

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

PD #100 00

FEB 28 2022

DATE: February 28, 2022

ZON MAR 15

CHK# 44390

Board Members:

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.: 93 Second Street

Tax Assessor's Plat 9 Lot 320

Petitioner Information

Applicant: John & Kathleen Trentos

Address: 81 Wild Buck Road

Owner: Same

Wilton, CT 06897

Lessee: N/A

Address: Same

Address: N/A

Property Characteristics:

Dimensions of Lot: Frontage: 39.97'; Depth: 98.01'; Area: 4,470 SF ±

Zoning District in which premises is located: R-10

How long have you owned above premises? 1 year

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing/approved buildings: 684 SF

Total square footage of the footprint of proposed buildings: 1,569 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 allow for the construction of a new single-family home having a front setback of 6.8' (15' required) and side setbacks of 3.5' and 13.3' (10' required) and to further allow for the construction of a small shed having a rear setback of 2.7' (20' required) and a side setback of 2.6'. The proposal will result in 35.1% lot coverage (20% required) applying to the real property located at 5 Dresser Street, A.P. 9 Lot 320.

### **Zoning Characteristics Matrix**

	<b>Existing/Approved</b>	<b>Required/Allowed</b>	<b>Proposed</b>
<b>Lot Size (sq. ft.)</b>	4,470 SF	10,000 SF	No Change
<b>Lot Coverage (%)</b>	16.8%	20%	35.1%
<b>Dwelling Units</b>	1	1	No Change
<b>Parking</b>	2	2	No Change
<b>Front Setback (House)</b>	18.8'	15'	6.8'
<b>Side Setbacks (House)</b>	3.8' and 12.2'	10'	3.5' & 13.3'
<b>Rear Setback (House)</b>	+20'	20'	29.6'
<b>Height (House)</b>	17.5'	30'	30'
<b>Side Setback (Shed)</b>	N/A	10'	2.6'
<b>Rear Setback (Shed)</b>	N/A	20'	2.7'

**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 4,470 square feet. That is, it is approximately 44% the size of what is required in the R-10 zone. Moreover, the shape of the lot is of a small wedge, with the rear of the property greater in width than the front of the property. As such, building a single-family home compatible with modern family living is almost impossible without obtaining a variance from the dimensional requirements of the R-10 zone.

**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?**

If the application is not granted, the Applicant will be unable to construct a reasonably home compatible with modern standards.

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

The requested relief is minimal relative to the district. Most homes in this area exceed the 20% lot coverage requirement and the median lot coverage in the area is 36%. The proposed setbacks are also consistent with nearby properties. Lastly, a strict application of the setback requirements would make the construction of a modern family home infeasible.

### **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.

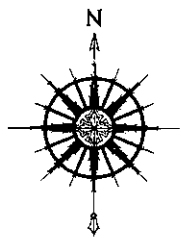
The burden of proof in a special-use permit/variance application is on the applicant. This means that if the applicant fails to present adequate competent evidence to prove the applicable standard for issuing a special-use permit/variance has been met, the board must deny the application.

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".

