

# APPLICATION FOR A SPECIAL USE PERMIT

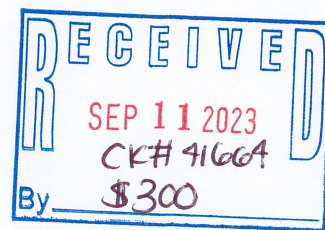
## CITY OF NEWPORT, RI ZONING BOARD OF REVIEW

DATE: September 11, 2023

ZBR

2023-OCT-012

Board Members:



The undersigned hereby petitions the Zoning Board of Review for a special use permit 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.: 25 Waites Wharf  
Tax Assessor's Plat: 32 Lot: 155

### Petitioner's Information

**Applicant:** Harbour Realty, LLC  
**Address:** c/o J. Russell Jackson, Esq.  
Miller Scott Holbrook & Jackson  
122 Touro Street, Newport, RI 02840  
**Owner:** Harbour Realty, LLC  
**Address:** Same as above.  
**Leasee:** N/A

### Property Characteristics

**Dimensions of Lot:** **Frontage:** 427.00 ft. +/- Waites Wharf  
**Depth:** 169.52 ft. +/-  
**Area:** 71,916 sf +/-

**Zoning District in which premises is located:** Waterfront Business

**How long have you owned above premises?** 28 Years

**Are there buildings on the premises at present?** Yes

**Total square footage of the footprint of existing buildings:** 8,000 sf. +/- (11%)

**Total square footage of the footprint of proposed buildings:** 8,000 sf. +/- (11% No Change)

**Present use of premises:** Westwind Marina, Dockside North/Riptides Bar & Grill, and  
Westwind Maring Bar & Grill

**Proposed use of premises:** Westwind Marina, Dockside North/Riptides Bar & Grill, and  
Westwind Maring Bar & Grill



**Proposed Use of Premises:** The subject property is a large parcel which runs along the north side of the western end of Waites Wharf. In addition to the existing marina and restaurant uses, the Applicant proposes to use a small area of approximately (400) square feet for axe throwing, which is considered a “Commercial Outdoor Recreation Facility” under the Zoning Code.

**Give extent of proposed alterations:** Axe throwing stalls have been constructed. The entire structure is 21’ x 18’ and encompasses 378 square feet in area. The stalls are constructed of wood and chain link fencing on the sides, with a chain link fencing cover.

### Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft)	71,916 sf +/-	5,000	71,916 sf +/- (No Change)
Lot Coverage	11 %	40 %	11 % (No Change)
Dwelling Units	0	14	0
Parking (# of spaces)	91	83	91
Front Setback (ft.)	Waites Wharf Existing Bldg = 0’	0 ft.	Waites Wharf Existing Bldg = 0’ Axe Area = 45’ +/-
Side Setbacks (ft.)	West = 0’ East = N/A	5 ft.	West = 0’ East = N/A Axe Area = 40’ +/-
Rear Setback (ft.)	Existing Bldg = 0’	5 ft	Existing Bldg = 0’ Axe Area = 60’ +/-
Height (ft.)	< 35’ +/-	35 ft.	< 35’ +/- Axe Stall = 10’

### Application Summary:

The Applicant and Owner seeks relief under Section 17.108.020 (Special Use Permits), of the Zoning Code to create a small area of approximately 400 square feet for axe throwing. The new structure and activity are considered a Commercial Outdoor Recreation Facility under the Zoning Code, which is allowed by Special Use Permit in the Waterfront Business Zone. The Applicant intends to operate the small facility separate and apart from the existing marina and restaurant uses which exist on site. Accordingly, this area will be available to the general public in addition to existing patrons. There will be no food or drink served or allowed in the axe throwing area. The Applicant is repurposing an area which had been previously used for storage. The activity will be accommodated in two axe throwing stalls, each approximately 21 feet long and 9 feet wide. The stalls are constructed of wood and chain link fencing. The existing parcel contains 91 parking spaces, which is more than enough to meet the



requirements for all the existing uses on site, as well as the additional four (4) spaces needed for the new Commercial Outdoor Recreation Facility. The proposed recreational use will be relatively passive and will have no appreciable impact on traffic or parking. It will be in harmony with the surrounding area in this Waterfront Business Zone.

