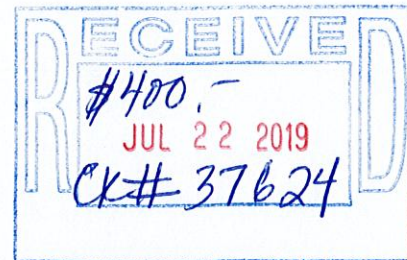


APPLICATION FOR DIMENSIONAL VARIANCE AND A SPECIAL USE PERMIT

CITY OF NEWPORT, RI  
ZONING BOARD OF REVIEW



DATE: July 22, 2019

Board members:

The undersigned hereby petitions the Zoning Board of Review for a variance and 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.:** 435 Broadway/Princeton Street/Ledyard Street

**Tax Assessor's Plat 6 Lot 11**

**Petitioner Information**

**Applicant:** Island Moving Company  
("IMC")

**Address** c/o Turner C. Scott  
122 Touro Street Newport, RI 02840

**Owner:** City of Newport

**Address** same as applicant

**Lessee:** N/A

**Address** same as applicant

**Property Characteristics**

**Dimensions of lot-frontage** varies **depth** varies see **area** ~79376 sq. ft.  
see site plans site plans

**Zoning District in which premises is located** R-10

**How long have you owned above premises?** At various times, most recently since 1991

**Are there buildings on the premises at present?** Yes

**Total square footage of the footprint of existing buildings:** ~ 18,284 sq. ft. (23%)

**Total square footage of the footprint of proposed buildings:**

Lot 11 (41,939 s.f.) ~8,444 sq. ft. School of  
Limited Instruction (20%)

Lot 11A (10,250 s.f.) < 20%  
Lot 11B (9,058 s.f.) < 20%  
Lot 11C (9,124 s.f.) < 20%  
Lot 11D (9,003 s.f.) < 20%

**Present use of premises:** Defunct office building and defunct school building.

**Proposed use of premises:** Demolition of existing structures, in accordance with Planning Board approval received June 3, 2019, and subdivision of existing lot, in accordance with Planning Board approval received July 1, 2019, into five separate parcels; one school for limited instruction and four single-family residential lots. See attached subdivision plan.

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

### Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed*
<b>Lot Size (sq. ft.)</b>	79,376	10,000	41,939 (Lot 11)  10,250 (Lot 11A) 9,056 (Lot 11B) 9,124 (Lot 11C) 9,003 (Lot 11D)
<b>Lot Coverage (%)</b>	23%	20%	20% (Lot 11)  < 20% (Lot 11A) < 20% (Lot 11B) < 20% (Lot 11C) < 20% (Lot 11D)
<b>Dwelling Units</b>	0	2	0 (Lot 11)  1(Lot 11A) 1(Lot 11B) 1(Lot 11C) 1(Lot 11D)
<b>Parking</b>	>2	35  2 2 2 2	>35 (Lot 11)  2 (Lot 11A) 2 (Lot 11B) 2 (Lot 11C) 2 (Lot 11D)
<b>Front Setback</b>	>15'	15'	97' (Lot 11)  >15' (Lot 11A) >15' (Lot 11B) >15' (Lot 11C) >15' (Lot 11D)



<b>Side Setbacks</b>	<10 (North) >10 (South)	10'	10' (North)(Lot 11) 5' (South) (Lot 11)**  >10' (Lot 11A) >10' (Lot 11B) >10' (Lot 11C) >10' (Lot 11D)
<b>Rear Setback</b>	>20	20'	65.6' (Lot 11)  > 20' (Lot 11A) > 20' (Lot 11B) > 20' (Lot 11C) > 20' (Lot 11D)
<b>Height</b>	<30'	30'	<30' (All structures)

**\*Proposed calculations based on new subdivided lots**

**\*\* 17.100.200A**

**What special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district?**

The property as it currently exists at 435 Broadway is a conforming lot of record with more than 79,000 sq. ft. in the R-10 zone. The property fronts on Broadway, Princeton Street, and Ledyard Street, providing access and egress to support the approved subdivision and proposed improvements and uses outlined in this application.

The size and shape of the subject lot provides the requisite space for the proposed use and development with only minimum variances and relief necessary. The surrounding district is characterized by many multi-family residences on substandard lots, while the subject property and proposed subdivided lots will provide more square footage per parcel than is typical in this neighborhood.

Following the subdivision, Lot 11 will contain 41,939 sq. feet, maintain access to and from Broadway, and be the new site of IMC's school and dance studio. The shape and size of the lot offers sufficient space for the proposed improvements and required parking. While the City requires 35 parking spaces for the proposed School of Limited Instruction, the applicant's priority is to exceed the minimum requirement and support additional parking. In order to achieve parking lot navigability, fire code compliance, and safe student pick-up/drop-off, the proposed use for Lot 11 requires a reduced parking setback, from 10' to 5'. While the lot size and proposed coverage leave room for 35 parking spaces without a variance, the objective is to surpass the minimum parking requirements to alleviate any possible congestion. The proposed dance school and studio space, as well as the lot upon which they will sit, can easily meet the minimum requirements under the zoning ordinance. In an effort to maximize the proposed use benefits and eliminate any potential neighborhood disruption, the applicant seeks to modestly reduce the parking setback along the southern boundary and include more parking and increased parking lot maneuverability.



