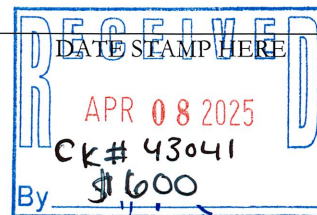




Newport Zoning Application

ZBR 2025 - MAY - 013

(This box for staff use only)



Date: April 8, 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: 594-596 Thames Street

Tax Assessor's Plat: 35 Lot: 213 Zoning District: Limited Business

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

☐ Special Use Permit (New Use) ☐ Use Variance ☐ Modification

Property Owner: 594-596 Thames Street, LLC

Mailing Address: 596 Thames Street, Newport RI 02840

Email Address: _____

Phone Number: _____

How long have you been the owner of the above premise? 2.5 Years (11/28/2022)

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: 45.99 & 71 ft. Lot Area: 3,207 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 1,477 sq. ft.

Total square footage of the footprint of proposed buildings: 2,047 sq. ft.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	3,207	3,000	3,207
Coverage Area (sq. ft.)	1,477	1,603.5	2,047
Lot Coverage (%)	46	50	64
Dwelling Units	1	2	2
Parking (# of spaces)	1	14	0
Front Setback (ft.)	0' Thames/0' Mcallister	0'	0' Thames/0' Mcallister
Side Setbacks (ft.)	N=1.1', E=30'	0'	N=1.1', E=30'
Rear Setback (ft.)	N/A	5'	N/A
Height (ft.)	24.7' +/-	45	24.7' +/-



Newport Zoning Application

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

Present use of Premise: Single Family Dwelling & Standard Restaurant-Private Club

Proposed use of Premise: Two Family Dwelling & Standard Restaurant-Private Club

Summary of Proposed Alterations

SEE ATTACHED.

PETITION OF 594-596 THAMES STREET, LLC, Applicant & Owner, 594-596 Thames Street, TAP 35, Lot 213, (Limited Business Zone) for dimensional variances to construct an addition to an existing dimensionally non-confirming structure, increasing lot coverage to 64% (50% allowed), and providing 0 parking spaces, (14 spaces required).

SUMMARY OF PROPOSED ALTERATIONS

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

Section 17.72.030(E)	Alteration to Nonconforming Development
Section 17.108.020	Variances
Section 17.52.050	Lot Coverage – Limited Business Zone
Section 17.104.020	Parking Space Standards

The Applicant proposes to construct a two story addition on the rear of the existing building. The footprint of the addition will be 570 square feet and will increase lot coverage from 1477 square feet (46%) to 2047 square feet (64%). The purpose of the addition on the first level is to expand the dining room area for “The Protective Club” which is a longstanding restaurant/private club. The second floor of the addition will be used to create a new one bedroom dwelling unit.

The proposed addition will be constructed over an area where there has historically been a driveway providing one parking space. Thus, there will be limited increase to impervious surface.

The property currently has 710 square feet of restaurant service area on the first floor and a dwelling unit on the second floor, requiring a total of eight (8) parking spaces, where one (1) is provided. The “grandfathered” parking non-conformity is seven (7) spaces. The expanded uses require a total of fourteen (14) spaces and none will be provided. This results in a variance request of seven (7) parking spaces.

The overall purpose of this project is to upgrade and expand a longstanding club in the Limited Business Zone. The property is surrounded by a mix of commercial and residential uses. The project will be harmonious with the neighborhood and will not be injurious to the surrounding area or inconsistent with the purpose and intent of the Limited Business 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)

SEE ATTACHED

STATE OF RHODE ISLAND
NEWPORT, SC.

ZONING BOARD OF REVIEW
CITY OF NEWPORT

PETITION OF 594-596 THAMES STREET, LLC, Applicant & Owner, 594-596 Thames Street, TAP 35, Lot 213, (Limited Business Zone) for dimensional variances to construct an addition to an existing dimensionally non-confirming structure, increasing lot coverage to 64% (50% allowed), and providing 0 parking spaces, (14 spaces required).

HOW DOES YOUR APPLICATION
MEET THE REQUIRED STANDARDS FOR VARIANCE(S) OR SPECIAL USE PERMIT(S)?

The existing parcel is a conforming lot of record containing 3,207 +/- sf of land. At this size, it is impossible to provide sufficient area to meet the parking requirements under the code for the existing uses. Nor is it large enough to provide the necessary parking to accommodate the reasonable expansion of existing uses. The existing building is just under the permissible lot coverage limit of 50%. As a result, any modification or addition to the structure requires a lot coverage variance. Because of the conditions and circumstances that are peculiar to this property, the Applicant seeks the requested relief.

The subject property is in the heart of the lower Thames Street commercial corridor at the corner of Thames Street and Mcallister Street. The property is bounded by Thames Street to the west, commercial property to the north and residential properties to the east and Mcallister Street to the south.

The proposed expansion of the existing uses of the property and the relief sought by the Applicant 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 Limited Business Zone.



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 8, 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 _____ - _____ - _____

