

APPLICATION FOR SPECIAL USE PERMIT & A
REGULATORY (DIMENSIONAL) VARIANCE
CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW

MAR 25 2022

DATE: March 25, 2022

Board Members:

ZON APRIL 10

The undersigned hereby petition the Zoning Board of Review for a Special Use Permit and 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.: 37 Dennison

PS \$100⁰⁰

Tax Assessor's Plat 32 Lot 6

MAR 25 2022

Petitioner Information

Applicant: Douglas Lowenstein

Address: 43 Wagon Road

Owner: Same

Walpole, MA 02081

Lessee: N/A

Address: Same

Address: N/A

CHK# 19379

Property Characteristics:

Dimensions of Lot: Frontage: 50.0'; Depth: 67.0'; Area: 3,289 SF ±

Zoning District in which premises is located: R-10

How long have you owned above premises? 18 years

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing/approved buildings: 1,130 SF

Total square footage of the footprint of proposed buildings: 1,444 SF

Present use of premises: Single Family Dwelling

Proposed use of premises: Single Family Dwelling

**All of the following information and questions must be filled in and answered completely:
Give extent of proposed alterations:**

Applicant seeks a special use permit and variance from the dimensional requirements to construct a rear addition to the existing single-family home, resulting in side setbacks of 7.2' & 9.4' (10' required), a rear setback of 5.6' (20' required), and lot coverage of 43.9% (20% allowed), applying to the real property located at 37 Dennison Street, A.P. 32 Lot 6.

Zoning Characteristics Matrix

	Existing/Approved	Required/Allowed	Proposed
Lot Size (sq. ft.)	3,289 SF	10,000 SF	No Change
Lot Coverage (%)	34.4%	20%	43.9%
Dwelling Units	1	1	No Change
Parking	2	2	No Change
Front Setback	2.6'	15'	No Change
Side Setbacks	7.8' & 13.3'	10'	7.2' & 9.4'
Rear Setback	15.8'	20'	5.6'
Height	--	30'	No Change

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

LU - 1.4 & LU - 1.7.

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 is unique in that it has a lot size of just 3,289 SF. That is, it is approximately 33% the size of that which is required in the R-10 zone. In addition, the existing single family house is located within the required front, side and rear yard setbacks. As a result, any alteration to this home requires zoning relief.

Explain how the literal interpretation of the provisions of this zoning code deprive the applicant of rights commonly enjoyed by other property owners in the same district under the provisions of this zoning code?

Applicants currently maintain the property as a second home for their exclusive use. They intend to make it their primary residence and seek to update the home to be compatible with modern family living standards. Denial of the application would prevent them from doing so and would impede the full use and enjoyment of the property.

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

The proposed addition is modestly sized with a footprint of only 241 square feet. The additional lot coverage results from the new bulkhead (28 SF) and stairs (48 SF). While the increase in lot coverage may appear large at first glance, that is more a function of the size of the lot than the size of the addition. The addition is limited to 1 story and mature trees provide significant screening between the house and the abutter to the south, thereby minimizing any impact. Given the extremely small lot size, the requested relief is in keeping with the rest of the neighborhood and represents a minimal variance request. In addition, the changes to the setbacks are small deviations from those that currently exist and are limited on the east side to the new basement bulkhead.

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/variance 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/variance 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".

Douglas Lowenstein,
By His Attorneys,


Peter Brent Regan, Esq.
Michael Monti, Esq.
Sayer Regan & Thayer, LLP
130 Bellevue Avenue
Newport, RI 02840
(401) 849-3040
pbregan@srt-law.com
mmonti@srt-law.com

