



KAREN AUGERI BENSON

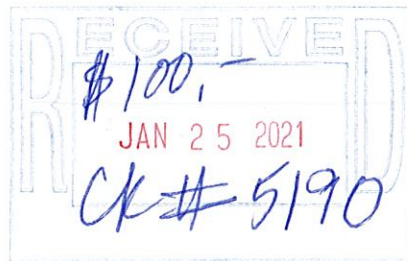
LAW OFFICE OF ALAN A. AMARAL

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January 25, 2021

Mr. Guy Weston
City of Newport
Zoning Board of Review
43 Broadway
Newport, RI 02840

*2021
Feb 9*



**Re: Application of Donald L. Occaso regarding 292 Broadway
Tax Assessor's Plat 14, Lot 023/4**

Dear Mr. Weston:

Enclosed please find an Application for a Special Use Permit with regard to the above-referenced property. This office represents the applicant and owner, Donald L. Occaso. In support of the Application for a Special Use Permit, please find a site plan showing the parking area and accessory structures.

To supplement this application we also include a short narrative and an outline of the relevant Comprehensive Land Use Provisions. Please note that the footprint of the existing building will not change. The applicant indicates there are eight available parking places in the rear of the property.

Please find our check in the amount of \$100.00, the required filing fee. We are requesting that this matter be added to the agenda for the **February 2021** meeting. May I ask that you please contact the undersigned if you have questions or require additional information concerning this application.

Thank you for your anticipated assistance.

Very truly yours,

Karen Augeri Benson

Karen Augeri Benson
Law Office of Alan A. Amaral

KAB/kek
Enclosures

www.kabensonattorney.com

LICENSED IN MASSACHUSETTS AND RHODE ISLAND

SATELLITE OFFICE: ONE COURTHOUSE SQUARE, NEWPORT, RI 02840 DIRECT ALL CORRESPONDENCE TO MASS OFFICE

APPLICATION FOR A SPECIAL USE PERMIT

CITY OF NEWPORT, RI ZONING BOARD OF REVIEW

DATE: 1-25-21

Board members:

The undersigned hereby petitions the Zoning Board of Review for a special use permit 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: 292 Broadway

Tax Assessor's Plat 14 Lot 023/4

Petitioner Information

Applicant Donald L. Occaso Address 292 Broadway, Newport, RI 02840

Owner Donald L. Occaso Address 292 Broadway, Newport, RI 02840

Lessee _____ Address _____

Property Characteristics

Dimensions of lot-frontage 58' depth 150' area 8750 +/- sq. ft.

Zoning District in which premises is located R-10

How long have you owned above premises 44 Years

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings - 1844

Total square footage of the footprint of proposed buildings 1844

Present use of premises Mixed residential and office

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

Proposed use of premises Residential 3 Family

Give extent of proposed alterations None . No alterations to existing foot print.

Zoning Characteristics Matrix

| | Existing | Required/Allowed | Proposed |
|-----------------------|------------------|------------------|------------------|
| Lot Size (sq. ft.) | 8,750 | 10,000 | 8750 |
| Lot Coverage | 21.7 % | 20% | 21.7% |
| Dwelling Units | 2 | 2 | 3 |
| Parking (# of spaces) | 8 | 6 | 8 |
| Front Setback | 20 +/- | 15' | 20 +/- |
| Side Setbacks | 20 +/- and 2 +/- | 10' | same as existing |
| Rear Setback | 40+ | 20' | same as existing |
| Height | 24' estimated | 30' max | same as existing |

What provisions of the Comprehensive Land Use Plan are the applicable to this project?

Please See Attached

Comprehensive Land Use Plan Provisions

292 Broadway

This property is fairly typical of The R-10 residential district. The lot size and coverage is consistent with what is found throughout the outer Broadway area. There is no intention to subdivide or increase the intensity of use on the lot. This request minimizes any adverse effects to the established residential character of the area.