The four proposed residential lots, identified as Lots 11A, 11B, 11C, and 11D, will each contain more than 9,000 sq. ft. per parcel. Lot 11A will conform to the required lot size with 10,250 sq. ft. Lots 11A, 11B, and 11C will have access to and from Princeton Street by way of a private lane. This lane, requiring a minor curb cut on Princeton Street, will result in the loss of only one on-street parking space in the neighborhood. These three lots will each acquire 14.66' of frontage on Princeton Street. Lot 11D will be accessible by Ledyard Street to the south, with egress onto Brooks Street Extension. This fourth residential lot will feature 41.07 feet of frontage. Each subdivided residential lot requires a minimum variance for frontage and Lots 11B, 11C, and 11D require a minimum variance for lot size; however, in all other respects these four lots will conform to the zoning code. In contrast to the surrounding neighborhood, Lots 11A, 11B, 11C, and 11D will have an average lot size of 9,367 sq. ft. The average size of abutting properties is 6,129 sq. ft.

The scheme of the improvements and new structures has been thoughtfully considered to be sympathetic to, coordinated with, and in architectural harmony with the surrounding neighborhood. The applicant seeks to provide cohesive, reinvigorated, and complimentary uses of the existing lot, which is in serious disrepair. The existing Lot 11 features the type of accessibility, square footage, and configuration to support the proposed uses and improvements. And, more specifically, the proposed subdivision will yield parcels that are either in conformance or as close to conformance with the zoning code as possible. Other properties in the surrounding R-10 district fail to conform in many areas to zoning requirements and minimums. 435 Broadway is unique in this district in size, shape, and accessibility, which makes it the ideal candidate parcel for the proposed dance studio space and single-family residences.

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

Land Use Element Goal LU-1  
Economic Development Goal ED-1  
Housing Element Goals H-1 and H-3  
Community Service & Facilities Goal CFS-4  
Open Space and Recreation Goal OSR-1  
Transportation and Circulation Goal T-1  
Historical and Cultural Resource Goal HC-3

**What provisions or regulations of the Zoning Ordinance are applicable?**

17.20.020 B Use Regulations  
17.20.030 A Dimensional Requirements - Minimum Lot Area  
17.20.030 B Dimensional Requirements - Minimum Lot Width  
17.100.200 A Off-Street Parking Setback Requirements

**Explain how the literal interpretation of this Zoning Code would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the same provisions of this Zoning Code.**

Parking Setback Variance - For the proposed School of Limited Instruction, the Zoning Ordinance requires that "all off-street parking and loading zone spaces must conform to the setback requirements for an accessory structure or accessory use for the district in which the project is located." A literal interpretation of this provision would hinder the applicant's efforts to provide more than the minimum required 35 parking spaces. Obtaining a minimal variance to reduce the setback from 10' to 5' is a small consequence of providing the additional parking spaces. The additional spaces, however, will achieve



a substantial benefit and alleviate any potential parking congestion.

**Lot Size Variance** - Three of the four residential lots will fall slightly below the required square footage for parcels in the district. Most other properties and owners in this district, however, enjoy considerably smaller lots, well below the 10,000 sq. ft required. Many of these properties are non-conforming in terms of lot coverage, lot size, and frontage. In contrast, the proposed Lots 11B, 11C, and 11D are close to 3,000 square feet larger than the average lot size of directly abutting properties. The applicant is motivated to develop the rear portion of the existing lot to enhance the neighborhood with single-family housing stock and the proposed development has undergone many iterations. This application reflects the most cohesive and complimentary orientation and development plan possible. Abutting parcels within 200 feet that satisfy the required lot size for this district are few and far between.

**Lot Frontage Variance** - Following diligent consideration of all available options for the proposed improvements and uses, IMC's dance school and studios are best located at the front of the existing parcel and the four single-family residences are more suitably placed toward the rear. The resulting configuration provides IMC with conforming frontage on Broadway, which will remain largely unchanged from the existing driveway. In order to access Lots 11A, 11B, and 11C, a small curb cut (one parking space's length) will be made on Princeton Street to reopen a former driveway. The three lots will share the frontage on Princeton Street with each single-family home obtaining 14.66 feet of frontage. These homes will each have their own individual parking areas and garages adjacent to the house and the improvements on the lots themselves will satisfy coverage, setback, height, and parking requirements under the Zoning Ordinance. Lot 11D will have access from Ledyard Street and to Brook Street Extension to the south and feature 41.07 feet of frontage.

Because the surrounding neighborhood contains many non-conforming lots, substandard frontage is a common element among parcels in the district. With concerted efforts to redevelop the existing lot and improve its affects on the neighborhood, depriving the applicant the variance for lot frontage will deprive it of a benefit enjoyed by many nearby property owners.

