

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

REPORT RELATING TO THE PETITON

**For a variance to construct with a reduced buffer zone
as it relates to the property at**

**0 Wilson Drive
Narragansett, Rhode Island 02882**

PREPARED FOR

**John J. Garrahy, Esq.
John J. Garrahy Law, LLC
2088 Broad Street
Cranston, RI 02905**

PREPARED BY

**James A. Houle
Rhode Island Certified General Appraiser
License #CGA.0A00769
198 Union Street,
Portsmouth, Rhode Island 02871
(401) 662-1543**

**Report Date
06/18/2024**

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John J. Garrahy, Esq.
John J. Garrahy Law, LLC
2088 Broad Street
Cranston, RI 02905

18 June 2024

Dear Mr. Garrahy:

Pursuant to your request, I have reviewed the petition of Nicholas and Marjorie Veltri requesting relief to construct a small single family house within the coastal buffer zone on their property located at 0 Wilson Drive in Narragansett. The Veltris are seeking to construct a new single-family dwelling.

The property is located in an R-10 zoned district, which allows this use by right. However, it also falls within two special overlay districts: the Coastal and Freshwater Wetlands Overlay District and the Coastal Resource Overlay District. These overlay district have associated setback requirements that are more restrictive than that required within the zoning district.

The property is also a legal substandard lot of 8,077 square feet, where 10,000 is required. This property is also identified as tax assessor's plat N-A, lot 28-K.

This particular proposal contains environmental, engineering, and legal issues that fall outside the scope of our real estate expertise. The opinions expressed in this report solely view the proposal from a real estate perspective, and do not consider these other factors.

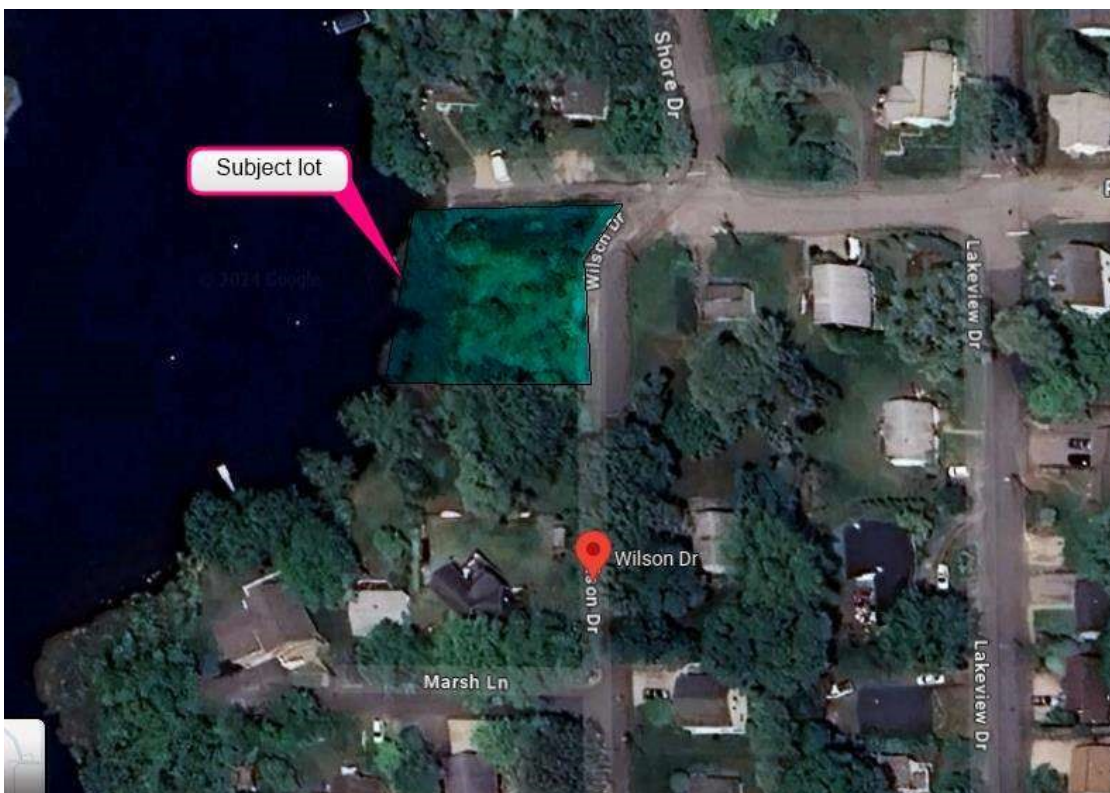
After my review of the plan, physical inspection of the subject and the surrounding neighborhood, and research in the city data base, I have formed the opinion that the petition meets all standards for the requested variance. The proposed construction is typical of new homes in the area and represents a reasonable use of the subject lot, from a real estate perspective.

