

APPLICATION FOR DIMENSIONAL VARIANCE

CITY OF NEWPORT, RI ZONING BOARD OF REVIEW

DATE: July 22, 2020

Board members:

The undersigned hereby petitions the Zoning Board of Review for 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: 2 Ellery Road

Tax Assessor's Plat 20 Lot 006

Petitioner Information

Applicant James & Denise Carria Address 2 Ellery Road, Newport, RI 02840

Owner James & Denise Carria Address 2 Ellery Road, Newport, RI 02840

Lessee N/A Address N/A

Property Characteristics

Dimensions of lot-frontage 43.70' 107.62' (LHS) depth 92.1' (RHS) area 4,319 sq. ft.

Zoning District in which premises is located R10A

How long have you owned above premises? April 2010

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings House: 1,448.3 Sq Ft / Shed: 120 Sq Ft

Total square footage of the footprint of proposed buildings House: 1,448.3 Sq Ft / Shed: 120 Sq Ft

Present use of premises Single Family Home

Proposed use of premises Single Family Home

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

Give extent of proposed alterations A new dormer will be constructed within the boundaries
of the existing building. The existing hipped end of the roof will be converted into a gable end.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	4,319 Sq Ft.	10,000 Sq Ft.	N/A
Lot Coverage (%)	36% (1,568.3 Sq Ft.)	20% (863 Sq Ft.)	36% (1,568.3 Sq Ft.)
Dwelling Units	1	1	1
Parking (# of spaces)	1	1	1
Front Setback	7'-7"	15'-0"	7'-7"
Side Setbacks	3'-0" (LHS) / 6'-6" (RHS)	10'-0"	3'-0 (LHS) / 6'-6" (RHS)
Rear Setback	32'-0 1/2"	20'-0"	32'-0 1/2"
Height	23'-0 1/2"	30'-0"	23'-0 1/2"

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

The existing lot is a non conforming lot for the R10A zone. Due to the setback constraints set forth by
the zoning ordinance the lot is at a disadvantage for the buildable area. A dormer is being requested to
allow for proper headroom on the second floor. The hardship is due to the size of the lot, and placement of the
existing building within the setbacks.

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?

A standard house in the R10A district should have a minimum lot width of 80'-0". where this property has a lot width of 43.70'. With side yard setbacks of 10'-0" a house in this zone could theoretically be 60'-0 where as a building on this lot at max could be 23.70' wide. Due to the narrow lot size there is already a disadvantage of the size of home that can be constructed. The requested dormer would not extend outside of the existing building envelope. By granting the requested variance, the proposed project will not alter the general character of the surrounding area where the houses are of similar scale and height.

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

In attempts to create more usable living space with adequate headroom, a dormer is being requested. Opposed to building a new second story addition over the existing home that would encroach on both the side yard and front yard setbacks, the dormers are the least intrusive option. The dormer height will not exceed the existing ridge line. The proposed work will not impact the neighbors because we will be working within existing foot print, and will not be building any further into the setbacks, and will not be increasing the height of the building.

The Zoning Boards Role

In granting a variance, the zoning board of review shall **require** that evidence of the following standards 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 due 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".

James J. Carria
Applicant's Signature
(401) 489-5514
Telephone Number

James J. Carria
Owner's Signature
(401) 489-5514
Telephone Number

Email address JimCarria@gmail.com

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

JPS

CONSTRUCTION and DESIGN

» Contact Us: 401-619-1260
JPSconstdesign@gmail.com

88 Valley Rd.
Middletown, RI 02842

Rhode Island & Massachusetts
Licensed and Insured
Lead-Safe Certified

To whom it may concern:

Please find enclosed a check for the submission of the Zoning Application for 2 Ellery Road.
Submitted via email to Mr. Weston on July 22, 2020.

