

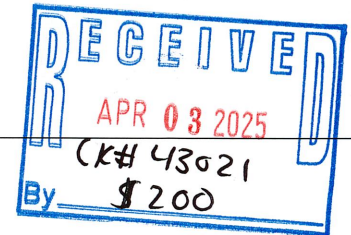


# Newport Zoning Application

ZBR 2025 - MAY - 008

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DATE STAMP HERE



Date: April 3, 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: 7 & 9 Dearborn Street

Tax Assessor's Plat: 32 Lot: 214 Zoning District: R-10

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

Property Owner: Taj Residences, LLC

Mailing Address: 57 Marchant Street, Newport, RI 02840

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

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

How long have you been the owner of the above premise? 13 Months (3/7/2024)

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: 42.11 ft. Lot Area: 4,292 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 1,816 sq. ft.

Total square footage of the footprint of proposed buildings: 1,690 sq. ft.

## Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	4,292	10,000	4,292
Coverage Area (sq. ft.)	1,690	1,348.5	1,690
Lot Coverage (%)	39.38	31.42	39.38
Dwelling Units	3	3	3
Parking (# of spaces)	0	6	0
Front Setback (ft.)	0'	0'	0'
Side Setbacks (ft.)	W=2.4', E=3.2'	5'	W=2.4', E=3.2'
Rear Setback (ft.)	53' +/-	10'	50' +/-
Height (ft.)	30'	30	30'



# Newport Zoning Application

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

Present use of Premise: Three Unit Multi Family Residence

Proposed use of Premise: Three Unit Multi Family Residence

## Summary of Proposed Alterations

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

Section 17.100.030 (E) - Development Standards - Multifamily Dwellings - Requirement for Underground Utilities.

The Applicant received zoning approval in 2024 for special use permits in relation to the renovation and modification of this non-conforming property. The project is currently underway and because the scope of the project encompasses an upgrade to utility services, the Applicant was recently notified by the City that the code requires the electrical service to be underground.

The utility poles servicing Dearborn Street are on the north side. The subject property is on the south side. It is impractical, burdensome and prohibitively expensive to require the Applicant to bury the electrical service underground.





# 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)*

Existing utility poles and electrical service are on the north side of Dearborn Street. The subject property is on the southside. Installing underground electrical service would be extremely difficult.

The Applicant's contractor Anthony Macari has provided a letter briefly outlining the hardships associated with this requirement. He states in part:

"Following my visit to this site, it does not seem feasible to install underground electrical service for this property due to the fact that the road is narrow and the multiple active and abandoned utilities that are existing in the roadway. This is not only a hardship but also a very costly process. The distance which I observed from the pole to the service is 44 linear feet and it appears that there are at least five (5) utility crossings within that distance as well as two (2) curb removals and a large tree/tree stump."

Given the hardships associated with meeting this requirement, the Applicant seeks a variance.





# 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.

A handwritten signature in blue ink over a horizontal line.

Applicant Signature

April 3, 2025

Date

A handwritten signature in blue ink over a horizontal line.

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 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

DATE STAMP HERE

- ☐ 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 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 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       |   |



MILLER SCOTT HOLBROOK & JACKSON  
*Attorneys and Counselors at Law*

122 Touro Street, Newport, RI 02840

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

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

April 3, 2025

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

RE: Zoning Application of Taj Residences, LLC  
7 & 9 Dearborn Street - TAP: 32, Lot: 214  
Application Waiver Request

Mr. Armour:

I am requesting that the Zoning Application requirement for plans, elevations and a formal stormwater management plan regarding the above captioned matter be waived.

The enclosed Zoning Application seeks a variance to the underground utility requirement. For reference we have provided a survey and a site plan which depicts proposed conditions upon the completion of the renovation project. As you know, this project was reviewed by the Zoning Board at their meeting of November 14, 2024, relative to special use permits. At the time a variance relating to underground utilities was not part of the relief requested.

Accordingly, we believe the materials provided with the Zoning Application are sufficient and will provide the necessary information for Zoning Board consideration.