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

The Applicant states that the Application 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.*

**Economic Development:**

*Goal ED-1: To develop a robust and diverse economy, providing suitable employment opportunities for residents, and a stable tax base.*

**Transportation & Circulation:**

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

**Open Space & Recreation:**

*Goal OSR-1: To provide a range of appropriate open space and outdoor recreational amenities for use by residents and visitors.*

**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;

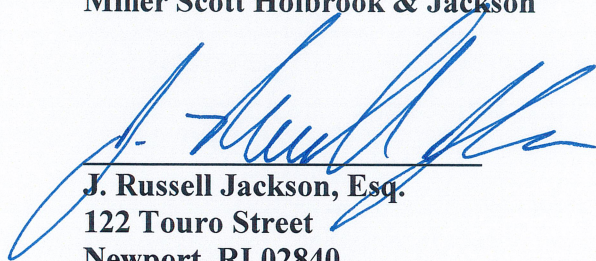


5. The fire hazard resulting from the nature of the proposed buildings and uses and the proximity of existing buildings and uses;
6. All standards contained in this zoning code;
7. The comprehensive plan for the city.

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.

**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".**

**Applicant & Owner,  
By Its Attorneys,  
Miller Scott Holbrook & Jackson**



**J. Russell Jackson, Esq.**

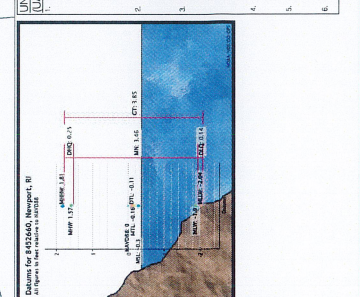
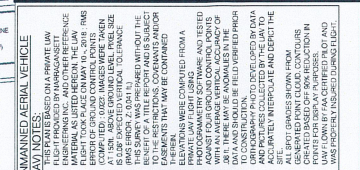
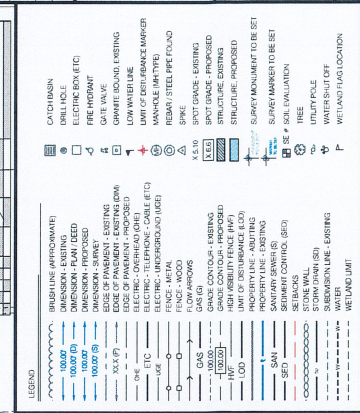
**122 Touro Street  
Newport, RI 02840**

**Tel: 401-847-7500**

**Fax: 401-848-5854**

**[jrjackson@millerscott.com](mailto:jrjackson@millerscott.com)**



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							CODDINGTON LANDING No. 86 & No. 110	X	1984
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PHOTOGRAPHED BY JEFFREY M. WHITE FOR THE NEW YORK TIMES MAGAZINE



PLAT 32 LOT 155  
N/F: HARBOUR REALTY LLC  
BOOK 692 PG. 155

← SUBJECT AREA  
IN ORANGE

GCP.02  
N:144538.28  
E:378340.70  
EL. 5.05

EXISTING MISC.  
ACCESSORY STRUCTURE(TYP.)  
EXISTING PATIO AREA

EXISTING WOODEN  
PARKING POST  
AND BARRIER (TYP.)

EXISTING OVERHANG (TYP.)

EXISTING PARKING & TEMP.  
BOAT STORAGE AREA

SANITARY  
MH STRUCTURE  
\*RIM EL. 6.23

MH STRUCTURE  
RIM EL. 6.38

SANITARY  
MH STRUCTURE  
\*RIM EL. 6.29

GCP.03  
N:144440.96  
E:378333.43  
EL. 5.77

CATCH BASIN  
\*RIM EL. 5.34

PROPOSED  
HYDRANT

GCP.04  
N:144419.35  
E:378494.72  
EL. 6.83

DOCKSIDE BAR  
AREA = 8,000± sq. ft.

CATCH BASINS TO REMAIN  
ADJ. RIM EL. W/ RISER TO PR. EL.