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*

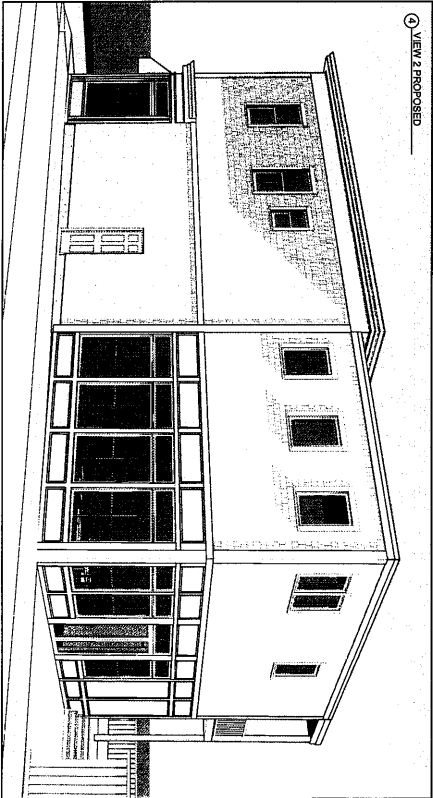
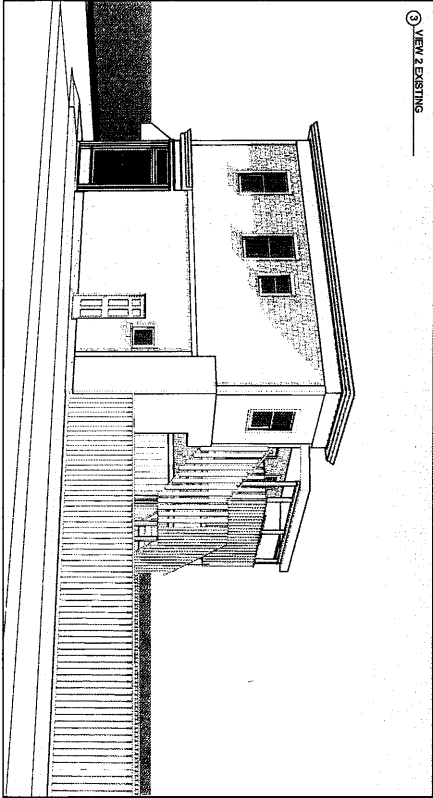
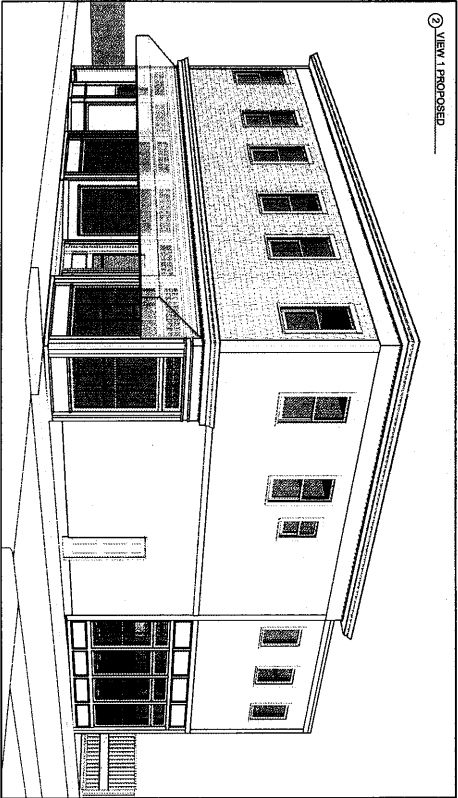
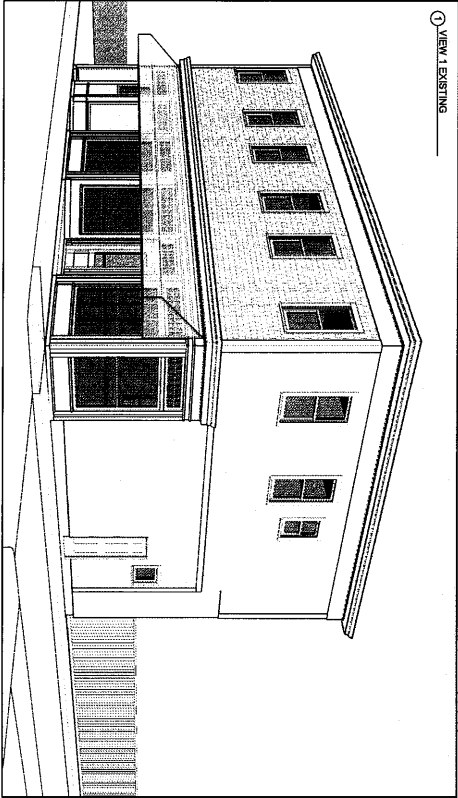
- | | |
|---|--|
| A. <input checked="" type="checkbox"/> Class I Site Survey | E. <input type="checkbox"/> Stormwater Management Plan |
| B. <input checked="" type="checkbox"/> Proposed Site Plan | F. <input type="checkbox"/> Landscape Plan |
| C. <input checked="" type="checkbox"/> Lot Coverage Diagram | G. <input 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 | |

PROTECTIVE CLUB
596 THAMES STREET
NEWPORT, RI 02840
"SCHEMATIC SET"

SHEET LIST	
Sheet Number	Sheet Name
A0	COVER
A101	SITE PLAN PROPOSED
A111	EXISTING FLOOR PLANS
A112	PROPOSED FLOOR PLANS
A211	FRONT ELEVATION (WEST)
A221	SIDE ELEVATION (SOUTH)
A231	REAR ELEVATION (EAST)
A241	SIDE ELEVATION (NORTH)



FAGAN DESIGN
BUILD STUDIO

CHRIS FAGAN

T: 401-855-4873
E: FAGAN@GMAIL.COM
W: FAGAN-DESIGN.COM
A: PO BOX 774
NEWPORT, RI 02840

PROTECTIVE CLUB

596 THAMES STREET - NEWPORT, RI 02840

DESCRIPTION: COVER

SCALE:	PAPER: 24"x36"
DATE: 03/11/2025	"SCHEMATIC SET"