The petition is identified as CRMC File # 2022-12-075. I have reviewed all standards for the requested variances. The application is included in this report by inference. Below is my analysis.

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Subject lot, per Narragansett GIS



Aerial View of Subject and Neighborhood

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Specific to our review, we pay particular attention to the six criteria to be met for approval of the requested variance:

1.1.7 Variances

A. Applicants requiring a variance from a standard shall make such request in writing and address the six (6) criteria listed below in writing. The application shall only be granted a variance if the Council finds that the following six (6) criteria are met.

1. The proposed alteration conforms with applicable goals and policies of the Coastal Resources Management Program.

We feel that this is better addressed within Mr. Scott Rabideau's analysis and report. This is not considered a real property question.

2. The proposed alteration will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts.

We feel that this is better addressed within Mr. Scott Rabideau's analysis and report. This is not considered a real property question.

3. Due to conditions at the site in question, the applicable standard(s) cannot be met.

We feel that this is better addressed within Mr. Scott Rabideau's analysis and report. This is not considered a real property question.

4. The modification requested by the applicant is the minimum variance to the applicable standard(s) necessary to allow a reasonable alteration or use of the site.

Based on our reading of all relevant reports, we feel that the requested variance is the minimum necessary. The petitioners are not trying to expand the development of the house and footprint to the largest size possible, but to maintain a very small overall mass. Clearly, this is the minimal request to allow only a reasonable use of the site. In fact, the size has been reduced as this process has gone on.

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5. The requested variance to the applicable standard(s) is not due to any prior action of the applicant or the applicant's predecessors in title. With respect to subdivisions, the Council will consider the factors as set forth in § 1.1.7(B) of this Part below in determining the prior action of the applicant.

Certainly, this lot has existed in its current configuration long prior to the current petitioner's ownership. They have performed no prior action, nor has their predecessor in title performed any actions, which would affect the requested variance.

We note that the staff report mentions prior warnings to the previous owner that development would be very difficult and would require variances. However, we do not see any reference to any statements saying development would be impossible or would be prevented.

We note that on page 6, #6 of the staff report, there is a quote referring to the lot size, which states that "Intense development associated with (LDBCC) is the result of poor land use planning and predates the formation of the Council". However, we posit that it appears to be the case that poor land use management continues after the formation of the council, this being a very good example.

Instead of acting in a responsible and proactive manner to address future land use with the owner, we see an attempt to prevent what is certainly the primary legal use of a site by not allowing an owner even diminished use of the site. Denial of this request may appear to be a responsible act, but in fact truly works to simply seize the rights absent the proactive responsible action mentioned above.

6. Due to the conditions of the site in question, the standard(s) will cause the applicant an undue hardship. In order to receive relief from an undue hardship an applicant must demonstrate inter alia the nature of the hardship and that the hardship is shown to be unique or particular to the site. Mere economic diminution, economic advantage, or inconvenience does not constitute a showing of undue hardship that will support the granting of a variance.

There is little question that the standards will cause the applicant an undue hardship. Denial of the request would prevent the primary legal use, a use that is common and typical in the area. Many houses have been constructed on smaller lots along the immediately neighboring water front.

This is not seen as simple economic diminution. It is equal to a full taking. The use of the site, as suggested in the staff report, for parking, or a small storage shed, would still require zoning relief, while essentially taking all reasonable development rights from a legal lot of record.

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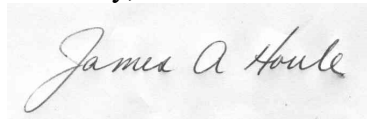
The petitioner has already reduced the footprint and profile to a minimum. Therefore, any economic diminution has already been fully accepted by the owner. Likewise, this is not an issue of inconvenience. This is fully a situation in which the standards in place result in a clear hardship, absent the minimal relief requested.

This is seen as a perfect example of why variances to the standards are allowed.