Sincerely,

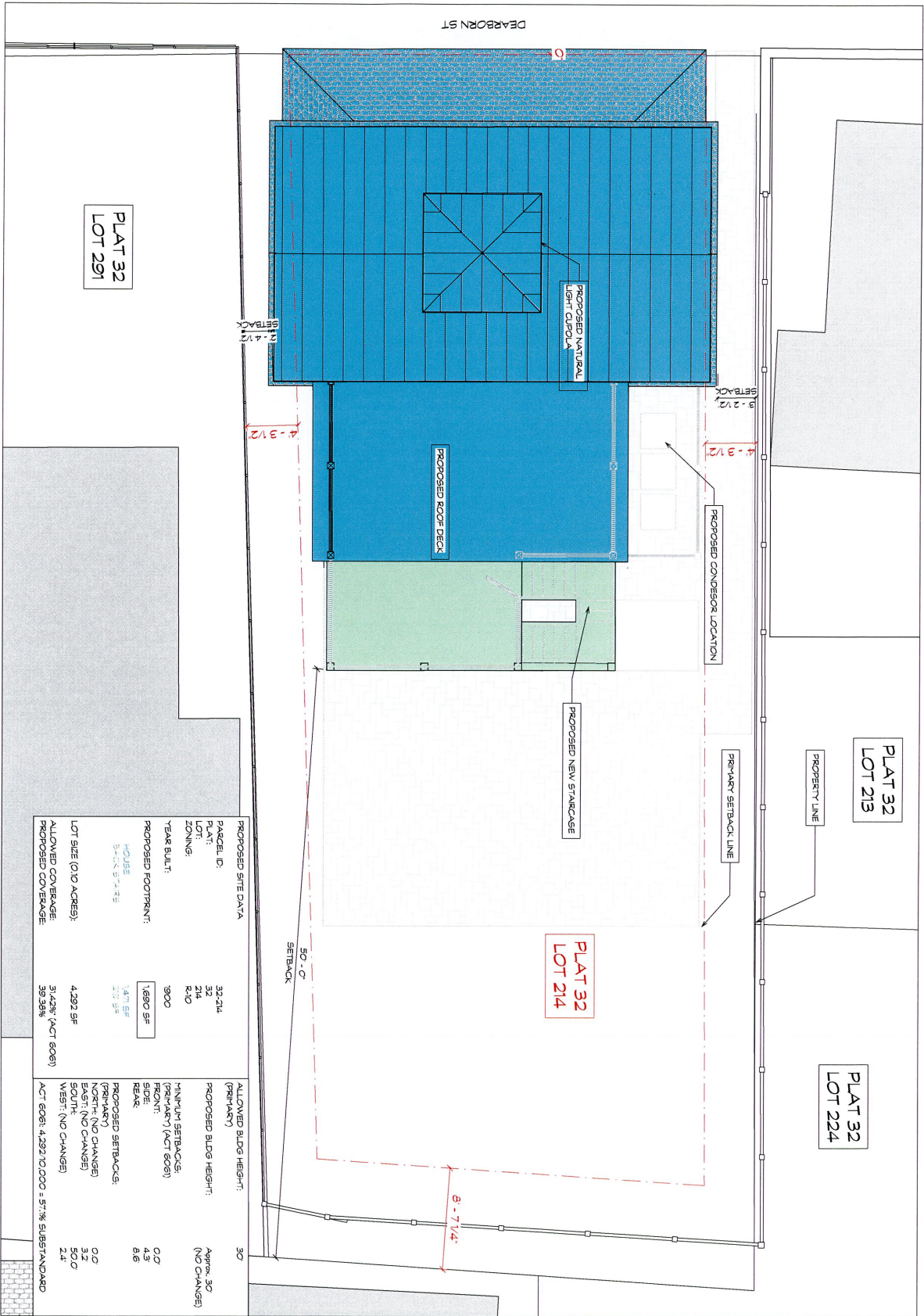
*/s/ J. Russell Jackson*

J. Russell Jackson, Esq.

Cc: Client



SITE PLAN - PROPOSED - CALCULATIONS



1 SITE PLAN - PROPOSED - CALCULATIONS Z

**TAJ RESIDENCE**  
7 & 9 DEARBORN ST.  
NEWPORT, RI 02840

Description:  
**SITE PLAN - PROPOSED - CALCULATIONS**

Date Issued:  
**9/10/2024**

Scale:  
**AS NOTED**

**A0.22Z**

Revisions:  
No. Description Date

Project Number: **24007**

The Post Office Building  
320 Thames Street #333  
Newport, RI 02840  
T : 401. 849. 5100  
W: www.a4-arch.com





# A. MACARI CONSTRUCTION CO., INC.

12 Azalea Drive ♦ Cranston ♦ Rhode Island ♦ 02921  
Telephone: (401) 481-1700 ♦ Email: AMacariConst@gmail.com

March 17, 2025

Amer Taj

**Re: 7 Dearborn Street, Newport**

Dear Amer:

Following my visit to this site, it does not seem feasible to install underground electrical service for this property due to the fact that the road is narrow and the multiple active and abandoned utilities that are existing in the roadway. This is not only a hardship but also a very costly process.

The distance which I observed from the pole to the service is 44 linear feet and it appears that there are at least five (5) utility crossings within that distance as well as two (2) curb removals and a large tree/tree stump.

