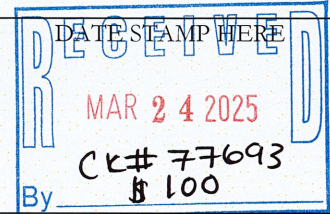




Newport Zoning Application

ZBR 2025 - MAY - 004

(This box for staff use only)



Date: 3/19/2025

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: 108 Catherine Street

Tax Assessor's Plat: 23 Lot: 154 Zoning District: R-20 Zone

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

Property Owner: Jessica Lawrence Phillips, Trustee of the Jessica L. Phillips 2022 Declaration of Trust

Mailing Address: 108 Catherine Street

Email Address: lphillips@knightstreetcapital.com

Phone Number: 410-365-4810

How long have you been the owner of the above premise? 23 years

Legally Authorized Representative *if applicable: Michael L. Mineau, Esq.

Mailing Address: Partridge Snow & Hahn LLP, 40 Westminster Street, Suite 1100, Providence, RI 02903

Email Address: mmineau@psh.com Phone Number: 401-861-8296

Lessee: _____

Mailing Address: _____

Email Address: _____ Phone Number: _____



Newport Zoning Application

Property Characteristics

Dimensions of lot-frontage: 162 ft. Lot Area: 20,494 sq. ft.

Are there buildings on the premises at present? yes

Total square footage of the footprint of existing buildings: 3,285 sq. ft.

Total square footage of the footprint of proposed buildings: 3,285 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	20,494	20,000	20,494
Coverage Area (sq. ft)	3,285	3,074	3,285
Lot Coverage (%)	16.03%	15%	16.03%
Dwelling Units	1	1	1
Parking (# of spaces)	10	8	10
Front Setback (ft.)* (For Accessory Structure)	30*	30*	12'
Side Setbacks (ft.)* (For Accessory Structure)	5*	5*	5'
Rear Setback (ft.)* (For Accessory Structure)	5*	5*	5'
Height (ft.)* (For Accessory Structure)	<26*	26*	<26'



Newport Zoning Application

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

Present use of Premise: Single Family Dwelling

Proposed use of Premise: Single Family Dwelling

Summary of Proposed Alterations

1. Relocate generator from area as shown in attached plan. Current generator is in an approved location 5' from the east property line as a result of a variance request dated 12/9/2015, which was approved. The new area will be 12' from the east property line and 5' from the north property line.
2. Locate pool equipment directly to the south of where the new generator will be relocated to, and 12' from the east property line which abuts Eustis Ave.

Because the property is a corner lot abutting both Catherine Street and Eustis Avenue, both the south and east lot lines are subject to front yard setback requirements, which are 30' for accessory structures. The location of the generator and equipment will be at least 5' from the north property line (a side yard), and therefore no relief is necessary for that side setback, as the required side setback for accessory structures is 5'. The only relief required is for the front setback on the east property line.



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)

1. The subject property's unique characteristics, including, but not limited to, the fact that it is a corner lot with two front yards, present a hardship which is not due to a physical or economic disability of the Applicant. If the lot were not a corner lot, the Applicant would have setbacks for this accessory equipment of 5' on the sides and rear. Instead, there are two front setbacks of 30'. Additionally, the applicant faces a hardship based upon the following unique circumstances:

- 108 Catherine St. is subject to restrictions of record (see Book 1439, Page 98 and Book 1302, Page 276) which would prevent the pool equipment and generator from being located anywhere in the location roughly depicted as the area between the two yellow lines on the enclosed aerial photograph.
- The pool equipment needs to be located east (downhill) from the pool, and the proposed location is really the only feasible and practicable location for the equipment given the configuration and topography of the lot, the location and dimensions of existing structures, and where the pool will be located. The property slopes downward to the east.
- The northern boundary line is already separated by an existing high stone wall, so this neighbor to the north would experience zero visual or auditory impact from the proposed location of the pool equipment and generator.
- The pool equipment and generator will be completely screened and not visible from the street based on existing vegetation/trees in this location and also additional screening which can be implemented if necessary.
- The proposed location is the most logical and practicable location from a plumbing and electrical perspective.