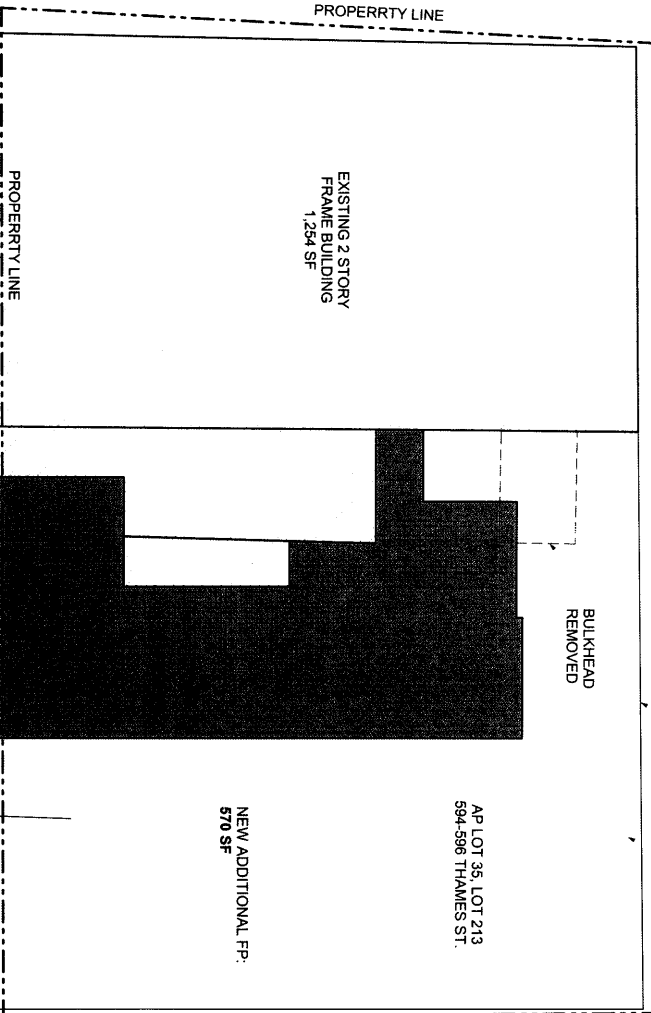
A0

THAMES STREET

CONCRETE CURB

SIDEWALK

PROPERTY LINE



PROPERTY LINE

EXISTING
FENCE

EXISTING
CONC. WALL

PROPOSED SITE INFO:

MAP / LOT: 35.213
 ZONE: LB
 TOTAL EXIST. FP: 1,477 SF
 NEW ADDITION FP: 570 SF
 NEW TOTAL FP: 2,047 SF
 LOT SIZE: 3,207
 ALLOWED COVERAGE: 50%
 EXISTING COVERAGE: 46%
 PROPOSED COVERAGE: 64%
 MAX HT = 45'
 MIN SETBACKS
 FRONT = 0'
 SIDE = 0'
 REAR = 5'

MCALLISTER STREET

SIDEWALK

CONCRETE CURB

1 SITE PLAN PROPOSED
 1/4" = 1'-0"



CHRIS FAGAN

T: 401-855-4873
 E: FAGAN@GMAIL.COM
 W: FAGAN-DESIGN.COM
 A: PO BOX 774
 NEWPORT, RI 02840

PROTECTIVE CLUB

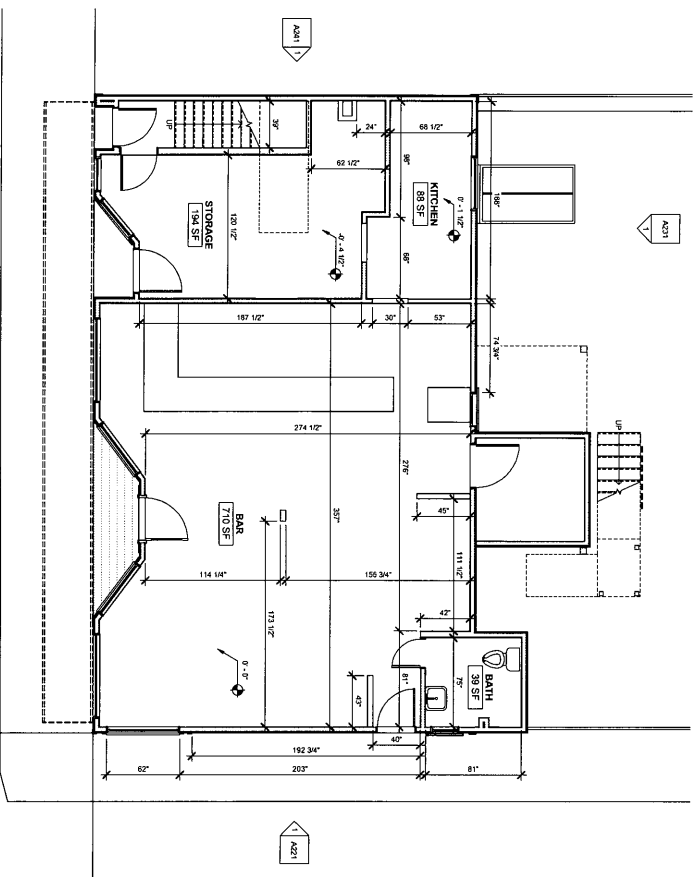
596 THAMES STREET - NEWPORT, RI 02840

DESCRIPTION: SITE PLAN PROPOSED

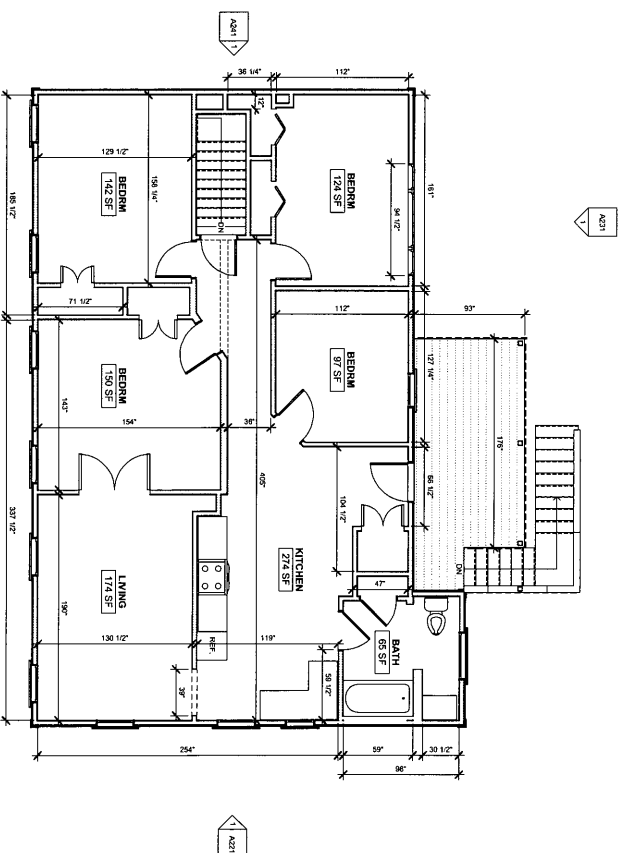
SCALE: 1/4" = 1'-0" PAPER: 24"x36"