Thank you

Domeny Anderson
401-378-6211

ZBR
Aug-3



JPS

CONSTRUCTION and DESIGN

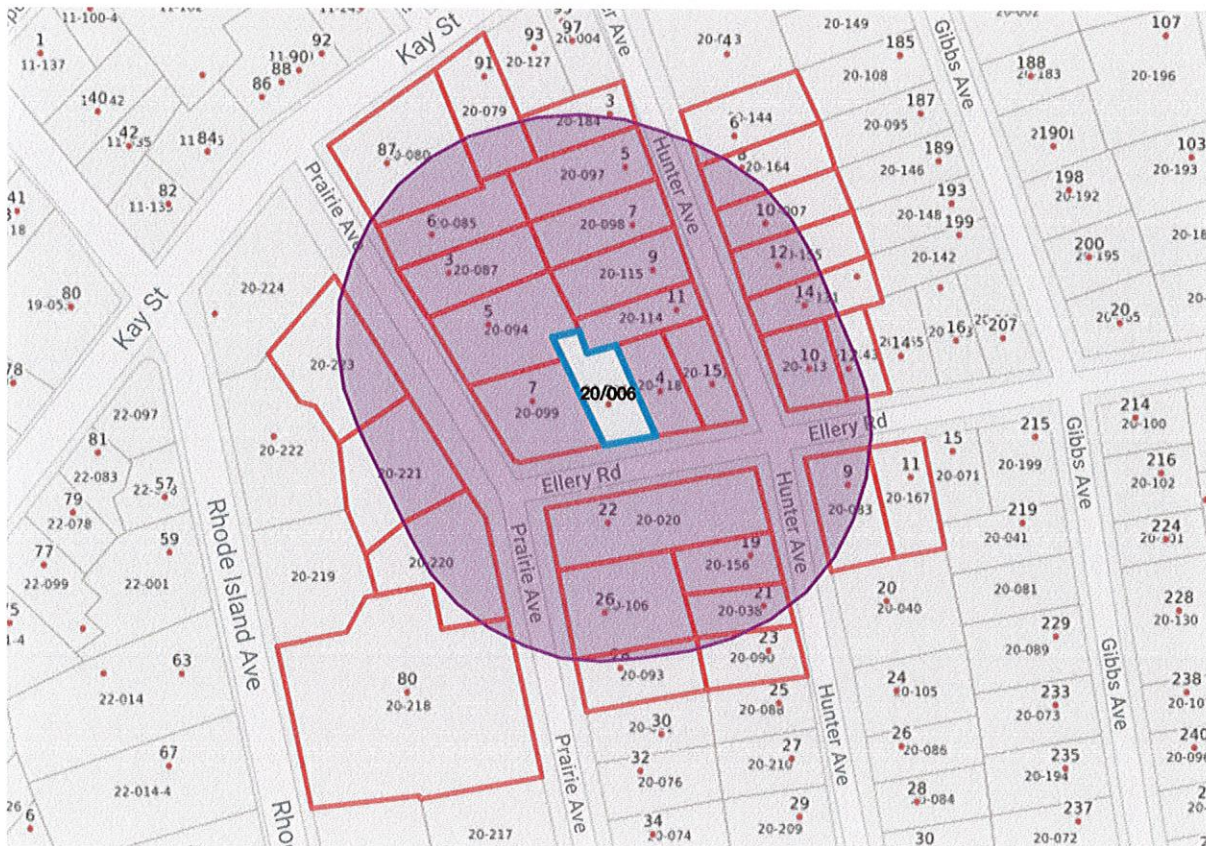
» Contact Us: 401-619-1260
JPSconstdesign@gmail.com