Finally, my observation of this street is that there are no underground electrical services and there currently is an existing overhead service to this property so therefore I do not see the need to install the electric underground.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

*Anthony Macari*  
Anthony Macari





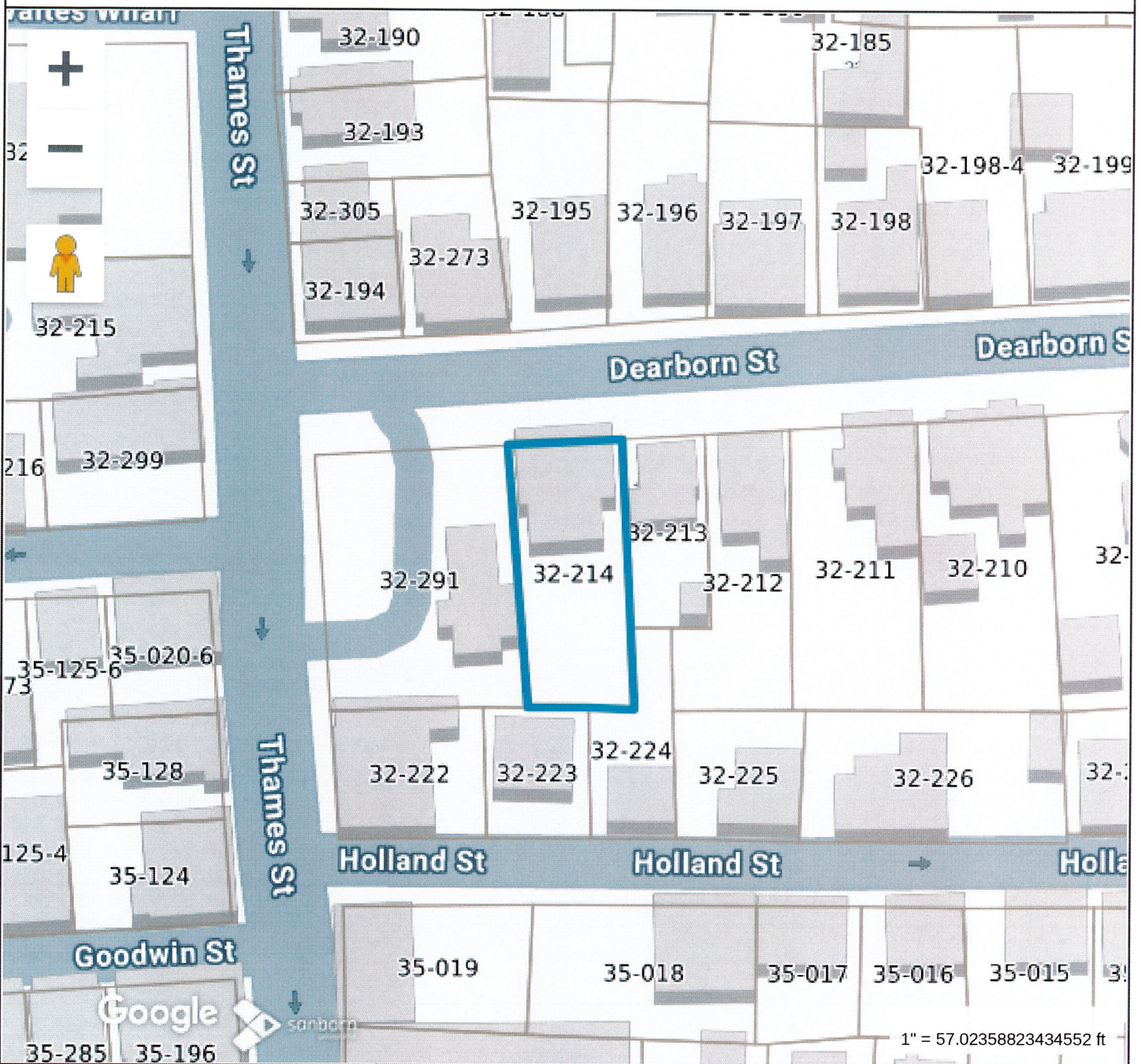











**Property Information**

ID 32-214  
 Location 7 & 9 DEARBORN 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: 32-214      Location: 7 & 9 DEARBORN ST      Owner: TAJ RESIDENCES LLC  
 Account: 5719      User Acct: R06100      LUC: 20 - 4-5 Family      Zoning: R10

## Parcel Values

Total: \$1,297,200      Land: \$414,400      Land Area: 4,690 SF      Building: \$882,800      Assessed: \$1,297,200

## Sales Information

Book and Page	Instrument Type	Date	Price	Grantor
3190-50	Warranty	03/07/2024	\$1,225,000	RAZSADIN ALEKSEI &
3008-278	Warranty	06/07/2021	\$1,100,000	SYMINGTON DAVID L

Building Type: Apt House      Year Built: 1900      Grade: C      Condition: AV  
 Heat Fuel: Oil      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: 4  
 # of Rooms: 0      # of Bedrooms: 7      Full Bath: 5      1/2 Baths: 0

## Yard Item(s)

Description	Quantity	Size	Year	Condition	Quality	Value
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## Building Areas

Area	Net Area	Finished Area
Basement, Unfinished	1,131 SF	0 SF
Deck, Wood	180 SF	0 SF
First Floor	1,131 SF	1,131 SF
Porch, Open, Finished	252 SF	0 SF
Upper Story, Finished	1,887 SF	1,887 SF
Utility, Storage, Unfinis	16 SF	0 SF

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