2. The hardship is not the result of any prior action of the Applicant.

3. The granting of the variance will not alter the general characteristics of the surrounding area or impair the intent or purpose of the zoning ordinance or comprehensive plan. The generator already exists on site, and the new location, further away from Catherine Street and Eustis Avenue, will be a more suitable and private location for this equipment. Pursuant to the enclosed Zoning Decision, the generator is presently only ~5 ft. from Eustis Avenue. The new proposed location of the generator would be farther set back (~12-15 ft.) from Eustis Avenue and therefore a more desirable location.



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.

Jessica Phillips

Applicant Signature

3/19/25

Date

Jessica Phillips

Owner Signature

3/19/25

Date

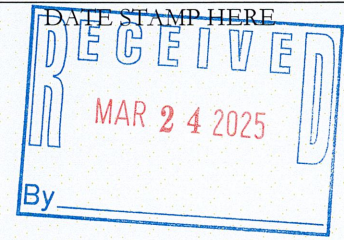


Newport Zoning Application Submittal Requirements

ZBR 2025 - MAY - 004

- ☐ 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. <input 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 type="checkbox"/> Lot Coverage Diagram | G. <input type="checkbox"/> Building Elevations |
| D. <input 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 checked="" 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 | |

Michael L. Mineau
(401) 861-8296
mmineau@psh.com

March 19, 2025

Via Federal Express and Email
zoning@cityofnewport.com

Newport Zoning Board of Review
43 Broadway
Newport, RI 02840

Re: Application of Jessica L. Phillips, Trustee of the Jessica J. Phillips 2022 Declaration of Trust (the "Owner") for a Dimensional Variance for 108 Catherine Street (the "Property")

Dear Members of the Zoning Board:

Please find enclosed an Application for a dimensional variance for the above-referenced Property. The Applicant is seeking to relocate pool equipment and a small generator to the northeast corner of the Property. The north property line is a side yard with a stone wall separating the Property from an abutting parcel, and the east property line abuts Eustis Avenue. The Property is a corner lot as a result of having frontage on both Catherine Street and Eustis Avenue.

This equipment is classified under the Zoning Ordinance as accessory structures, with the accessory dimensional criteria applying, and also not as a building which would count toward lot coverage. Applying the minimum required setbacks for accessory structures, the only one which requires a variance in this instance is the front setback on Eustis Avenue (30' required and 12' proposed for accessory structures). The proposed location of this equipment is actually a preferable location, given the current location of the generator, and will likely lessen any visual or auditory impact on the neighborhood since it will be behind the wall on the north side.

Enclosed with this Application is a plan from when an application was submitted several years ago for zoning relief which was approved for an expansion of the house, which was then subsequently completed; the enclosed plan includes a depiction of where the proposed new location of the equipment would be, with dimensions provided. Also enclosed is an annotated photograph and a copy of the same plan with further notes.

Finally, please find enclosed a check for the applicable filing fee and the completed Submittal Requirements Checklist form. Because of the simple nature of this request, the Applicant is requesting that all submittal requirements be waived in Section 2 of the Checklist

other than Section 2.B. (Proposed Site Plan) and that all submittal requirements be waived in Section 3 other than Section 3.A. (Site Photographs).

Thank you for your consideration of this request. If any further information is required, please feel free to contact me any time.