DATE: 03/11/2025 SCHEMATIC SET

A101



② 1ST FLOOR PLAN EXTG
1/4" = 1'-0"



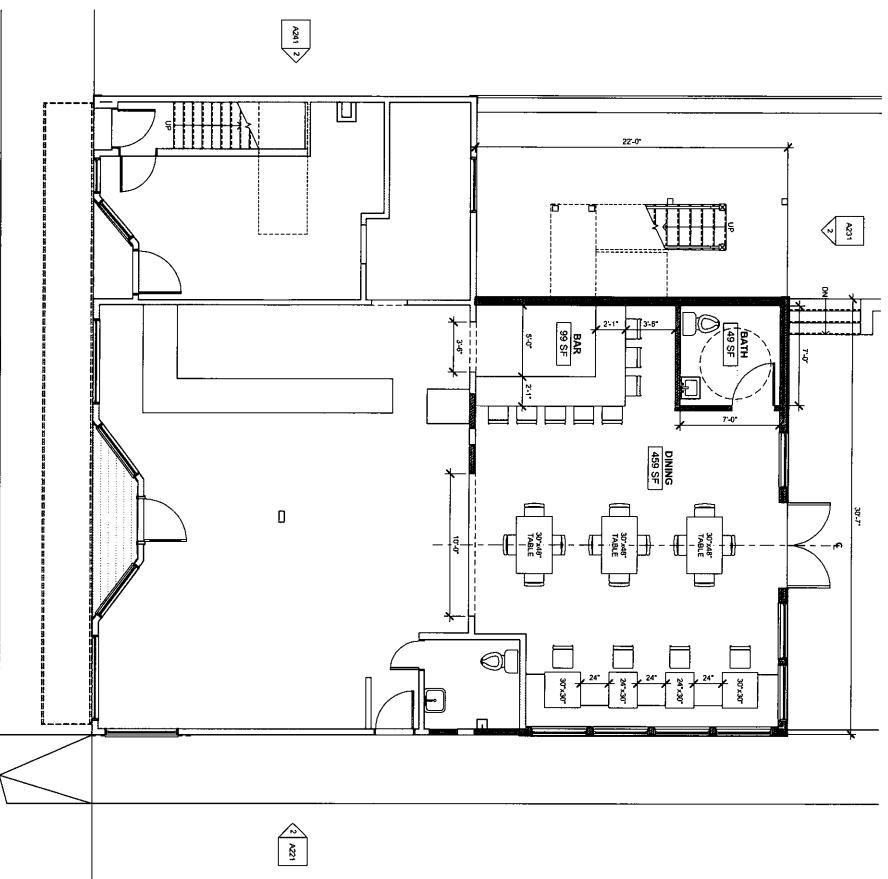
① 2ND FLOOR PLAN EXTG
1/4" = 1'-0"

CHRIS FAGAN
T: 401-855-4873
E: FAGAN1@GMAIL.COM
W: FAGAN-DESIGN.COM
A: PO BOX 774
NEWPORT, RI 02840

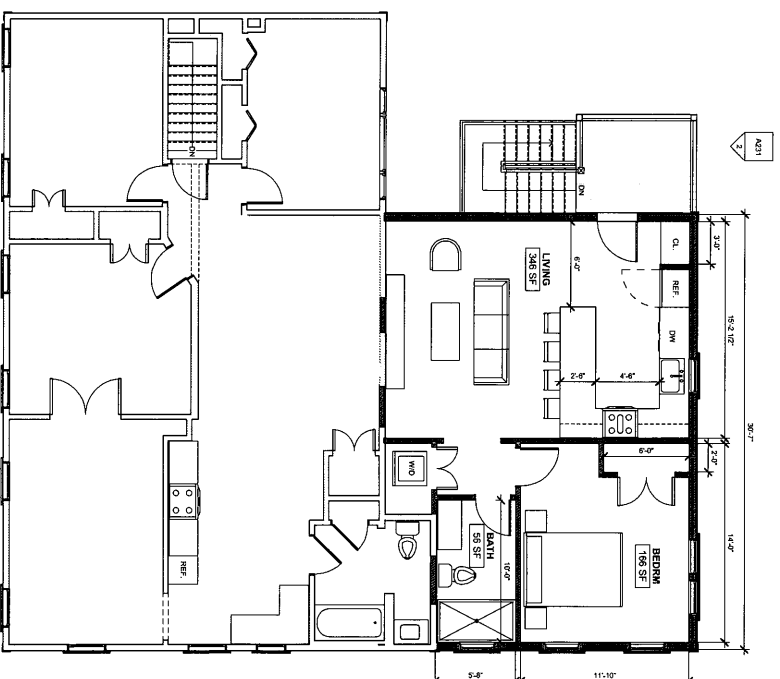
PROTECTIVE CLUB
596 THAMES STREET - NEWPORT, RI 02840

DESCRIPTION: EXISTING FLOOR PLANS
SCALE: 1/4" = 1'-0"
DATE: 03/11/2025
PAPER: 24"x36"
"SCHEMATIC SET"

A111



① 1ST FLOOR PLAN PROPOSED
1/4" = 1'-0"



② 2ND FLOOR PLAN PROPOSED
1/4" = 1'-0"

