



Town of Barrington, RI ZONING BOARD OF REVIEW APPLICATION

Special Use Permit, Dimensional and Use Variances, and Appeals Instructions

- **Zoning Board Meeting Schedule and Location:** The Barrington Zoning Board of Review typically meets to hear applications on the third Thursday of each month at 7 pm in Town Council Chambers on the second floor of Town Hall. Applicants should contact town hall to verify the date, time and location of the meeting at which their application will be heard. Please note: There is a maximum of eight (8) applications per month. Applications are accepted on a first come-first served basis and it is possible that a meeting docket can fill up before the deadline. If your application hearing has not begun by 10:30 p.m., it will be continued to the next meeting.
- **Application Due Date:** Applications for Special Use Permits, Dimensional and Use Variances, or Extensions to prior approvals must be submitted to the Building Official 4 weeks prior to the meeting at which the application is to be heard and must be signed by the applicant. The applicant must be a person with a financial interest in the property and not the architect, engineer, draftsman, contractor or attorney. Examples include a current or potential tenant or purchaser. If the owner is not the applicant, the owner must also sign the application.
- **Filing Fees:** The application filing fee is \$250.00 for Residential uses and \$300.00 for Commercial uses. The application filing fee for Extensions to prior approvals is \$25.00. No refunds will be given for cancellation or withdrawal of an application if an application has been advertised.
- **Representation:** The applicant or its duly authorized representative must be present at the hearing or the application will not be heard. A letter from the applicant naming a representative is sufficient.

There is no requirement that the applicant be represented by legal counsel. While the Zoning Board does not recommend either for or against the hiring of legal counsel, the Board does caution all applicants that zoning law can be complex. Applicants may choose to have an architect, engineer, professional land surveyor, draftsman, traffic engineer, zoning or real estate expert testify at the hearing before the Board.

- **Supporting Documentation:** The following documents must also be included with your application in the order below and must be complete and accurate:
 - **Attachments A & B – Abutter’s List and Location Radius Map:** All abutters within the 200' radius will be sent a notice by the Building Official of the public hearing at which your petition will be heard. This includes abutters in Warren, East Providence, Seekonk, Rehoboth or Swansea, Massachusetts. Refer to attachments for additional instructions on acquiring this list and map.
 - **Attachment C – Site Plan:** Site plans must be drawn to scale and the dimensions must be neatly and accurately noted. Site plans should clearly indicate the existing and proposed work and any areas where relief is requested. Refer to Attachment C for additional information and examples. Plans must be no larger than 11”x17”. Not all plans need to be professionally drawn. Please seek the guidance of the Building Official in order to make that determination.

- **Attachments D – Building Plans and Elevations:** Building plans and elevations must be drawn to scale and the dimensions must be neatly and accurately noted. Building plans and elevations should clearly indicate the proposed work and any areas where relief is requested. Refer to Attachment D for additional information and examples. Plans must be no larger than 11"x17".
- **Attachment E - Statement regarding Grounds for Use and Dimensional Variances:** Please be prepared to discuss items in this section if you are requesting a Dimensional Variance.
- **Attachment F - Statement regarding Grounds for Special Use Permit:** Please be prepared to discuss items in this section if you are requesting a Special Use Permit.
- **Attachment G – Conservation Commission Guide:** If your property is within 100 feet of any wetlands, waterbody or stream, or within 200 feet of a flowing water body in excess of 10 feet in width or if your property is within the Wetlands Overlay District, the Barrington Conservation Commission will review your application at their meeting typically held on the second Tuesday of the month prior to the Zoning Board meeting. You will be notified by mail of the date, place and time of the Conservation Commission's meeting.
- **Additional Explanatory Materials/Narrative:** Any additional materials, drawings, photos, studies, etc. that the applicant wishes to include to support or explain.

You are urged to discuss your application with the Building Official to ensure that you have a valid request and so he can guide you as to the correct article and section of the Zoning Ordinance from which you seek relief.

Once the Building Official has reviewed and approved a completed application package, before the mandatory deadline, the applicable application fee shall be paid (cash or check only), an application number will be assigned, and you will be added to the Zoning Meeting docket.

The Building Office will assist you with putting your application packet in the appropriate order BEFORE you make all of the required copies.

The final step is to make 13 copies of the entire application package and submit to the Building Department. If the application is required to go before the Conservation Commission, please make 21 copies.

****Applications are due the date of the meeting the month prior (Ex. February Meeting applications are due the date of the January Meeting) ****

Date _____

Application No. _____

TOWN OF BARRINGTON ZONING BOARD OF REVIEW APPLICATION

for Special Use Permit, Use or Dimensional Variance, and Appeal

Application under the Town of Barrington Zoning Ordinance for: *(check all that apply)*

- Special Use Permit
- Use Variance
- Dimensional Variance
- Appeal

The undersigned hereby applies to the Zoning Board of Review for relief, as indicated above, from 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.