Policy LU-1.7 The City shall protect the existing character of residential neighborhoods while encouraging local neighborhood business.

This request maintains the existing character of the neighborhood. Virtually all of the direct abutters are residential.

Policy H-1.3 The City shall continue to promote the repair, revitalization or rehabilitation of residential structures and neighborhoods.

This request will require minor interior repairs and upgrades, to the structure.

Policy H-1.4 The City shall encourage resident involvement in identifying and addressing the maintenance of housing in their neighborhood.

The owner actively maintains the premises, communicates with his neighbors and is involved with the community. He resides in Newport County.

Policy H-2.1 The City shall emphasize the provision of housing that is priced to meet the needs of Newport's workforce.

If granted, this apartment will be a year round, long term rental, with moderate rental rates.

Policy H-3.1 The City shall identify and implement actions to limit or reduce the percentage of City homes that are vacant on a seasonal basis, focusing on neighborhoods most affected by these homes.

If granted, this apartment will be a year round, long term rental, with moderate rental rates.

The Zoning Boards Role

Special use permits shall be granted only where the zoning board of review finds that the proposed use or the proposed extension or alteration of an existing use is in accord with the public convenience and welfare, after taking into account, where appropriate:

1. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of the structure;
2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;
3. The nature of the surrounding area and the extent to which the proposed use or feature will be in harmony with the surrounding area;
4. The proximity of dwellings, churches, schools, public buildings and other places of public gathering;
5. The fire hazard resulting from the nature of the proposed buildings and uses and the proximity of existing buildings and uses;
6. All standards contained in this zoning code;
7. The comprehensive plan for the city.

The burden of proof in a special-use permit application is on the applicant. This means that if the applicant fails to present adequate competent evidence to prove the applicable standard for issuing a special-use permit has been met, the board must deny the application.

By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read the section entitled "The Zoning Board's Role".

 
Applicant's Signature Owner's Signature

(401) 835-6229 (401) 835-6229
Telephone Number Telephone Number

Email address DONOCASO@GMAIL.COM

Be sure all required drawings are attached to this application at the time of the submittal.

**Re: Narrative in Support of Application of Donald L. Occaso Regarding
292 Broadway, Tax Assessor's Plat 14, Lot 023/4**

This property was formerly a dentist's office with an apartment on the second and third floors. The Petitioner has, over the course of his 44-year history as owner, lived on the premises as well as carrying out his services to the community as a dentist. In the face of the COVID-19 pandemic the Petitioner retired from his dental practice.

The area is currently a mix of residential and mixed use with more businesses as you head north on Broadway. At the next immediate intersection, for example, there is a liquor store, a bakery, and retail. However, all of the direct abutters are residential. Most of the structures on the surrounding side streets are residential, with a mix of single and multi-family uses.

This request will not alter the current size, shape or arrangement of the structure.

The resulting traffic patterns will be less intensive. The request will reduce entering and exiting on the property as the former business office use will become residential.

There is more than adequate parking on site for the requested use. The neighborhood has excellent "walkability" with sidewalks to encourage residents to walk to nearby businesses, thus further reducing traffic.

