



Case # \_\_\_\_\_

Hearing Date \_\_\_\_\_

## Variance Application to the Zoning Board of Review

Town Hall Annex, 105 Harrisville Main St., Harrisville, RI 02830-1499 401-568-4300 x128

**\*\*All application steps must be completed prior to placement on agenda. Please see instruction page \*\***

In accordance to RIGL 45-24-41 General Provisions-Variations and the Burrillville Zoning Ordinance 30-34 (d) Variance, I hereby submit the following information for Zoning Board consideration and public hearing.

**Applicant (1):** \_\_\_\_\_ **Phone:** \_\_\_\_\_**Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_**Applicant (2):** \_\_\_\_\_ **Phone:** \_\_\_\_\_**Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_**OWNER (1):** \_\_\_\_\_ **Phone:** \_\_\_\_\_**Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_**OWNER (2):** \_\_\_\_\_ **Phone:** \_\_\_\_\_**Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_**PROPERTY DETAILS:****Street Address:** \_\_\_\_\_ **Pole #** \_\_\_\_\_ **Village** \_\_\_\_\_**Assessor Map & Lot** \_\_\_\_\_ **Current Zoning District:** \_\_\_\_\_**Size of Lot:** Width \_\_\_\_\_ Depth \_\_\_\_\_ Total Area \_\_\_\_\_ (Acres/Sq. Ft.)**Is Property in the Aquifer Zone:** No ☐ Yes ☐ What Zone(s)? \_\_\_\_\_**Ownership Tenure:** Date of current owner purchased said property: \_\_\_\_\_**Will ownership of this property be transferred from the current owner to the applicant for development purpose?** Yes ☐ No ☐ Does Not Apply ☐**Development Status and Proposal****Existing Developmental State:** Are there any buildings on the property at present? No ☐ Yes ☐ How many buildings? \_\_\_\_\_**IDENTIFY the Size and Use of each building:** (use additional sheets of paper if necessary)

Building Type	Height	Area (Sq.Ft.)	Use

**Proposed Development:****Have construction/building plans been submitted and reviewed by the Office of the Burrillville Building Official?**Yes ☐ No ☐ Does Not Apply ☐If YES, was a Building Permit refused? Yes ☐ No ☐

Identify proposed activity, action, or use for which Variance from the terms of the Zoning Ordinance is requested. **Include amount(s) of relief requested.**

List precise article(S) and section(S) of the Zoning Ordinance from which Variance is requested. Describe applicable regulation of standard and the variance that is requested.

**Identify grounds for variance.** The applicant is required to relate this criteria as set forth in Sec. 30-34(d)4 of the Zoning Ordinance. Per RIGL 45-24-46.4, In granting a variance, the zoning board of review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in RIGL 45-24-30(a)(16)

The hardship is not the result of any prior action of the applicant or owner

The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Chapter or the Comprehensive Plan upon which the Zoning Chapter is based

For a **use variance**: the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning chapter. Any nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a **use variance**

For a **dimensional variance**: the hardship suffered by the owner of the subject property, if the **dimensional variance** is **not** granted, would amount to more than a mere inconvenience meaning that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. 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. (The Zoning Board may grant dimensional variances where the use is permitted by special use permit)

The Zoning Board shall set down a record of findings [of] fact and shall make its decision in writing. No decision shall be final until it is filed in the Zoning Enforcement Office. All decisions shall be recorded in the Town's land evidence records.

A Variance from the provisions of this chapter shall expire 12 months from the date of approval by the board, unless the applicant who has been granted relief obtains a building permit and is actively engaged in the project's construction, or in case of "use variance" has actually put the subject property to said use.

## SIGNATURE PAGE

I/We, the undersigned, swear that all information provided in this application is to the best of my/our knowledge complete and correct in every detail. By signing this application, I am giving my permission for staff and members of the Zoning Board of Review to go onto my property for purposes of a site inspection.

