#### COMBINDED APPLICATION FOR A SPECIAL USE PERMIT & A REGULATORY (DIMENSIONAL) VARIANCE

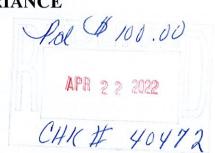
#### CITY OF NEWPORT, RI ZONING BOARD OF REVIEW

DATE:

April 22, 2022

**Board Members:** 

ZON MAY 7



The undersigned hereby petitions the Zoning Board of Review for a Special Use Permit and a Regulatory (Dimensional) 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.: 0 Heath Street

Tax Assessor's Plat: 18, Lot: 070

#### **Petitioner Information**

Applicant(s): Peter Coriander

Addresses:

c/o J. Russell Jackson, Esq.

Miller Scott Holbrook & Jackson

122 Touro Street Newport, RI 02840

Owner(s):

Joanne Coriander

Same

Leasee:

N/A

N/A

#### **Property Characteristics**

**Dimensions of Lot: Frontage:** 

50.00 ft. +/-

Depth:

100.00 ft. +/-

Area:

5,000 sq. ft. +/-

Zoning District in which premises is located:

R-10

How long have you owned above premises?

51 Years

Are there buildings on the premises at present? No

Total square footage of the footprint of existing buildings:

0 sq. ft. (0.0%)

Total square footage of the footprint of proposed buildings: 1,305 sf. (26%)

**Present use of premise:** Vacant Lot

Proposed use of premises: Single Family Residential Dwelling

Give extent of proposed alterations: The Applicant proposes to construct a single family home.

#### **Zoning Characteristics Matrix**

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft)	5,000 sf.	10,000 sf.	5,000 sf.
Lot Coverage	0 %	20 %	26 %
Dwelling Units	0	1	1
Parking (# of spaces)	0	2	3
Front Setback (ft.)	N/A	15 ft.	21 ft.
Side Setbacks (ft.)	Northeast = N/A Southwest = N/A	10 ft.	Northeast = 12 ft. Southwest = 10 ft.
Rear Setback (ft.)	N/A	20 ft.	36ft.
Height (ft.)	N/A	30 ft.	≤ 30 ft.

#### **Project Summary:**

The Applicant seeks relief under:

Section 17.108.020 (Special Use Permits)

Section 17.108.010 (Variances)

Section 17.72.030 (Alteration to Nonconforming Development)

Section 17.20.050 (R-10 Lot Coverage Requirements)

The Applicant seeks relief for permission to construct a new single family residence. Because of the small lot size, the proposed development will require dimensional relief for lot coverage. The building will meet all setbacks and the required parking will be provided on site.

The existing parcel is a legal non-conforming lot of record containing only 5,000 square feet of land. The property is a vacant lot. The purpose of this project is to build a new single family residence for the Applicant to occupy as his primary residence. The proposed structure will be a modest sized custom built home. The property is in the R-10 Zone. Because of the small lot size, the proposed structure will exceed lot coverage. There will be no encroachments into the setbacks. Building height will be at or below thirty (30) feet. The proposed single family use is allowed by right.

The property has been in the Applicant's family since 1940. It was originally his grandmother's property, then his parents, Philip and Joanne Coriander lived there when married in 1950. The original house was torn down decades ago. The Applicant is now rebuilding on property that has been in his family for eighty two years. The plan proposed by the Applicant which calls for the construction of a new single family home will not create dimensional non-conformities to such a degree that it is injurious to, or inconsistent with, the surrounding neighborhood or the purpose and intent of the R-10 Zone.

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

The Applicants state that the proposed development is consistent with many provisions of the Comprehensive Land Use Plan, including, but not limited to the following:

#### **Land Use:**

Goal LU-1: To provide a balanced City consisting of residential, commercial, and employment uses consistent with the character, environmental resources and vision of the community.

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

#### Housing:

Goal H-1: To preserve and protect existing housing resources in the community.

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

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

neighborhood.

Goal H-3: To reduce the percentage of seasonally vacant homes and increase neighborhood stability and vitality.

#### **Transportation & Circulation:**

Goal T-5: To provide sufficient and suitably located parking, designed to eliminate, mitigate or reduce impacts.

# 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 parcel is a legal non-conforming lot of record containing only 5,000 square feet of land. The lot is only half the required size for the R-10 Zone. The proposed structure is a modest sized, modern single family residence. The foot print of the residence will be twenty eight feet (28') wide and forty three feet (43') long, which puts lot coverage for the foundation at 25%. This area incorporates an integrated one stall garage. Once the architectural feature of the roof overhang is included, total lot coverage is at 26%. The residence fits well within the narrow and long shape of the lot. As a result of the lot size, both the lot and the structure will be dimensionally non-conforming. Building even a modest single family residence with amenities of modern living, as proposed, will result in the need for dimensional relief. In this case, the Applicant has taken great care to develop a plan that requires only lot coverage 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?