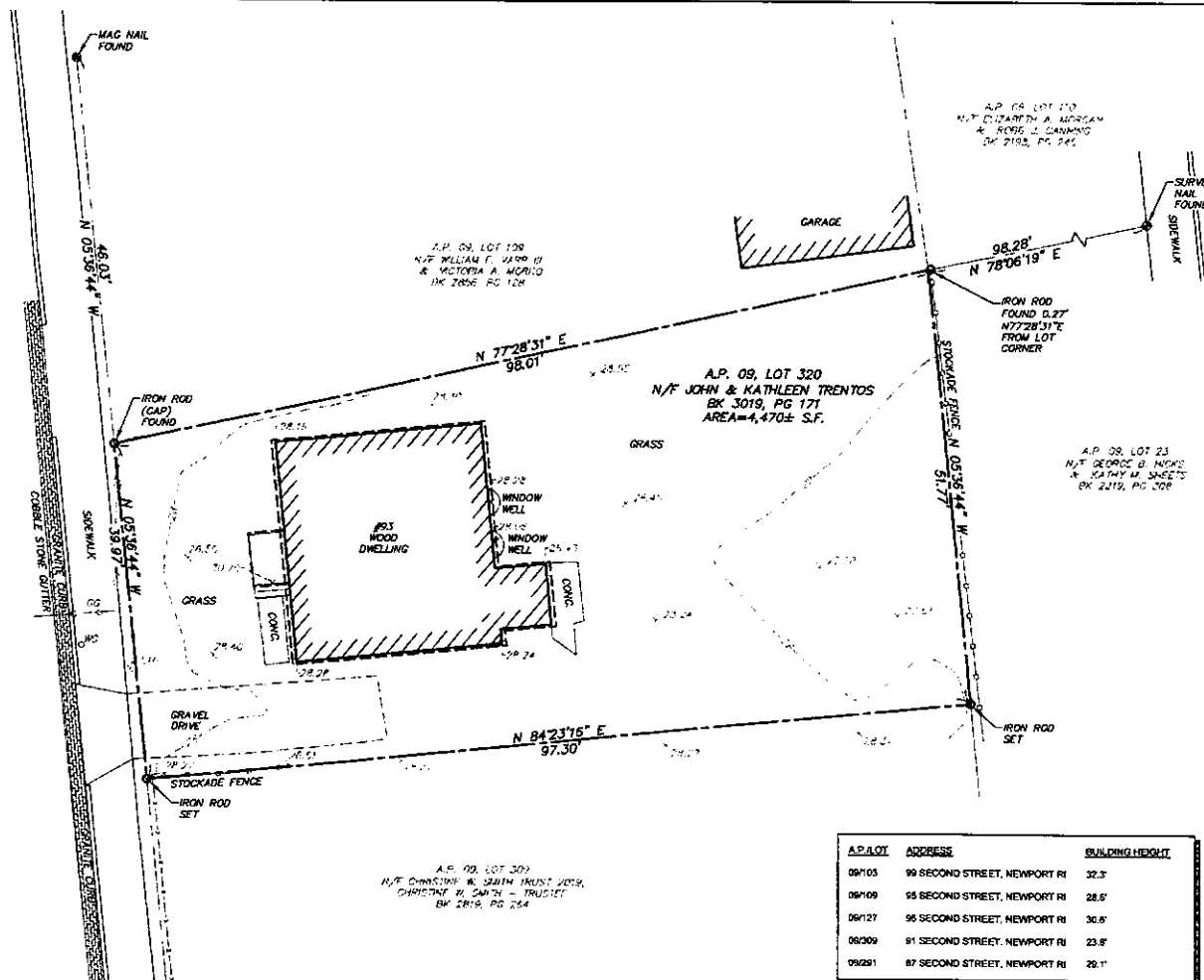
John Trentos and Kathleen Trentos  
By Their Attorneys,



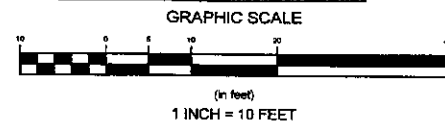
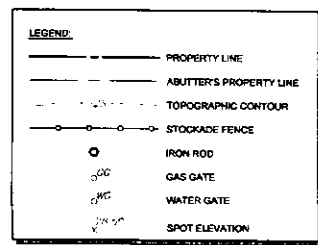
Michael Monti, Esq.  
Peter Brent Regan, Esq.  
Sayer Regan & Thayer, LLP  
130 Bellevue Avenue  
Newport, RI 02840  
(401) 849-3040  
[mmonti@srt-law.com](mailto:mmonti@srt-law.com)



SECOND STREET  
(40' WIDE PUBLIC RIGHT OF WAY)



A.P. LOT	ADDRESS	BUILDING HEIGHT
09103	99 SECOND STREET, NEWPORT RI	32.3'
09109	98 SECOND STREET, NEWPORT RI	28.8'
09127	96 SECOND STREET, NEWPORT RI	30.8'
09209	91 SECOND STREET, NEWPORT RI	23.8'
09291	87 SECOND STREET, NEWPORT RI	29.1'



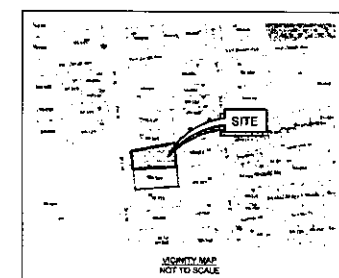
NORTHEAST ENGINEERS  
& CONSULTANTS, INC.



A KNOWLEDGE CORPORATION®

5 VALLEY ROAD MIDDLETOWN RHODE ISLAND 02842  
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TRANSPORTATION  
STRUCTURAL  
MATERIALS TESTING



No.	Revision	Date	App.
1	REVISED VICINITY MAP	3DEC21	

Designed By: \_\_\_\_\_ Drawn by: GT/VAL Checked by: JC/SL  
Scale: 1"=10' Date: OCTOBER 22, 2021

**A.P. 09, LOT 320**  
**93 SECOND STREET**  
**NEWPORT, RHODE ISLAND**

Client/Owner:  
**KATHY TRENTOS**  
80 DIVISION STREET  
NEWPORT, RI 02840

Drawing Title:  
**CLASS I LIMITED CONTENT**  
**BOUNDARY & EXISTING**  
**CONDITIONS SURVEY**  
A.P. 09, LOT 320  
93 SECOND STREET  
NEWPORT, RHODE ISLAND

Drawing Number:	<b>L-1</b>
Sheet	<b>1 of 1</b>
Project Number:	<b>21195.0</b>
Survey Index:	<b>14 - 09 - 320</b>

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, WITHOUT THE EXPRESS AUTHORIZATION OF THE ENGINEER.

