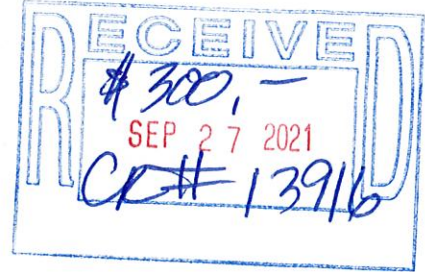


**COMBINED APPLICATION FOR A SPECIAL USE PERMIT & A
REGULATORY (DIMENSIONAL) VARIANCE**

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



DATE: September 27, 2021

*ZBR
Oct-19*

Board members:

The undersigned hereby petitions the Zoning Board of Review for a special use permit 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: 41 Bowen's Wharf/53 America's Cup Blvd.

Tax Assessor's Plat 24 Lot 356, 342 & 355

Petitioner Information

Applicant The Wharf Pub, LLC Address 37 Bowens Wharf, Newport, RI 02840

Owner Bowen's Wharf Co., Inc. Address 13 Bowen's Wharf, PO Box 60, Newport RI 02840

Lessee The Wharf Pub, LLC Address 37 Bowen's Wharf, Newport, RI 02840

Property Characteristics

Dimensions of lot-frontage varies depth varies area 34,000 sq. ft.

Zoning District in which premises is located Waterfront Business

How long have you owned above premises? Since 1969

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings 6,823

Total square footage of the footprint of proposed buildings 6,981

Present use of premises Mixed Use, Retail & Restaurants

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

Proposed use of premises Same

Give extent of proposed alterations Expand building footprint by 158 square feet to provide for a egress stair from second floor, expand first floor adjacent space by 60 square feet, construct 800 square ft deck above existing deck and add a 90 sf foot scenic view deck to the 3rd floor in connection with expansion of a standard restaurant.

Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	34,000 sq ft	5,000 sq ft	same
Lot Coverage	19.8%	40%	20%
Dwelling Units	1	6	same
Parking (# of spaces)	18	27	18
Front Setback	0	0	same
Side Setbacks	5	5	same
Rear Setback	75	5	same
Height	<45	45	same

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

Policy LU-1.6 (upgrade and reuse of existing commercial area);

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 property is an existing developed commercial property. There is limited area for parking. The applicant is seeking to expand the service area to provide for outdoor seating. There is no further opportunity to expand parking for this parcel.

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?

There are many businesses located within the Waterfront Business and adjacent general business district that have little or no parking. The customers utilized street parking and the commercial lots available in the area.

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

The applicant is proposing an 800 sq ft deck over the existing first floor outdoor service area. This will provide a reasonable outdoor space for patrons of the proposed Wharf Pub Fish House. There is no other opportunity to provide outdoor space for the 2nd and 3rd floor restaurant. Restaurant customers are increasingly seeking outdoor eating areas. This proposal would allow for this reasonable use.

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 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".

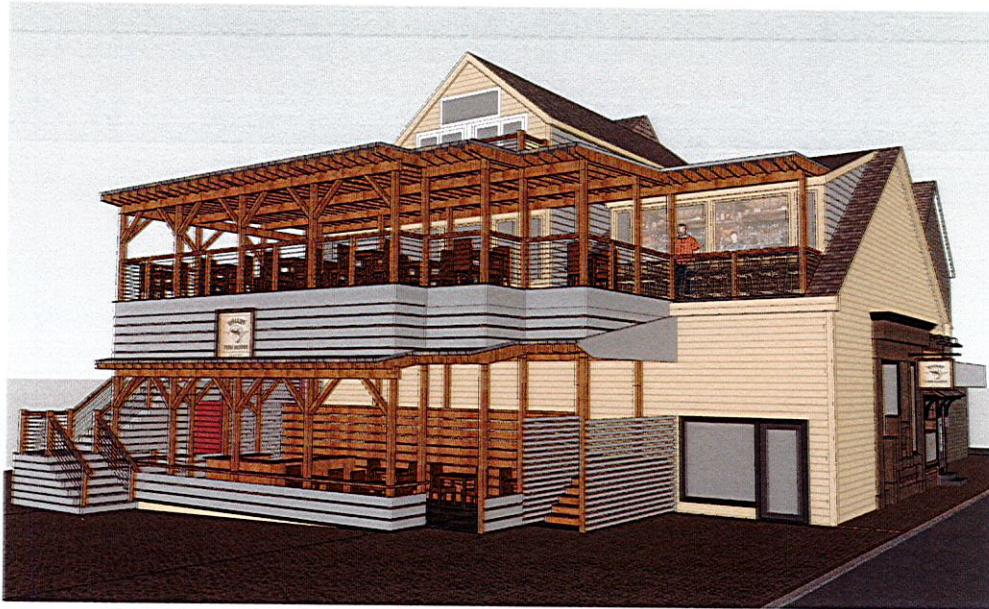
	
Applicant's Signature	Owner's Signature
(781) 696 6045	(401) 849 2243
Telephone Number	Telephone Number