Sincerely,

PARTRIDGE SNOW & HAHN LLP

/s/ Michael L. Mineau

Michael L. Mineau

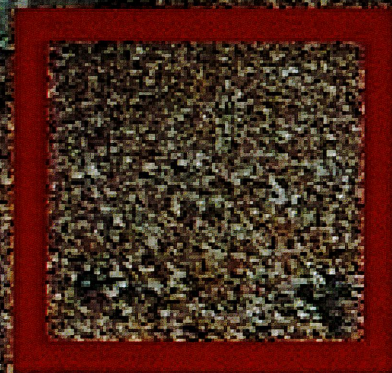
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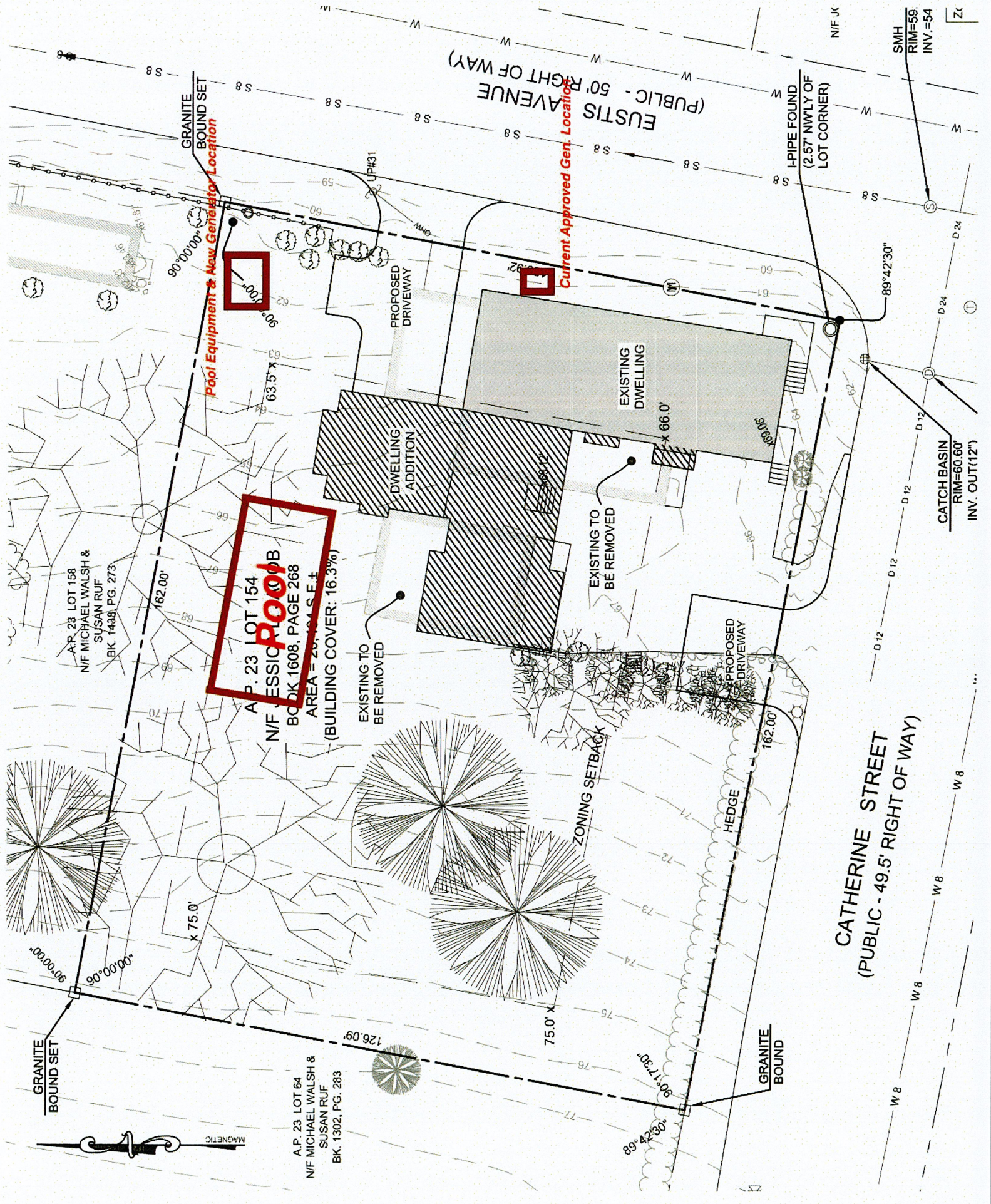
Enclosures

cc: Nicholas Armour (*Via Email Only - narmour@CityofNewport.com*)

4905-1847-8892.1/016231-0032

Pool Equipment Area and Generator





EUSTIS AVENUE
(PUBLIC - 50' RIGHT OF WAY)

CATHERINE STREET
(PUBLIC - 49.5' RIGHT OF WAY)

Current Approved Gen. Location

Pool

CATCH BASIN
RM=60.60
INV. OUT(12")

W 8

W 8

W 8

W 8

W 8

N/F JK

SMH
RIM=59
INV.=54

ZC

I-PIPE FOUND
(2.57' NWLY OF
LOT CORNER)

GRANITE
BOUND SET

GRANITE
BOUND SET

GRANITE
BOUND

MAGNETIC

STATE OF RHODE ISLAND
NEWPORT, SC.CITY OF NEWPORT
ZONING BOARD OF REVIEW

IN RE: PETITION OF JESSICA JACOBS, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to install a standby generator which will be located 5' from the east property line, (30' required), applying to the property located at 108 Catherine St., TAP 23, Lot 154, (R-20 Zone).