88 Valley Rd.
Middletown, RI 02842

Rhode Island & Massachusetts
Licensed and Insured
Lead-Safe Certified

Petition for Variance - List of Abutters

2 Ellery Road, Newport, RI 02840
20/006



	PARCEL ID	PROPERTY ADDRESS	OWNER	OWNER'S ADDRESS
1	20-220	21 Prairie Ave	White Wall LLC	174 Bellevue Ave Suite 200 Newport, RI 02840
2	20-221	10 Prairie Ave	Judith Anne Foxley	10 Prairie Ave Newport, RI 02840
3	20-218-1	78 Rhode Island Ave, #1	Deborah A Byrnes	78 Rhode Island Ave, #1 Newport, RI 02840
4	20-218-2	78 Rhode Island Ave, #2	Stephen A Demagistris Trust 2017	78 Rhode Island Ave, #2 Newport, RI 02840
5	20-218-3	78 Rhode Island Ave, #3	Joseph M Tomaino Revocable Trust	78 Rhode Island Ave, #3 Newport, RI 02840
6	20-218-4	78 Rhode Island Ave, #4	Alison P Scavone Revocable Trust	1600 Clermont Dr Unit 302 Naples, FL 34109
7	20-218-5	78 Rhode Island Ave, #5	James P & Vonda L Raisides	283 Ocean Ave, Marblehead, MA 01945
8	20-218-6	78 Rhode Island Ave, #6	Romaine C B Orthwein	147 S Plymouth Blvd Los Angeles, CA 90004
9	20-218-7	78 Rhode Island Ave, #7	Anthony & Chris Smith	1 Colburn Rd Manchester, MA 01944
10	20-218-8	78 Rhode Island Ave, #8	Romaine C B Orthwein	147 S Plymouth Blvd Los Angeles, CA 90004
11	20-218-9	29 Prairie Ave #9	Emmett L Holt III Trust 1997	29 Prairie Ave #9 Newport, RI 02840
12	20-007	10 Hunter Ave	Dennis J SR and Mary Ellen Brown	10 Hunter Ave Newport, RI 02840
13	20-020	22 Prairie Ave	Christopher P Yalanis	22 Prairie Ave Newport, RI 02840
14	20-038	21 Hunter Ave	Peter H Macdonald & Kimberly A Knox	74 Meadow Ln West Hartford, CT 06107
15	20-079	91 Kay Street	Richard F & Kristen A Miner	91 Kay Street Newport, RI 02840
16	20-080	87 Kay Street	Thomas & Karen Lee Cadwalader	87 Kay Street Newport, RI 02840
17	20-083	9 Ellery Road	William R Dailey III & Shari L Dailey	9 Ellery Road Newport, RI 02840
	20-083	9 Ellery Road	Srivisasan S Pillay & Robert W Irvin	9 Ellery Road Newport, RI 02840
18	20-085	6 Prairie Ave	Neil Andrew & Elizabeth Galvin	6 Prairie Ave Newport, RI 02840

	PARCEL ID	PROPERTY ADDRESS	OWNER	OWNER'S ADDRESS
19	20-090	23 Hunter Ave	Stephen P Ostiguy	23 Hunter Ave Newport, RI 02840
20	20-093	28 Prairie Ave	Joseph R & Jane Edmonds	40 Flintstone Road Narragansett, RI 02882
21	20-094	5 Prairie Ave	Norman Bestoso Revocable Trust 2015	5 Prairie Ave Newport, RI 02840
22	20-097	5 Hunter Ave	Raymond J Mcinnis JR & Wendy R Mcinnis	5 Hunter Ave Newport, RI 02840
23	20-098	7 Hunter Ave	Paula A Hafner	7 Hunter Ave Newport, RI 02840
24	20-099	7 Prairie Ave	Mark S & Margaret N Murphy	7 Prairie Ave Newport, RI 02840
25	20-106	26 Prairie Ave	Gary J & Geraldine I Vitale	6 Horizon Drive Mendham, NJ 07945
26	20-113	8-10 Ellery Road	June A Peckham Life Estate	8-10 Ellery Road Newport, RI 02840
27	20-114	11 Hunter Ave	William T Kivel	3 Ivy Hill Road Brewster, NY 10509
28	20-115	9 Hunter Ave	Elizabeth F Smith	9 Hunter Ave Newport, RI 02840
29	20-116	15 Hunter Ave	Nicholas J Phelan Revocable Trust	49 Friends Drive Newport, RI 02840
30	20-118	4 Ellery Road	Craig & Lisa McCurdy	4 Ellery Road Newport, RI 02840
	20-118	4 Ellery Road	Cecilia M Schilling	129 Boulevard Middletown, RI 02842
31	20-131	14 Hunter Ave	Francis D Egan JR	14 Hunter Ave Newport, RI 02840
32	20-143	12 Ellery Road	Helen S Masson	12 Ellery Road Newport, RI 02840
33	20-144	6 Hunter Ave	Mark Alan Frey	6183 Yorkshire Road New Hope, PA 18938
34	20-155	12 Hunter Ave	Michael Gaetano & Maribeth Mcnamara Costello	6 Grey Squirrel Circle Medway, MA 02053
	20-155	12 Hunter Ave	Theodore J & Theresa M Gaffney	20 Morrison Road West Wakefield, MA 01880
35	20-156	19 Hunter Ave	James L McGuire & Pamela J Sheehan-McGuire	19 Hunter Ave Newport, RI 02840
36	20-164	8 Hunter Ave	Martin Bedell & Jane P Gallucci	8 Hunter Ave Newport, RI 02840

