the existing west side setback encroachment and the existence of two detached residential dwelling structures. None of those non-conforming conditions are being intensified by the proposed improvements other than a minor increase of the setback encroachment. 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-40 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

April 9, 2024

---

Date



---

Owner Signature

Attorney for Applicants/Owners

---

Date

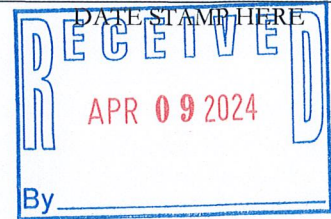


# Newport Zoning Application Submittal Requirements

ZBR 2024 - MAY - 010

- 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

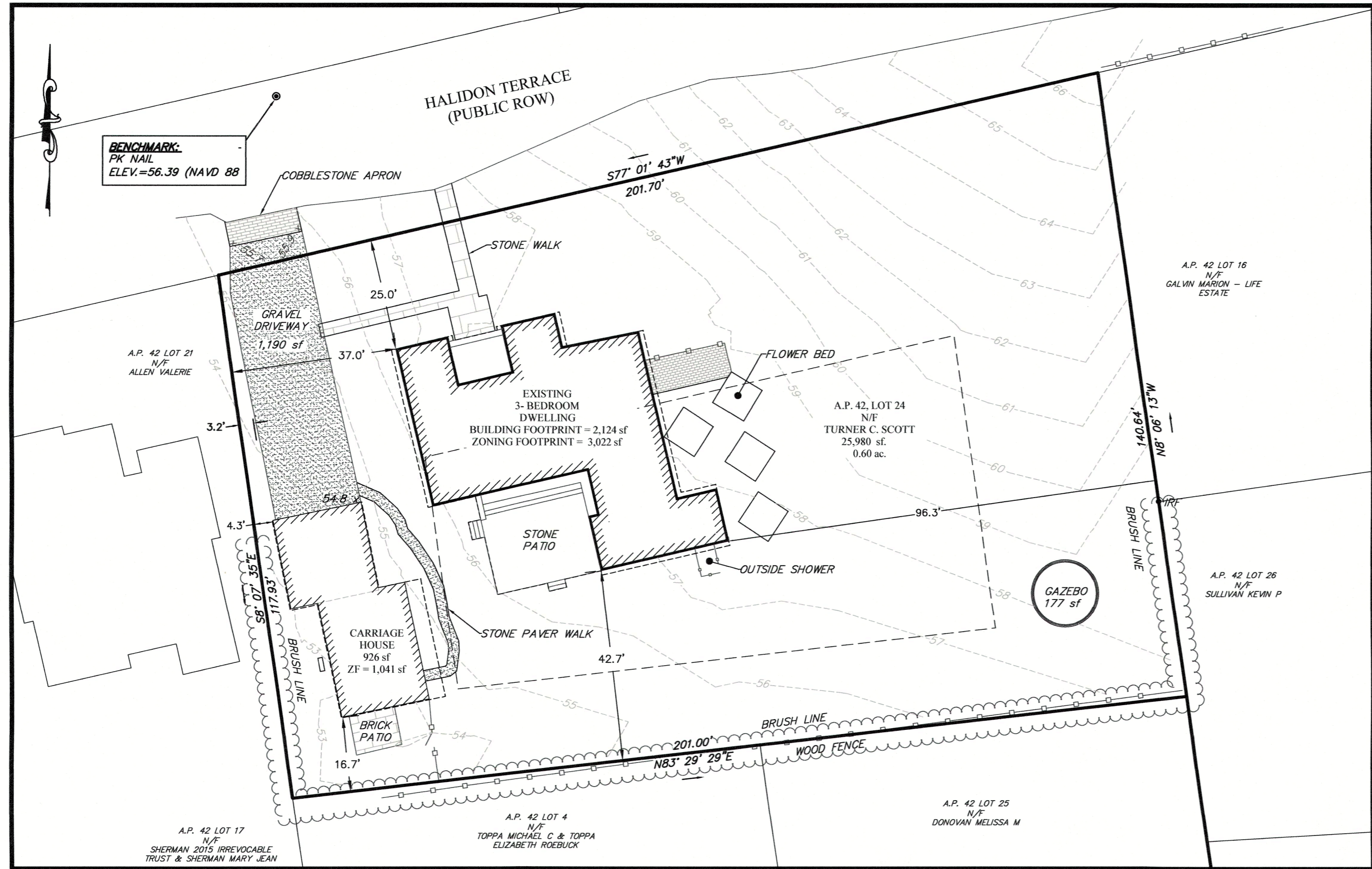
- A.  Completed Zoning Project Application Packet comprised of the following individual sections:
  1.  Zoning Project Application Form
  2.  Completed copy of this Zoning Application Submittal Requirements Checklist (Page 2)
- B.  Request to Waive any Submittal Requirements *(if applicable)*
- C.  Application 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

