

WEST WARWICK ZONING BOARD OF REVIEW
APPLICATION FOR VARIANCE OR SPECIAL EXCEPTION

Official Use Only In This Block

Petition No: _____

Fee: _____

Date of Filing: _____

Date of Hearing: _____

Proposed Use: _____

Present Use: _____

1. Applicant: _____ Phone: _____

Address: _____

Owner: _____ Phone: _____

Address: _____

Purchaser/Lessee _____ Phone: _____

Address: _____

Attorney: _____ Phone: _____

Address: _____

Contact Person: _____ Phone: _____

Address: _____

2. Location of Premises: _____

Tax Assessor's Plat(s): _____ Lot(s): _____ Zone(s): _____

Date of Purchase: _____

Is purchase subject to zoning relief being granted: Yes _____ No: _____

3. Dimensions of lot(s): Frontage: _____ Width: _____ Depth: _____ Area:(sf) _____

LIST ALL EXISTING BUILDING AND PRESENT USES

	Building Height	Area (sf)	Use	Length of Use
A)	_____			
B)	_____			
C)	_____			

4. Is this and application for:
DIMENSIONAL VARIANCE () USE VARIANCE () SPECIAL USE PERMIT ()
APPEAL FROM DECISION OF BUILDING/ZONING OFFICIAL ()
APPEAL FROM DECISION OF PLANNING BOARD ()

5. If the Application is for a Dimensional or Use Variance, complete the following:

- A) The variance relates to:
Principal buildings _____ Accessory buildings _____ Land _____

Check all that apply:

- _____ % of Lot coverage _____ Height _____ Lot Area
_____ Set Backs _____ Parking _____ Signs
_____ Number of dwelling units _____ Use _____ Non-conforming use

Other (specify) _____

- B) Precise variance(s) sought:
List each applicable section of the Zoning Ordinance for which Variance is sought

- C) 1. Describe the specific Variance sought: _____

2. Describe extent of proposed alterations, additions or new building(s): _____

3. Number of dwelling units for which building(s) is/are to be used: _____

4. Is there public sewerage available? Yes ____ No ____

D) Describe the reason(s) the relief is requested for the specific variance listed above. Include peculiarity, loss of use, effect on surrounding property, alternative safeguards, etc.: _____

6. If this is an application for a Special Use Permit, complete the following:

A) The Special Use Permit relates to:
Principal buildings ____ Accessory buildings ____ Land ____

B) Precise Special Use Permit sought:
(List specific section of Zoning Ordinance that indicates use is permitted by Special Use Permit)

C) Summarize the reasons why the Special Use Permit should be granted. Refer to specific sections of the Zoning Ordinance that apply:

7. If this is an appeal for the decision of the building/zoning official or from a Planning Board decision, state:

Note: Plans acted upon by the Board become incorporated as part of the decision and are final.

I/We the undersigned, swear that all information given above to the best of my/our knowledge is complete and correct.

Applicant signature: _____ Date: _____

Owner signature: _____ Date: _____

Purchaser/Lessee signature _____ Date: _____

TOWN OF WEST WARWICK

TIME TABLE AND FILLING REQUIREMENTS FOR
VARIANCE AND SPECIAL USE PERMIT APPLICATIONS

HEARING DATES:

Technical Review Committee (TRC) – 2:00 pm, second (2nd) Thursday every month

Planning Board (PB) – 6:00 pm, first (1st) Monday of every month.

Zoning Board of Review (ZBR) – 7:00 pm, last Wednesday of every month (except
January and July, no meeting).

FILING REQUIREMENTS:

ONE COMPLETE COPY OF A FULL PACKET (SEE BELOW) MUST BE FILED WITH
THE BUILDING OFFICIAL FOR REVIEW AND SIGNATURE ON CERTIFICATE OF
COMPLETENESS BEFORE REMAINING PACKETS MAY BE FILED. FULL SUBMISSION
OF 18 OR 10 PACKETS WILL NOT BE ACCEPTED UNTIL INITIAL PACKET HAS BEEN
DETERMINED TO BE COMPLETE.

ALL APPLICATIONS FOR ZONING MUST BE FILED WITH THE ZONING CLERK BY
THE FIRST OF THE MONTH PRIOR TO THE MONTH IT WOULD ACTUALLY BE
HEARD.

(Ex. – for March TRC and April PB and ZBR must be filed by March 1st)

SPECIAL USE PERMIT – MUST FILE EIGHTEEN (18) COMPLETE PACKETS.

DIMENSIONAL OR USE VARIANCE – MUST FILE TEN (10) COMPLETE
PACKETS.