The Applicant proposes a single family residential use and will be seeking a dimensional variance for lot coverage. The subject property is located on Heath Street, a residential street running between Kingston Avenue and Callender Avenue in the Kerry Hill neighborhood. This area is densely developed with a mix of single, two and multi-family residences on small sub-standard lots. A number of the properties immediately adjacent to the subject property in this neighborhood are substandard, in terms of lot size, exceed the 20% lot coverage, and encroach into setbacks. Many of these properties fail to meet various requirements of the R-10 Zone. The literal interpretation of the zoning code, resulting in the denial of the relief requested, would unreasonably deny this Applicant the ability to construct this single family home. The proposed lot coverage will not be inconsistent with surrounding properties. The construction of a single family home which meets building codes and standards of modern living, will be appropriate and consistent with the surrounding neighborhood and the rights enjoyed by other property owners in this area of the R-10 Zone.

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

The Applicant is before the Board for permission to construct a single family residence on a small parcel. The proposed structure will not encroach into setbacks. The building, including soffits/overhangs, will be at 26% lot coverage. There will be three parking spaces on site. The Applicant has taken great care to develop a building plan which meets his family needs and is appropriate in size for this substandard lot. The first floor will have approximately 770 sf of living space plus a single stall 208 sf garage. There is a bedroom on the first floor to accommodate the Applicant's elderly parents. The second floor has three small bedrooms and two bathrooms. One of the bedrooms has a lockout feature and separate entrance to provide the flexibility for a home occupation. The third floor or roof level has a loft with a home office and outdoor space. The overall proposal has been designed to meet the reasonable living needs of the Applicant and his family while also being appropriate in size for the neighborhood. The hardship is driven by the

small size of this substandard lot. To limit his request for relief to the absolute minimum, the Applicant abandoned any thoughts of a larger home or amenities such as above grade decks and/or balconies extending beyond the footprint of the foundation. The proposed development will result in a dwelling consistent with modern living and will provide the needed space for the Applicant and his elderly parents. Granting the request for dimensional relief for lot coverage is the minimum variance which will allow the reasonable use of the property. Accordingly, the proposed use of the property and the relief sought by the Applicant will not be injurious to, or create a burden or hardship for abutting property owners, will be harmonious with the neighborhood, and will be appropriate in this R-10 residential zone.

#### 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.

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 are; 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".

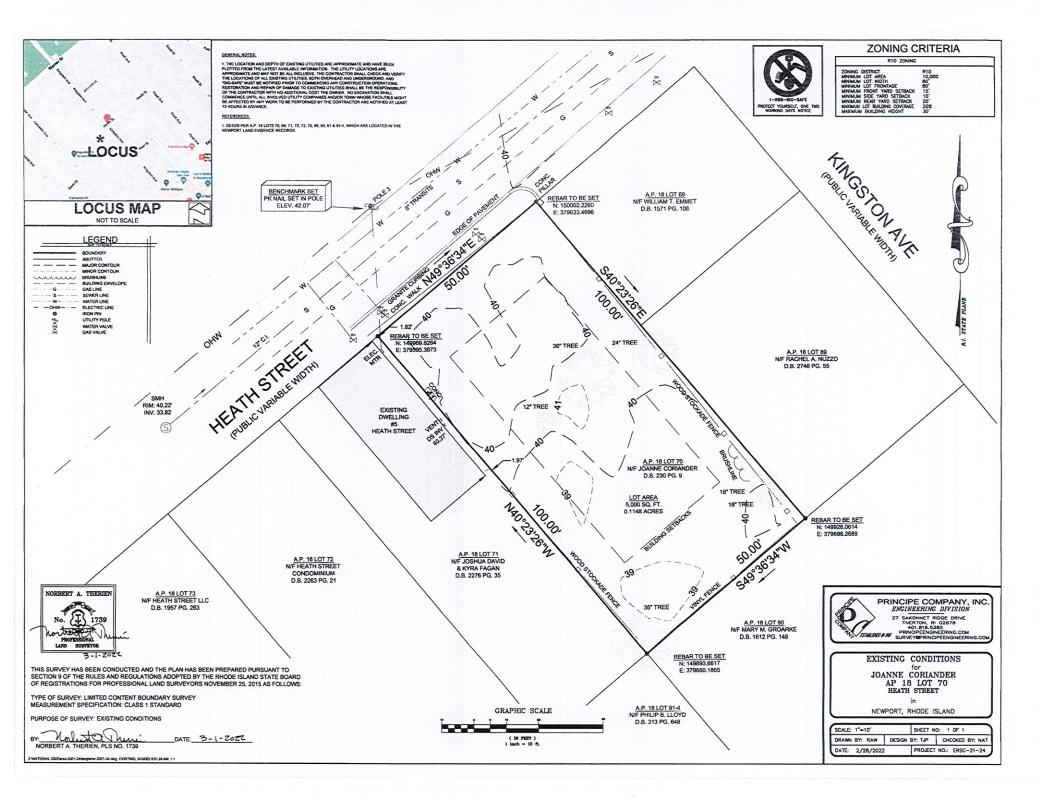
Applicants & Owners, By Their Attorneys, Miller Scott Holbrook & Jackson