Email address diego.newport@gmail.com

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

Scott

**THE WHARF PUB
BOWENS WHARF
NEWPORT, RI
September 27th, 2021**



DRAWING LIST

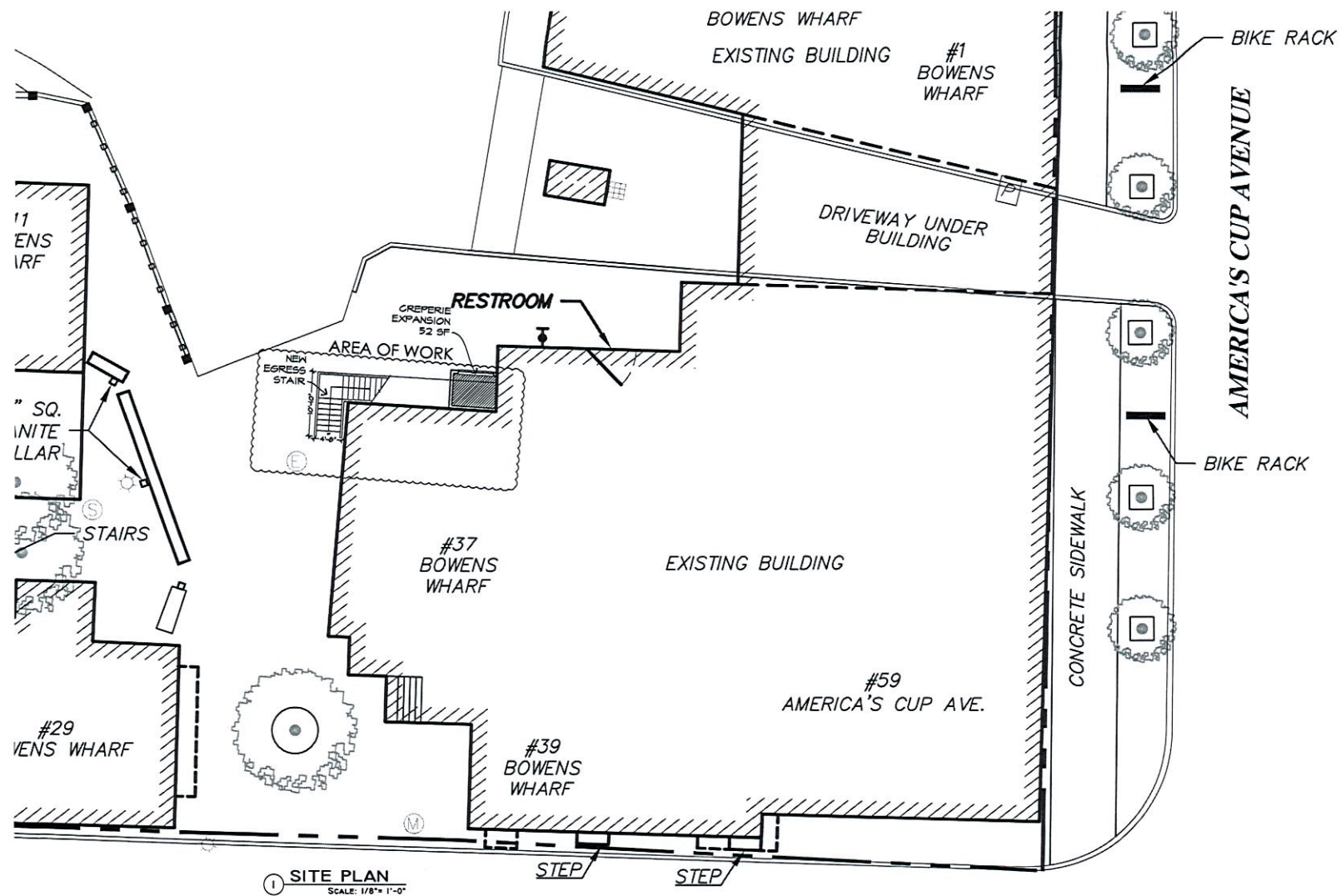
A0.1	SITE PLAN
A1.0	FIRST FLOOR PLAN
A1.1	SECOND FLOOR PLAN
A1.2	THIRD FLOOR PLAN