PACKET CONTENT:

Each packet must include:

1. 18 or 10 Applications – Signed and dated original and 17 or 9 copies.
2. 18 or 10 Radius map – Mapping ALL abutting lots within 200 feet of perimeter of property.
3. 18 or 10 Abutter's list – Name and address of all abutters. (Note if more than one owner ALL must be listed. (Ex. – husband and wife, both must be listed)

4. 18 or 10 Site plans showing exactly what is proposed. (If prepared by a surveyor MUST be Class 1 survey.
5. 18 or 10 Building plans when applicable.
6. 18 or 10 copies of CURRENT zoning certificate.
7. AN UP TO DATE STATEMENT FROM THE WEST WARWICK TAX COLLECTER INDICATING THE STATUS OF REAL ESTATE TAXES AND SEWER BILLS AND ASSESSMENTS RELATED TO THE LOT(S) FOR WHICH RELIEF IS REQUESTED. NO APPLICATION WILL BE ACCEPTED UNLESS ALL REAL ESTATE TAXES AND SEWER BILLS AND ASSESSMENTS ARE PAID IN FULL.

COMPLETION REQUIREMENTS:

NO APPLICATION WILL BE ACCEPTED UNLESS APPLICATION IS COMPLETED IN FULL AND THE REQUIRED NUMBER OF ALL SUPPORTING DOCUMENTS ARE FILED AND PACKETS MUST BE PRE-ASSEMBLED BY APPLICANT.

IF APPLICANT OR LAND OWNER IS A BUSINESS LOCATED IN THE TOWN OF WEST WARWICK PROOF THAT THE BUSINESS HAS BEEN REGISTERED WITH THE TOWN CLERK'S OFFICE MUST BE SUPPLIED.

HEARING PROCESS:

TRC – All applicants for Special Use Permit must appear before the TRC.

ZBR – All applicants must appear before the ZBR.

NOTICE REQUIREMENTS:

It is the responsibility of the Applicant to give notice of the ZBR hearing to ALL abutters, at least 14 days before the hearing by REGISTERED MAIL, RETURN RECEIPT REQUESTED, and to file an Affidavit of Notice and the Green Return Cards with the Zoning Clerk PRIOR to the matter being heard by the ZBR. Every owner must receive his or her or its own notice. (Ex. – If more than one owner each must receive notice, if husband and wife joint owners, one notice sufficient as long as both names appear in full on notice)

NOTE: NO MATTER WILL BE HEARD UNTIL THE AFFIDAVIT OF NOTICE AND THE GREEN CARDS HAVE BEEN FILED WITH THE ZONING CLERK.

(EXAMPLE OF NOTICE AND AFFIDAVIT ATTACHED)

APPLICABLE LAW:

Applicant must comply with ALL provisions of the Zoning Code of the Town of West Warwick, specifically including, but not limited to, Section 9, Variances and Section 10 Special Use Permits.

EXAMPLE OF NOTICE OF PUBLIC HEARING

(INSERT DATE OF LETTER)

Name and address of abutter

To whom it may concern:

You are hereby notified that **(INSERT NAME OF APPLICANT)**, as applicant and **(INSERT NAME OF OWNER)**, as owner, have filed an application with the West Warwick Zoning Board of Review requesting a **(INSERT DIMENSIONAL VARIANCE, USE VARIANCE, SPECIAL USE PERMIT all that apply)** for the purpose of **(INSERT WHAT REQUEST IS FOR)** for property located at **(INSERT ADDRESS OF PROPERTY)**.

A hearing will be held before the West Warwick Zoning Board of Review in the Town Council Chamber, Town Hall, 1170 Main St., West Warwick, RI, on Wednesday, **(INSERT DATE OF MEETING)**, at 7 o'clock pm. You are invited to be present if you wish.

Yours truly,

SIGNATURE OF APPLICANT, OWNER

PRINT NAME BELOW SIGNATURE

EXAMPLE OF AFFIDAVIT OF NOTICE

STATE OF RHODE ISLAND
COUNTY OF KENT

TOWN OF WEST WARWICK
ZONING BOARD OF REVIEW

APPLICANT: INSERT NAME OF APPLICANT
NO.

PETITION NO. INSET PETITION

OWNER: INSERT NAME OF OWNER

AFFIDAVIT OF NOTICE

I, INSERT NAME OF PERSON GIVING NOTICE, being duly sworn, under oath depose and say that I caused to be mailed, certified mail, return receipt requested, a copy of the Notice of Hearing, to each of the owners of property within 200 feet of the perimeter of the subject property on INSERT DATE OF MAILING. A copy of said notice and the abutters list is attached hereto and made part hereof.

MAILING

SIGNATURE OF PERSON
NOTICE

Subscribed and sworn to before me this _____ day of _____, 201_.

MUST ATTACH A COPY OF NOTICE THAT WAS SENT AND A COPY OF ABUTTER'S LIST.