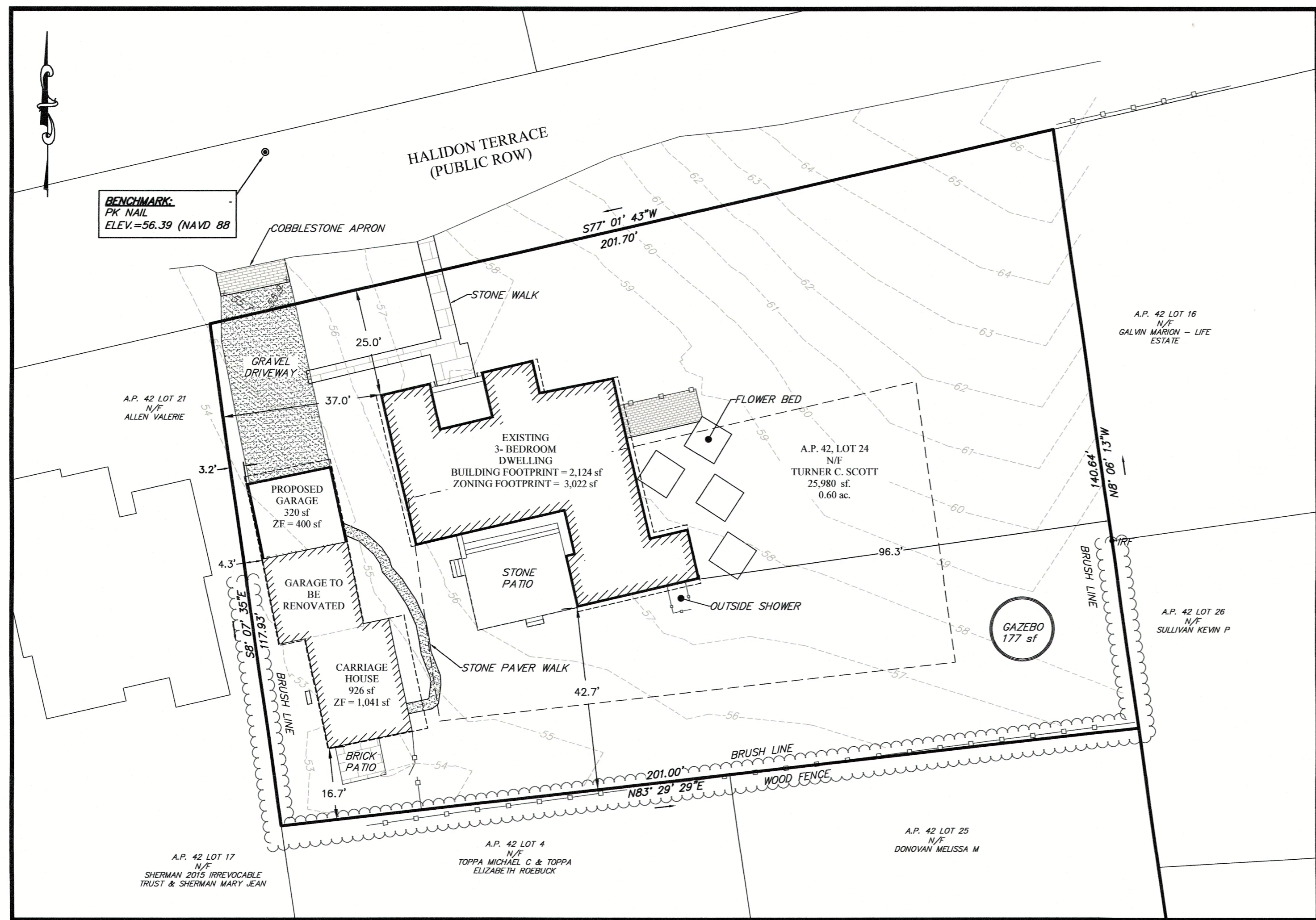
- A.  Class I Site Survey
- B.  Proposed Site Plan
- C.  Lot Coverage Diagram
- D.  Floor Plans
- E.  Stormwater Management Plan
- F.  Landscape Plan
- G.  Building Elevations
- H.  Change of Use