**CORDTSEN
DESIGN
ARCHITECTURE**

42 West Main Road
Middletown, RI 02842
CordtsenDesign.com
401.619.4689



**ZONING SUBMISSION
-9/27/21-**



① SITE PLAN
SCALE: 1/8" = 1'-0"

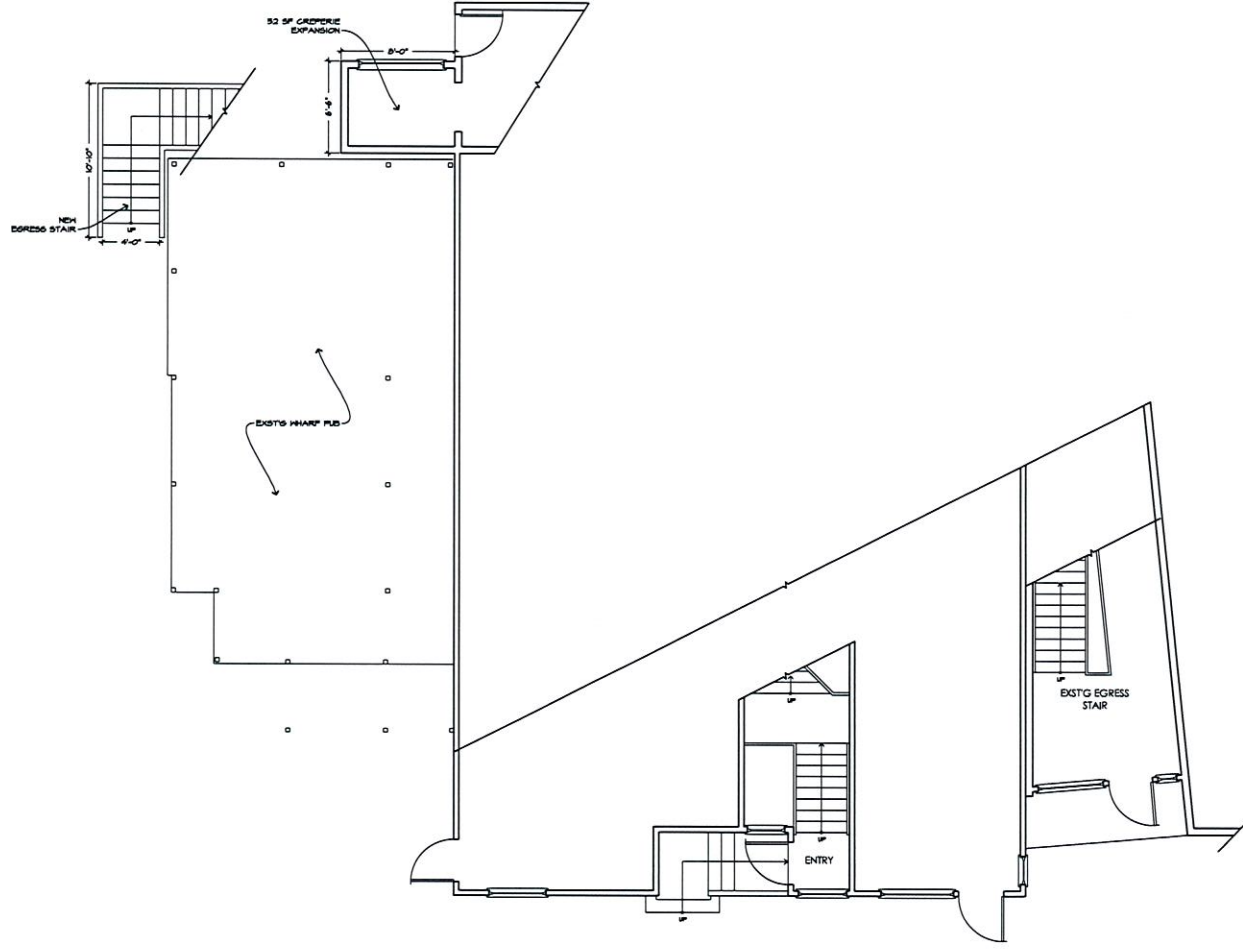
THE WHARF PUB
41 Bowen's Wharf
Newport, Rhode Island