RULES OF PRACTICE AND PROCEDURE BEFORE THE
TOWN OF WEST WARWICK
ZONING BOARD OF REVIEW

APPLICATION FOR RELIEF

In all applications for Dimensional or Use Variances or Special Use Permits a current zoning certificate from the building official must be filed with the Zoning Clerk with the application.

REPRESENTATION

Any applicant that is a formal business entity registered with the Secretary of State, such as a corporation or LLC must be represented by an attorney.

An applicant that is a partnership may be represented by one of the partners or an attorney.

An applicant that is an individual may represent himself or herself or be represented by an attorney.

Persons not licensed to practice law in the State of Rhode Island, such as architects, builders, engineers, etc. may not represent any applicant.

The Zoning Board of Review, when it its opinion for reasonable cause shown may, by vote of a majority of the Zoning Board of Review, a quorum being present, waive any of the above representation requirements.

EXPERT TESTIMONY

Evidence that has been prepared by a professional on behalf of any party to the proceedings such as a land surveyor, engineer, traffic expert, etc must be presented by the professional that did the preparation to respond to questions from the Board members.

For example:

Surveys will require the preparing surveyor to be present.

Drainage will require the preparing engineer to be present.

Compliance with the comprehensive plan will require a real estate

FILING OF DOCUMENTS

All documents in excess of 2 pages that any party wishes to be presented to the Board must be filed with the Board not less than 10 days prior to the hearing date. It shall be in the discretion of the Board, by a vote of the majority of the Board, whether the Board will allow or refuse the filing of such document or will continue the hearing for 1 month to allow time for the Board to review such documents. Any party filing such document shall agree that if the Board shall vote to continue the matter for 1 month to allow the review of the document, the party so filing shall agree to

stipulate that he, she or it will waive any time deadlines that will expire as a result of such continuance.

NOTICE

In all cases requiring certified notice to abutters the returned receipts AND Affidavit of Compliance MUST be filed with the clerk before any hearing will be held.

MEETING

The Chairperson shall call the meeting to order. The clerk shall take a roll call. Three members must be present for a quorum. The Chairperson will call the matters to be heard in the order in which they appear on the agenda. The Board, in its discretion, may, by majority vote, change the order in which matters shall be called for hearing.

PROCEDURE FOR HEARING

The applicant shall present testimony and evidence first. The Board may question applicant or witnesses during presentation. Upon completion of applicant's presentation, persons wishing to speak in favor of application will be heard. The Board may question persons speaking.

Upon completion of applicant's and persons speaking in favor, persons opposed to the application will present testimony and evidence. The Board may question witnesses during presentation.

Upon completion of objector's presentation, the applicant will be given opportunity to respond to objectors' presentation. The Board may question presenters.

Upon completion of applicant's response, the Chairperson shall request a motion to close the public hearing. A motion will be made and seconded, and upon affirmative vote of a majority of the Board, the public hearing will be closed.

The Board will then discuss the application. During the Board's discussion, any person appearing on the matter, including Town staff may be questioned by the Board. Only question and discussion will be allowed. Unless requested by the board, no additional testimony or evidence may be presented.

After discussion, upon motion made and seconded, a roll call vote of the members or alternates sitting on the application will be taken on the approval of the application and any conditions that the Board may attach to an approval.

VOTING PROCEDURE

Upon closing of discussion a motion shall be made and seconded to approve the application.

Conditions may be added to the motion either at the time of making of the motion or by amendment to the motion.

After the motion is made and seconded and amended if required, the Board shall discuss the motion with the members stating the reasons for being in favor or opposed to the application.

After discussion a vote will be taken on the motion.

RULES OF CONDUCT

ALL PERSONS WISHING TO ADDRESS THE MEETING MUST BE RECOGNIZED BY THE CHAIRPERSON BEFORE SPEAKING.

Only one person may speak at one time.

Witnesses shall not give repetitive testimony but shall refer to the prior witness and shall state that they wish to join in that witness's testimony.

The Chairperson may set time limits on testimony.

STANDARDS OF REVIEW

It is the applicant's burden to satisfy the standards of review required for each type of relief sought. The following are a partial list of types of review and the standards that must be met by the applicant for the relief sought to be granted.

DIMENSIONAL VARIANCE

The hardship from which relief is sought;

1. Is due to the unique characteristics of the subject land or structure and not the general characteristics of the surrounding area and is NOT due to a physical or economic disability of the applicant.
2. Is not the result of any prior action of the applicant and is not primarily to realize greater financial gain.
3. Will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan.
4. Is the least relief necessary?
5. If not granted the hardship will result in more than a mere inconvenience and that there will be no alternative legally permitted beneficial use of the property.

