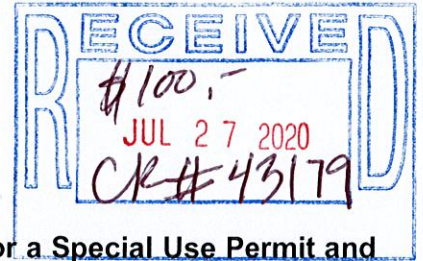


COMBINED APPLICATION FOR SPECIAL USE PERMIT & A
REGULATORY (DIMENSIONAL) VARIANCE
CITY OF NEWPORT, RI
ZONING BOARD OF REVIEW

DATE: July 27, 2020

Board Members:

ZBR
Aug-5



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.: Banisters Wharf

Tax Assessor's Plat 24 Lot 276

Petitioner Information

Applicant: BP Realty, LLC

Owner: Same

Lessee: N. T. Corporation

Address: 60 Beacon Hill Road
Newport, RI 02840

Address: Same

Address: Same

Property Characteristics:

Dimensions of Lot: Frontage: 42.16'; Depth: 106.97'; Area: 6,114 SF ±

Zoning District in which premises is located: WB

How long have you owned above premises? 11 years

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing/approved buildings: 2,680 SF

Total square footage of the footprint of proposed buildings: 2,680 SF

Present use of premises: Standard Restaurant

Proposed use of premises: Standard Restaurant

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

Give extent of proposed alterations:

Applicants received a special use permit and dimensional variance on May 28, 2019 allowing the installation of 48' long retractable awning over the existing outdoor service area, with a side setback from the north property line of 0' (5' required) (the "approval"). Applicants seek to modify the approval to (a) extend the retractable awning 6.5' to the west; and, (b) to install a 14' 2" long by 7' 6" retractable wood awning over the northern portion of outdoor bar area, both with a side setback of 0' from the north property line (5' required), All work will be done within the existing setbacks.

Zoning Characteristics Matrix

| | Existing/Approved | Required/Allowed | Proposed |
|---------------------------|-------------------|------------------|-----------|
| Lot Size (sq. ft.) | 6,114 SF | 5,000 SF | No Change |
| Lot Coverage (%) | 43% | 40% | No Change |
| Dwelling Units | 0 | 2 | No Change |
| Parking | 0 | N/A | No Change |
| Front Setback | 1' 11" | 0' | No Change |
| Side Setbacks | 0' & 0' | 5' | No Change |
| Rear Setback | 0' | 5' | No Change |
| Height | 18'± | 45' | No Change |

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

Land Use Goals LU-1.3 and LU1.6

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 lot is divided by a 15' wide right of way that separates the main restaurant building from the outdoor service area. As a result, and unlike other restaurants in the area, Applicant has no ability to screen the outdoor service area from rain and adverse weather conditions.

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 requested variance is necessary for the full enjoyment of a permitted use. The modification of the approval will allow the awning to extend over the bar area. Denial of the application would deprive Applicant of the ability to fully screen the outdoor service area from rain and adverse weather conditions.

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

With the exception of the side setback on the north property line, the proposed retractable awning meets all other requirements of the Zoning Code and all work will be done within the existing setbacks. The extension of the awning will allow it to extend over the bar area. Reducing the requested variance any further would defeat the purpose of installing the awning, as it would leave a portion of the outdoor patio area open to rain and adverse weather conditions.

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".