**Explain why this is the minimum variance that will make possible the reasonable use of the land, building or structure.**

Special conditions and circumstances exist which are particular to the land; a literal interpretation of the provisions would deprive the owner of rights commonly enjoyed by other owners in the same district; this is the minimum variance necessary that will make possible the reasonable use of the property; and there is no other reasonable alternative to the owner to enjoy this legally permitted use. All other "by right" uses which could utilize the area would require at least some variances from the Zoning Ordinance as the ordinance relates to lot size, coverage, setbacks, frontage, and parking. Granting the variance will not be injurious to the neighborhood and, instead, will be invigorating and beneficial to both neighboring properties and the City as a whole. The proposed variances for parking setback, lot frontage, and lot size are the minimum variances necessary to bring the existing parcel into pleasant conformance with the surrounding area and to accommodate the lot's unique features.

Because this project incorporates the needs for both demolition and subdivision, successful master plan applications have already been made to the Newport Planning Board. The applications were unanimously approved with a finding that the demolition and subdivision, as well as the proposed development, are in compliance with the City of Newport Comprehensive Plan.

**State grounds for a Special Exception in this case.**



Re-purposing and redeveloping the existing lot at 435 Broadway will include a use permitted by Special Use Permit in the district and residential use permitted by right. As the parcel exists today, hazardous conditions and deteriorating structures cast a pall on the neighboring homes. The proposed School for Limited Instruction and four single-family homes are reasonable uses for this property and can be made possible with a Special Use Permit and the requested minimum variances.

As this City-owned property continues to deteriorate, IMC seeks to serve a dual function by way of this application. In the first place, IMC aims to purchase this property and remove the hazardous structures located on the lot, thereby returning the property to contributing lot featuring a conscientiously-designed dance school and studio and subdividing the remaining land into four single-family residential lots. In a second capacity, IMC wishes to expand programming, community arts influence, and cultural resources in the City. In using the site of the former George H. Triplett School, IMC will make a use compatible with the property's historic use but at a less intense level. IMC's dance company and school is in need of increased space and modernized facilities to support its mission to bring contemporary dance to the City's residents, and the existing lot is in need of care and maintenance that this project proposes.

To the extent that the proposed use has been reviewed by the Planning Board, it has been met with approval and support. Given the goals contained in the Comprehensive Plan, IMC's proposed School of Limited Instruction is a use of precisely the character and quality that the City wishes to encourage.

### **The Zoning Board's 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.

In granting a variance, the zoning board of review shall **require** that evidence of the following standards shall be entered into the record of the proceedings:

- a. That the reasons set forth in the application justify the granting of the variance and that the



variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;

b. That the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will not impair the intent or purpose of the zoning code or the comprehensive plan upon which this zoning code is based;

c. 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; and

d. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.

e. That the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. 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;

**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  
c/o Turner C. Scott  
401-847-7500/862-5003



Owner's Signature  
c/o Turner C. Scott  
401-847-7500/862-5003



# TRIPLETT SCHOOL REDEVELOPMENT

3/14/2019 NEIGHBORHOOD MEETING

## PROJECT TEAM:

### FRONT SITE REDEVELOPMENT: ISLAND MOVING COMPANY HEADQUARTERS

ISLAND MOVING COMPANY:  
ARTISTIC DIRECTOR  
MIKI OHLSEN

EXECUTIVE DIRECTOR  
EDWARD MCPHERSON

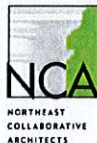


ATTORNEY:  
TURNER C. SCOTT  
MILLER SCOTT HOLBROOK  
& JACKSON



MILLER SCOTT  
HOLBROOK & JACKSON  
*Attorneys and Counselors at Law*  
(401) 847-7500  
www.millerscott.com

