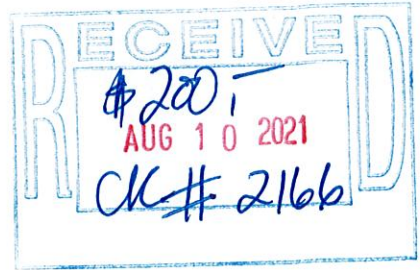


# APPLICATION FOR DIMENSIONAL VARIANCE

CITY OF NEWPORT, RI  
ZONING BOARD OF REVIEW



DATE: AUGUST 10, 2021

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: 194 Bellevue Avenue

Tax Assessor's Plat 29 Lot 052

## Petitioner Information

Applicant International Tennis Hall of Fame Address 186-202 Bellevue Avenue

Owner International Tennis Hall of Fame Address 186-202 Bellevue Avenue

Lessee \_\_\_\_\_ Address \_\_\_\_\_

## Property Characteristics

Dimensions of lot-frontage \_\_\_\_\_ depth \_\_\_\_\_ area \_\_\_\_\_ sq. ft.

Zoning District in which premises is located City of Newport - GB

How long have you owned above premises? 1954 - Present (67 years)

Are there buildings on the premises at present? \_\_\_\_\_

Total square footage of the footprint of existing buildings \_\_\_\_\_

Total square footage of the footprint of proposed buildings \_\_\_\_\_

Present use of premises General Business - International Hall of Fame

Proposed use of premises Attachment 1 (i)

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

Give extent of proposed alterations Attachment 2 (ii)

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**Zoning Characteristics Matrix**

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)			
Lot Coverage (%)			
Dwelling Units			
Parking (# of spaces)			
Front Setback			
Side Setbacks			
Rear Setback			
Height			

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?

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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?

Attachment 1 (iii)

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

Attachment 1 (iv)

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#### **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".

Brewer Bone

Applicant's Signature

[Signature]

Owner's Signature

( )

Telephone Number

(401) 849-3990

Telephone Number

Email address browe@tennisfame.com

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

# **APPLICATION FOR DIMENSIONAL VARIANCE**

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

### **Attachment 1**

#### **I. Proposed use of premises:**

Petitioner requests that it be granted a dimensional variance from the terms of city ordinance section 17.76.110(D) to install two (2) temporary signs fronting a public right-of-way, each with a sign area exceeding 12 square feet.

#### **II. Give extent of proposed alterations:**

To install two (2) temporary banner signs, measuring 56.5 sq. ft. and 169.5 sq. ft. respectively across the International Tennis Hall of Fame's balconies fronting the building's west facing façade fronting Bellevue Avenue. The petitioner will install the signs for the temporary period, beginning September 27, 2021 and ending October 6, 2021 (ten (10) days). The signs are informational in part (i.e. identifying the location as the "Concours Village") and welcoming the world to the Concours and Motor Week. The petitioner requests a variance from Newport Ordinance Section 17.76.110(D). The banner signs will be identical, with minor changes to the list of sponsors, to those certain temporary banner signs approved by the Zoning Board of Review on August 26, 2019, which are shown, together with the Board's August 2019 Summary Decision at Exhibit A.

#### **III. Deprivation due to the literal interpretation of the provision:**

City ordinance section 17.76.110(D) includes in its definition of a "permitted sign"



“[a] temporary [sign] not larger than twelve (12) square feet advertising auctions and special events of charitable or public service groups, provided that such signs are not in place for more than ten days and are nonilluminated and nonelectric.”

Petitioner requests a dimensional variance to install nonelectrical and nonilluminated temporary banners each larger than 12 sq. ft. fronting a public right-of -way announcing special and charitable event. Each banner will be affixed to the building’s façade by rope, hooks and nails. The banners will not cause a public hazard and will be removed after the ten (10) days. But for the sign area, the proposed signs would be permitted by city ordinance.

#### **IV. Minimum Variance:**

The variance permits petitioner to maximize the available signage space on the building’s façade without encroaching on the landlord’s signage or that of other tenants. The expanded square footage (e.g. 169.5 vs. 12) is sufficient and appropriate, for a limited period to advertise the charitable event and to identify the location as the “Concours Village.”

**APPLICATION FOR DIMENSIONAL VARIANCE**

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

**EXHIBIT A**



**STATE OF RHODE ISLAND  
NEWPORT, SC.**

**CITY OF NEWPORT  
ZONING BOARD OF REVIEW**

**IN RE: PETITION OF INTERNATIONAL TENNIS HALL OF FAME, applicant and owner, for a variance to the sign ordinance for permission to place two "temporary" signs of 57 & 170 sq. ft. on the building, (12 sq. allowed), applying to the property 186-202 Bellevue Ave., TAP 29, Lot 52, (GB zone).**

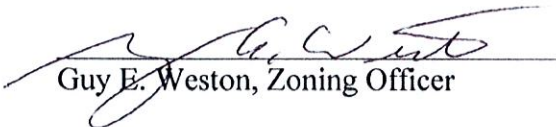
**SUMMARY DECISION**

This matter was heard before the Newport Zoning Board of Review ("Board") by summary proceeding on August 26, 2019 on the petition of International Tennis Hall of Fame, applicant and owner, for a variance to the sign ordinance for permission to place two "temporary" signs of 57 & 170 sq. ft. on the building, (12 sq. allowed), applying to the property 186-202 Bellevue Ave., TAP 29, Lot 52, (GB zone) (the "Property").

No objections were received to the petition.

Adopting the Petition, the application and its representations with the plans filed with the Petition and the staff report as being the Board's findings of fact, there was a showing that the requested variance is the minimal variance necessary for the reasonable use of the Property.

The Petition was approved with five affirmative votes with the condition that the project be started and substantially completed within twelve (12) months of the date of the recording of this Summary Decision. Those Zoning Board Members participating in the Decision were Heidi Blank, Charles B. Allott, Wick Rudd, Bart Grimes and Christopher Kirwin. The Petition, having received the concurring votes of four members of the Board as required by Rhode Island General Laws, is accordingly granted.

  
Guy E. Weston, Zoning Officer

LAURA C SWISTAK  
CITY OF NEWPORT  
CITY CLERK  
Aug 30, 2019 10:50A  
BOOK: 2830 PAGE: 103