### 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



**EXISTING CONDITIONS / SITE PREPARATION PLAN**  
SCALE: 1"=20'



**SITE PLAN**  
SCALE: 1"=20'

**LEGEND**

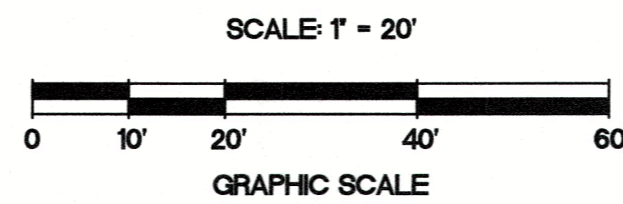
- PROPERTY LINE
- - - ABUTTERS PROPERTY LINE
- - - BUILDING SETBACK LINES
- ▨ EXISTING BUILDING
- ▨ EXISTING COBBLESTONE WALKWAY
- - - EXISTING CONTOUR
- - - EXISTING DECK/ PORCH
- - - EXISTING HEDGES/ BRUSHLINE
- x EXISTING WIRE FENCE
- EXISTING WOOD FENCE
- ⊕ BENCHMARK
- IRF
- IRS

**NOTES:**

- THE SUBJECT LOT IS A SUB-STANDARD LOT OF RECORD FOR LOT AREA, IT HAS LESS THAN THE 40,000 SF IN AREA IN AN R-40 ZONE.
- UTILITIES SHOWN WERE TAKEN FROM THE BEST AVAILABLE INFORMATION BUT SHOULD BE CONSIDERED APPROXIMATE, CONTRACTOR SHALL VERIFY UTILITIES PRIOR TO EXCAVATION AND COORDINATE WITH LOCAL UTILITY COMPANIES AS NEEDED PRIOR TO ANY EXCAVATIONS.
- EXISTING CONDITIONS BASED ON FIELD SURVEY PERFORMED BY MILLSTONE IN FEBRUARY 2024.
- VERTICAL DATUM IS NAVD88.

**FLOOD NOTE:**

THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR NEWPORT COUNTY COMMUNITY PANEL NUMBERS 44005C0177J MAPS REVISED SEPTEMBER 4, 2013.



**LOCATION MAP**  
NOT TO SCALE

**REFERENCES:**

- SUBJECT AND ABUTTING LOTS RECORD DEEDS
- CITY OF NEWPORT FIELDBOOK - G.C. EASTON VOL 201, PAGE #14
- PLAN ENTITLED: "EXISTING CONDITIONS PLAN ASSESSOR'S PLAT 42, LOT 24 5 HALIDON TERRACE NEWPORT, RHODE ISLAND" PREPARED FOR TURNER C. SCOTT, PREPARED BY MILLSTONE ENGINEERING, P.C., SCALE 1"=10', SHEET 1 OF 1, DATED FEBRUARY 2024.