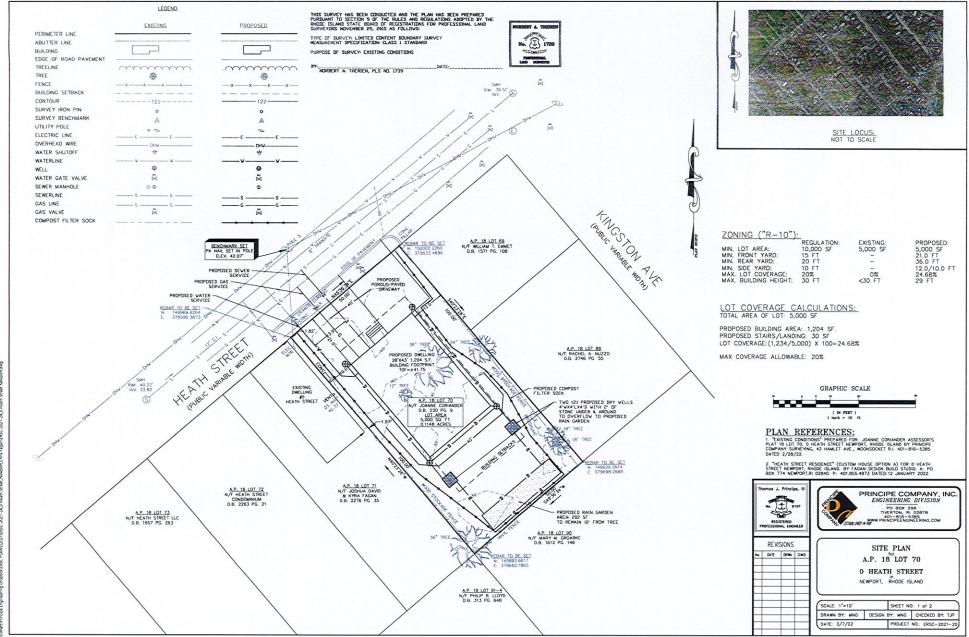
J. Russell Jackson, Esq.

122 Touro Street

Newport, RI 02840 Tel: 401-847-7500 Fax: 401-848-5854

jrjackson@millerscott.com





ineering Dropbox(ERSC PLANS)2021/ERSC-2021-24\_0 Heath Street, Newport, Chris Fagan(ERSC-2021-24\_0 Heath)

County Cost Districts Contracting December 5

#### **CUSTOM HOUSE OPTION A**

### **HEATH STREET RESIDENCE**

### **SCHEMATIC DEISGN** NOT FOR CONSTRUCTION **12 JANUARY 2022**

DRAWING LIST					
Sheet Number	Sheet Name				
GENERAL					
G0.00	COVER	_			
G0,01	PROJECT INFORMATION				
G1,00	ZONING SUMMARY				
ARCHITECTURAL		_			
A1.00	FIRST FLOOR PLAN	_			
A1.01	SECOND FLOOR PLAN				
A1.02	THIRD FLOOR PLAN				
A1.03	ROOF PLAN				
A3.01	EXTERIOR ELEVATIONS				
A3.02	EXTERIOR ELEVATIONS				
A4.01	EXTERIOR 3D VIEWS				
A9.01	DOOR & FRAME SCHEDULE				



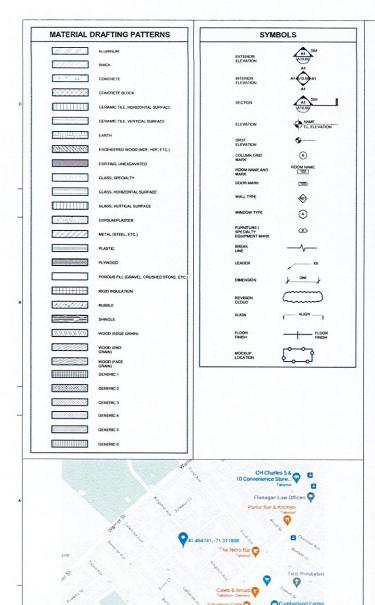


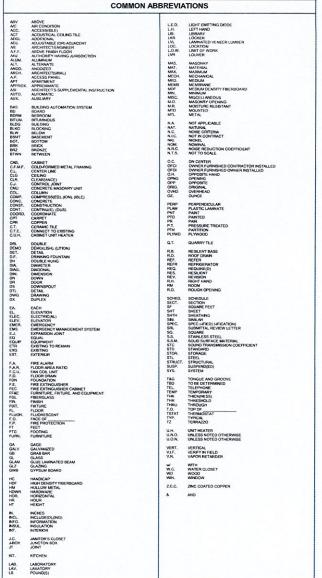
CUSTOW HOUSE CPTICH A
HEATH STREET RESIDENCE

