File number: _____
Date of Filing: _____
Filing Fee: _____
Received by: _____
Date of Hearing: _____

If Continuance – Quorum Members:

_____

_____

(OFFICIAL USE ONLY)

TOWN OF CHARLESTOWN
ZONING BOARD OF REVIEW
Appeal Application

4540 South County Trail
Charlestown, RI 02813

Appeal of:

___**Building/Zoning Official**
___**Town Planner**
___**Planning Commission**

The undersigned hereby appeals to the Zoning Board of Review from an error in an order, requirement, decision or determination. A copy of such order, requirement, decision or determination dated _____ is attached. I have received, read and understand the Board's Powers and Duties, Procedural Guidelines, Filing Instructions, and sample "Certified Letter Form." The following information is provided as required and is complete in all respects.

1. Applicant/Agent: _____ Address: _____

2. Owner: _____ Address: _____

3. If the applicant is not the owner of the subject property state relationship to or interest in subject property:

_____

4. Location of Premises:

_____ _____ _____
Street Address Plat Lot

5. Dimensions of subject property: _____ x _____ = _____
(Frontage) (Depth) (Area)

6. When was property acquired? _____
Date

7. Zoning District in which property is located: _____

8. Present use of property: _____

9. Nature of Appeal: _____

_____

_____

_____

_____

10. State grounds for your appeal citing the Ordinances, Laws, Court decisions, etc., as may be appropriate:

_____

_____

_____

_____

11. In support of this application, the following documents are attached and made a part of this application as specified in the Filing Instructions:

a. Written decision of the Building/Zoning Official dated: _____

b. Written decision of the Town Planner dated: _____

c. Written decision of the Planning Commission dated: _____

d. Plot Plan Yes / No

e. Radius Map Yes / No

f. Abutters List Yes / No

g. Tax Assessor's field card Yes / No

h. Other: _____

Respectfully submitted,

Applicant: _____ (Signature) _____

Phone: _____ (Address) _____

Land Owner: _____ (Signature) _____

Phone: _____ (Address) _____

Attorney: _____ (Signature) _____

_____ (Address) _____

Phone: _____

The board may desire to inspect the premises. Permission for site inspection given _____ refused _____

NOTE: A site plan, sketches, drawings and other documents, as may be necessary to provide full information, shall be filed with the application. **(See instructions)**

CHARLESTOWN ZONING BOARD OF REVIEW
FILING INSTRUCTIONS FOR APPEAL APPLICATIONS

1. Read carefully:
   a. These Instructions
   b. Procedural Guidelines (attached)
   c. The "Sample Certified Letter Form" (attached)

2. Be sure the application is filled out IN FULL and COMPLETELY. When the property owner is different than the applicant, the applicant must have a legal interest in the property, and the application must be signed by both parties as indicated on the form. **ELEVEN (11)** applications must be filed, (one (1) original and ten (10) copies with all information listed below attached in packets). A check payable to the Town of Charlestown for the filing fee must accompany the application. Said packets should include but not be limited to the following documents:

   a. **Plot Plan** – Accurate drawing of subject property as follows:

      1. Scale of not less than 1" = 100 feet.
      2. Minimum map size of 8½" x 11".
      3. Location of all existing buildings and proposed structures drawn to scale with accurate distances from all streets and lot lines. If vacant lot, Elect. Pole #.
      4. Name of streets and roads.
      5. North arrow.
      6. Dimensions of the subject property.
      (Sample Plot Plan Attached)

   b. **Radius Map** - Map of the area in which the subject property is located (Assessor's Maps are acceptable) showing the following:

      1. Scale of not less than 1 inch = 400 feet.
      2. Subject property outlined in color or shaded.
      3. Minimum map size of 8½"x11".
      4. Names of all streets or roads.
      5. North arrow.
      6. Radius of 200' around the perimeter of the lot in question.
      (Sample Radius Map Attached)

   c. **Abutters List** - List of the names and legal addresses of owners of property within 200 feet of the property, which is the subject of the application. List shall be referenced by Assessor's Map and Lot numbers for each owner. **NOTE:** It is the applicant's responsibility to notify each of these abutters by certified mail. Such notice shall be at least fourteen (14) days prior to the public hearing.

   d. **Plans (if applicable)** - Floor plans of existing and proposed building, elevations and section views drawn to scale with accurate dimensions and location of septic system etc…

   e. **Field Card** - Copy of the Tax Assessor's Field Card for the subject property. (Available online or in the Tax Assessors Office)

ALL EXHIBITS FILED BY APPLICANTS AND/OR INTERESTED PERSONS OR OBJECTORS MUST BE FILED AS AN ORIGINAL AND TEN (10) COPIES.