GENERAL NOTES

1. THE PARCEL IS FOUND ON ASSESSOR'S PLAT 32 LOT 6 IN THE TOWN OF NEWPORT, NEWPORT COUNTY, RHODE ISLAND.
2. THE OWNER PER DEED BOOK 1500, PAGE 122 IS DOUGLAS LOWENSTEIN AND CECILIA LOWENSTEIN.
3. THIS SITE IS LOCATED IN FEMA FLOOD ZONE X. REFERENCE FEMA FLOOD INSURANCE RATE MAP 44060C0171J, MAP REVISED SEPTEMBER 4, 2015. THIS DESIGNATION MAY CHANGE BASED UPON REVIEW BY A FLOOD ZONE SPECIALIST OR BY THE RESULTS OF A COMPREHENSIVE FLOOD STUDY.
4. THE PARCEL IS ZONED RESIDENTIAL 10 BASED ON THE TOWN OF NEWPORT ONLINE GIS. ANY OVERLAY DISTRICTS, SPECIAL PERMITS OR VARIANCES SPECIFIC TO THIS SITE ARE NOT TAKEN INTO CONSIDERATION. PLEASE CONTACT THE ZONING DEPARTMENT FOR ANY ADDITIONAL INFORMATION OR FOR A CERTIFICATE OF ZONING.
5. THERE WERE NO CEMETERIES, GRAVE SITES AND OR BURIAL GROUNDS OBSERVED WITHIN THE LIMITS OF THE SURVEY.
6. FIELD SURVEY PERFORMED BY DIPRETE ENGINEERING ON NOVEMBER 4, 2021. THIS PLAN REFLECTS ON THE GROUND CONDITIONS AS OF THAT DATE.
7. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. DIPRETE ENGINEERING IS NOT RESPONSIBLE FOR ANY UNKNOWN OR UNRECORDED EASEMENTS, DEEDS OR CLAIMS THAT A TITLE REPORT WOULD DISCLOSE.

PLAN REFERENCES

1. SITE/SURVEY PLAN, 327 SPRING STREET, NEWPORT, RI, SCALE 1"=10'. DATED DECEMBER 9, 2004, PLAN BY NARRAGANSETT ENGINEERING, INC., RECORDED IN DEED BOOK 1596, PAGE 102.

LIST OF POSSIBLE ENCROACHMENTS:


- A** ASPHALT DRIVEWAY OVER PROPERTY LINE
- B** CONCRETE SIDEWALK OVER PROPERTY LINE
- C** LAWN OVER PROPERTY LINE

SURVEYOR'S CERTIFICATE

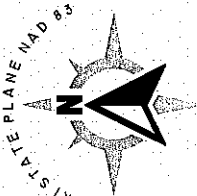
THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 25, 2015, AS FOLLOWS:

- LIMITED CONTENT BOUNDARY SURVEY (PERIMETER) CLASS 1
- THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS: PERMETER RETRACEMENT.