	PARCEL ID	PROPERTY ADDRESS	OWNER	OWNER'S ADDRESS
37	20-167	11 Ellery Road	Stewart M & Leslie A Streuli	11 Ellery Road Newport, RI 02840
38	20-184	3 Hunter Ave	James & Margaret Sellar	3 Hunter Ave Newport, RI 02840
39	20-087-01	3 Prairie Ave Unit 1	Scott G & Stacia Hemphill	20 Birch Road Sterling, MA 01564
40	20-087-02	3 Prairie Ave Unit 2	Sean D Rivers	115 Girard Ave Hartford, CT 06105
41	20-087-03	3 Prairie Ave Unit 3	Alex Hart Nibbrig	3 Prairie Ave Unit 3 Newport, RI 02840
42	20-087-04	3 Prairie Ave Unit 4	Joseph M & Dawn Adiletta	PO Box 174 East Woodstock, CT 06244
43	20-223	4 Prairie Ave	Norma Smith Quinn	4 Prairie Ave Newport, RI 02840

NORTHEAST ENGINEERS
& CONSULTANTS, INC.

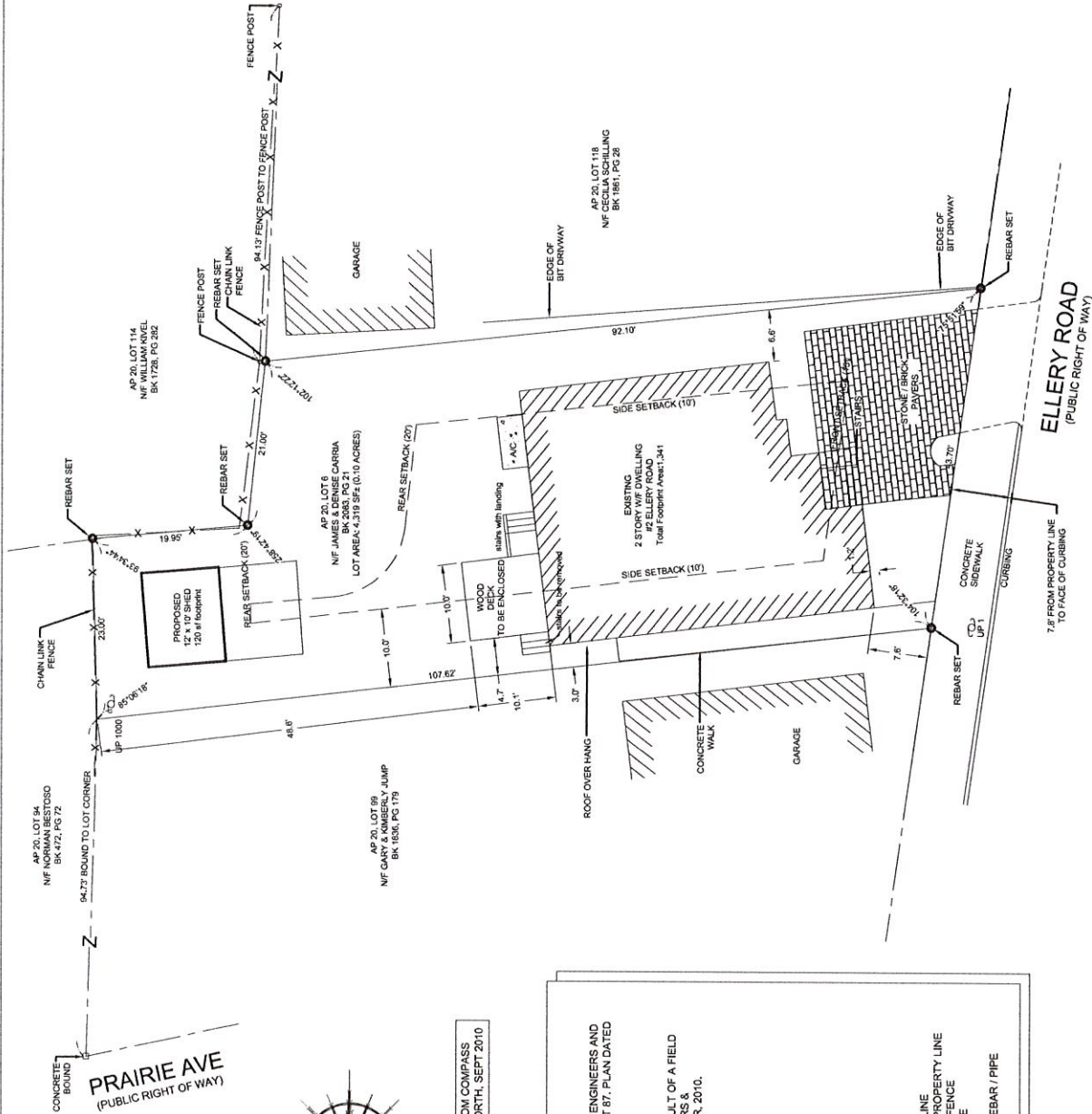


SITE/CIVIL
LAND PLANNING
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SURVEYING
GEOTECHNICAL
ENVIRONMENTAL
TRANSPORTATION
STRUCTURAL
MATERIALS TESTING



A KNOWLEDGE CORPORATION
55 JOHN CLARK ROAD MIDDLETOWN RHODE ISLAND 02842
PHONE (401) 848-0810 FAX (401) 848-4189
WWW.NORTHEASTENGINEERS.COM

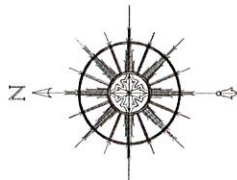
HUNTER ST
(PUBLIC RIGHT OF WAY)



GRAPHIC SCALE



1 INCH = 10 FEET



NORTH ARROW TAKEN FROM COMPASS
OBSERVATION: MAGNETIC NORTH, SEPT 2010

PLAN REFERENCES

1. "PLAN OF LAND" BY NORTHEAST ENGINEERS AND CONSULTANTS, INC FOR AP 20, LOT 87, PLAN DATED 1/8/03; SCALED 1" = 20'.

NOTES