TOWN OF CHARLESTOWN
ZONING BOARD OF REVIEW
2021 MEETING SCHEDULE

MEETING DATE	DEADLINE TO FILE
January 19, 2021	December 17, 2020
February 16, 2021	January 21, 2021
March 16, 2021	February 18, 2021
April 20, 2021	March 18, 2021
May 18, 2021	April 22, 2021
June 15, 2021	May 20, 2021
July 20, 2021	June 17, 2021
August 17, 2021	July 22, 2021
September 21, 2021	August 19, 2021
October 19, 2021	September 23, 2021
November 16, 2021	October 21, 2021
December 21, 2021	November 18, 2021

POSTED ON TOWN'S WEBSITE: 12/02/2020 CAN

PROCEDURAL GUIDELINES, ZONING BOARD OF REVIEW

1. An application must be submitted to the Zoning Clerk not later than **NOON twenty-eight (28) days** in advance of the next regular Board meeting.

2. Each application must be complete as required. The Building Official will review all applications upon receipt. If the application is not clear, the Building Official will notify the applicant that they will have seven (7) days to correct the discrepancies. If the Board finds an application to be incomplete or unclear, it may return it to the applicant for resubmission or re-schedule the application for the next month.

3. An appeal from a decision of the Building Official may be taken **only** if the decision is in writing. The Building Official, upon request, must render such a written decision but may require that the request be in written form also.

4. An appeal of the Building/Zoning Official shall be taken within ten (10) days of the decision that is the subject of said appeal.

5. An appeal of a decision or action of the Planning Commission or administrative officer shall be taken within twenty (20) days of the decision that is the subject of said appeal.

6. Procedures in preparation of Public Hearing.

   a. The **Clerk** will arrange newspaper publication of the Public Hearing prior to the Hearing.
   b. The **Applicant** will give notice to each owner of real property within 200 feet of the affected property. Such notice will be given by **Certified Mail**, at least **14 days** notice prior to the day of the Public Hearing. **A supplemental notice shall be posted as to be clearly visible from a public right-of-way at the location in question at least 14 days prior to the day of the Public Hearing.**
   c. The **Applicant** must prove to the satisfaction of the Board that the notice set forth in "b" above has been given by presenting the certified mailing receipts to the Clerk before the start of the Public Hearing.

7. A Public Hearing must be held as advertised but may be continued or adjourned to subsequent dates.

8. Nothing contained herein shall be construed to modify the requirements of the Zoning Ordinance.

9. **ONE** continuation of a Public Hearing or Pre-Application at the request of the applicant may be granted. Request **MUST** be made in writing. A last minute continuation request can be verbal but **MUST** be accompanied in writing by the applicant or his representative. In the event that the applicant is not ready the next month, they will have the option of withdrawing without prejudice or the Board will proceed to deny the request for a continuation.

10. If a Public Hearing is continued at the request of the applicant, it will be scheduled at the **END** of the agenda for the following meeting. If the hearing is continued at the request of the Board, the applicant will be heard at the start of the following meeting. Applications not heard, due to time constraints will be heard at the start of the meeting in the order received.

11. The Zoning Meetings will begin at 7:00 PM with no new evidence after 10:30 PM. Hearings not concluded will be continued to another meeting.

12. Evidence may be presented in brief form submitted as an exhibit for reading and consideration by the Board. If the applicant has considerable documentation to supplement their application, the Board requests that eleven (11) copies be submitted ten (10) days prior to the meeting.

13. If the applicant or his representative can not be present for a scheduled hearing, substitute representation should be arranged. The Board, abutters and the public will not be inconvenienced.

14. Applicants and their representatives must be prepared and ready to proceed with a scheduled public hearing.

Section 218-22 <u>Powers and duties</u>

I. In granting a variance, special use permit or in making any determination upon which it is required to pass, the Board and other enforcement officials as identified in this Ordinance may apply such special conditions that may be required to promote the intent and purpose of this Ordinance. Failure to abide by any special conditions attached shall constitute a zoning violation.

Section 218-25 <u>Appeals</u>

Appeals to the Board may be taken by any aggrieved party affected by a decision of an official charged with enforcement of this Ordinance. Any such appeal shall be taken within ten (10) days of the decision that is the subject of said appeal in accordance with this section.

A. Procedure. The Board shall hold a public hearing within forty-five days of receipt of a completed application on an appeal and shall publish notice of the hearing in a newspaper of general circulation in the Town at least fourteen days prior to the date of the hearing. The applicant shall give due notice by certified mail at least fourteen days prior to the date of the hearing to property owners within two hundred feet of the subject of the application, the Board and other parties in interest. The Board shall render a decision on the application within fifteen days of said hearing. Any party may appear at the hearing in person or by representative.