PROTECTIVE CLUB

596 THAMES STREET - NEWPORT, RI 02840

DESCRIPTION: PROPOSED FLOOR PLANS

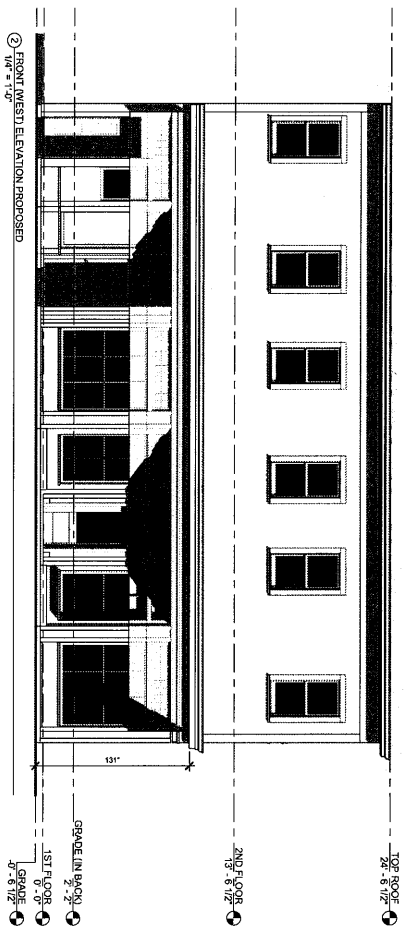
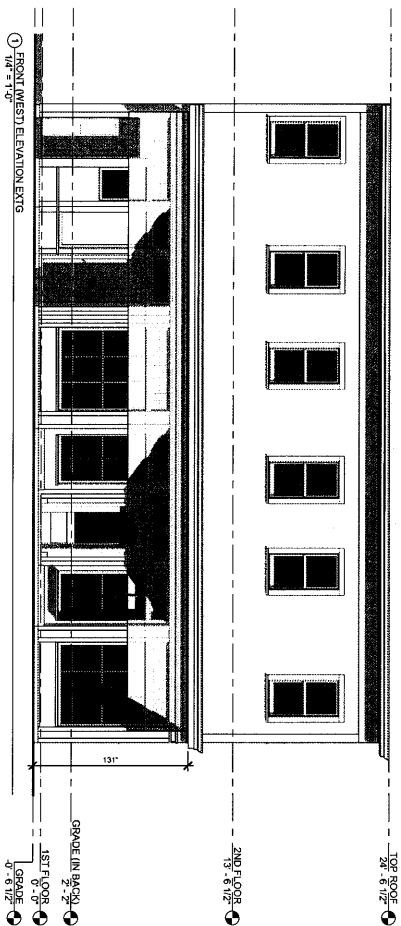
SCALE: 1/4" = 1'-0"

PAPER: 24"x36"

DATE: 03/11/2025

"SCHEMATIC SET"

A112



PROTECTIVE CLUB

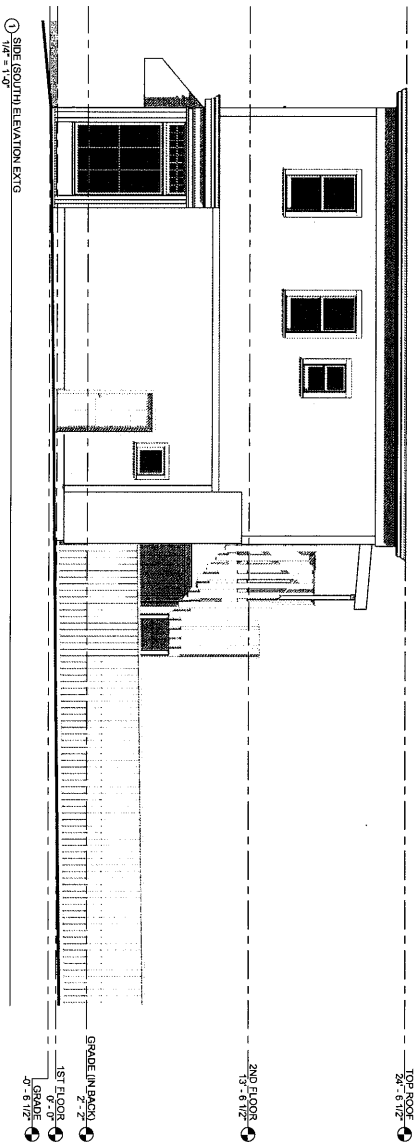
596 THAMES STREET - NEWPORT, RI 02840

DESCRIPTION: FRONT ELEVATION (WEST)

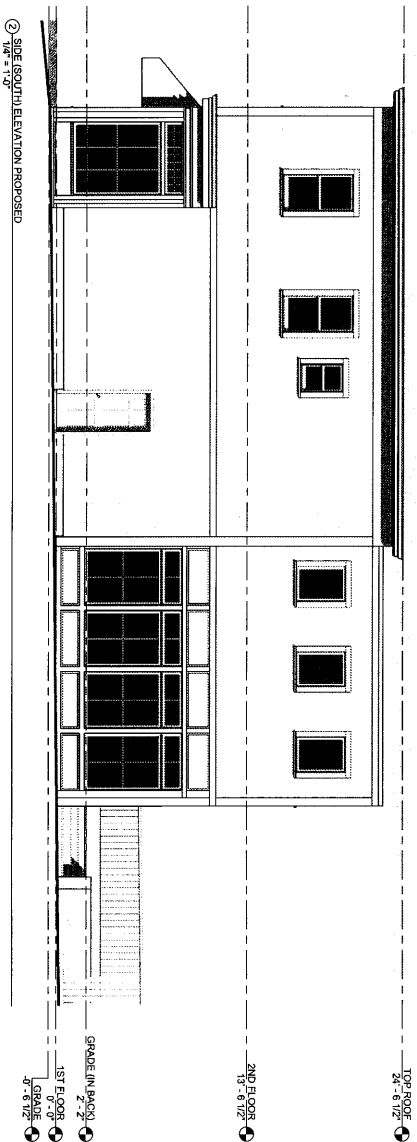
SCALE: 1/4" = 1'-0" PAPER: 24"x36"

DATE: 03/11/2025 "SCHEMATIC SET"

A211



① SIDE (SOUTH) ELEVATION EXIST
1/4" = 1'-0"



② SIDE (SOUTH) ELEVATION PROPOSED
1/4" = 1'-0"