ARCHITECT:  
ANDREA BARANYK, AIA, LEED  
PRINCIPAL, NORTHEAST  
COLLABORATIVE ARCHITECTS



### REAR SITE REDEVELOPMENT: FOUR SINGLE FAMILY RESIDENCES

DEVELOPER:  
TERI DEGNAN

ATTORNEY:  
PETER REGAN  
SAYER REGAN & THAYER LLP



ARCHITECT:  
DANIEL HERCHENROETHER,  
AIA, LEED  
HERKWORKS ARCHITECTURE



INTERIOR ARCHITECT:  
JEFF MONIZ  
PARTNER, 2 HANDS STUDIO











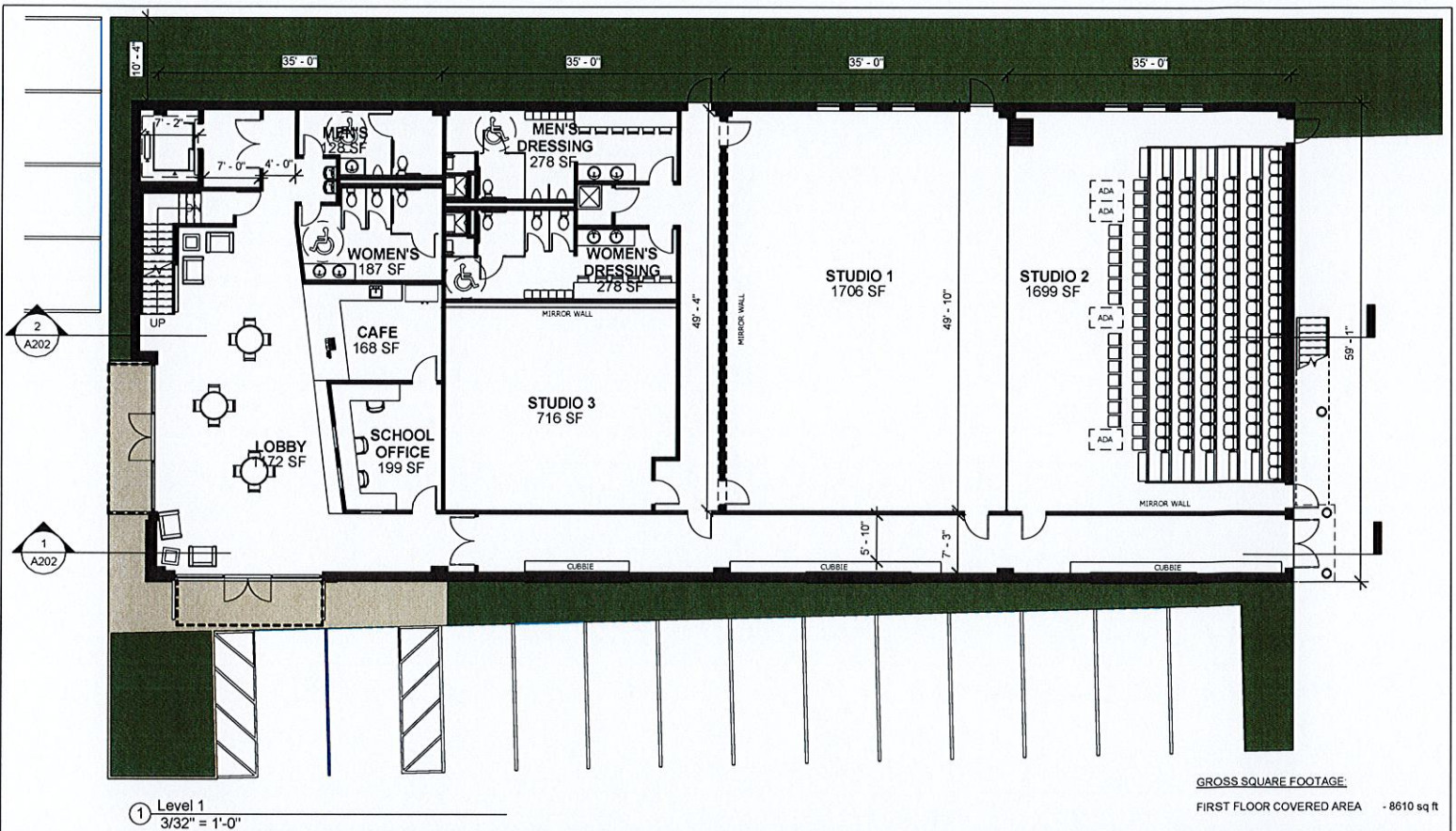


# ISLAND MOVING COMPANY

3 DANCE STUDIOS  