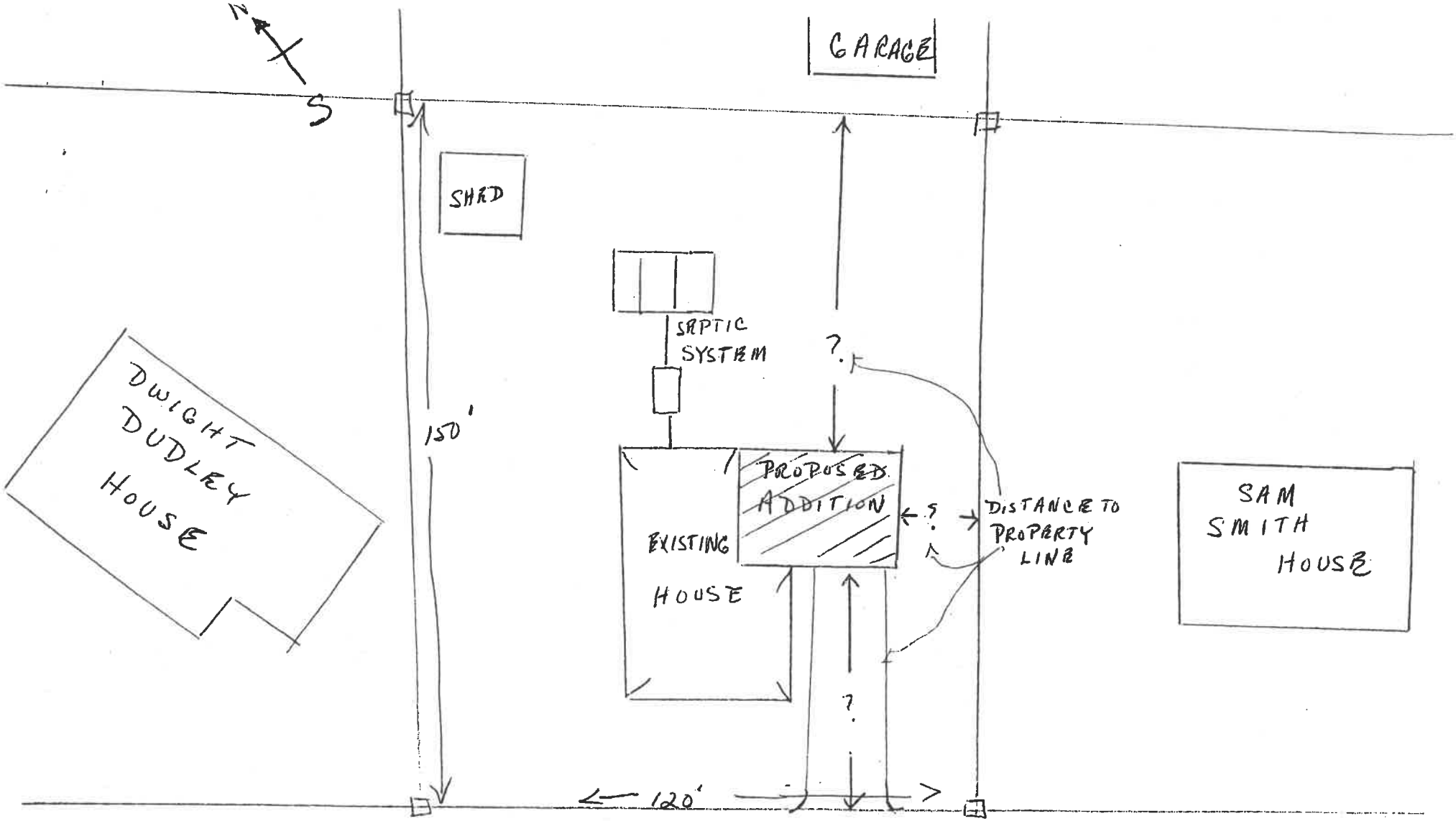
B. Review. The Board may reverse, affirm wholly or partly or may modify the decision or determinations appealed from and make such order, requirements, decision or determination as necessary. The Board shall have all the powers of the official or agency from whom the appeal was taken. All decision and records of the Board respecting appeals shall conform to the provision of R.I. Gen. Laws §45-24-61.

C. Appeal of Board Decision. Any person or persons aggrieved by a decision of the Board may appeal such decision as provided by RI General Laws, 45-24-69.

Section 218-22

L. Appeals from Planning Commission. To take action on appeals of the Planning Commission according to the provisions of RI Gen. Laws 45-23, as may be amended from time to time and to hear appeals on any determination of the Planning Commission in the enforcement of this Ordinance.