Applicant: _____ Address: _____
(please print in black ink)

Owner: _____ Address _____
(please print in black ink)

Lessee: _____ Address: _____
(please print in black ink)

1. Location of Premises: _____
(No.) (Street Name or Pole Number)

2. Assessor's Plat No.: _____ Lot No.: _____ Zone: _____

3. Dimensions of Lot: _____
(Frontage) (Depth) (Area)

4. How long owned: _____

5. State present use of premises: _____

6. State proposed use of premises: _____

7. Is there a building on the premises at present? _____

8. What is the size of the existing building? (square feet of finished/living area): _____

9. What is the size of the proposed building? (square feet of finished/living area): _____

10. Please attach any prior zoning/planning decisions of which you are aware of regarding the property.

11. Number of families for which building is to be arranged: _____

12. Describe extent of proposed alterations. *(use additional page if necessary)*

13. Are there wetlands on the lot proposed for development or is the lot within 200' of the coastal feature?

14. How has the presence of wetlands been determined? _____

15. Please state zoning relief required: _____

16. State from which particular provisions of the Zoning Ordinance is relief sought.

(a) Special Use Permit Section(s) _____
Use Variance Section (s) _____
Dimensional Variance Section (s) _____

(b) If dimensional relief is sought state number of feet to property line (where applicable)

Front yard #1: _____ ft. required _____ existing _____ requested
Front yard #2: _____ ft. required _____ existing _____ requested
Side yard #1: _____ ft. required _____ existing _____ requested
Side Yard #2: _____ ft. required _____ existing _____ requested
Rear yard: _____ ft. required _____ existing _____ requested
Height: _____ ft. required _____ existing _____ requested
Wetlands: _____ ft. required _____ existing _____ requested
Lot Coverage: _____ sq. ft. max. _____ existing _____ requested
Lot Coverage: _____ % max. _____ existing _____ requested
Parking Spaces: _____ required _____ existing _____ requested

* Note: Lot Coverage calculations are to include all structures on the lot including buildings, wood steps, wood decks and sheds. Ground level patios and landscape/masonry steps are not counted towards lot coverage under the Barrington Zoning Ordinance.

The undersigned declares that the information given herein is a true statement to the best of his or her knowledge and belief.

Submitted by: (Please sign and print)

Applicant (Print)

Owner (Print)

Applicant's Signature

Owner's Signature
(if different from Applicant, signature must be provided)

Applicant Tel. # _____

Owner: Tel. # _____

Contact Person: _____

Contact Tel. # _____

Email: _____

Email: _____

Please note:

By signing this application, the Applicant(s) and Land Owner(s) give permission to the Town of Barrington staff and members of the Zoning Board to enter the property individually or as a group for purposes of a site inspection.

ATTACHMENT A

INSTRUCTIONS FOR PROVIDING THE ABUTTERS LIST & RADIUS MAP

1. Go to www.mainstreetmaps.com/ri/barrington/public.asp
2. Input property Address or Parcel ID at top right corner of screen
3. Select "Property" box on left side of screen on top of address
4. Select "Abutters List" on left side of screen (3rd box down) Make sure your browser isn't blocking pop-ups!
5. Select "OK" on box that pops up – be sure that 200 is showing for the "buffer distance" indicating the required 200' radius distance
6. Print this map by either a "right click" of the mouse or print button above map. Be sure that "Landscape" is chosen. Make sure all parcels within circle are visible. If they are not, you may need to go back and zoom out.
7. Select "Selection" box on left side of screen on top of address
8. Select "Mail" under "Selection" box
9. Print out address listing of abutters

VERIFICATION of ABUTTER'S ADDRESSES:

It is your responsibility to verify the ownership of your mailing list because the "mainstreetmap" website may not be up to date. To check ownership/mailing information:

1. Go to the website: www.nereval.com (Northeast Revaluation Group) or
2. Check in the Assessor's office or
3. Search the online database in Barrington's Town Hall **Land Evidence Records vault** located on the main floor.

ATTACHMENT A

ABUTTERS LIST

(abutters list example)

ATTACHMENT B

RADIUS MAP EXAMPLE

(radius map example)

ATTACHMENT C

SITE PLAN EXAMPLE

(radius map example)

ATTACHMENT D

BUILDING PLANS AND ELEVATIONS EXAMPLE

(radius map example)

ATTACHMENT E

ARTICLE XIII: Standards to be met for the granting of Use and Dimensional Variances

§ 185-68. Applicability

Relief from the literal requirements of this chapter because of hardship may be granted to any person, group, agency or corporation through the issuance of a variance by the Zoning Board of Review under the procedures of Article XII herein. Two types of variances can be considered: a use variance and a dimensional variance.