BP Realty, LLC,
By Its Attorney,



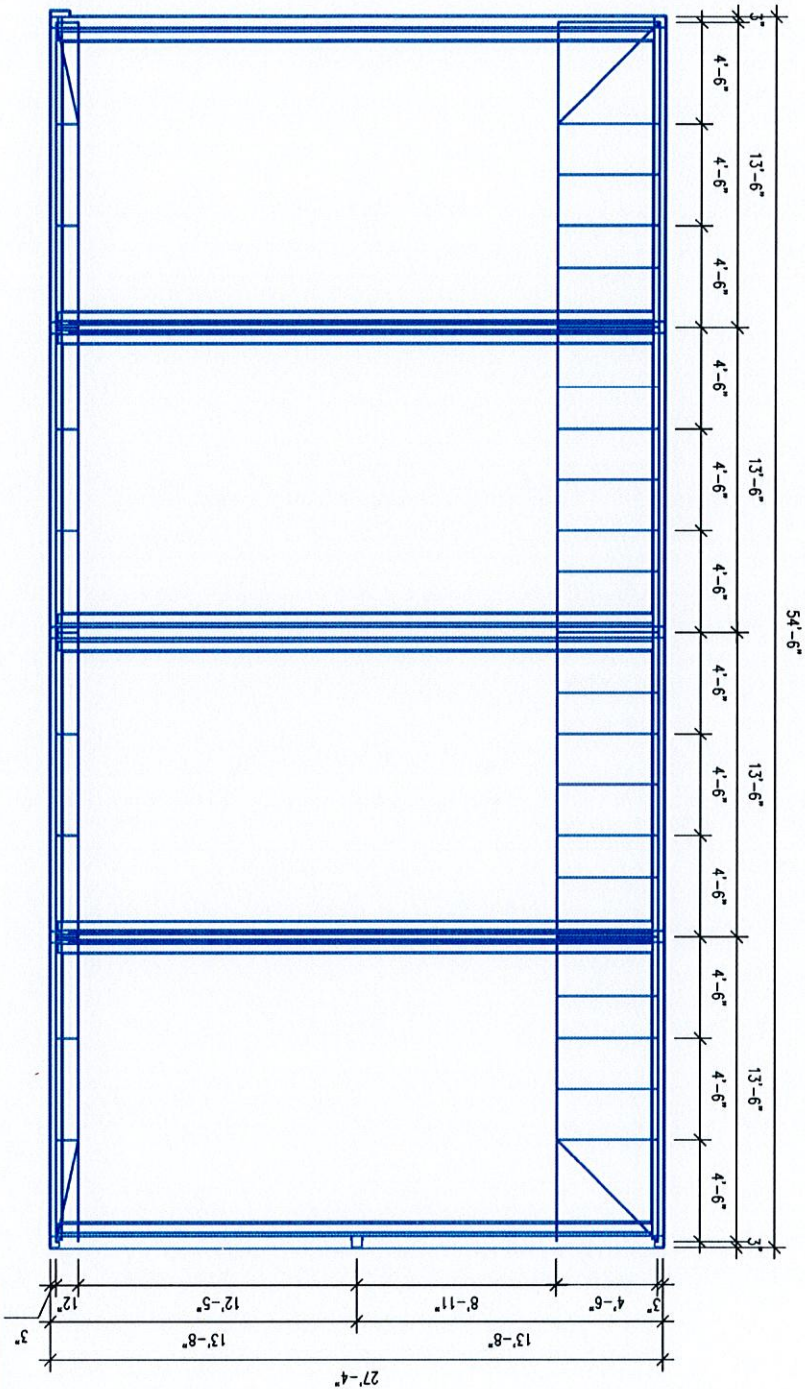
Peter Brent Regan, Esq.
Sayer Regan & Thayer, LLP
130 Bellevue Avenue
Newport, RI 02840
(401) 849-3040
pregan@srt-law.com



BLACK PEARL:
RENDERING OF PROPOSED RETRACTABLE CANOPY

| | | | |
|-----------------------------------|---|---|---|
| <p>1/21/2019</p> <p>G.ROTELLA</p> | <p>PROJECT: BLACK PEARL</p> <p>1 Bannister's Wharf, Newport, RI 02840</p> | <p>miamiflawning</p> <p>www.miamiflawning.com</p> <p>3905 N.W. 31 AVE. MIAMI FL 33142</p> | <p>RENDERING</p> <p>PAGE: 2 OF 10</p> |
|-----------------------------------|---|---|---|

(1) NEW FABRIC STRUCTURE # 101
ALL MEMBERS TO BE SCHEDULE 40
ALUMINUM U. N. O.



PLAN VIEW
SCALE 3/16" = 1'-0"

miamifawning

APPROVED ☐
APPROVED AS NOTED ☐
REVISE & RESUBMIT ☐
REJECTED ☐

SIGNATURE: _____ DATE: _____

| | |
|------------------|---------------------|
| MO: | WO |
| PROJECT: | BLACK PEARL |
| LOCATION: | 1 BANNIESTERS WHARF |
| CITY: | NEWPORT, RI |
| PROJECT MANAGER: | GR |
| DRAWN BY: | DR |
| DATE: | 01/08/2020 |
| REVISION DATE: | REVISION DATE |
| REVISION DATE: | REVISION DATE |
| REVISION DATE: | REVISION DATE |
| REVISION DATE: | REVISION DATE |
| REVISION DATE: | REVISION DATE |

MIAMI AWNING COMPANY
3905 N.W. 31 AVENUE
MIAMI, FLORIDA 33142
305/576-2029 FAX: 305/576-0514
<http://www.miamifawning.com>
E-mail: sales@miamifawning.com



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D.B.A. MIAMI AWNING COMPANY
THOMAS AWNINGS

C.C. # 0000012781

[illegible]

ISOMETRIC
SCALE 3/16" = 1'-0"

| | |
|-----------------|----------------------|
| MO | WO |
| PROJECT | BLACK PEARL |
| LOCATION | 1 BANNNISTER'S WHARF |
| CITY | NEWPORT, RI |
| PROJECT MANAGER | GR |
| DRAFTED BY | DR |
| DATE | 01/08/2020 |
| REVISION DATE | REVISION DATE |
| REVISION DATE | REVISION DATE |
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http://www.miamiawning.com
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C.C. # 0000012781

Proposed Wood Awning Structure - 14' 2"

Extended Metal Awning Structure - 54' 6"