PROTECTIVE CLUB

596 THAMES STREET - NEWPORT, RI 02840

DESCRIPTION: SIDE ELEVATION (SOUTH)

SCALE: 1/4" = 1'-0" PAPER: 24"x36"

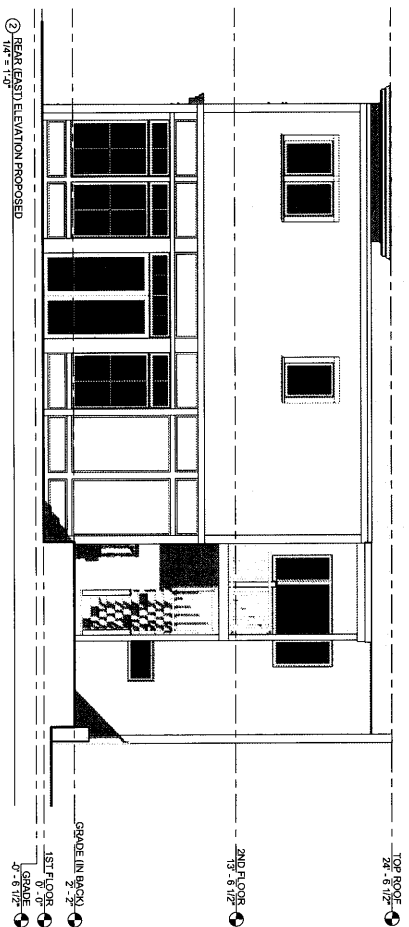
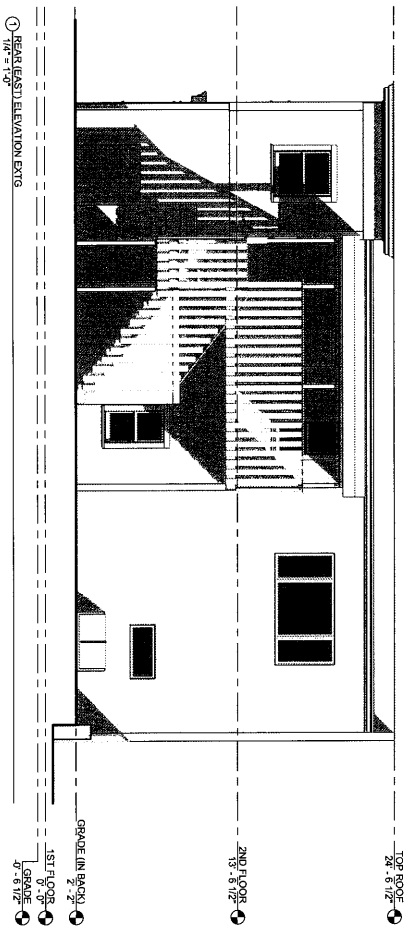
DATE: 03/11/2025 "SCHEMATIC SET"

A221



CHRIS FAGAN

T: 401-855-4873
E: FAGAN1@GMAIL.COM
W: FAGAN-DESIGN.COM
A: PO BOX 774
NEWPORT, RI 02840



FAGAN DESIGN
BUILD STUDIO

CHRIS FAGAN

T: 401-855-4873
E: FAGAN1@GMAIL.COM
W: FAGAN-DESIGN.COM
A: PO BOX 774
NEWPORT, RI 02840

PROTECTIVE CLUB

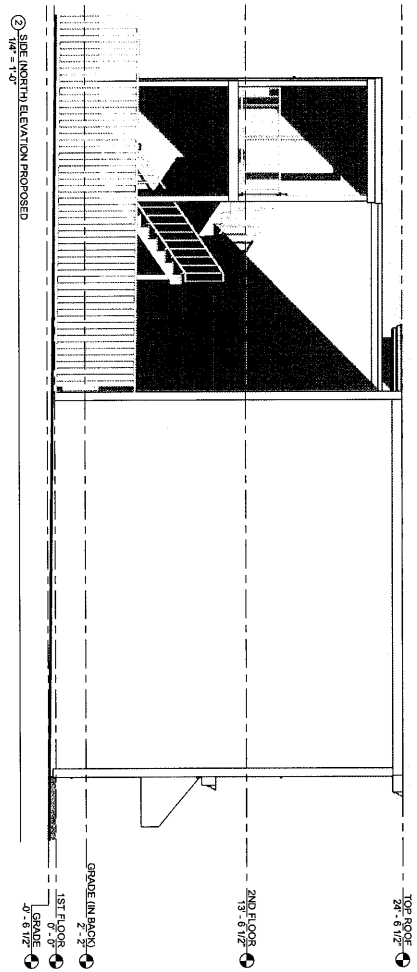
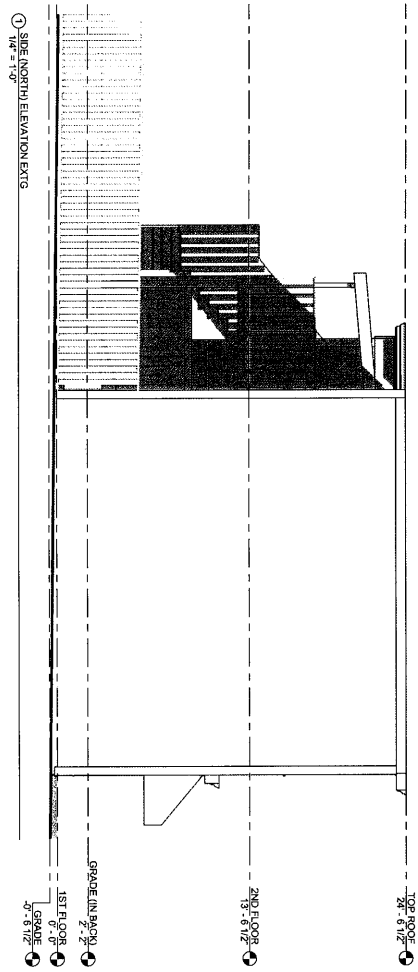
596 THAMES STREET - NEWPORT, RI 02840