§ 185-69. General standards for variances

In granting either a use or dimensional 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:

- A. That 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.
- B. 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.
- C. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the Comprehensive Plan.
- D. That the relief to be granted is the least relief necessary.

§ 185-70. Standard for granting use variances

Prior to the granting of a use variance by the Zoning Board of Review, in addition to the standards of § 185-69, the applicant has the burden of proving that the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. The nonconforming use of neighboring lands or structures in an adjacent district shall not be considered grounds for the issuance of a use variance.

§ 185-71 Standard for granting dimensional variances.

[Amended 1-5-2015 by Ord. No. 2014-6]

Prior to the granting of a dimensional variance by the Zoning Board of Review, in addition to the standards of § 185-69, the applicant has the burden of proving that the hardship to be suffered by the owner of the subject property 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.

Based on the above standards, please be prepared to discuss/answer any of the following questions applicable to your application:

1. What is the specific hardship from which the applicant seeks relief?
2. What are the unique characteristics of the land or structure that cause the hardship?
3. Is the hardship caused by an economic or physical disability?

If a physical disability is the cause; is the physical disability covered by the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.?

4. Did the owner/applicant take any prior action with respect to the Property that resulted in the need for the variance requested? (Examples include, but are not limited to, any changes the owner/applicant made to the structure(s), lot lines, or land, or changes in use of the Property)?

If "yes," be prepared to describe any and all such prior action(s) and indicate the month/year taken.

5. What are the facts to support your position that the applicant is not seeking the variance(s) primarily in order to obtain greater financial gain?

6. What are the facts that support your position that you are seeking the least relief necessary to lessen or eliminate the hardship (for example, why there are no viable alternatives to your proposed plan)?

7. If you are seeking a USE VARIANCE, what are the facts that demonstrate that the Property cannot have any beneficial use if you are required to use it in a manner allowed in the Property's zoning district?

8. If you are seeking a DIMENSIONAL VARIANCE, what are the facts that indicate that if the variance is not granted, the hardship the owner/applicant will suffer would amount to more than a mere inconvenience.

ATTACHMENT F

ARTICLE XIV: Standards to be met for the granting of Special Use Permits

§ 185-72. Applicability

- A. Where a use is allowed in this chapter as a special use rather than allowed by right, such use may be granted to any person, group, agency or corporation only through the issuance of a special use permit by the Zoning Board of Review under the procedures of Article XII herein.
- B. An applicant may apply for, and be issued, a dimensional variance and special use permit simultaneously or may apply for a dimensional variance for a lot or lots whose use was established previously by the issuance of a special use permit. The Zoning Board of Review shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the standards for granting a special use permit and those standards for a dimensional variance. [Added 12-3-2001 by Ord. No. 2001-5]

§ 185-73. General standards

A use requiring a special use permit in Article IV and elsewhere in this chapter may be permitted by the Zoning Board of Review following a public hearing only if, in the opinion of the Board, such proposed use and its location on the site meets each of the following requirements:

- A. The public convenience and welfare will be substantially served.
- B. It will be in harmony with the general purpose of this chapter, and with the Comprehensive Community Plan.
- C. It will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community.
- D. It will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

§ 185-74. Standards relating to nonconforming uses

In addition to the standards of § 185-73, when reviewing a special use permit application for the change in a nonconforming use to another nonconforming use, or for the extension, addition to or enlargement of a nonconforming use, the Zoning Board of Review shall require that the applicant demonstrate each of the following:

- A. That it will not result in the creation of or increase in any undesirable impacts related to the use, such as excessive noise, traffic and waste generation.
- B. That the general visual appearance of the nonconforming use shall not be altered in a way so as to heighten or make more apparent its nonconformity and, where possible, shall be improved so as to be more consistent with the surrounding area.
- C. That it will not have a negative impact on the natural environment or on any historic or cultural resource.
- D. That the resulting nonconforming use will be a beneficial use to the community

Based on the above standards, please be prepared to discuss/answer any of the following questions applicable to your application:

1. What are the facts that demonstrate that the proposed special use will not substantially injure the use and enjoyment of neighboring properties?
2. What are the facts that demonstrate that the proposed special use will not significantly devalue neighboring properties?
3. What are the facts that demonstrate that the proposed special use will not be detrimental or injurious to the health or welfare of the community?

ATTACHMENT G

Conservation Commission Guide

(Replace with current example)