UP # 5

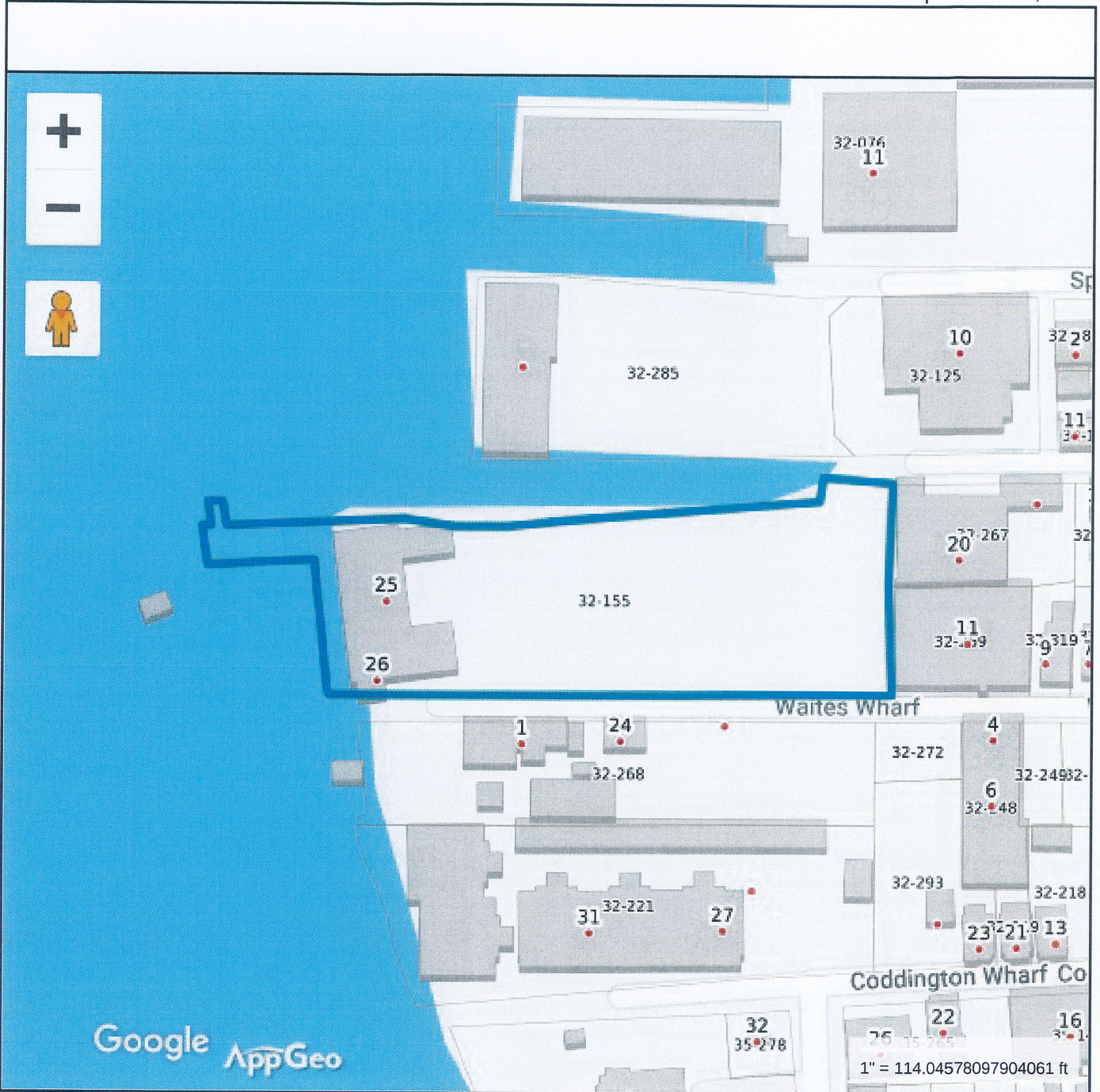
UP # 5-1

UP # 6









### Property Information

ID	32-155
Location	25 WAITES WHF
Owner	



MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

City of Newport, RI makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

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