Therefore, the petition properly and adequately answers any and all criteria related to the variance sought.

Thank you again for allowing me to have been of service.

Sincerely,

A handwritten signature in cursive script that reads "James A. Houle". The signature is written in dark ink on a light-colored, slightly textured background.

James A. Houle
RI Certified General Appraiser

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QUALIFICATIONS OF APPRAISER

JAMES A. HOULE

LICENSING:

Rhode Island Appraisal Certification: #CGA.0A00769

Massachusetts Appraisal Certification: #1000015

Rhode Island Real Estate Broker: # REB.0009805

BUSINESS EXPERIENCE:

James Houle & Associates, Portsmouth, RI	1981- Present
Real Estate Appraisal, Consulting & Brokerage Services	
Deputy Tax Assessor, City of Newport, RI	1990- 1998
Appraisal and Mass Assessment Services	
Gold Star Group, Middletown, RI	1988-1989
Real Estate Education and Franchise Development	
Atlantic Properties, Middletown, RI	1985-1988
Principal Broker	
L.H. Houle Realty, Stafford Springs, Conn.	1975-1983
Consulting Broker	
Better Homes Realty, Middletown, RI	1978-1981
Principal Broker	
Heritage Realty, Newport, RI	1975-1978
Associate Broker	
Kennan Associates, Cumberland, RI	1973-1975
Associate Broker	

PROFESSIONAL QUALIFICATIONS AND RELATED BOARDS:

ACTIVE:

Licensed Real Estate Broker, Rhode Island

Certified Real Estate Appraiser, Rhode Island

Certified Real Estate Appraiser, Massachusetts

Approved by State of Rhode Island, Office of Municipal Affairs, to perform city- wide mass appraisals and revaluations, as required by Rhode Island law

Board of Realtors, (Officer of Newport County Board, 1975)

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RELATED EDUCATION:

BA, Clark University, Worcester, Mass. 1973

Society of Real Estate Appraisers, course #101 Introduction to Appraisal
Society of Real Estate Appraisers, course #102 Small Income Property Appraisal
R.I. Tax Assessor's Administrative Course
Graduate Realtor Institute, Board of Realtors
Uniform Standards of Professional Practice, University of Rhode Island
Income Approach to Property Valuation, University of Rhode Island
Practical Application of Income Approach to Value, University of Rhode Island

Seminars:

Impact of Environmental Issues in Appraisals, RI Board of Realtors
Rhode Island Tax Law, NLI Institute
Performing an In House Revaluation, International Order of Assessing Officers
Lead Issues in Real Estate, RI Board of Realtors
Tax Issues in Real Estate, RI Board of Realtors
Appraiser as Expert Witness, RI Board of Realtors
Appraising FHA Today, McKissock
Report Writing, MBREA
Oddball Properties, McKissock
Environmental Issues for Appraisers, McKissock
The Cost Approach, McKissock
History of Zoning, Appraisal Institute
Appraisal of Fast Food Facilities, McKissock
Appraisal of Land Subject to Ground Leases, McKissock
Appraisal of Owner Occupied Commercial Facilities, McKissock

Seminars as Approved Instructor:

Real Estate Tax Assessment: How to Judge its Equity
Real Estate Financing: Conventional and Creative

APPRAISAL EXPERIENCE:

Active since 1976, performing appraisals of single and multi family housing and commercial/ industrial properties.
Experience in appraising impacted/ contaminated properties
Experience in appraising specialty/ partial interests
Experience in appraising water related utilities
Accepted as expert in Rhode Island Family Court
Accepted as expert in Rhode Island Superior Court
Accepted as expert in Rhode Island Bankruptcy Court
Accepted as expert before several Rhode Island community Boards of Tax Appeals
Accepted as expert before several Rhode Island Zoning Boards of Appeal

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SIGNIFICANT CLIENTS

Ford Motor Company
NYNEX (Bell Atlantic)
National Grid
Stone Bridge Water District, Tiverton, RI
Church Community Housing Corporation, Newport, RI
City of New Shoreham, Rhode Island, Assessor's Office
City of Swampscott, Massachusetts, Assessor's Office
City of Newport, Rhode Island, Assessor's Office
City of Newport, Rhode Island Planning Office
City of Newport, Rhode Island, Public Utilities Department
Twin River Gaming Facility, Lincoln, RI
Appraisal Resource, East Greenwich, RI