OWNER(S)	APPLICANT(S)
_____ <b>Owner 1</b> Name (print or type)	_____ <b>Applicant 1</b> Name (print or type)
_____ Owner 1 Signature	_____ Applicant 1 Signature
_____ <b>Owner 2</b> Name (print or type)	_____ <b>Applicant 2</b> Name (print or type)
_____ Owner 2 Signature	_____ Applicant 2 Signature
Date: _____	Date: _____

<b>AGENT/ATTORNEY:</b>	
Name: _____	Firm: _____
Address: _____	Phone: _____
Representing: _____	Email: _____

<b>CERTIFIED COMPLETE</b>	
Application and checklist certified complete by: _____ Date: _____	
Fee paid: Date: _____ Amt: \$ _____ Check# or cash: _____ Received by: _____	

## **ZONING BOARD OF REVIEW APPLICATION CHECKLIST**

A request for relief from the Zoning Ordinance is a legal proceeding with burden on the applicant to correctly complete the application, provide the necessary supporting material and to present competent evidence before the Zoning Board of Review.

A certified complete application must be submitted to the Burrillville Building/Zoning office (Town Hall Annex, 144 Harrisville Main St., Harrisville, R.I. 02830 by the posted deadline to be placed on the next Zoning Board meeting.

**Per Zoning Ordinance Section 30-34 The following items must be completed and initialed to certify the application as complete.** Additional requirements may be added by the Zoning Official.

1. \_\_\_\_ Meet with the Zoning Official to 1.) review your plan and 2.) application and 3.) obtain a CURRENT copy of the radius map and abutters list.
2. \_\_\_\_ Submit draft application to the Building Official for review of completeness. Packet must include at a minimum:
  - \_\_\_\_ Application forms to include cover, type/request, signature and checklist page.
  - \_\_\_\_ Plot plan drawn to scale showing the dimensions and locations of all existing and proposed buildings or structures, or additions, plus such building plans, floor plans, sketches and drawings as may be necessary to provide complete information relative to the relief sought by the applicant.
  - \_\_\_\_ Radius Map (scale not less than 200 feet/inch showing all property, street names, plat, and lot numbers within 200' (two hundred feet) radius.
  - \_\_\_\_ Abutters list- list of all property owners within the 200' (two hundred feet) radius which identifies the name, address, mailing address if different, map and lot number, for each property owner. In addition, where applicable, a list of parties entitled to notice under Sec. 30-35(a)(4) shall be included. This list will be used to notify abutters of the applicant's petition before the Zoning Board.
3. \_\_\_\_ Submit full payment of hearing invoice with fee breakdown of: 1.) \$250 hearing fee, 2.) \$175 for legal ad fee, 3.) abutter notice fee (# of notices x \$2.75). Full payment due made out to Town of Burrillville.
4. \_\_\_\_ Submit **the original certified complete application packet for permanent file and 10 collated and stapled copies** of the complete application packet for Zoning Board member review.
5. \_\_\_\_ The applicant shall post (at minimum) **a 24-inch square sign with two-inch letters** on the subject property stating that a special use permit or variance is being requested. This sign must be posted in a visible location from the street for at least **2 weeks prior** to the hearing date. **Failure to comply may result in the application being continued.**

### **PUBLIC HEARING REQUIREMENT**

No application for a Special Use Permit, Variance, or Appeal, to the Burrillville Zoning Ordinance shall be approved by the Zoning Board of Review until after a Public Hearing has been held upon the Application. Written notice of the time and place of such Public Hearing, and the purpose thereof, shall be made by the Zoning Board of Review to all owners of any Real Property within 200' (two hundred feet) of the perimeter of the Real Property, which is the subject matter of the application. Publication of such Notice shall also be made in a newspaper of general circulation within the Town of Burrillville at least fourteen (14) days prior to the date of such Hearing. Any party may appear at the Public Hearing in person, by agent, or by attorney and may present such experts or witnesses that may have information relating to the Application.

**EXTENSION REQUESTS FOR A VARIANCE OR SPECIAL USE PERMIT:** A request for a single one-year extension may be submitted in writing by the applicant (before the application deadline) for the Zoning Board to consider **prior** to the variance or special use permit expiring.

**CASE CONTINUATION REQUEST:** A request for a single one-month continuation of a Zoning case will be accepted by the Zoning Board.