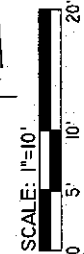
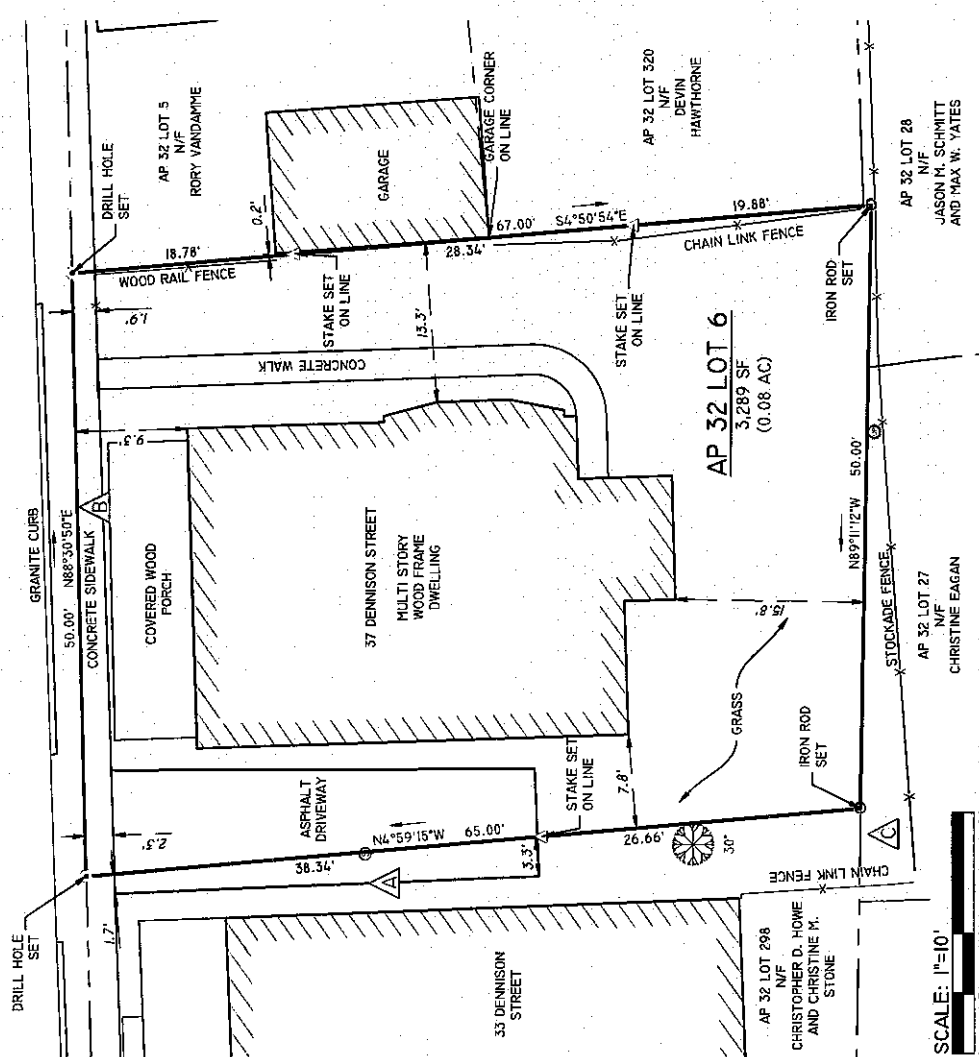
ROBERT G. BABCOCK
No. 2504
PROFESSIONAL LAND SURVEYOR



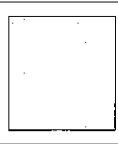
ROBERT G. BABCOCK, RIPLS #2504, COA #LS-000A160
11/11/21



DENNISON STREET
(VARIABLE WIDTH PUBLIC RIGHT OF WAY)



■ 401.647.7056 ■ 401.647.7116 (F) ■ jpenwell@wckford.com
 Design Resource Architects of Wickford
 13 George Avenue Northampton, MA 01083



RENOVATIONS TO THE
 LOWENSTEIN RESIDENCE
 37 DENNISON STREET
 NEWPORT, RI 02852

DRAWN BY: JS
 CHECKED BY: JS
 DATE: 3-4-22
 PROJECT: 210250
 REVISIONS

TITLE: DEMOLITION PLANS

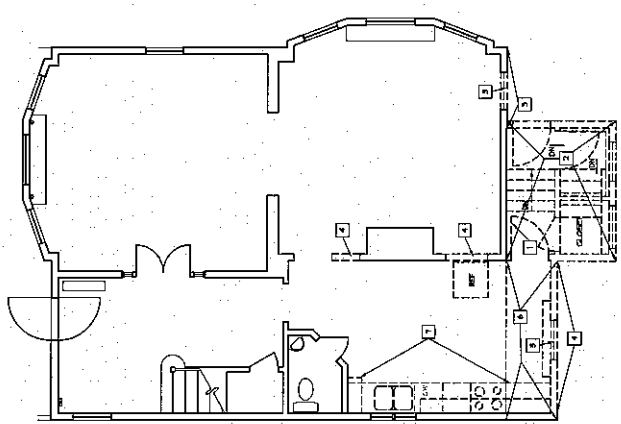
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SCHEMATIC
A0.1
 NOT FOR
 CONSTRUCTION