DESCRIPTION: REAR ELEVATION (EAST)

SCALE: 1/4" = 1'-0" PAPER: 24"x36"

DATE: 03/11/2025 "SCHEMATIC SET"

A231

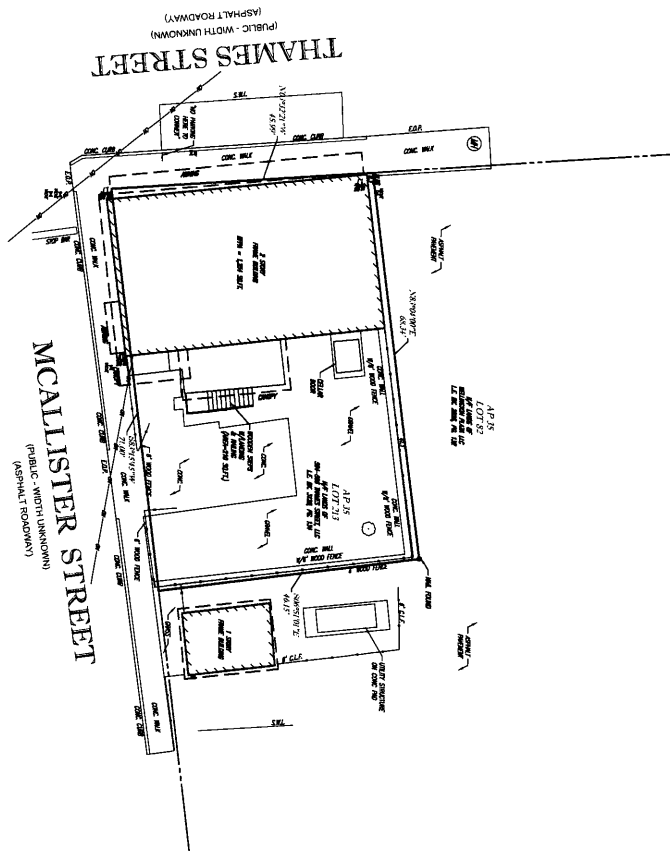




GRAPHIC SCALE

(IN FEET)

1 inch = 10 ft.



- NOTES

- [illegible]


ITEMS	TOWN
MIN LOT AREA	3,000 S.F.
MIN FRONTAGE	50'
MIN FRONT YARD	0'
MIN SIDE YARD	0'
MIN REAR YARD	5'
MAX BUILDING HEIGHT	45'
MAX BUILDING COVERAGE	50%

*EXISTING BUILDING LOT COVERAGE = 48.4%
(INCLUDES BUILDING, DRIVE AND STAIRS)

BOUNDARY & LOCATION SURVEY
594-596 THAMES STREET, LLC
594-596 THAMES STREET

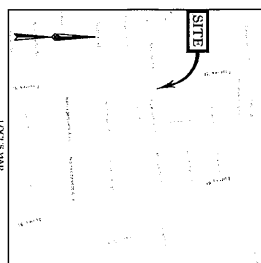
A.P. 35, LOT 213
CITY OF NEWPORT
STATE OF RHODE ISLAND

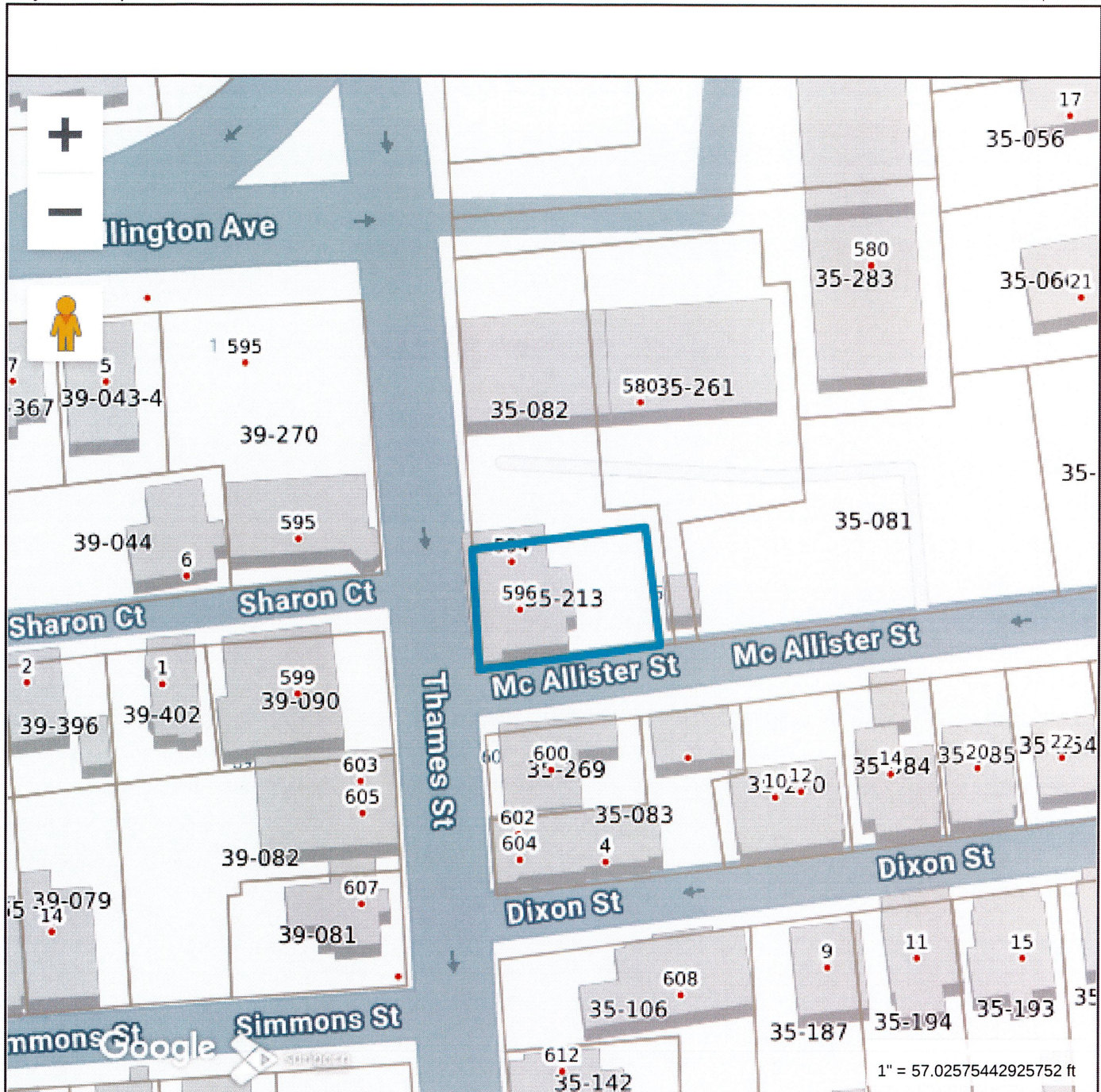
APPROVED:	DATE	SCALE	FILE NO.	DWG NO.
J.L.S.	3-6-25	1"=10'	SS25002	1 OF 1