ABBREVIATED SUMMARY DECISION

This matter was heard before the Newport Zoning Board of Review ("Board") by abbreviated summary proceeding on November 23, 2015 on the Petition of Jessica Jacobs, applicant and owner; for a special use permit and a variance to the dimensional requirements for permission to install a standby generator which will be located 5' from the east property line, (30' required), applying to the property located at 108 Catherine St., TAP 23, Lot 154, (R-20 Zone).

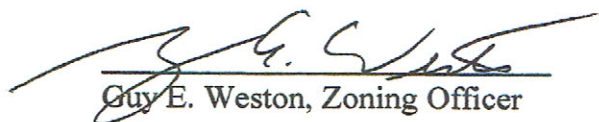
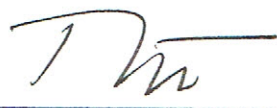
Turner C. Scott, Miller Scott & Holbrook, 122 Touro Street, Newport, Rhode Island, represented the applicant and the owner. No objections were received. Mr. Scott explained the properties layout to include the placement of utilities onto the property, restrictions concerning historic trees on the property, and the physical impossibility of placing the generator in any other reasonable location on the property.

Adopting the Petition, the application and its representations with the proposed plans, representation of the owner and applicant's counsel and the staff report as all being the Board's findings of fact, there was a showing that; 1) all elements of the required special use permit standards as contained in the zoning code were satisfied; and 2) the requested variance is the minimal variance necessary for the reasonable use of the Property.

The Petition was approved with five affirmative votes with the conditions that One: The project be started and substantially completed within twelve (12) months from the date of recording this Abbreviated Summary Decision; Two: A stone wall surround the generator; and Three: The testing of the system be conducted be done during business hours (9am - 5pm), on weekdays only.

Those Zoning Board members participating in the Decision were, Rebecca McSweeney, Christopher Kirwin, Heidi Blank, Michael Martin and Robert Buzard. The Petition, having received the concurring votes of four members of the Board as required by Rhode Island General Laws, is accordingly granted.

PRESENTED BY:


Guy E. Weston, Zoning Officer
Turner C. Scott, Esq.
DAVID HOCKING
CITY OF NEWPORT
TAX ASSESSOR
Dec 09, 2015 09:56A
BOOK: 2554 PAGE: 72

Declaration
of
Easements, Restrictions, Conditions, Limitations Servitudes and Uses
For Parcels 1 , 2 & 3 on that certain
Administrative Subdivision
Assessor's Plat 23, Lot 64, 154 and 158
Gibbs Avenue, Catherine Street and Eustis Avenue

Know all men by these presents that:

WHEREAS **The 300 Gibbs Avenue Limited Partnership, a Rhode Island Limited Partnership** ("Seller") is the owner of the improved parcels of real property located at Gibbs Avenue, Catherine Street and Eustis Avenue, known as "Hillside" and being further described as Lot 64 ("Parcel 1"), Lot 154 ("Parcel 2") and Lot 158 ("Parcel 3"), on the City of Newport Tax Assessor's Plat 23 as presently constituted; and

WHEREAS Seller has recorded an Administrative Subdivision "Assessor's Plat 23, Lot 64, 154 and 158, Gibbs Street and Catherine Street" in the Newport Land Evidence Records on the 31st day of March, 2003 in Folder Number 23-1 and Document Number 3449 ("The Subdivision"); and

WHEREAS this Declaration is meant to apply to the Subdivision's reconfigured Parcels; and

WHEREAS Seller has a Purchase and Sales Agreement with Michael F. Walsh and Susan K. Ruf ("Buyers") for Parcel 1; and

WHEREAS Seller desires and intends to impose easements, restrictions, conditions, limitations, servitudes and uses (hereinafter referred to as the "Covenants and Restrictions") over and upon **Parcels 1, 2 & 3** for the benefit of itself, its successors and assigns and the Buyers, their heirs, successors and assigns, to become appurtenant to and for the benefit of the respective parcels as set forth below.