ISSUED FOR : CLIENT REVIEW

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FAGAN DESIGN BUILD STUDIO

PO BOX 774 Newport, RI 02840

401.855.4873 fegan1@gmail.com Fagan-Design.com

Pacific-Visions Studio LLC

495 Hope Street STE 2B Bristol, RI

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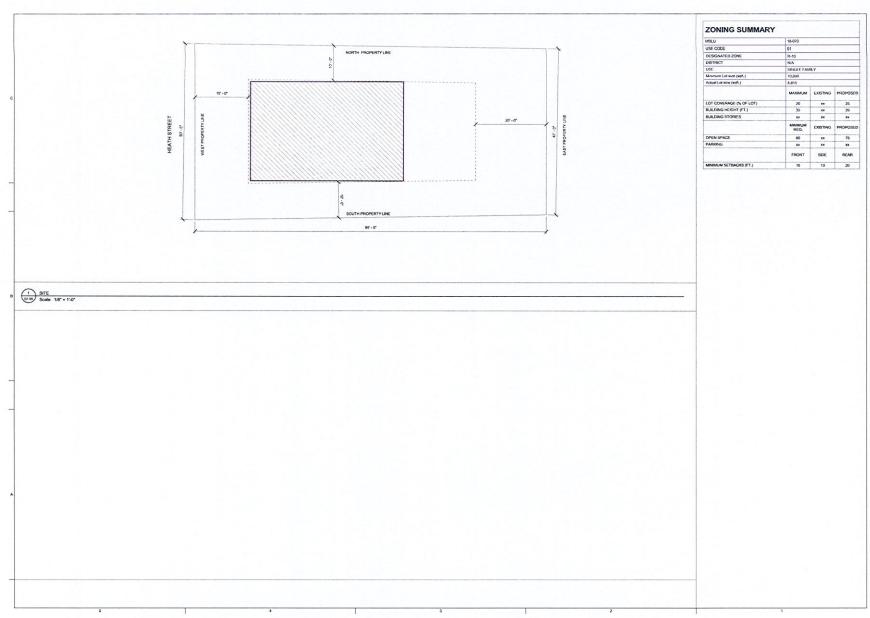
RESIDENCE CUSTOW HOUSE OFFICIAL
HEATH STREET R

SCHEMATIC DEISGN ISSUED FOR : CLIENT REVIEW NOT FOR CONSTRUCTION 12 JANUARY 2022

RE	VISIONS	
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FAGAN DESIGN BUILD STUDIO

PO BOX 774 Newport, RI 02840 401,855,4873 fagan1@gmail.com

Pacific-Visions Studio LLC
Residental Design & Consulting 495 Hope Street STE 28 Bristol, RI

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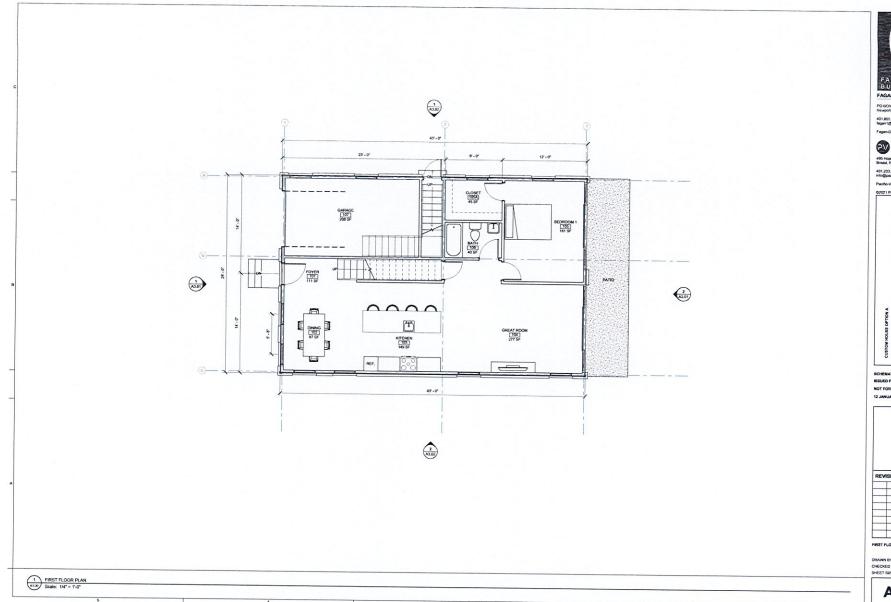
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FAGAN DESIGN BUILD STUDIO