Sardell Survey, LLC
 & Environmental Services

WWW.SARDLLSURVEY.COM
 1400 W. 9th Street
 Olathe, KS 66061
 OFFICE - (913) 557-3344



**Property Information**

ID 35-213
 Location 596 THAMES 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: 35-213 Location: 596 THAMES ST Owner: 594-596 THAMES STREET LLC
 Account: 6381 User Acct: R06824 LUC: 04 - Combination Zoning: LB

Parcel Values

Total: \$1,074,200 Land: \$340,500 Land Area: 3,060 SF Building: \$733,700 Assessed: \$1,074,200

Sales Information

Book and Page	Instrument Type	Date	Price	Grantor
3120-134	Executor	11/28/2022	\$1,026,000	HARRINGTON JOHN T HEIRS OF
OBIT		09/21/2021	\$0	HARRINGTON JOHN T

Building Type: Stores/Apt C Year Built: 1893 Grade: C+ Condition: AV
 Heat Fuel: Oil Heat Type: Hot Water % Air Conditioned: 100.00 Fireplaces: 0
 Exterior Wall: Wood Shingle Bsmnt Garage: 0 Roof Cover: Rubber # of Units: 2
 # of Rooms: 0 # of Bedrooms: 0 Full Bath: 1 1/2 Baths: 2

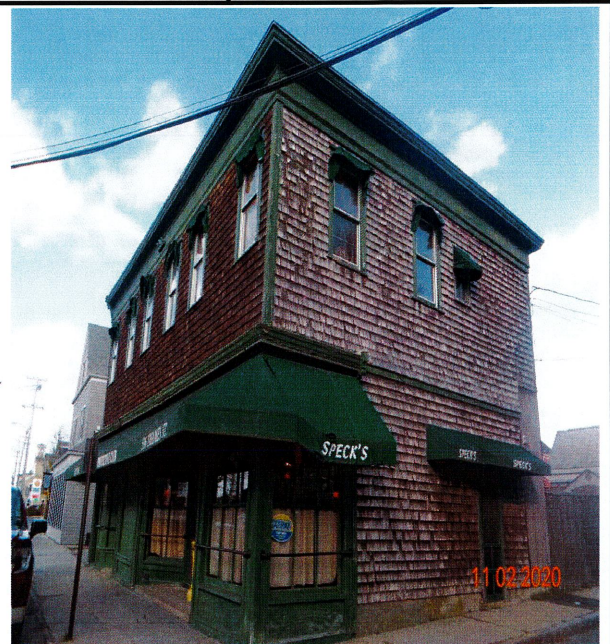
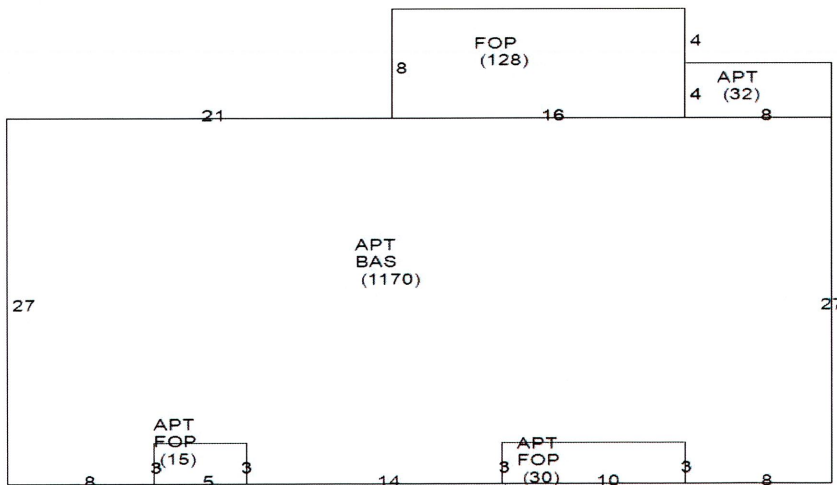
Yard Item(s)

Description	Quantity	Size	Year	Condition	Quality	Value
SHED FRAME	1	64	2000	AV	Average	\$500.00

Building Areas

Area	Net Area	Finished Area
Apartment	1,247 SF	1,247 SF
First Floor	1,170 SF	1,170 SF
Porch, Open, Finished	173 SF	0 SF

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



MILLER SCOTT HOLBROOK & JACKSON
Attorneys and Counselors at Law

122 Touro Street, Newport, RI 02840

J. Russell Jackson, Esq.
jrjackson@millerscott.com

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

April 8, 2025

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

RE: Zoning Application of 594-596 Thames Street, LLC
594-596 Thames Street - TAP: 35, Lot: 213
Application Waiver Request

Mr. Armour:

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

The enclosed Zoning Application seeks lot coverage and parking variances. The addition triggering the increase in lot coverage will be constructed over an area that has traditionally been a paved driveway, thus there will be very limited increase of impervious surface.

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