NOW, therefore, Alexander G. Walsh, General Partner of the Seller, hereby declares and makes the following restrictions, conditions, limitations, easements, servitudes and uses to which the various parcels as set forth below shall be subject, and the uses to which the same may be put, hereby specifying that these declared restrictions, conditions, limitations, easements, servitudes and uses shall be construed as permanent, exclusive, and running with the land, and they shall be binding on all of the future owners of Parcels 1, 2 & 3 and all parties claiming under them. All sales, leases, mortgages, devises or other disposition or alienation of the three parcels shall be expressly subject to said restrictions, conditions, limitations, easements, servitudes and uses. Invalidation of any one of the provisions of this Declaration or any of its covenants, terms, conditions or restrictions by a court order or decision or decree shall in no way affect the validity of any of the other provisions, which shall remain in full force and effect.

In case of any violation or attempt to violate any of these Covenants and Restrictions, it shall be lawful for one or more of the owners of one or more of the parcels to institute and prosecute any proceedings at law or in equity against the person or persons, firms or corporations violating or attempting to violate any such Covenants and Restrictions, and either to prevent him, them or it from doing or to recover monetary damage for such violation, and may further recover such costs, including reasonable attorney's fees, from the lot owner or such others, as may be

determined by any court of competent jurisdiction, as required, to enforce the terms and provisions of this Declaration.

These Covenants and Restrictions shall continue until the 1st day of May, 2040, unless any one or more of them are sooner terminated or amended by mutual agreement of both the owners of Parcel 1 and the owner of Parcel 2 or the owners of Parcel 1 and Parcel 3; and in the case of the rights set forth in paragraph 5 of Article I, between owners of Parcels 2 & 3.

ARTICLE I

RESTRICTIONS, COVENANTS & EASEMENTS

1. Tree Preservation. These Covenants and Restrictions are intended to protect and preserve those trees set forth on the Administrative Subdivision and marked as Tree I, Tree II, Tree III, Tree IV and Tree V, whenever possible without otherwise unreasonably infringing upon other rights of a Parcel owner to the reasonable use and enjoyment of his or her property.

(a) The trees marked as Tree I, Tree II, Tree III & Tree IV may be maintained by controlled conservative pruning, spraying and soils maintenance solely by the owner of Parcel 1. The owner of Parcel 2 shall do nothing to remove, trim, prune or otherwise directly impact any or all of the aforesaid trees.

(b) Any of the said trees which are diseased in the opinion of an independent licensed arborist with the written concurrence of the Newport Tree Warden, shall, at the sole cost of the owner of Parcel 1, following five (5) days written notice to the owner of Parcel 2, be removed, in whole or in part. If one or more are dead or destroyed by storm, in the opinion of an independent licensed arborist with the written concurrence of the Newport

Tree Warden, they shall be removed at the sole cost of the owner of Parcel 1 following written notice.

(c) The owner of Parcel 1 has the right to come on to Parcel 2 in order to trim, treat or remove one of the four trees set forth above, with trucks and other equipment to accomplish same. Access to same shall be over Parcel 1 unless otherwise agreed to in writing.

(d) In the event the owner of Parcel 2 believes one or more of the trees to be diseased, dead or destroyed by storm, said owner shall give written notice to the owner of Parcel 1 of the need for pruning or removal with an accompanying opinion of an independent licensed arborist. If the owner of Parcel 1 does not agree with said opinion, then the written opinion of the Newport Tree Warden shall control.

2. The area within twenty-five feet on each side of the lot line between Parcel 1 and Parcel 2 and the area within twenty-five feet of each side of the lot lines between Parcel 1 and Parcel 3 shall not have any fence, posts or other structures other than flower beds placed upon same without the mutual written consent of the owners of Parcels 1 and 2, as it relates to their common boundary, or Parcels 1 and 3, as it relates to their common boundary. This area is shown on the Plan as "No Fence Area."
3. It is further understood that, that the owner of Parcel 1 may plant trees or bushes in his twenty-five foot section of the "No Fence Area" up to his property line. But neither the owner of Parcels 2 or 3 may plant trees, bushes or hedges in their section of the "No Fence Area" without the express written consent of the owner of Parcel 1. This will not

prevent the owner of Parcels 2 and 3 from planting flowers in these twenty-five foot areas.

5. (a) The tree marked as Tree V may be maintained by controlled conservative pruning, spraying and soils maintenance solely by the owner of Parcel 3. The owner of Parcel 2 shall do nothing to trim, prune or otherwise directly impact any or all of the aforesaid tree even though it overhangs parcel 2.