**OWNERS:**

A.P. 42, LOT 24  
TURNER C. SCOTT  
5 HALIDON TERRACE  
NEWPORT, RI 02840

**ZONING DATA:**

R-40 (A SUB-STANDARD LOT OF RECORD)
REFERENCE: ZONING ORDINANCE TABLE 17.12.010

**DIMENSIONAL REQUIREMENTS:**

R-40	REQUIRED	PROPORTIONED	EXISTING	PROPOSED
MINIMUM LOT SIZE	40,000 S.F.	65%	25,980 sf *	NO CHANGE
LOT WIDTH	200'	130.0'	201.70'	N/C
<b>SETBACKS - PRINCIPAL BUILDING:</b>				
FRONT YARD	50'	32.5'	25.0' *	N/C
SIDE YARD	40'	26.0'	37.0'	N/C
REAR YARD	20'	13.0'	42.7'	N/C
MAXIMUM LOT COVERAGE	15 %	20.25% **	16.3 %	17.9 %
MAXIMUM BUILDING HEIGHT (PRINCIPAL)	30'	N/A	UNKNOWN	UNKNOWN
<b>SETBACKS - ACCESSORY BUILDING:</b>				
SIDE YARD	20'	13.0'	4.3' *	3.2' ***
REAR YARD	20'	13.0'	16.7' *	N/C
MAXIMUM BUILDING HEIGHT (ACCESSORY)	30'	N/A	UNKNOWN	UNKNOWN

\* EXISTING NON-COMPLYING CONDITION (SEE NOTE 1)  
\*\* SIZE = 1.038 \* 20.25 = 20.95 (LOT COVERAGE IS INCREASED BY THE % UNDER REQUIRED LOT SIZE THE SUBJECT LOT IS)  
\*\*\* ZONING VARIANCE REQUIRED

**STORMWATER NOTE:**

**EXISTING IMPERVIOUS SURFACES:**

EX. MAIN HOUSE ZONING FOOTPRINT: 3,022 sf  
EX. CARRIAGE HOUSE ZONING FOOTPRINT: 1,041 sf  
EX. GAZEBO: 177 sf  
EX. GRAVEL DRIVEWAY: 1,190 sf

TOTAL: 5,430 sf

**PROPOSED IMPERVIOUS SURFACES:**

EX. MAIN HOUSE ZONING FOOTPRINT: 3,022 sf  
EX. CARRIAGE HOUSE ZONING FOOTPRINT: 1,041 sf  
EX. GAZEBO: 177 sf  
EX. GRAVEL DRIVEWAY REMAINING: 857 sf  
PROPOSED GARAGE ZONING FOOTPRINT: 400 sf

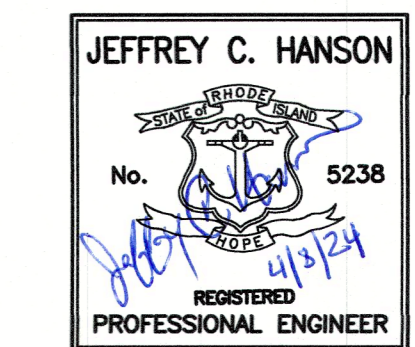
TOTAL: 5,497 SF ~ INCREASE OF 67 sf

BASED UPON A CONVERSATION WITH THE NEWPORT BUILDING DEPARTMENT REGARDING STORMWATER MITIGATION, ONLY PROJECTS INCREASING IMPERVIOUS SURFACE AREA BY MORE THEN 200 SF ARE REQUIRED TO PROVIDE MITIGATION FOR STORMWATER.

ALSO, BASED UPON THE STATE OF RHODE ISLAND STORMWATER MANAGEMENT GUIDANCE DOCUMENT FOR INDIVIDUAL SINGLE-FAMILY RESIDENTIAL LOT DEVELOPEMNT. ONLY WHEN NEW ROOFTOP IMPERVIOUS SURFACES ARE INCREASED BY MORE THAN 600 sf PROJECT ARE REQUIRED TO PROVIDE MITIGATION FOR STORMWATER.

SO FOR THIS PROJECT NO STORMWATER MITIGATION IS REQUIRED. IF THE ZONING BOARD OR BUILDING OFFICIAL DEEMS IT A NECESSITY, UPON APPROVAL OF ZONING AND PRIOR TO SUBMITTING FOR A BUILDING PERMIT APPLICATION STORMWATER MITIGATION MEASURES WILL BE INCORPORATED.