PO BOX 774 Newport, RI 02840

401.855.4873 fagan1@gmail.com

Pacific-Visions Studio LLC
Residential Design & Consulting

401.203.3191 info@pacific-visions.com

62021 Pacific-Visions Studio LLC

CUTOWINDS OFFICE A RESIDENCE IMPORTANCE IN STREET RESIDENCE

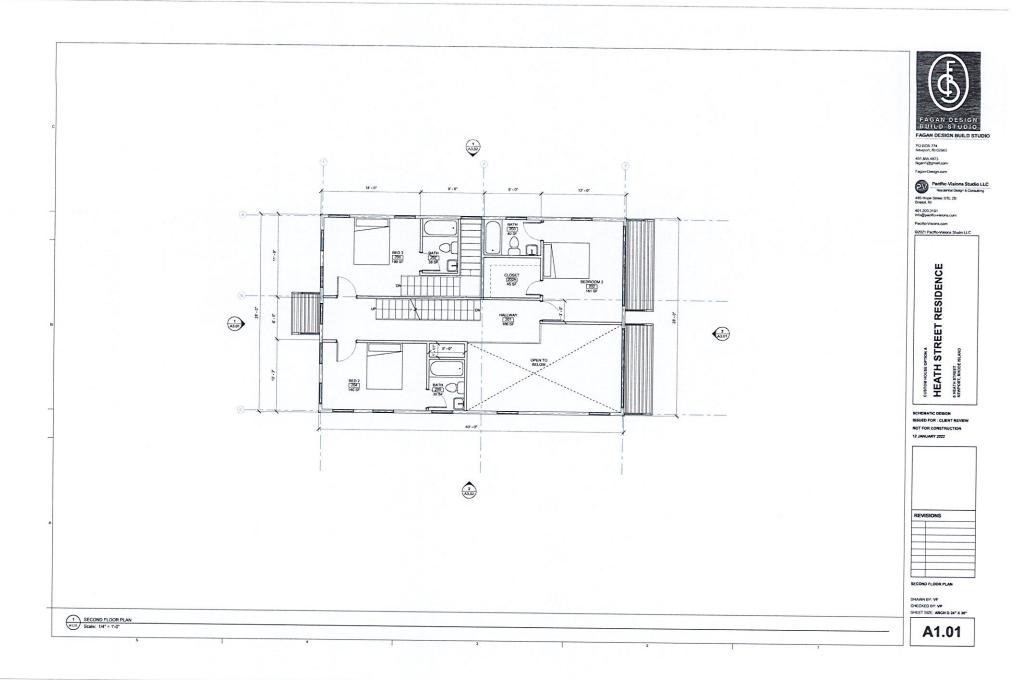
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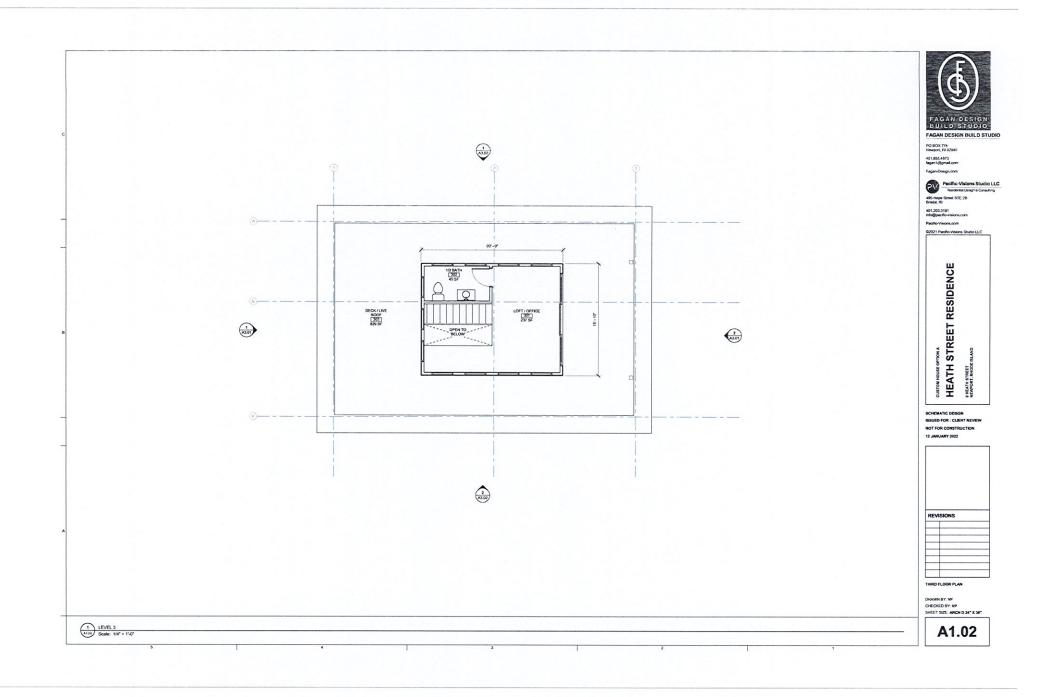
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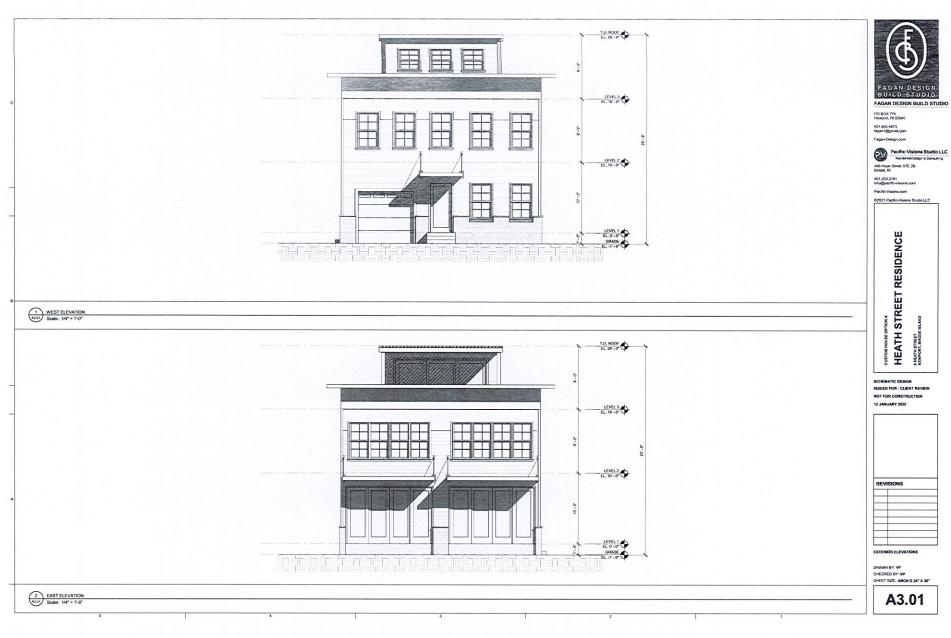
FIRST FLOOR PLAN