1. EXISTING CONDITIONS IS A RESULT OF A FIELD SURVEY BY NORTHEAST ENGINEERS & CONSULTANTS, INC. IN SEPTEMBER, 2010.

ZONING INFORMATION

ZONE - RESIDENTIAL 10A
MIN. LOT AREA - 10,000 S.F.
MIN. LOT WIDTH - 80

SETBACKS:

FRONT 15'
SIDE 10'
REAR 20'
HEIGHT 30'
MAX. LOT COVERAGE 20%

LEGEND:

PROPERTY LINE
ABUTTERS PROPERTY LINE
CHAIN LINK FENCE
UTILITY POLE
BOUND
IRON PIN / REBAR / PIPE

UNITS: MAP
NTS

No.	SHEET ORIENTATION	Revision	Date	App.
1				

Designed By: CSM
Scale: 1" = 10'
Project Title: AP 20, LOT 2
2 ELLERY ROAD
NEWPORT, RI 02840

Checked By: RFL
Date: SEPT 18, 2010

Client/Owner:
JAMES CARRIA
10 BUCKWOOD DRIVE
CUMBERLAND, RI 02864

Drawing Title:
PLAN OF LAND

Drawing Number:	L-1
Sheet 1 of 1	
Project Number:	10116.0
Survey Index:	14 - 20 - 6

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 IN PART, FOR ANY OTHER PURPOSES, OR BY ANY OTHER PARTIES, THAN THOSE PROPERLY AUTHORIZED BY CONTRACT, WITHOUT THE EXPRESS AUTHORIZATION OF THE ENGINEER.

2 ELLERY ROAD
NEWPORT, RI 02840

DORMER ADDITION TO EXISTING HOME. HEIGHT OF DORMER NOT TO EXCEED EXISTING RIDGE LINE.

DESIGNER: JPS Construction and Design
88 Valley Rd.
Middletown, RI 02842

PHONE: 401-619-1260

PHONE: 401-619-1260
EMAIL: Anderson.JPSCD@gmail.com

BUILDER: JPS Construction And Design
88 Valley Road

PROJECT MANAGER: Allison Nicolopoulos
PHONE: 973-617-7577
EMAIL: Allison.JPSCD@gmail.com