NO.	DATE	REVISION



**MILLSTONE ENGINEERING, P.C.**  
CIVIL ENGINEERING • LAND PLANNING  
780 Aquidneck Avenue, Building B  
Warwick, Rhode Island 02886  
www.MillstoneEng.com  
P. (401) 921-3344

**PROPOSED SITE PLAN**

**SCOTT RESIDENCE**

A.P. 42, LOT 24  
5 HALIDON TERRACE  
NEWPORT, RI

PREPARED FOR:  
**TURNER SCOTT, ESQ.**

SCALE: 1"=20'  
APRIL 2024

Drawn By: MJV

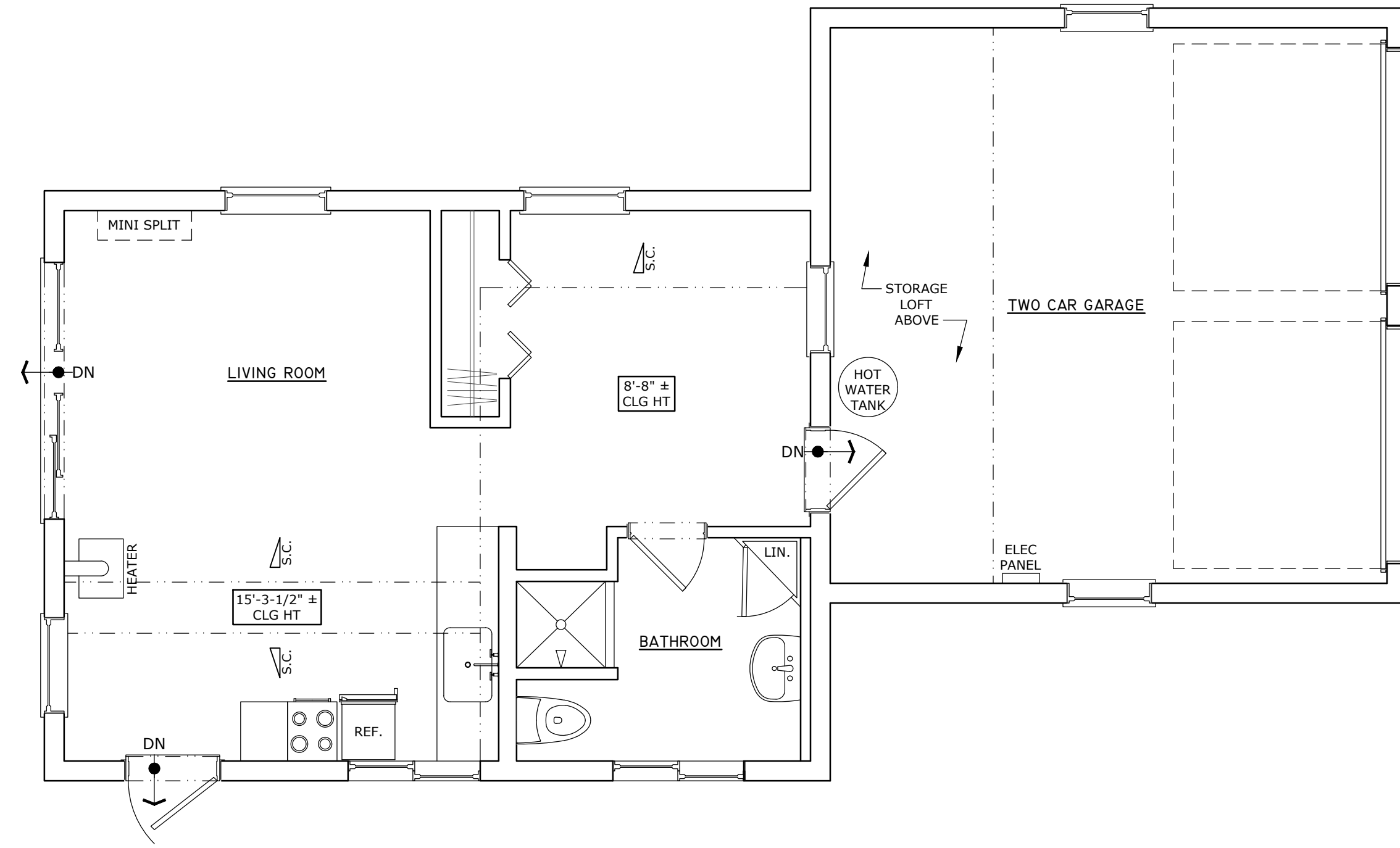
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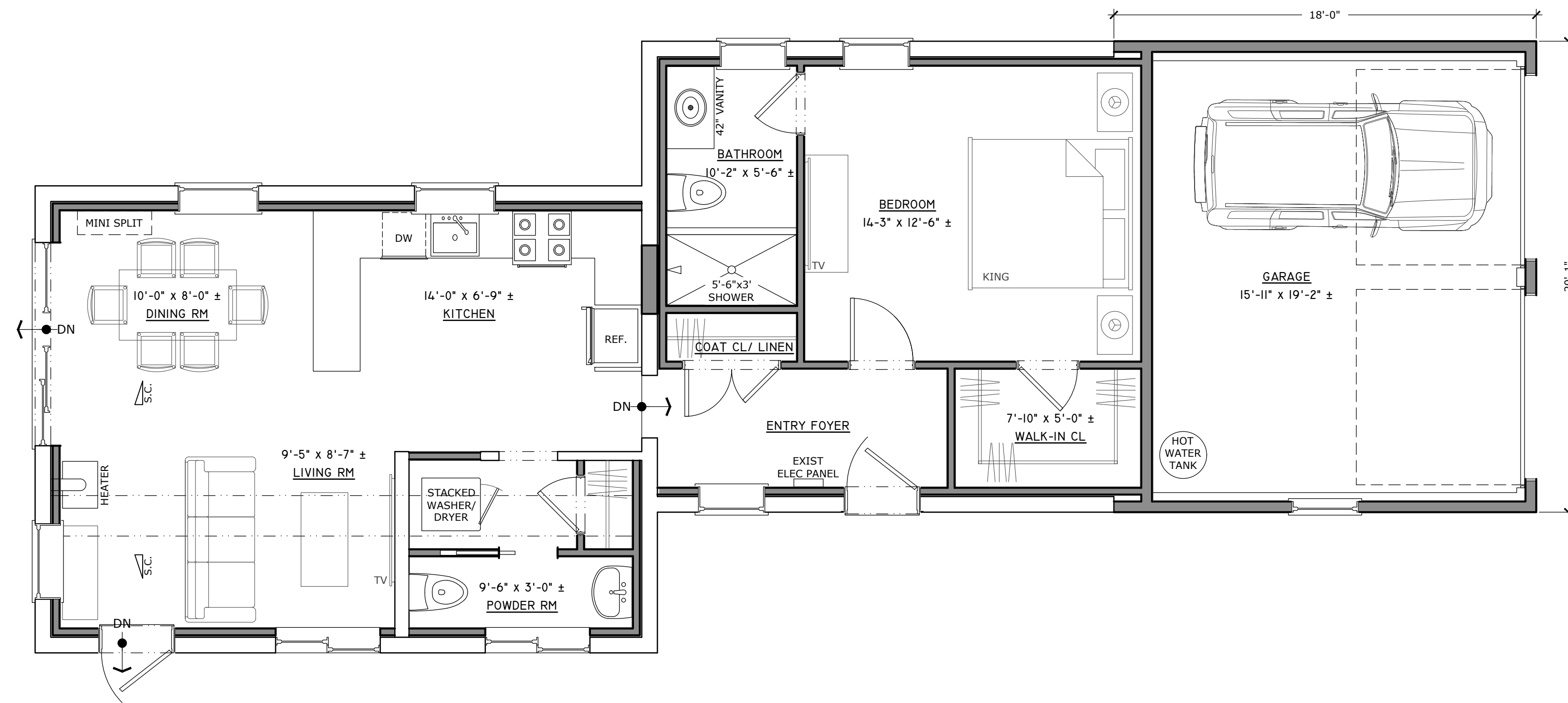
**1**  
of 1