USE VARIANCE

The hardship from which relief is sought:

1. Is due to the unique characteristics of the subject land or structure and not the general characteristics of the surrounding area and is NOT due to a physical or economic disability of the applicant.
2. Is not the result of any prior action of the applicant and is not primarily to realize greater financial gain.
3. Will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan.
4. Is the least relief necessary?
5. The land or structure will not yield any beneficial use if it is required to conform to the zoning ordinance.

SPECIAL USE PERMIT

The proposed use:

1. Is compatible with neighboring land uses.
2. Will not create a nuisance in the neighborhood.
3. Will not hinder future development of the Town.
4. Will conform to all applicable sections of the zoning ordinance.
5. Is in conformance with the purposes and intent of the comprehensive plan.

6. The land or structure will not yield any beneficial use if it is required to conform to the zoning ordinance.

SPECIAL USE PERMIT ACCESSORY FAMILY DWELLING (IN-LAW APARTMENTS)

1. Valid zoning certificate
2. Primary building only dwelling on lot.
3. Only 1 accessory family dwelling permitted.
4. No nonconformity or violation of town ordinances or codes exist.
5. No more than 2 bedrooms.
6. At least 1 additional parking space, not in minimum required front yard, required.
7. Not permitted if there exists a rooming house, home occupation, pre-existing accessory family dwelling unit, 2 or multiple family dwelling.

APPLICABLE SECTIONS OF THE WEST WARWICK ZONING CODE

FOR DIMENSIONAL AND USE VARIANCES - SEE SECTION 9 VARIANCES

FOR SPECIAL USE PERMITS - SEE SECTION 10 SPECIAL USE PERMITS

FOR ACCESSORY FAMILY DWELLING UNITS (IN-LAW APARTMENT - SEE SECTION 5.6.16 ACCESSORY DWELLING UNITS

**RECORDING INSTRUCTIONS FOR ALL MAPS, SURVEYS
AND CONDOMINIUM PLATS AND PLANS**

TWO COPIES OF ALL MYLARS (MAPS, SURVEYS OR CONDOMINIUM DOCUMENTS MUST BE SUBMITTED AT TIME OF RECORDING. EVERY PAGE OF THE MYLARS TO BE RECORDED MUST BE NUMBERED

ALL MAPS AND CONDOMINIUM PLATS AND PLANS ON MYLAR MUST BE 24" X 36" IN SIZE AND MUST STATE THE TYPE OF PLANNING OR ZONING APPROVAL RECEIVED. SURVEYS MAY BE ANY SIZE BUT MUST BE ON MYLAR

ALL SUBDIVISION PLANS OR MYLARS OF ANY TYPE THAT HAVE RECEIVED ZONING AND/OR PLANNING APPROVAL MUST BE SIGNED BY THE TOWN PLANNER

ALL MAPS, SURVEYS OR CONDOMINIUM PLATS AND PLANS PREPARED BY A SURVEYOR, MUST CONTAIN THE SURVEYOR'S STAMP AND SIGNATURE AND STATEMENT THAT IT IS A CLASS 1 SURVEY.

RECORDING OF CONDOMINIUM DOCUMENTS

1. ALL CONDOMINIUM DOCUMENTS TO BE RECORDED, (i.e. Declaration, By-Laws, Rules and Regulation, Plats and Plans, etc.) MUST BE RECORDED SIMULTANEOUSLY. RECORDING OF THE CONDOMINIUM DECLARATION WITHOUT THE RECORDING OF THE PLATS AND PLANS SIMULTANEOUSLY WILL NOT BE PERMITTED. (This does not include initial subdivision of land).
2. CONDOMINIUM PLATS AND PLANS MAY BE RECORDED AS PART OF THE DECLARATION OR ON SEPARATE MYLARS.
3. WHETHER PART OF THE DECLARATION OR ON SEPARATE MYLARS:
 - A. EACH PAGE OF THE PLATS AND PLANS MUST BE NUMBERED SEQUENTIALLY,
 - B. EACH PAGE OF THE PLATS AND PLANS MUST IDENTIFY WHAT THAT PAGE IS AND THAT IT IS PART OF THE NAMED CONDOMINIUM (ex. Site plan of ABC Condominium, Easements of ABC Condominium, First floor plan of ABC Condominium, etc.)
 - C. EACH PAGE OF THE PLATS AND PLANS MUST INCLUDE THE STATEMENT AND CERTIFY THAT THESE PLATS AND PLANS CONTAIN ALL THE INFORMATION REQUIRED BY R. I. G. L. 34-36.1-2.09" AND MUST BE MUST BE SIGNED BY THE APPROPRIATE PARTY (SURVEYOR OR ARCHITECT)

DOCUMENTS THAT DO NOT COMPLY WITH THE ABOVE WILL NOT BE ACCEPTED FOR RECORDING.