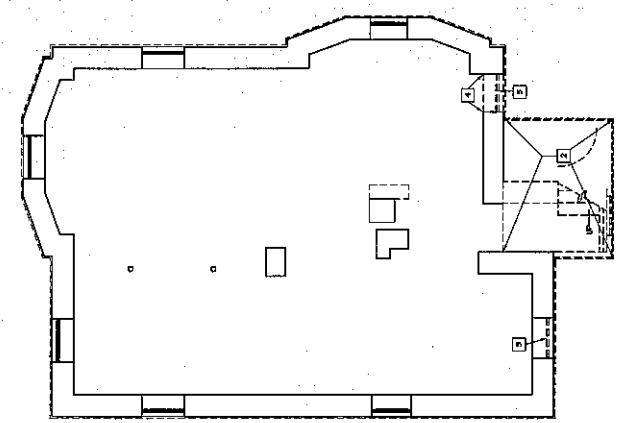
DRAWING LEGEND
 --- EXISTING HALL CONSTRUCTION
 --- HALL TO BE DEMOLISHED
 --- REMOVE WINDOW IN ITS ENTIRETY
 --- REMOVE DOOR FRAME TO BE REWORKED
 --- KEY NOTE

DRAWING SPECIFIC KEY NOTES
 1 REMOVE DOOR FRAME AND CASING
 2 REMOVE EXTERIOR SECTION OF BUILDING HALLA DOORS
 3 REMOVE WINDOW IN ITS ENTIRETY
 4 REMOVE PORTION OF HALL TO ACCOMMODATE NEW
 5 REMOVE EXTERIOR SLOPE TO SUBGRADE
 6 REMOVE ROOF AND ASSOCIATED STRUCTURE ABOVE
 7 REMOVE ALL MILLWORK THIS ROOM


DEMOLITION NOTES



FIRST FLOOR DEMOLITION PLAN
 SCALE: 1/8" = 1'-0"



BASEMENT DEMOLITION PLAN
 SCALE: 1/8" = 1'-0"

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 123 George Avenue, Westborough, MA 01581
 Design Resources Architects of Westford




**RENOVATIONS TO THE
 LOWENSTEIN RESIDENCE
 37 DENNISON STREET
 NEWPORT, RI 02852**

DRAWN BY: SA
 CHECKED BY: SA
 DATE: 9-4-22
 PROJECT: 20200
 REVISIONS:

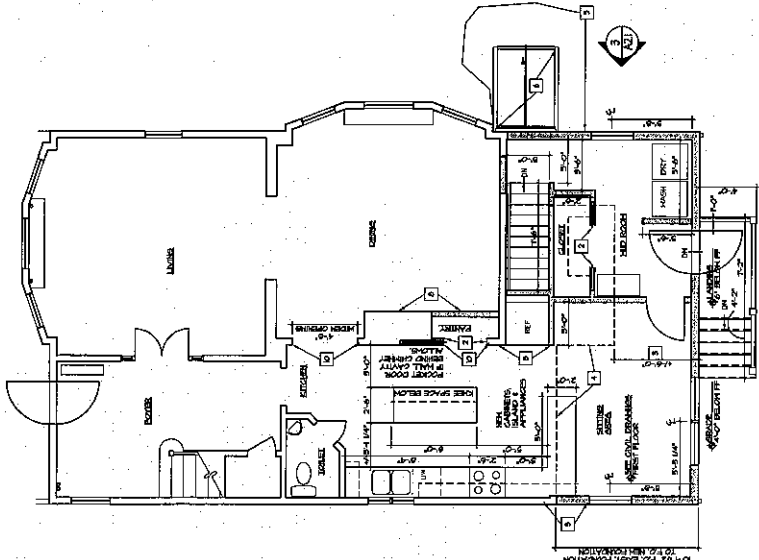
TITLE
**NEW FLOOR
 PLANS**

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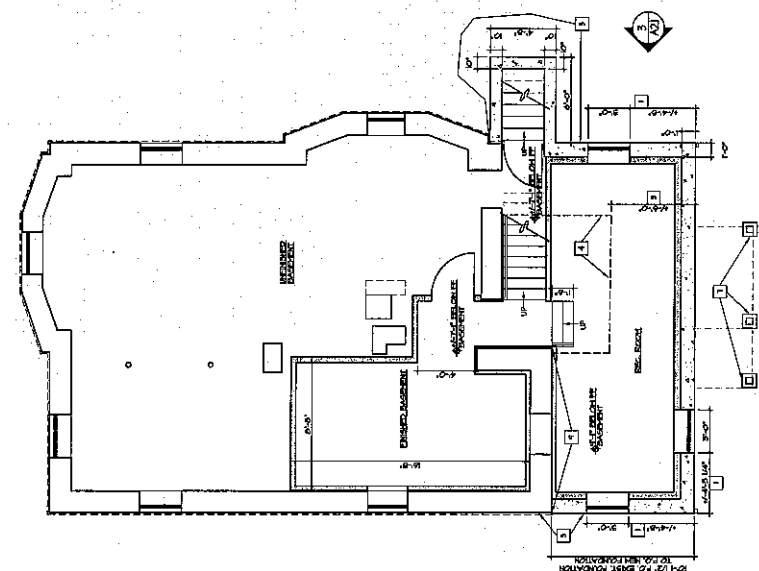
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 NOT FOR
 CONSTRUCTION

DRAWING LEGEND
 EXTERIOR ELEVATION KEY
 NEW HALL CONSTRUCTION
 NEW CONCRETE FOUNDATION HALL
 EXISTING HALL CONSTRUCTION
 DRAWING SPECIFIC KEY NOTE
 DOOR SYMBOL - SEE DRAWING A01
 WINDOW SYMBOL - SEE DRAWING A01
 EXISTING DOOR TO REMAIN
 WINDOW SYMBOL - SEE DRAWING A01
 WINDOW SYMBOL - SEE DRAWING A01
 WINDOW SYMBOL - SEE DRAWING A01

DRAWING SPECIFIC KEY NOTES
 1. DOOR SYMBOL CENTER INDICATES POSITION OF FIRST FLOOR HATCH ABOVE.
 2. CENTER HATCH IN CLOSET.
 3. HATCH SYMBOL CENTER INDICATES POSITION OF HATCHING TO REMAIN.
 4. LINE OF REMOVED SECTION OF WALLING SHOWN DASHED.
 5. ALUM. F.G. ADDITION WITH EXISTING BELONGS.
 6. NEW STEEL BELONGS.
 7. EXISTING FRAME FOOTING LOCATIONS RELATE TO NEW BEARING WALLS.
 8. EXISTING WALLS, CONCRETE DUCT REINFORCEMENTS WITH STRUCTURAL WORKERS.
 9. EXISTING WALLS, CONCRETE DUCT REINFORCEMENTS WITH STRUCTURAL WORKERS.
 10. EXISTING WALLS, CONCRETE DUCT REINFORCEMENTS WITH STRUCTURAL WORKERS.