A.P.: 14, LOT: 026
N/F
DAVID M. FICKEL
ANNE L. TOBIN-FINKEL
7 NEWPORT AVENUE

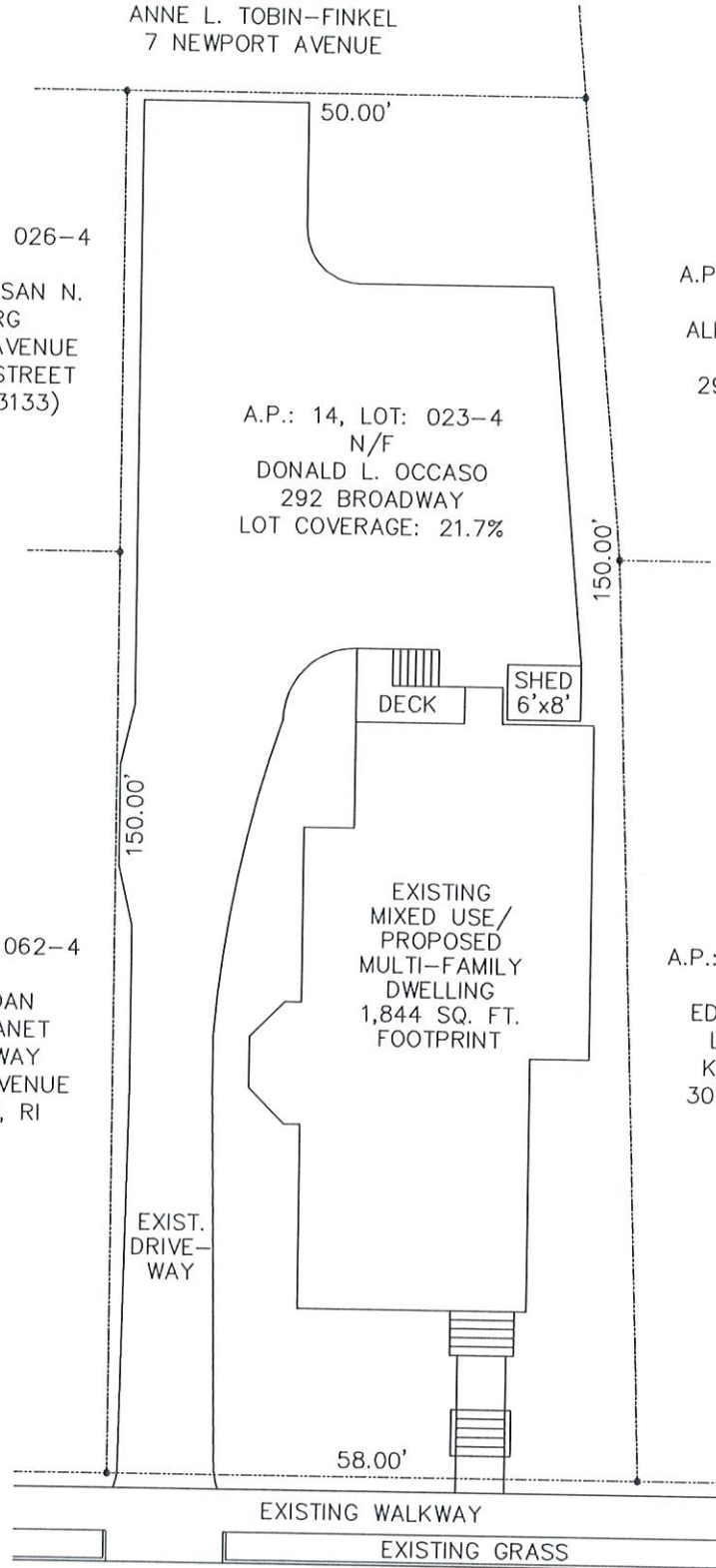
A.P.: 14, LOT: 026-4
N/F
STEVEN & SUSAN N.
EISENBERG
5 NEWPORT AVENUE
(3111 MARY STREET
MIAMI, FL 33133)

A.P.: 14, LOT: 214
N/F
ALLEN & SANDRA
DAVID
298 BROADWAY

A.P.: 14, LOT: 023-4
N/F
DONALD L. OCCASO
292 BROADWAY
LOT COVERAGE: 21.7%

A.P.: 14, LOT: 062-4
N/F
RATANA HOAN
LIM TITHDARANET
282 BROADWAY
(AQUIDNECK AVENUE
MIDDLETOWN, RI
02842)

A.P.: 14, LOT: 023
N/F
EDOUARD A. &
LYNDSEY W.
KACHELMANN
300 BROADWAY



BROADWAY
60' r.o.w. (40.8' paved)

PROPOSED SITE PLAN

SCALE: 1" = 20'