DRESSING ROOMS/LOBBY CAFE/OFFICES  
8,610 FOOTPRINT  
35 OFF STREET PARKING SPACES REQUIRED



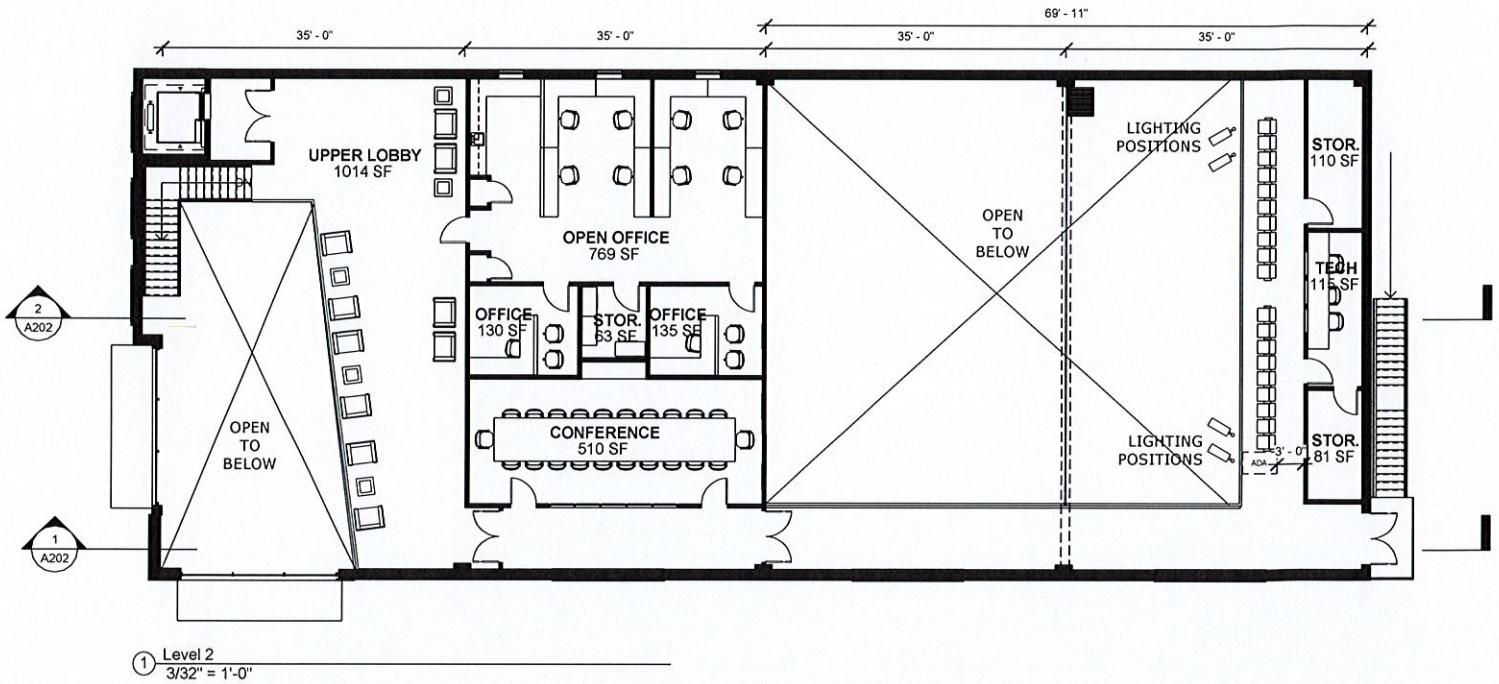




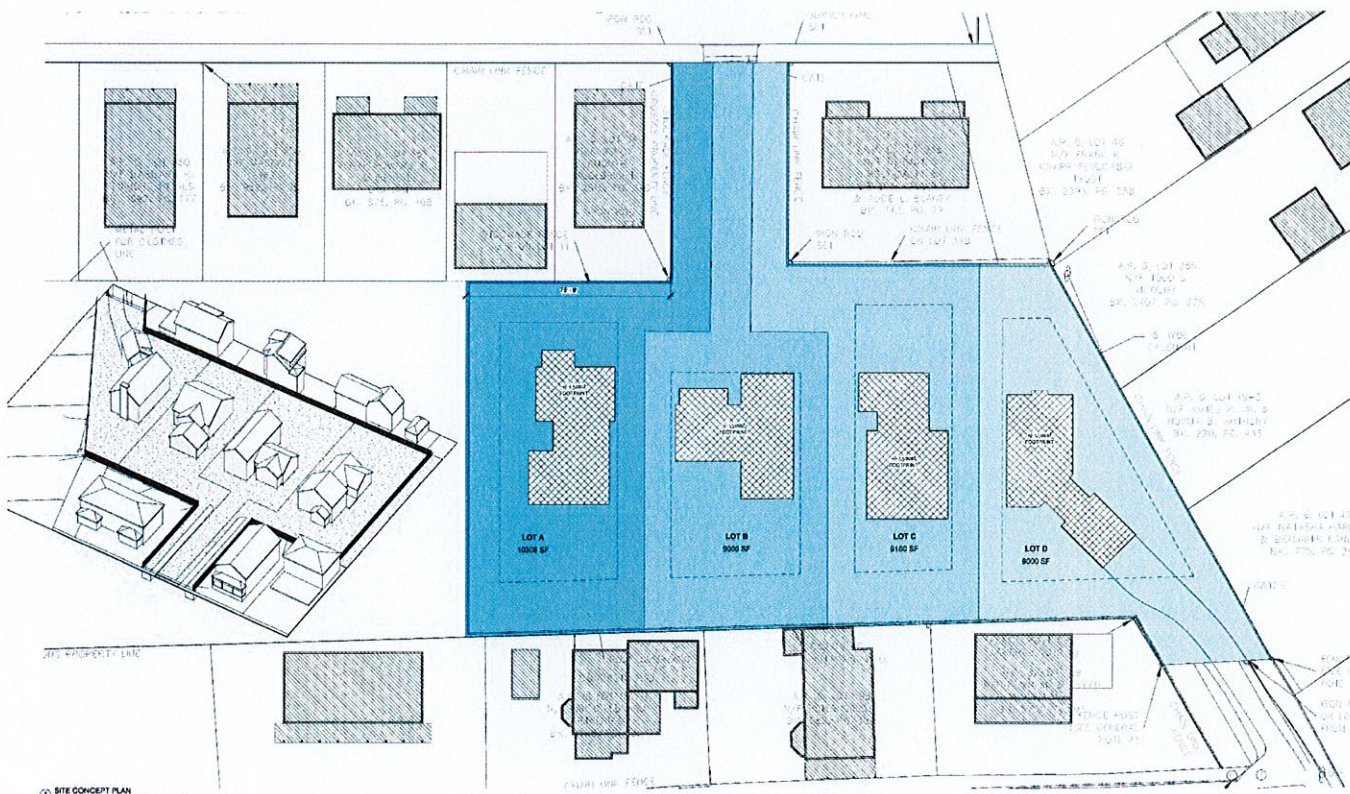
ISLAND MOVING COMPANY | FIRST LEVEL

| A101









Architectural Stamp

# **TRIPLET SUBDIVISION** NEWPORT, RI

REVISIONS:		
No.	Description	Date
PERMIT SET		
TITLE: CONCEPT SITE PLAN - CP101		
DATE:	07/03/2018	
JOB NO.:	XXX	
DRAWING NO.:	CP-100	