(b) If said Tree V is diseased in the opinion of an independent licensed arborist with the written concurrence of the Newport Tree Warden, then it shall, at the sole cost of the owner of Parcel 3, following five (5) days written notice to the owner of Parcel 2, be removed, in whole or in part. If Tree V is dead or destroyed by storm, in the opinion of an independent licensed arborist with the written consent of the Newport Tree Warden, it shall be removed at the sole cost of the owner of Parcel 3 following written notice.

(c) The owner of Parcel 3 has the right to come on to Parcel 2 in order to trim, treat or remove one of Tree V, with trucks and other equipment to accomplish same. Access to same shall be over Parcel 3 unless otherwise agreed to in writing.

(d) In the event the owner of Parcel 2 believes Tree V to be diseased, dead or destroyed by storm, said owner shall give written notice to the owner of Parcel 3 of the need for pruning or removal with an accompanying opinion of an independent licensed arborist. If the owner of Parcel 3 does not agree with said opinion, then the written opinion of the Newport Tree Warden shall control.

ARTICLE II

MISCELLANEOUS

1. Severability. Invalidation of any one of the covenants, restrictions or easements contained in this Declaration or by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.
2. Waiver of Breach. The owners of any of the parcels may waive any breach of the covenants, restrictions, agreements, or charges herein contained but such waiver in any instance shall not constitute a waiver of the right to enforce any breach of such covenants, restrictions, agreements or charges thereafter.
3. Governing Law. This Declaration shall be governed by, construed and enforced in accordance with the laws of the state of Rhode Island.
4. Captions. The paragraph captions contained herein are for convenience of reference only and shall not be deemed part of this instrument for the purpose of construing any of the provisions hereof.

IN WITNESS WHEREOF the undersigned has caused its signature to be affixed hereto and duly acknowledged this 15th day of April 2003.

The 300 Gibbs Avenue Limited Partnership

By: _____
Alexander G. Walsh
General Partner

STATE OF RHODE ISLAND

COUNTY OF NEWPORT

In Newport, on this 15th day of April, 2003, before me personally appeared Alexander G. Walsh, General Partner of The 300 Gibbs Avenue Limited Partnership, personally known by me and executed said Declaration acknowledging same to be his free act and deed and the free act and deed of The 300 Gibbs Avenue Limited Partnership.

Notary Public: CORA R. MUREDDU
My commission expires: 06/11/2005

EASEMENT

BK: 1439 PG: 98

KNOW ALL MEN BY THESE PRESENTS, that THE 300 GIBBS AVENUE LIMITED PARTNERSHIP (hereinafter the "Grantor"), and MICHAEL WALSH and SUSAN RUF, owners of property located at 153 Eustis Avenue, Newport, Rhode Island, also known as Newport Tax Assessor's Plat 23, Lot 158, ("Grantees"), in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor paid by Grantees, the receipt whereof is acknowledged, does hereby grant to the said Grantees, their successors and assigns, forever, permission to reconstruct, re-lay, maintain, operate and/or remove an existing pipe and water meter for purposes of transporting water to the so-called White House on Ta Lot 158 over land of the Grantor known as Newport Assessor's Plat 23, Lot 154.

This grant is made together with a right of reasonable access onto said remaining land of Grantor for the purpose of maintaining and repairing said pipe and water meter.

The Grantees, for themselves, their successors and assigns, agree that in the repairing of said pipe or water meter, the surface of the ground shall be at the sole cost of the Grantees unless caused by negligence of the Grantor and that the Property of the Grantor will be restored to a condition reasonably satisfactory to said Grantor and that in the exercise of the rights herein granted Grantee will do so in such manner as to minimize damage to the said premises.

TO HAVE AND TO HOLD the above granted rights and privileges in the above mentioned premises to the said Grantees, their successors and assigns, for their own use and behoof forever.

IN WITNESS WHEREOF, the said Grantor has set its hand and seal this 5th day of January, 2004.