A0.1

DESCRIPTION:
ARCHITECTURAL SITE PLAN
SCALE: As Noted
DATE: September 27th, 2021

REVISIONS:
ZONING
SUBMISSION

CBA
CORDIER
ARCHITECTURE
41 Bowen's Wharf
Newport, RI 02840
CORDIER@CBA-RI.COM
401.741.1111



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



THE ARCHITECTS ASSURE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF. THE ARCHITECTS SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT. THE ARCHITECTS SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR DAMAGE TO THE PROPERTY OR TO ANY PERSONS OR PROPERTY. THE ARCHITECTS SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR DAMAGE TO THE PROPERTY OR TO ANY PERSONS OR PROPERTY.

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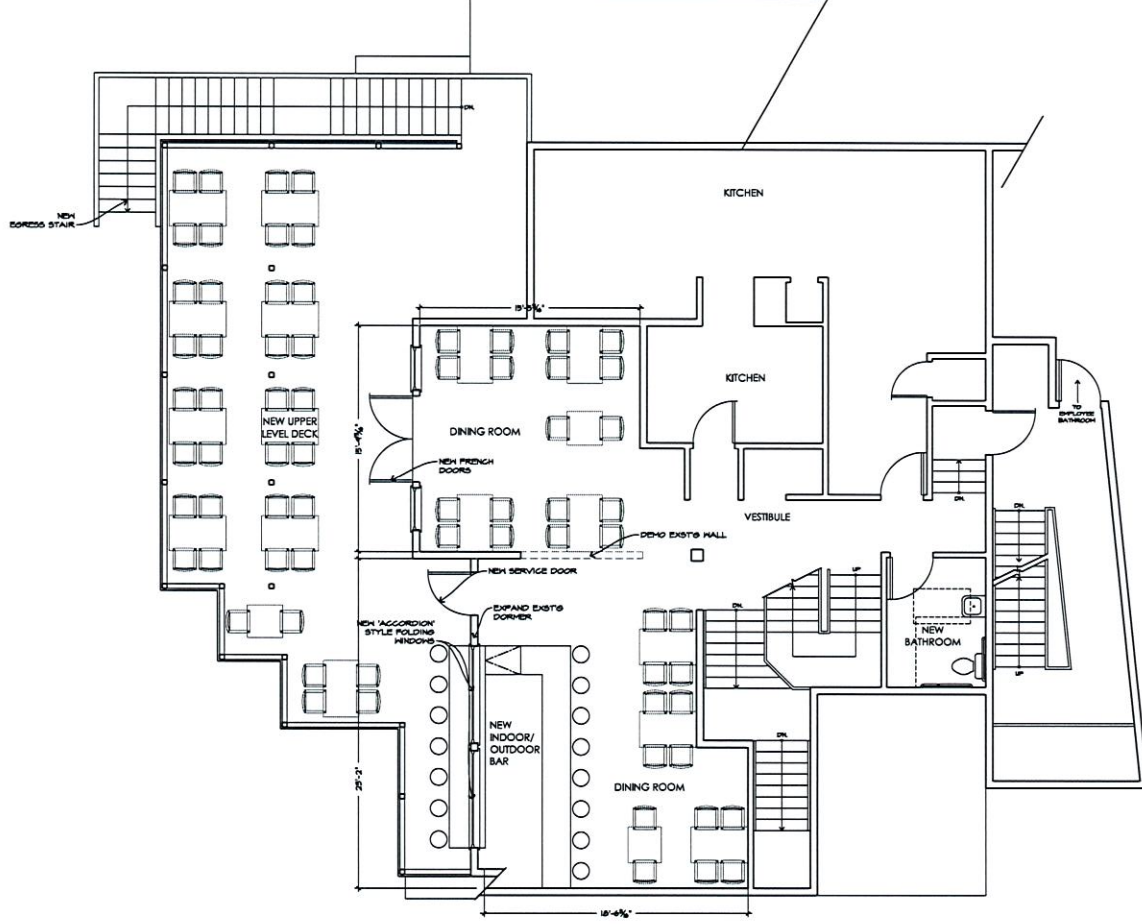
THE WHARF PUB
41 Bowen's Wharf
Newport, Rhode Island