## LOT SIZE & DENSITY SUMMARY

EXISTING	PROPOSED
AVG. LOT SIZE 6,219 SQUARE FEET	PROPOSED AVG. LOT SIZE 9,367 SQUARE FEET
AVG. UNITS PER LOT 2.27	PROPOSED UNITS PER LOT 1
AVG. DENSITY 1 UNIT FOR EVERY 3,791 SF	PROPOSED AVG. DENSITY 1 UNIT FOR EVERY 9,367 SF

















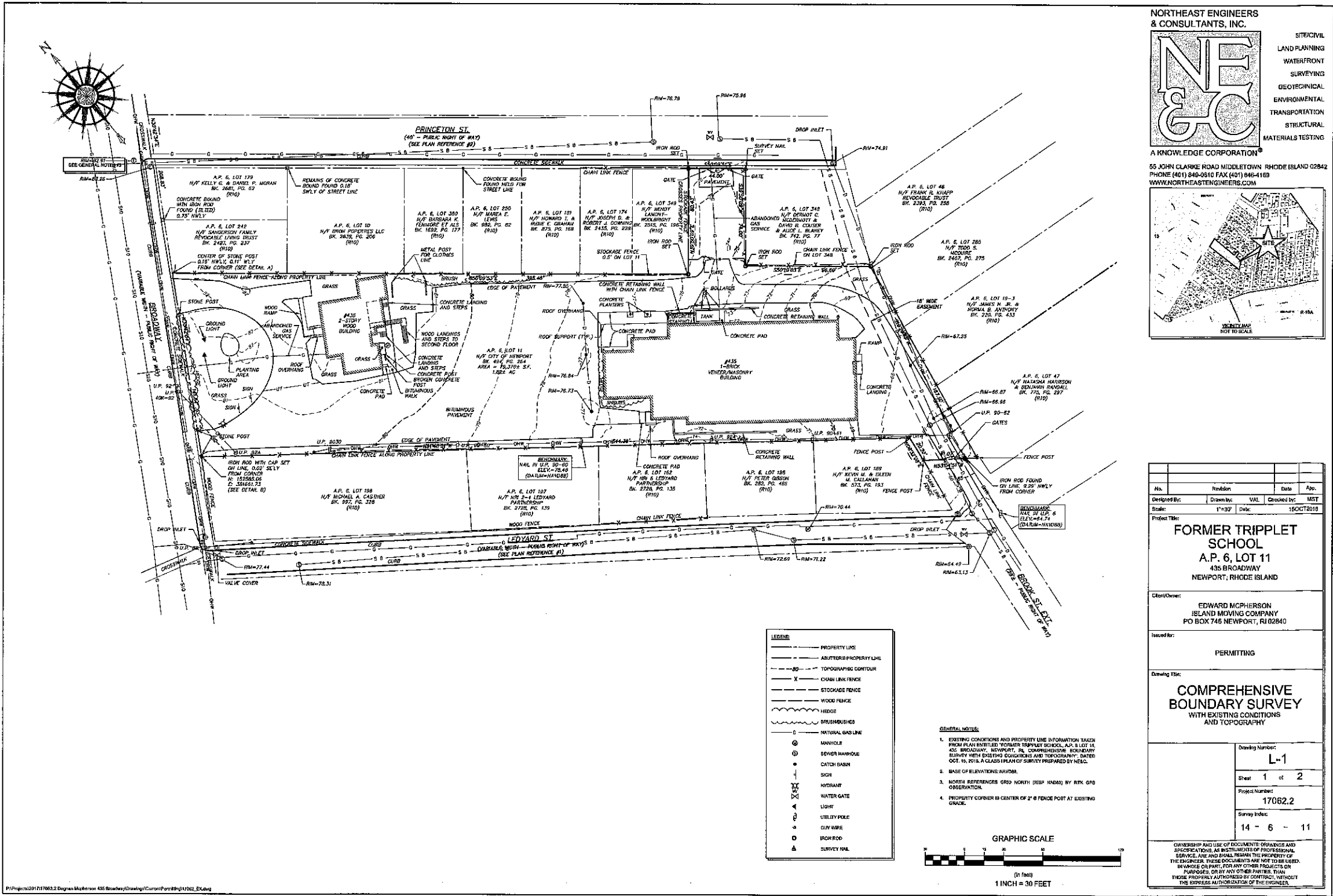




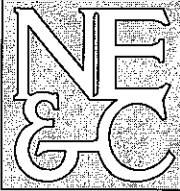








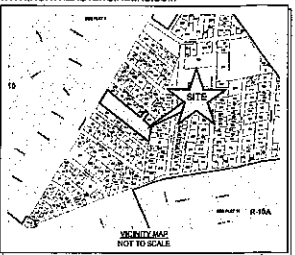
NORTHEAST ENGINEERS  
& CONSULTANTS, INC.