NEW FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 NORTH



NEW BASEMENT PLAN
 SCALE: 1/8" = 1'-0"
 NORTH

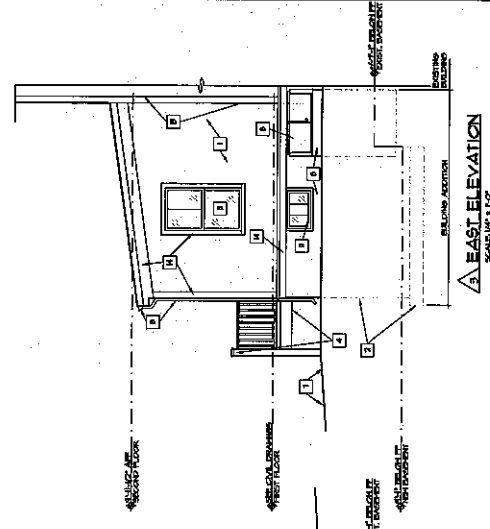
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RENOVATIONS TO THE
 LOWENSTEIN RESIDENCE
 37 DENNISON STREET
 NEWPORT, RI 02852

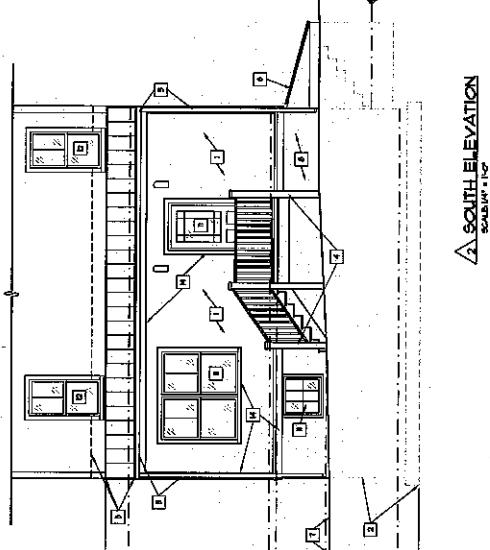
DRAWN BY: JSL
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 DATE: 3-4-22
 PROJECT: 21030
 REVISIONS:

TILE
 EXTERIOR
 ELEVATIONS &
 EXISTING PHOTOS

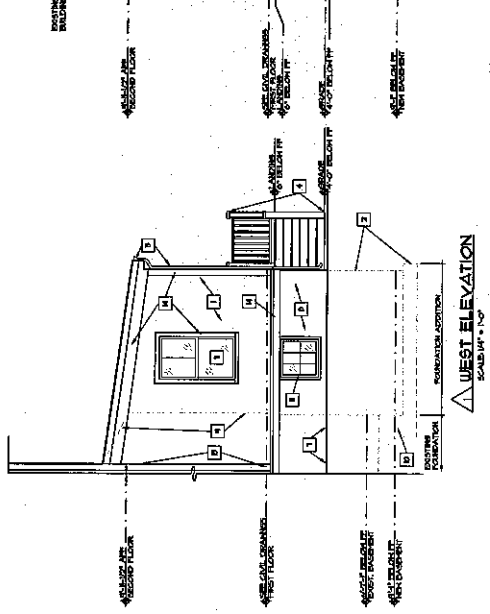
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EAST ELEVATION
 SCALE: 1/4" = 1'-0"

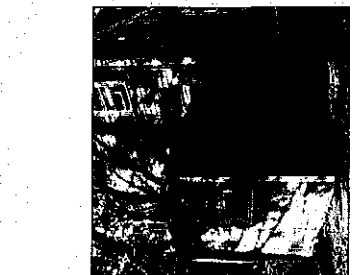
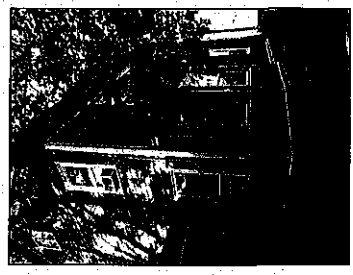


SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



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

- DRAWING SPECIFIC KEY NOTES**
- 1 NEW ROOF TO MATCH EXISTING.
 - 2 LINE OF RENOVATION BEGIN.
 - 3 NEW ENTRY AND DOOR WEST TO MATCH EXISTING. PROVIDE SPAIN BLOSSOM.
 - 4 NEW 2x6 BRUSH LAMINATE AND 1/2\"/>



EXISTING PHOTOGRAPHS