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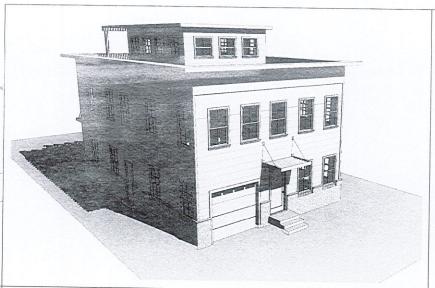
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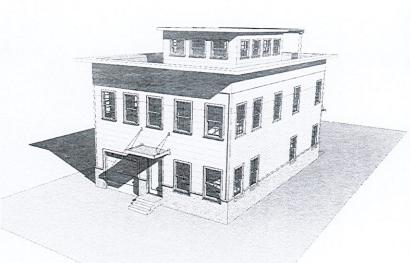






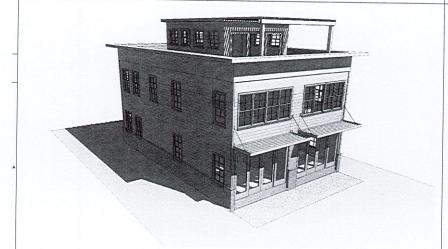




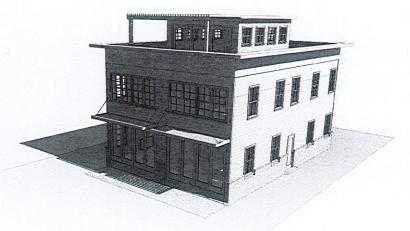


1 3D View 1 Scale:





3 3D View 3 Scale:



4 3D View 4 Scale:

FAGAN DESIGN BUILD STUDIO

PO BOX 774 Newport, RI 02840

495 Hope Street STE 2B Bristol, RI

401,203,3191 info@pacific-vis

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CURTOW HOUSE GPTICKA

HEATH STREET RESIDENCE

BREATH STREET

BREAT

SCHEMATIC DEISGN ISSUED FOR : CLIENT REVIEW NOT FOR CONSTRUCTION 12 JANUARY 2022

RE	VISIONS	
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EXTERIOR 3D VIEWS

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A4.01

 PRIOR TO THE COMMENCEMENT OF ANY CLEARING, GRUBBING, DEMOLITION OR EARTHWORK ACTIVITY, TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES AS INDICATED ON THE PLANS ARE TO BE INSTALLED BY THE CONTRACTOR.

2. CONSTRUCTION ACCESS STABILIZATION ENTRANCE PADS ARE TO BE INSTALLED PRIOR TO THE COMMENCEMENT OF SITE GRUBBING OR EARTHWORK ACTIVITY.

3. EXISTING CATCH BASINS ARE TO BE PROTECTED WITH HAY BALES AND/OR SILT SACS PRIOR TO THE START OF SITE GRUBBING, EARTHWORK OR UNDERGROUND UTBLITY AND DRAINAGE INFRASTRUCTURE INSTALLATION TO SERVE THE DEVELOPMENT SITE.

4. THE PROJECT CONSTRUCTION SEQUENCE, TO THE EXTENT PRACTICAL, SHOULD REQUIRE THE INSTALLATION OF DOWN GRADE AND OFF SITE STORM DRAINAGE SYSTEM IMPROVEMENTS BEFORE THE START OF SITE GRUBBING AND EARTHWORK ACTIVITY:

5. TEMPORARY STE SLOPE TREATMENTS FOR SOIL STABLIZATION SHALL CONSIST OF HAY, STRAW, FIREW REDUCK, BY RAP OF PROTECTIVE COOKES SUCH AS MAT OR FIRER LINING (BURLAP, JUTE, FIRERCIASS NETTING, AND EXCLESION OR COULA PRODUCTS). THESE AND DHER ACCEPTION HE MASS WARRANTED OR AS DIRECTED BY THE CHARGE.

6. CONSTRUCTION SITES ARE DYNAMIC, THE CONTRACTOR IS RESPONSIBLE FOR THE INSTALLATION AND OR MOVEMENT AND MAINTENANCE OF EROSION CONTROLS, SOL STBBILIZATION, AND SEDMENT LOOWING, MEASURES AS NEEDED TO MAXIMAZE THE INTENT OF THE PLAN FOR ALL SITE CONDITIONS THROUGHOUT THE CONSTRUCTION FERROD.