DESCRIPTION:
FLOOR PLANS
SCALE: As Noted
DATE: September 27th, 2021

REVISIONS:
TONING
SUBMISSION

CORDIER
ARCHITECTS
43 West Main Street
Newport, RI 02840
CORDIERARCHITECTS.COM
401.841.1111





1 SECOND FLOOR PLAN
SCALE: 1/16" = 1'-0"



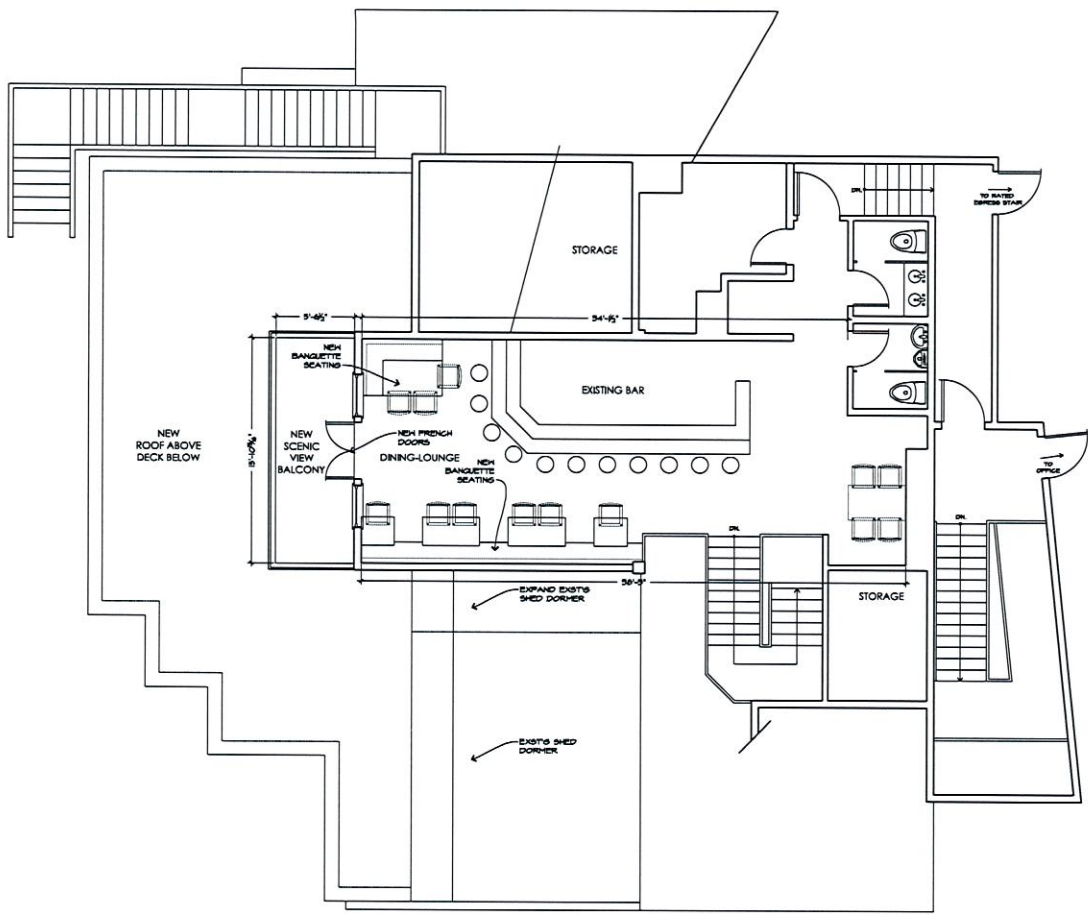
ALL SE TYPING, AND SHADING & NOT TO BE USED FOR BUILDING AND CONSTRUCTION PURPOSES. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

A1.1

THE WHARF PUB
41 Bowen's Wharf
Newport, Rhode Island

DESCRIPTION:
FLOOR PLANS
SCALE: As Noted
DATE: September 27th, 2021

REVISIONS:
ZONING
SUBMISSION



1 THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"



ALL DIMENSIONS AND MATERIALS ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

<h1>A1.2</h1>	THE WHARF PUB 41 Bowen's Wharf Newport, Rhode Island		DESCRIPTION: FLOOR PLANS SCALE: As Noted DATE: September 27th, 2021	REVISIONS: ZONING SUBMISSION	COBBIN DESIGN ARCHITECTS 41 BOWEN'S WHARF NEWPORT, R.I. 02840 COBBINDESIGN.COM 401.846.1111	