**SURVEYOR'S CERTIFICATION:**  
THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO 435-RICR-08-001.9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON APRIL 28, 2010, AS FOLLOWS.

**TYPE OF SURVEY:** LIMITED CONTENT BOUNDARY SURVEY  
**MEASUREMENT SPECIFICATION:** CLASS I

**STATEMENT OF PURPOSE:**  
THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:  
TO DETERMINE AND MONUMENT THE LOCATION OF THE PROPERTY BOUNDARIES OF A.P. 09, LOT 320.

SEAN M. LEACH  
No. 1207  
PROFESSIONAL LAND SURVEYOR  
DATE: 11/5/2024  
C.O. NO. 4346

- GENERAL NOTES:**
- EXISTING CONDITIONS ARE THE RESULT OF A FIELD SURVEY BY NORTHEAST ENGINEERS & CONSULTANTS, INC. IN OCTOBER 2021
  - VERTICAL DATUM IS NAVD 88
  - NORTH ARROW SCALED FROM TAX ASSESSORS' MAP AND SHOULD BE CONSIDERED APPROXIMATE.

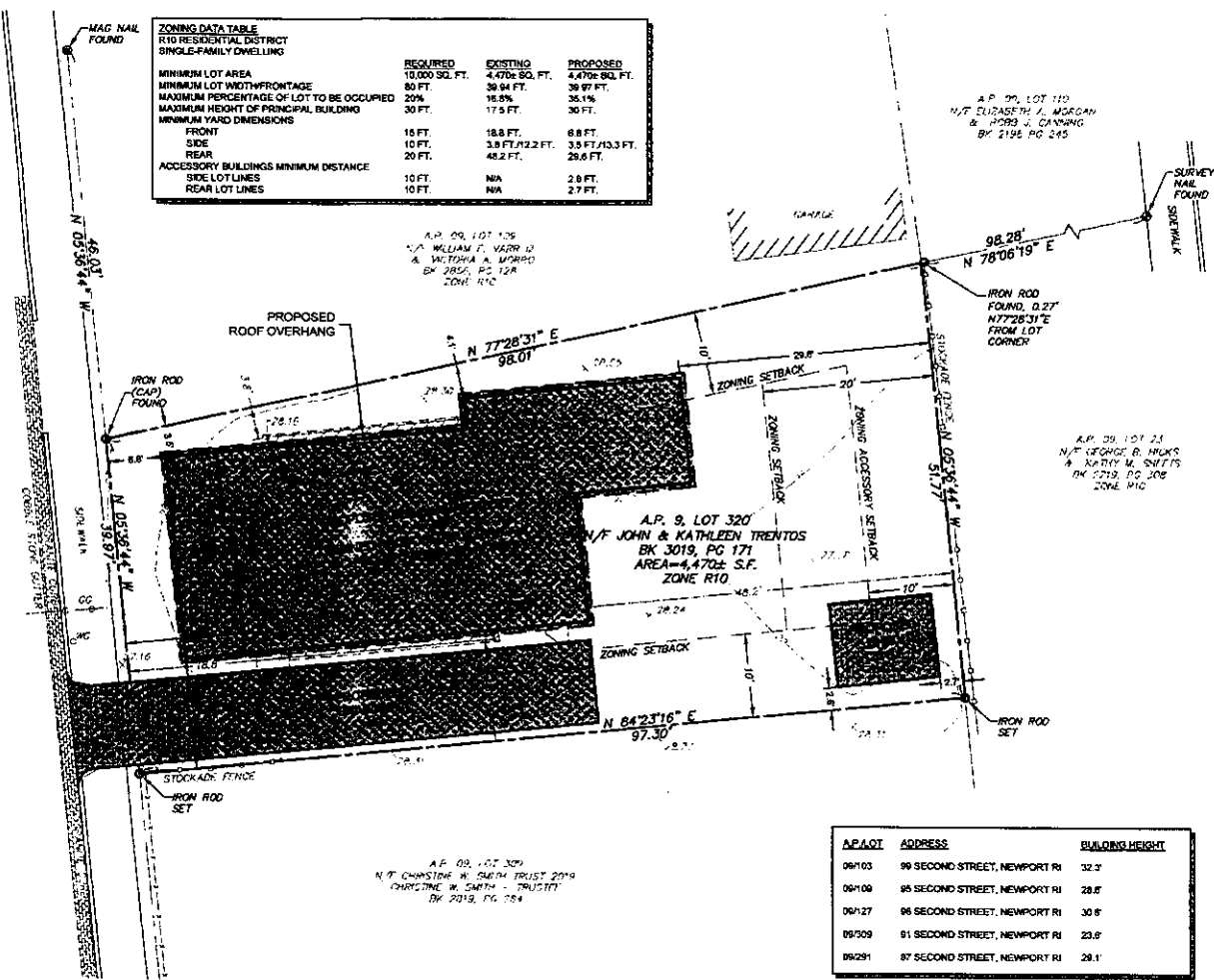
- PLAN REFERENCES:**
- "ALTAMPS LAND TITLE SURVEY PLAN, 'HARBOR HOUSE' A.P. 9, LOT 22, WASHINGTON, BATTERY AND SECOND STREET, NEWPORT, RHODE ISLAND" PREPARED BY WATERMAN COMMUNITY HOUSING CORP
  - "A.P. 9, LOT 95, 94 THIRD STREET NEWPORT, RHODE ISLAND, LIMITED CONTENT BOUNDARY SURVEY" PREPARED BY NORTHEAST ENGINEERS & CONSULTANTS