7. THE CONTRACTION SHALL BE RESPONSIBLE FOR PERIODIC MOPERIOR, MAINTHANCE, EXPRAR, AND REPLANDINT OF REDOME CONTRIGE, SOIL STABLIZATION AND SETURAL CONTRIDE, DEVICES UNIT. AN ACCUPIABLE PRIMAMENT VECTOR (CONTRACTOR SETAL

8. SOIL EROSON AND SEDMENT CONTROL IS NOT LIMITED TO DAMAGES CAUSED BY WATER BUT ALSO INCLUDES EROSON AND SEDMENT RESULTING FROM MINDS. MEASURES, SUCH AS EMPORANT GROUND COVERS, WATER AND CALCUM APPLICATIONS ARE TO BE LINDERTAKEN AS NEEDED TO MINIMIZE WIND RELATED SOIL AND DUST CONTROL.

9. STOCK PIECE OF EARTH MATERIALS SHALL NOT BE LOCATED MAR WATERNAN'S ON WITLABLES, SLOVE PIECE SHALL PLACE SHOULD CONTROL GREATER THAN THERTY PERCENT (DOTS, STOLLA PIECE SHOULD CONTROL ON THE DOWN GRADENT OF THE EXISTING CROUND SURFACE BY HAY BALES OF BLIT FENCE. THE STOCK PIECE SHALL ALSO BE SEEDED OR STABILIZED IN SOME MANOR TO PREVENT SOIL EROSSON.

10. THE SMALLEST POSSIBLE SITE AREAS SHALL BE DISTURBED OR EXPOSED AT ONE TIME AND DENUDED SLOPES OR WORK AREAS SHALL NOT BE LEFT EXPOSED FOR EXCESSIVE PERIODS OF TIME, SUCH AS INACTIVE PERIODS OR SITE WORK SHUT DOWNS.

11. TO THE EXTENT POSSIBLE, ALL DISTURBED AREAS MUST BE SEEDED OR STABILIZED WITHIN THE CONSTRUCTION SEASON, STABILIZATION OF ONE FORM OR ANOTHER SHALL BE ACHIEVED WITHIN FIFTEEN (15) DAYS OF FINAL GRADING.

12. EXPOSED STEEP OR LONG SLOPES SHOULD BE TREATED WITH "CRIMPING" OR "TRACKING" TO REDUCE EROSION AND SEDIMENT AND TO TACK DOWN SEEDING OF MILCH APPLICATIONS.

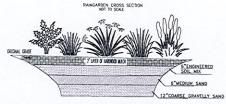
13. IF CONCRETE IS TO BE USED ON SITE, THE CONTRACTOR MUST ESTABLISH AND MAINTAIN SPECIFIC WASHOUT AREAS FOR THE CONCRETE TRUCKS WITH APPROPRIATE PROTECTION CONTROLS.

14. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND MAINTAINING COLLECTION AND STORAGE LOCATIONS ON-SITE FOR ALL CONSTRUCTION DEBRIS AND TRASH SO THAT THIS MATERIAL DOES NOT BECOME A NEIGHBORHOOD NUISANCE.

15. EXISTING TREES AND VEGETATION WILL BE RETAINED WHENEVER FEASIBLE.

16. SITE SOIL EROSION AND SOIL STABILIZATION AND SEDIMENT CONTROLS MUST CONFORM TO ALL REQUIREMENTS OF THE APPLICABLE LOCAL COMMUNITY OF ORDINANCES AND STATE REQUIATIONS.

## ROOF RUNOFF RAIN GARDEN DETAIL NOT TO SCALE



PLANT SPECIES TO BE USED SPECES NATE COMMON NAME MATE MODO ASTE

SPECES NATE
ASTER DIVARICATUS
CAREX CRINITA
CAREX STRICTA
IRIS VERSICOLOR
INSTITUCIOS ASTRUTHIOPTER
DISHUMBA CINNAMOMEA
PONTEDERIA CORDATA

COMMON NAME
WHITE WOOD ASTER
FRINGED SEDGE
TUSSOOK SEDGE
BLUE FLAG RIS
CARDINAL FLOWER
OSTRICH FERN
CINNAMON FERN
PICKERAL PLANT

\*RAINGARDEN ENGINEERED SOIL MIX: A UNEONE MIX SHALL BE IMPORTED 10 IHL SINE CONSTRUCTOR.