FILE NO.: 24.564.868





1 EXISTING FIRST FLOOR PLAN  
Scale: 1/4" = 1'-0"



2 PROPOSED FIRST FLOOR PLAN  
Scale: 1/4" = 1'-0"

REVISIONS:

DESCRIPTION:	EXISTING AND PROPOSED FLOOR PLANS
SCALE:	1/4" = 1'-0"
DATE:	December 11th, 2023

**SCOTT RESIDENCE**  
5 HALIDON TERR.  
NEWPORT, RI 02840

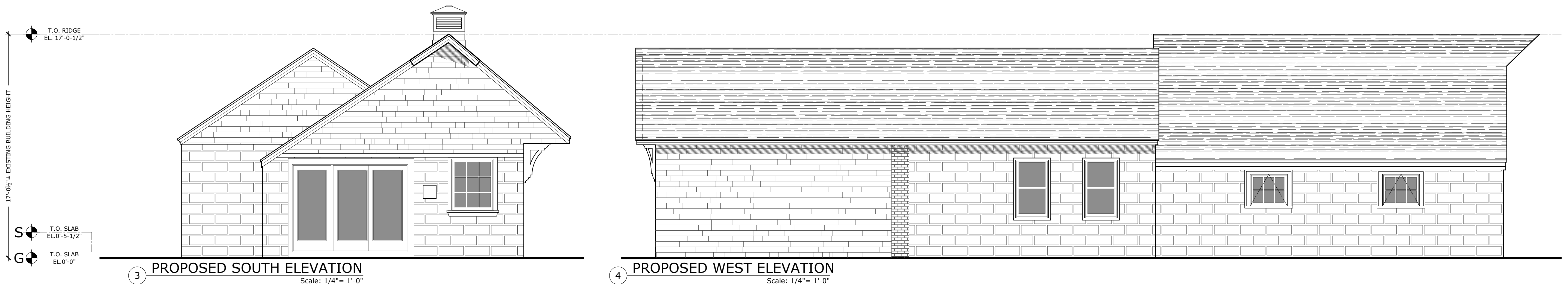
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1 PROPOSED NORTH ELEVATION  
Scale: 1/4" = 1'-0"

2 PROPOSED EAST ELEVATION  
Scale: 1/4" = 1'-0"



3 PROPOSED SOUTH ELEVATION  
Scale: 1/4" = 1'-0"

4 PROPOSED WEST ELEVATION  
Scale: 1/4" = 1'-0"

REVISIONS:

DESCRIPTION:	PROPOSED EXTERIOR ELEVATIONS
SCALE:	1/4" = 1'-0"
DATE:	December 11th, 2023

SCOTT RESIDENCE  
5 HALIDON TERR.  
NEWPORT, RI 02840

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# Newport

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

Parcel: 42-024      Location: 5 HALIDON TER      Owner: SCOTT TURNER C &  
 Account: 8177      User Acct: R08722      LUC: 35 - Resident Single Family      Zoning: R40

**Parcel Values**  
 Total: \$1,388,800      Land: \$957,700      Land Area: 25,925 SF      Building: \$431,100      Assessed: \$1,388,800

**Sales Information**

Book and Page	Instrument Type	Date	Price	Grantor
676-295		01/01/1900	\$0	

**Building Type:** Ranch      **Year Built:** 1945      **Grade:**C+      **Condition:**VG  
**Heat Fuel:** Gas      **Heat Type:** Hot Water      **% Air Conditioned:** 0.00      **Fireplaces:**0  
**Exterior Wall:**Wood Shingle      **Bsmnt Garage:** 0      **Roof Cover:** Asph/F GlS/C      **# of Units:** 1  
**# of Rooms:** 5      **# of Bedrooms:** 3      **Full Bath:** 2      **1/2 Baths:** 0