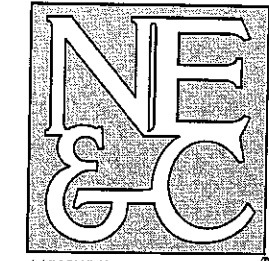
SITE/CIVIL  
LAND PLANNING  
WATERFRONT  
SURVEYING  
GEO/TECHNICAL  
ENVIRONMENTAL  
TRANSPORTATION  
STRUCTURAL  
MATERIALS TESTING

A KNOWLEDGE CORPORATION

55 JOHN CLARKE ROAD MIDDLETOWN RHODE ISLAND 02842  
PHONE (401) 840-0810 FAX (401) 846-4169  
WWW.NORTHEASTENGINEERS.COM



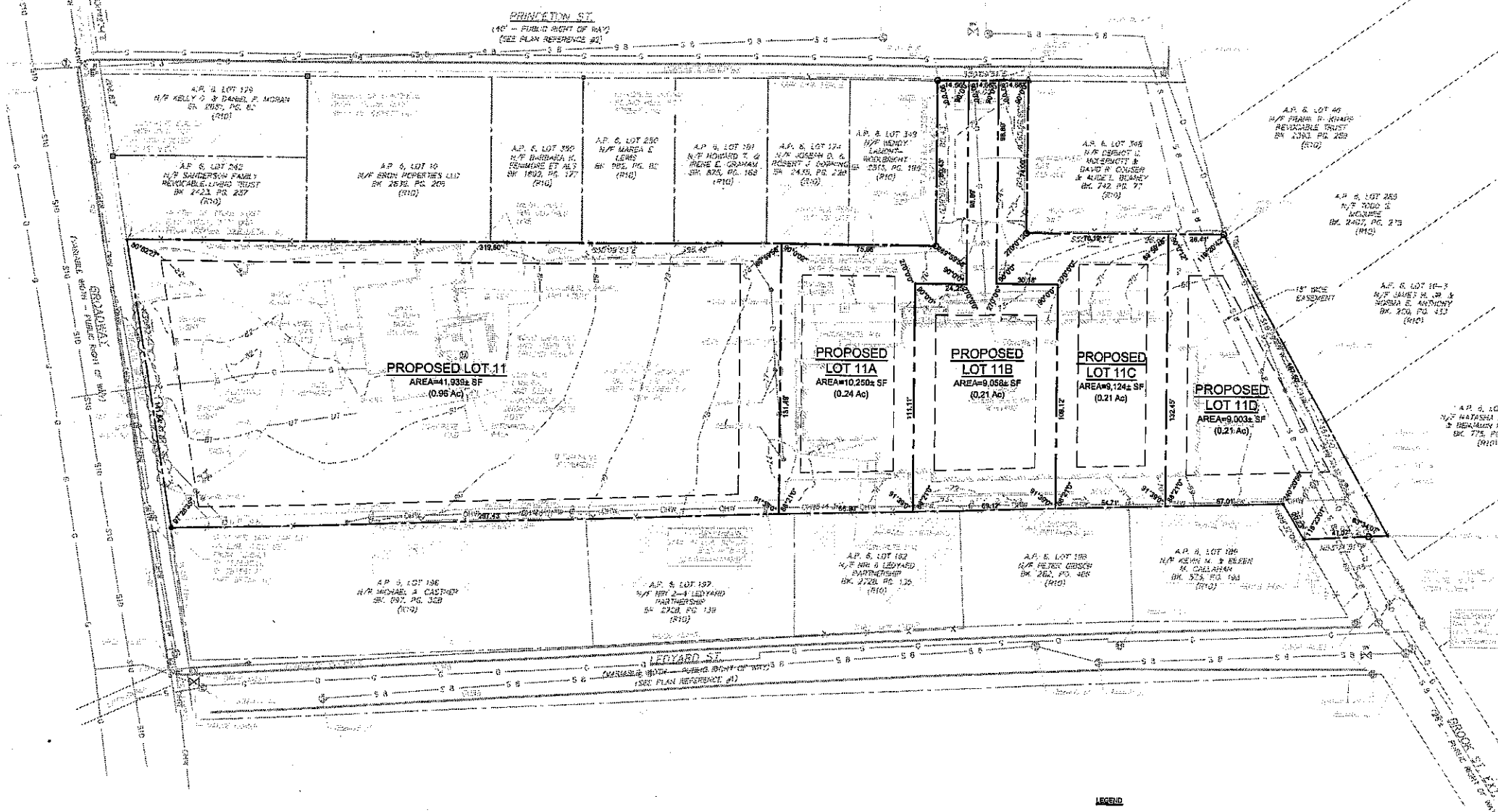
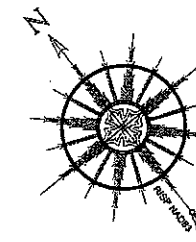
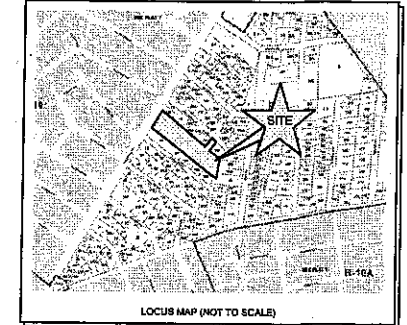