THE 300 GIBBS AVENUE LIMITED
PARTNERSHIP

By: 

Alexander G. Walsh
Sole General Partner

STATE OF RHODE ISLAND
COUNTY OF NEWPORT

BK: 1439 PG: 99

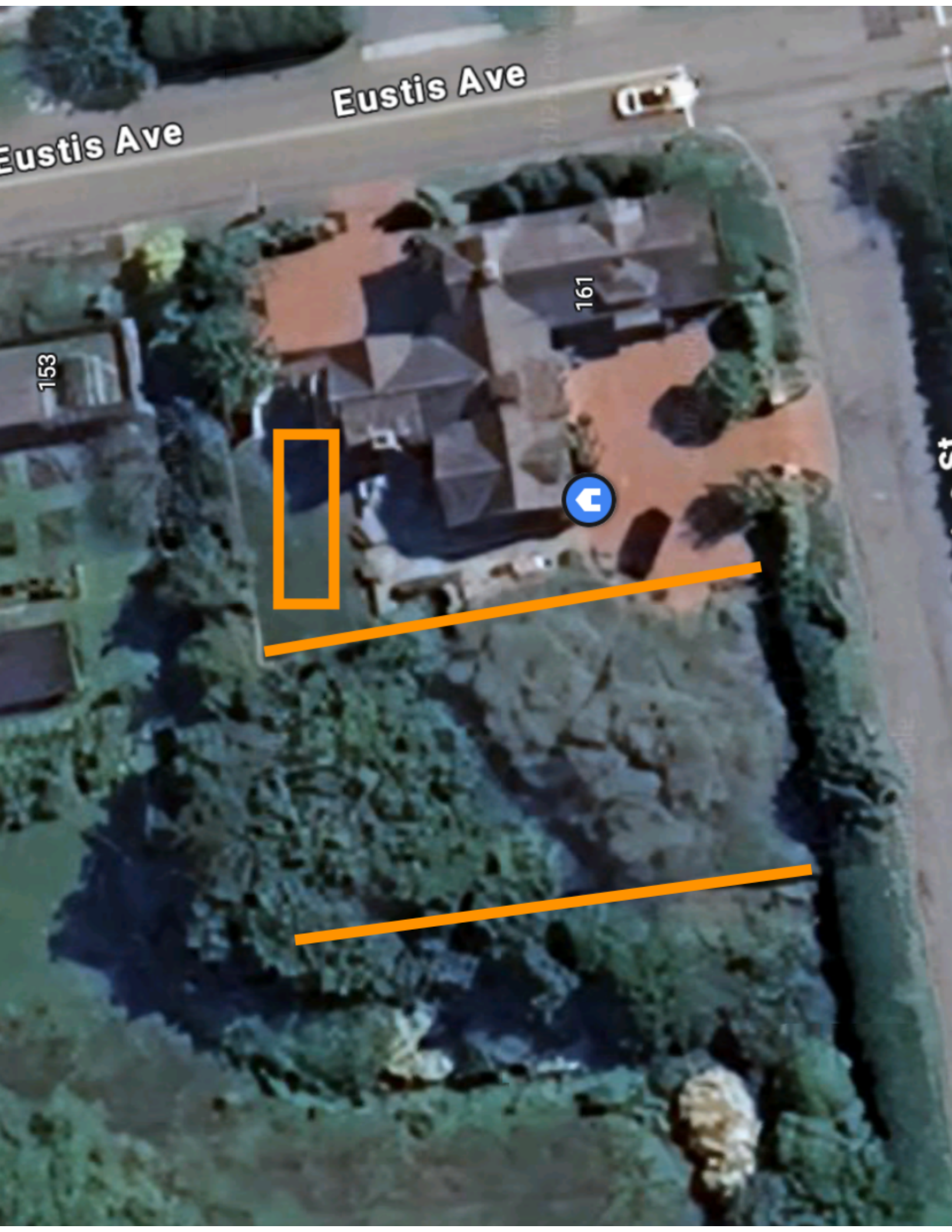
In Newport, in said County and State, on this 6th day of January, 2004, before me personally appeared the above named Alexander G. Walsh, known by me to be the Sole General Partner of The 300 Gibbs Avenue Limited Partnership and the party who executed this document, and he acknowledged said execution to be his free act and deed, individually and in said capacity and the free act and deed of The 300 Gibbs Avenue Limited Partnership.



Leslie J. Saunders

My Commission Expires: 9/19/05

KATHLEEN M. SILVIA
CITY OF NEWPORT
CITY CLERK
01/06/2004 03:20:40PM
Inst# 14494



Eustis Ave

Eustis Ave

153

161