**Yard Item(s)**

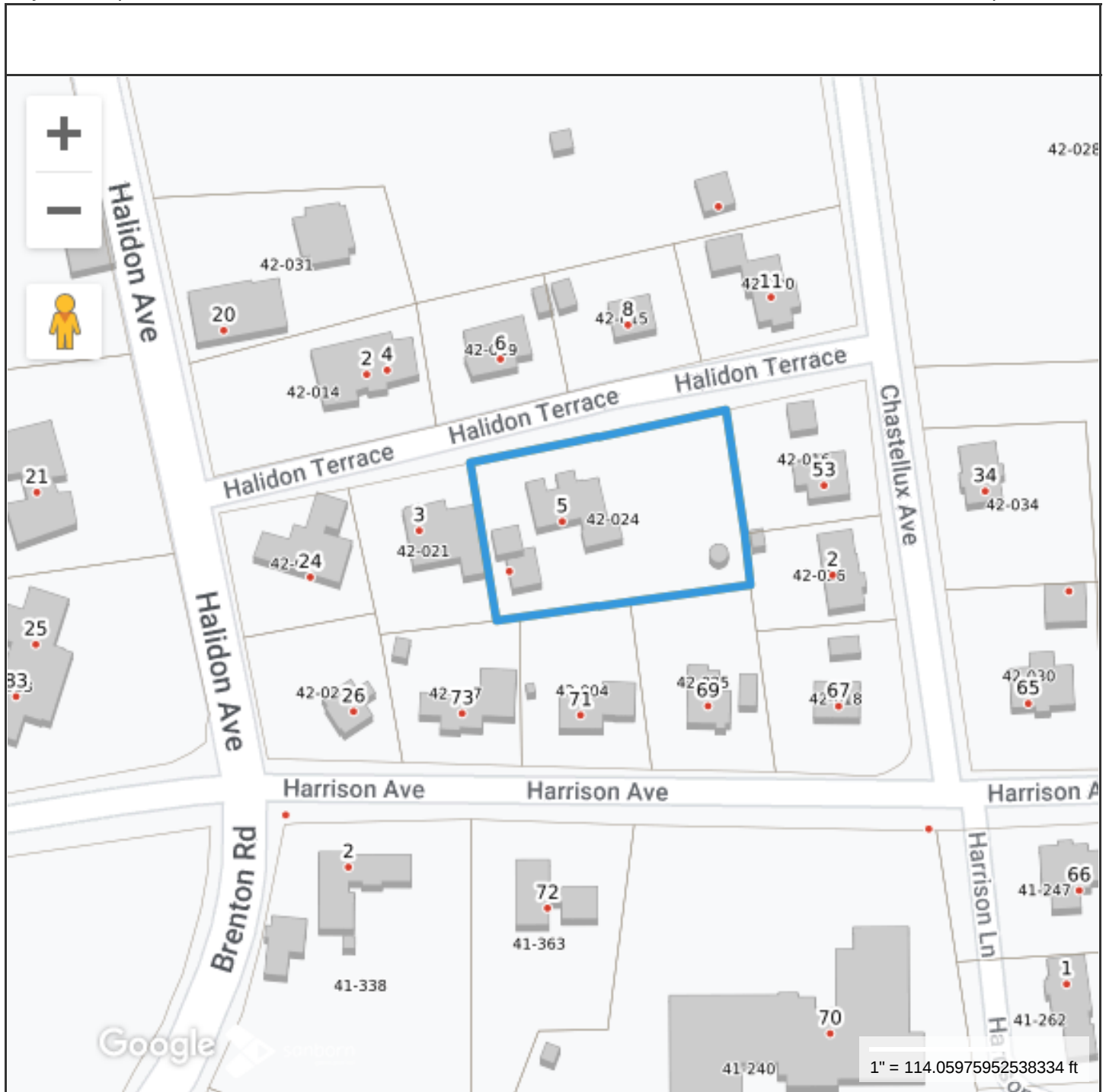
Description	Quantity	Size	Year	Condition	Quality	Value
CABIN-MINIMAL	1	520	2000	AV	Average	\$15,600.00
GARAGE-AVE	1	380	2001	AV	Average	\$11,600.00
GAZEBO-AVG	1	137	2017	AV	Average	\$4,900.00

**Building Areas**

Area	Net Area	Finished Area
First Floor	2,124 SF	2,124 SF
Patio	642 SF	0 SF

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





**Property Information**

ID 42-024  
 Location 5 HALIDON TER  
 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.

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*J. Russell Jackson, Esq.*  
[jrjackson@millerscott.com](mailto:jrjackson@millerscott.com)

*Tel: 401-847-7500*  
*Fax: 401-848-5854*

April 9, 2024

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

RE: Zoning Application of Turner C. Scott & Kathleen Pratt  
5 Halidon Terrace - TAP: 42, Lot: 024  
Application Waiver Request

Mr. Armour:

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

The enclosed Zoning Application seeks to put a modest addition on the existing garage/carriage house structure. The net increase in lot coverage is modest. As a result, the project will result in less than 200 square feet of increased impervious surface. The project engineers indicate that city departments generally do not require a stormwater management plan for this type of project if the proposed increase of impervious surface does not exceed 200 square feet. For these reasons, requiring the Applicants to incur the expense of a fully engineered storm water management plan as part of their 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