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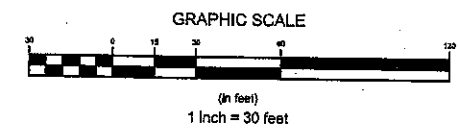


ZONING DATA: ZONE R-10	REQUIRED	PROPOSED LOT 11 INSTITUTIONAL/RECREATION OF LIMITED INSTRUCTIONS	PROPOSED LOT 11A RESIDENTIAL	PROPOSED LOT 11B RESIDENTIAL	PROPOSED LOT 11C RESIDENTIAL	PROPOSED LOT 11D RESIDENTIAL
MINIMUM LOT AREA:	10,000 SF	41,930 SF	10,250 SF	9,058 SF	9,124 SF	9,003 SF
MINIMUM LOT WIDTH:	80 FT	141.89 FT	14.88 FT	14.88 FT	14.88 FT	41.07 FT
BUILDING SETBACKS:						
FRONT	15 FT	15 FT	15 FT	15 FT	15 FT	15 FT
SIDE	10 FT	10 FT	10 FT	10 FT	10 FT	10 FT
REAR	20 FT	20 FT	20 FT	20 FT	20 FT	20 FT
MAXIMUM BUILDING HEIGHT:	30 FT	30 FT	30 FT	30 FT	30 FT	30 FT
MAXIMUM LOT COVERAGE:	20%	20%	20%	20%	20%	20%

- LEGEND**
- PROPERTY LINE
  - ABUTTER'S PROPERTY LINE
  - TOPOGRAPHIC CONTOUR
  - CHAIN LINK FENCE
  - STOCKADE FENCE
  - WOOD FENCE
  - HEDGE
  - BRUSH/HEDGES
  - NATURAL GAS LINE
  - MANHOLE
  - SEWER MANHOLE
  - CATCH BASIN
  - SIGN
  - HYDRANT
  - WATER GATE
  - LIGHT
  - UTILITY POLE
  - GUY WIRE
  - IRON ROD
  - SURVEY NAIL
  - PROPOSED PROPERTY LINE
  - PROPOSED SETBACK

**GENERAL NOTES:**

- EXISTING CONDITIONS ARE THE RESULT OF A FIELD SURVEY BY NORTHEAST ENGINEERS & CONSULTANTS, INC. (NEEC) IN SEPTEMBER 2016. PROPERTY LINE INFORMATION TAKEN FROM A CLASS 1 COMPREHENSIVE BOUNDARY SURVEY PREPARED BY NEEC DATED NOVEMBER 7, 2016.
- BASE OF ELEVATIONS: NAVD83. CONVERSION TO NGVD29 CALCULATED BY ADDING .863 FT., AND DERIVED FROM VERTCON.
- NORTH REFERENCES GRID NORTH (RSP NAD83) BY RTK GPS OBSERVATION.
- SUBJECT PROPERTY AND ALL ABUTTING PROPERTIES ARE ZONED R-10 (HIGH DENSITY RESIDENTIAL).
- STRUCTURES ON ABUTTING PROPERTIES SCALED FROM ARCHITECTURAL RENDERINGS AND SHOULD BE CONSIDERED APPROXIMATE.



No.	Revision	Date	App.
Designed By:	Drawn by: JUR	Checked by: GES	
Scale:	1"=30'	Date:	29MAR19
Project Title:			
<b>FORMER TRIPPLET SCHOOL SITE</b> A.P. 8 LOT 11 435 BROADWAY NEWPORT, RHODE ISLAND			
Client/Owner:			
EDWARD MCPHERESON ISLAND MOVING COMPANY PO BOX 746 NEWPORT, RI 02840			
Issued for:			
PERMITTING			
Drawing Title:			
<b>PROPOSED SUBDIVISION PLAN</b>			
Drawing Number:		C-2	
Sheet		2 of 2	
Project Number:		17062.2	
Survey Index:		14 - 6 - 11	
OWNERSHIP AND USE OF DOCUMENTS: DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF PROFESSIONAL SERVICE ARE AND SHALL REMAIN THE PROPERTY OF THE ENGINEER. THESE DOCUMENTS ARE NOT TO BE USED, IN WHOLE OR PART, FOR ANY OTHER PROJECTS OR PURPOSES, OR BY ANY OTHER PARTIES, THAN THOSE PROPERLY AUTHORIZED BY CONTRACT, WITHOUT THE EXPRESS AUTHORIZATION OF THE ENGINEER.			