Sheet Number	Sheet Title
G General	
G0.0.0	Cover Sheet
L Landscape	
L.0.0	Site Plan
A Architectural: A100 Plans	
A1.0.0	Existing First Floor Plan
A1.0.1	Existing Second Floor Plan
A1.0.2	Existing Roof Plan
A1.1.0	Proposed First Floor Plan
A1.1.1	Proposed Second Floor Plan
A1.1.2	Proposed Roof Plan
A Architectural: A200 Ext Elevs	
A2.0.0	Existing Elevations
A2.1.0	Proposed North Elevation
A2.1.1	Proposed East Elevation
A2.1.2	Proposed South Elevation
A2.1.3	Proposed West Elevation

88 Valley Rd.
Middletown, RI 02842
jpsconstdesign@gmail.com
www.jpsconstdesign.com

PROJECT

[illegible]

NOTES:
Complete Construction Document Set
Includes drawings as listed in Index of
Drawings. Contact Owner if all documents
are not present.

1000

2020.07.22
FOR ZONING

0000000000

SCHEMATIC DESIGN

SHEET TITLE:
COVER SHEET

THE CHURCH OF THE

06-08-2009

DRAWN BY:

CHECKED BY:

PROJECT NUMBER

20083



FOR ZONING

1 EXISTING ROOF PLAN
A1.0.2 SCALE: 1/4" = 1'-0"

DESIGN BY:

JPS

Construction and Design

88 Valley Rd.
Middletown, RI 02842
jpsconstruction@gmail.com
www.jpsconstruction.com

PROJECT:

CARRIA
ADDITION
2 ELLERY ROAD
NEWPORT, RI 02840

REVISIONS:

NO. DATE DESCRIPTION

NOTES:

ISSUE

2020.07.22
FOR ZONING

PROJECT NAME

SCHEMATIC DESIGN

SHEET TITLE

PROPOSED FIRST FLOOR
PLAN

DESIGNED BY:

DA

DA

SH

PROJECT NUMBER

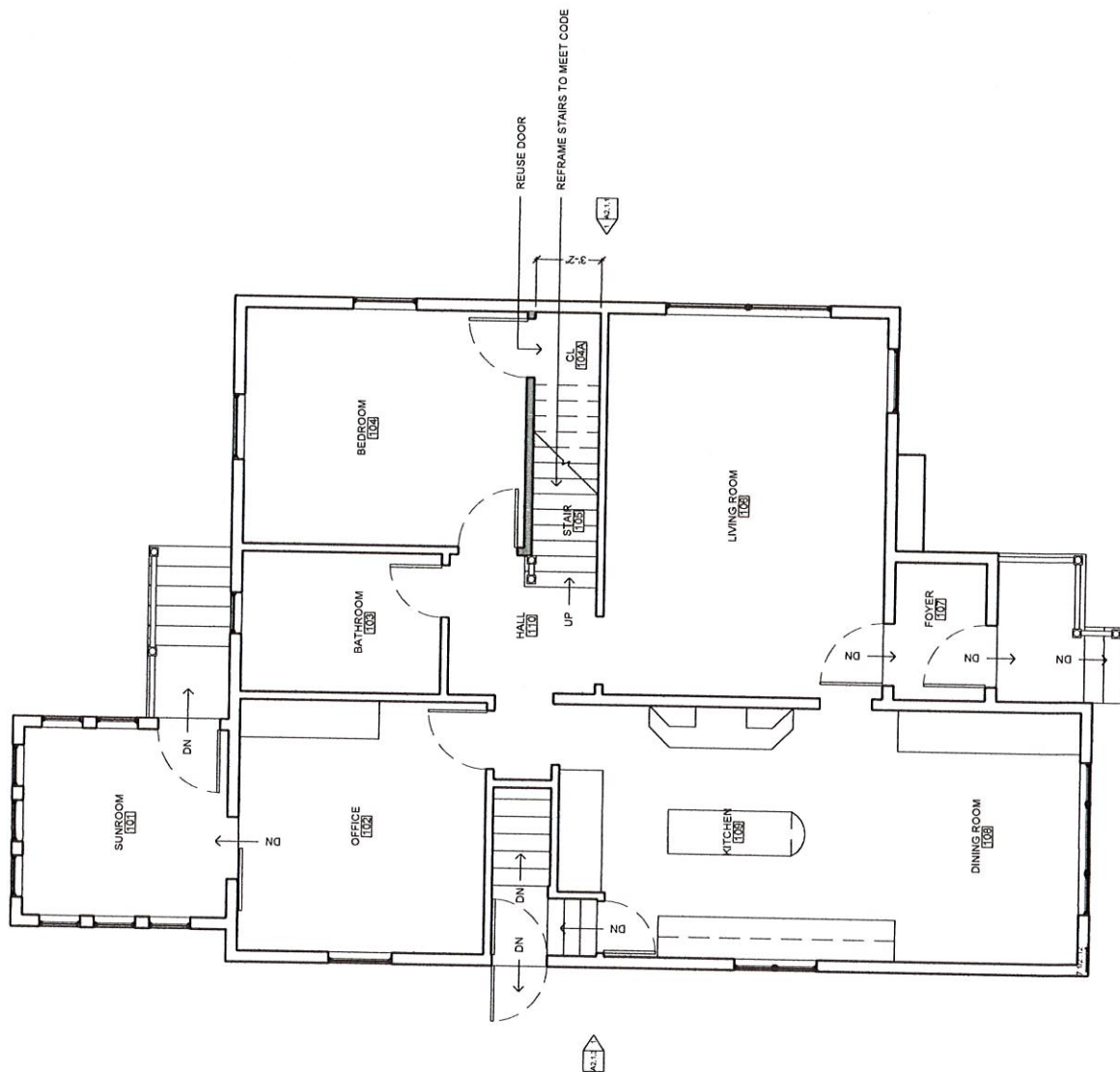
20083.01

TOTAL SHEETS

13

FOR ZONING

1. PROPOSED FIRST FLOOR PLAN
A1.1.0 SCALE 1/4" = 1'-0"



FOR ZONING

DESIGN BY

JPS
Construction and Design

88 Valley Rd
Middletown, RI 02842
jpsconatdesign@gmail.com
www.jpsconatdesign.com

PROJECT

**CARRIA
ADDITION**
2 ELLERY ROAD
NEWPORT, RI 02840

REVISIONS

NO.

DATE

DESCRIPTION

NOTES

ISSUE

2020.07.22

FOR ZONING

PROJECT PHASE

SCHEMATIC DESIGN

SHEET TITLE

PROPOSED EAST ELEVATION

DESIGNED BY

DA

SHEET NUMBER

DA

DA

A2.1.1

CHECKED BY

SH

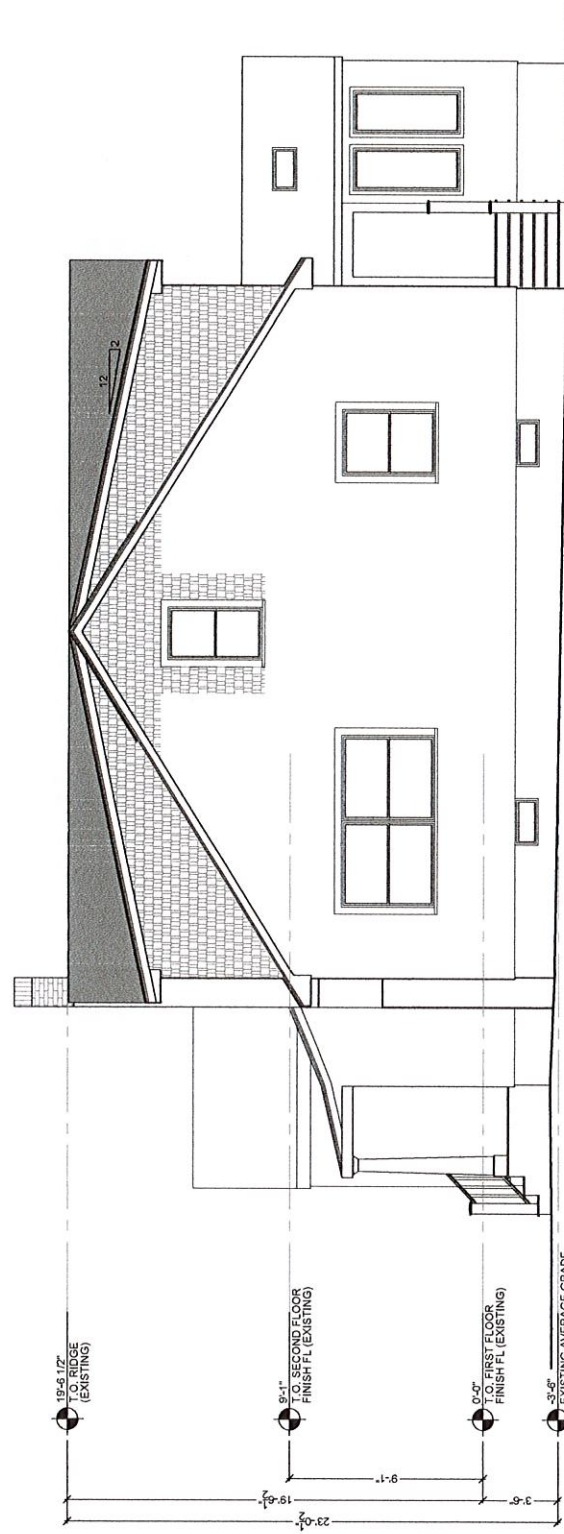
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PROJECT NUMBER