AON SAND (ASTM D 427)
20-30% SAND LOAM TOPSON
MIN 3X GORANC MATURAL
CSCLAY
GOO PAY SOLUBLE SALTS
30-40% COMPOST WITHOUT BOSOLIDS
FREE OF SIDES & PORGANC MATTER >2"
FREE OF ANY SYNTHETIC MATERIAL

DRAINAGE CALCULATIONS:

RAIN CARDEN WATERSHED AREA (NEW DWELLIND): 1,254 SF RETUR TO BE ONE DEEDING MANUAL: PACE TO DE T (TARKET 2 M B) RAIN CARDEN SLENG SUBSORI: SET, LOMAY SETS & SETY LOMAS NEED 100 SF (WAIL AT DEEP) OF RAIN GARDEN SURFACE AREA O'RE TOWER 1,000 SF, O'D DRAING AREA FOR THE SETY O'RE TOWER 1,000 SF, O'D DRAING AREA FOR THE SETY

RAIN GARDEN SURFACE AREA (6" DEEP): 197.44 SF REQUIRED RAIN GARDEN = 202 SF PROVIDED

\*CONTRACTOR TO STRICTLY ADHERE TO THE INSTALLATION MANUAL FOR THE RAIN CARGEN.
\*\*OWNER SMALL ALSO STRICTLY ADHERE TO THE RAIN GARDEN MARIEMANCE SCHEDULE SET FORTH BY MIDE IN ORDER TO ASSURE ITS PROFEE FUNCTION.

RAIN GARDEN REQUIRED MAINTENANCE:

MONTHLY:

INSPECT AND REMOVE ANY TRASH REMOVE ANY INVASIVE SPECIES PLANTS

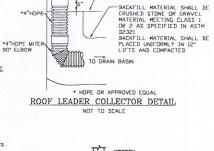
ANNUALLY:

MULCH- SPRING, AS NEEDED REPLACE ANY DEAD VEGETATION-SPRING REMOVE DEAD VEGETATION-FALL OR SPRING PRUNE-SPRING

AS NEEDED:

REPLACE SOIL MEDIA AND PLANTS WHEN PONDING DOES NOT SUBSIDE WITHIN 72 HRS (CAREFUL MAINTENANCE SHOULD PROLONG THIS REQUIREMENT)

\*ALL PLANT MATERIAL SHALL BE WATERED AND MAINTAINED BY THE OWNER TO ASSURE THAT SUITABLE GROWTH HAS BEEN ESTABLISHED.



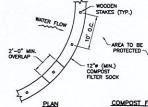
ROOF LEADER (4") (SEE STRUCTURE

PLANS FOR BUILDING ANCHORAGE)

6" X 4" PVC WYE

(SYSTEM OVERFLOW)

FINISH GRADE



WOODEN STAKE
12° (MIN.) COMPOST
PILTER SOCK
AREA TO BE
PROTECTED

SECTION

NOTES:

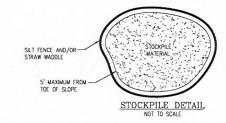
1. ALL MATERIAL TO MEET REQUIREMENTS OF SECTION 206
OF RI STANDARD SPECIFICATIONS.

COMPOST MATERIAL MUST BE ACCEPTED BY THE ENGINEER PRIOR TO PLACEMENT.

COMPOST FILTER SOCK

PERIMETER EROSION CONTROLS

NOT TO SCALE



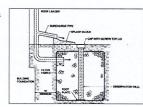
DRYWELL & INFILTRATION TRENCH MAINTENANCE:

1) INSPECT ANNUALLY AND REPAR IF NECESSARY
TO INSURE PROPER DRAWGE.

2) ACCUMULATED SEDIMENT AND DEBRIS SHALL BE REMOVED FROM DRY WELL AREA ANNUALLY.

DRYWELL SPECIFICATIONS:

TWO (2) DRYWELL LOCATIONS, 48" DEEP DRYWELL USE 4"X4" SURFACE AREA FOR EACH DRY WELL. 16 S.F PROVIDED.



TYPICAL DRYWELL (NOT TO SCALE)



ב נוקו ופרוים ליסטיסטוניסט, רטמס טטנו ונחסט בענו ופרוי מופנו מנופני מפיני מפיני מופני מניים באיני באיני ובאיני

sess/Matt Principe Engineering Dropbox/ERSC PLANS\2021/ERSC-2021-24\_0 Heath Street, Newport, Chris

NORTHEAST REVALUATION GROUP LLC	(Sumr	<b>Newp</b> nary Data - may not be Compl		on of Property)	NORTHEAST REVALUATION GROUP LLC
Parcel: 18-070 Account: 3371	Location: 0 HEAT User Acct: R03559	'H ST	Owner: LUC:	CORIANDER JO 13 - Res Vacant	
Parcel Values Total: \$127,600	Land: \$127,600	Land Area: 4,815 SF	Building: 5	<b>\$</b> 0	Assessed: \$127,600
Sales Information Book and Page 230-9	Instrument Type	<b>Date</b> 01/01/1	1900	Price \$0	Grantor
Building Type: Heat Fuel: Exterior Wall: # of Rooms: 0	Year Built: Heat Type: Bsmnt Garage: 0 # of Bedrooms: 0	Grade: % Air Conditioned: 0.00 Roof Cover: Full Bath: 0	Condition: AV Fireplaces: 0 # of Units: 0 1/2 Baths: 0		
Yard Item(s) Description Building Areas Area	Quantity Size  Net Area	Year Condition Finish	Quality ed Area	Value	
					Disclaimer: This information is for tax assessing purposes and is not warranted