SECOND STREET  
(40' WIDE PUBLIC RIGHT OF WAY)

ZONING DATA TABLE R10 RESIDENTIAL DISTRICT SINGLE-FAMILY DWELLING			
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SQ. FT.	4,470± SQ. FT.	4,470± SQ. FT.
MINIMUM LOT WIDTH/FRONTAGE	80 FT.	39.94 FT.	39.97 FT.
MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED	20%	18.8%	35.1%
MAXIMUM HEIGHT OF PRINCIPAL BUILDING	30 FT.	17.5 FT.	30 FT.
MINIMUM YARD DIMENSIONS			
FRONT	15 FT.	18.8 FT.	8.8 FT.
SIDE	10 FT.	3.9 FT./12.2 FT.	3.5 FT./13.3 FT.
REAR	20 FT.	48.2 FT.	29.6 FT.
ACCESSORY BUILDINGS MINIMUM DISTANCE			
SIDE LOT LINES	10 FT.	N/A	2.6 FT.
REAR LOT LINES	10 FT.	N/A	2.7 FT.



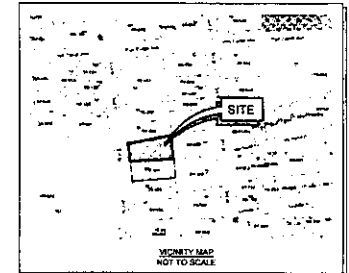
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REVISED PER REVIEW COMMENTS			
No.	Revision	Date	App.
1	Revised per review comments	DEC 21	
Designed By	Drawn by: GTVAL	Checked by: JCSL	
Scale:	1"=10'	Date: DECEMBER 2, 2021	
Project Title:			

A.P. 09, LOT 320  
93 SECOND STREET  
NEWPORT, RHODE ISLAND

Client/Owner:  
KATHY TRENTOS  
60 DIVISION STREET  
NEWPORT, RI 02840

Drawing Title:

ZONING PLAN

Drawing Number:	Z-1
Sheet	1 of 1
Project Number:	21195.0
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TYPE OF SURVEY: LIMITED CONTENT BOUNDARY SURVEY  
MEASUREMENT SPECIFICATION: CLASS I

#### STATEMENT OF PURPOSE:

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- VERTICAL DATUM IS NAVD 83
- NORTH ARROW SCALED FROM TAX ASSESSOR'S MAP AND SHOULD BE CONSIDERED APPROXIMATE
- SUBJECT PARCEL FALLS WITHIN THE R10 ZONING DISTRICT
- SUBJECT PARCEL LIES WITHIN THE FEMA FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP NUMBER 440903171J, MAP REVISED SEPTEMBER 4, 2013.

#### PLAN REFERENCES:

- "ALTANISPS LAND TITLE SURVEY PLAN, 'HARBOR HOUSE' A.P. 9, LOT 22, WASHINGTON, BATTERY AND SECOND STREET, NEWPORT, RHODE ISLAND" PREPARED BY WATERMAN COMMUNITY HOUSING CORP.
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09/108	98 SECOND STREET, NEWPORT RI	28.8'
09/127	96 SECOND STREET, NEWPORT RI	30.6'
09/509	91 SECOND STREET, NEWPORT RI	23.9'
09/291	87 SECOND STREET, NEWPORT RI	28.1'

LEGEND:	
	PROPERTY LINE
	ADJUTTER'S PROPERTY LINE
	TOPOGRAPHIC CONTOUR
	ZONING SETBACK
	STOCKADE FENCE
	IRON ROD
	GAS GATE
	WATER GATE
	SPOT ELEVATION