20083.01

TOTAL SHEETS

13



1 PROPOSED EAST ELEVATION
A2.1.1
SCALE: 1/4" = 1'-0"

FOR ZONING

DESIGN BY

JPS
Construction and Design

88 Valley Rd
Middletown, RI 02842
jpsconatdesign@gmail.com
www.jpsconatdesign.com

PROJECT

CARRIA
ADDITION
2 ELLERY ROAD
NEWPORT, RI 02840

REVISIONS

NO.

DATE

DESCRIPTION

NOTES

ISSUE

2020.07.22

FOR ZONING

PROJECT NAME

SCHEMATIC DESIGN

SHEET TITLE

PROPOSED SOUTH
ELEVATION

DESIGNED BY

DA

SHEET NUMBER

A2.1.2

DRAWN BY

DA

CHECKED BY

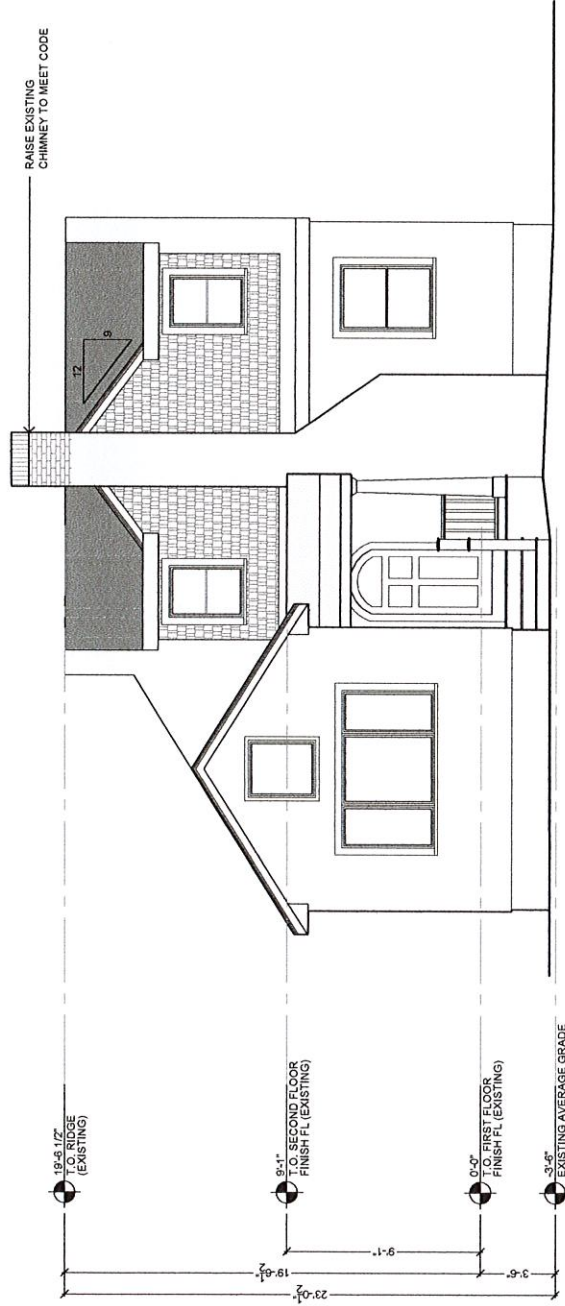
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PROJECT NUMBER

20083.01

TOTAL SHEETS

13



1. PROPOSED SOUTH ELEVATION
A2.1.2
SCALE: 1/4" = 1'-0"

FOR ZONING