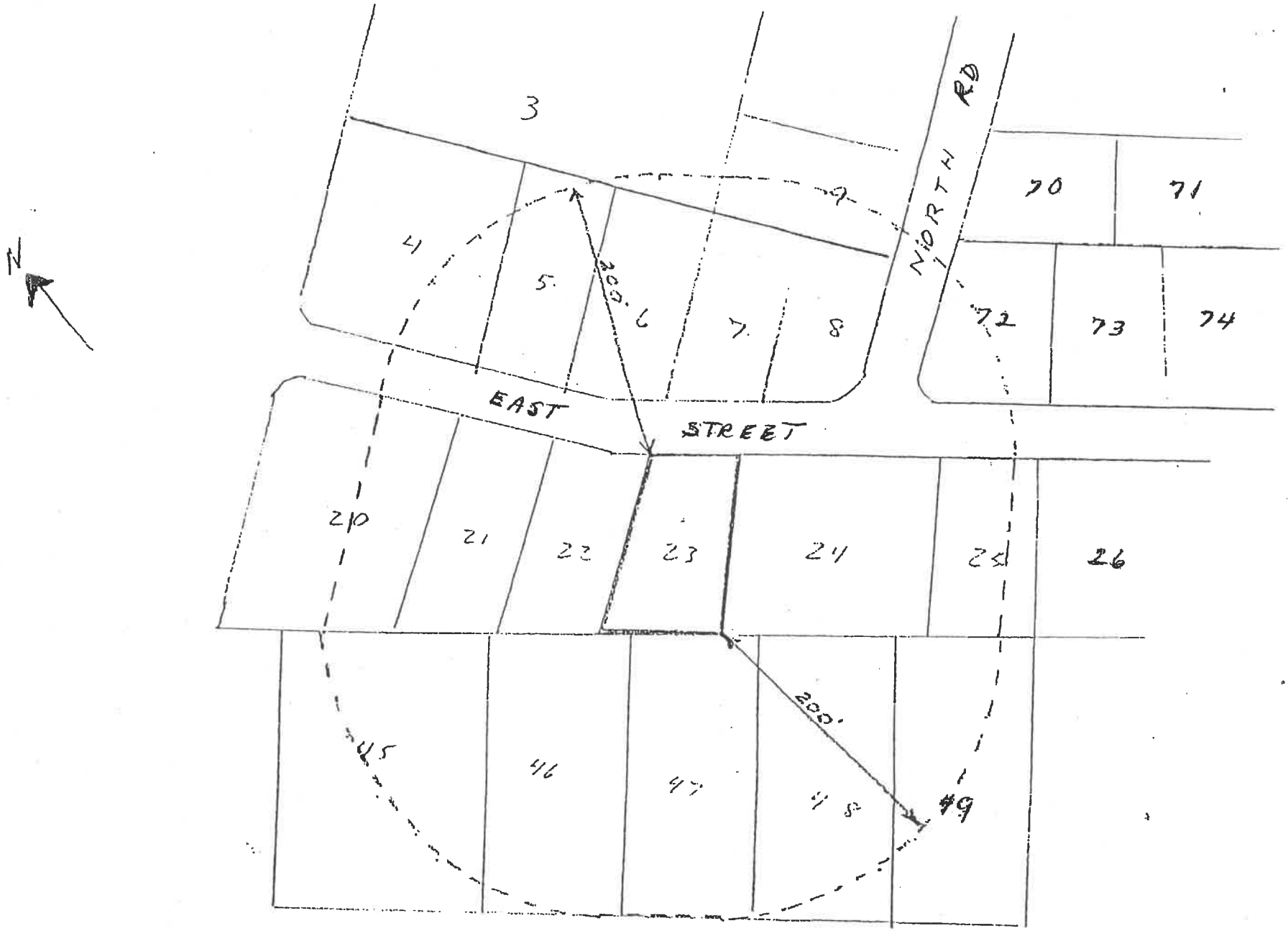
Complete copies of the Zoning Ordinance are available for review and/or purchase in the Zoning Office.



29 MAIN STREET

TYPICAL SITE PLAN

SCALE = ?



SCALE 1"=100'

TYPICAL 200' RADIUS MAP

SAMPLE NOTIFICATION LETTER

Date _____

Abutting Property Owner's Name
Address
(For mailing purposes)

Re: Zoning Application No. _____

Dear __(abutter's name)__ :

You are hereby notified of a Public Hearing to be held before the Charlestown Zoning Board of Review on (day of the week, date and time of hearing) in the Town Hall, 4540 South County Trail, Charlestown, RI on the question of approval or disapproval of a (n) (APPEAL) from __(list Article & Section of the Zoning Ordinance from which relief is sought) in the name of _(applicant/owner) whose property is located on (street address)_ and further described as Assessor's Map ___, Lot No._____.

A copy of this letter is being sent to all those property owners within 200 feet of the property in question.

Said petition is on file in the office of the Building Official in the Town Hall and may be inspected during regular office hours and available online at the IQM2 quick link on the Town's homepage at www.charlestownri.org.

Sincerely,

(Applicant's signature)
(Owner's signature)

_____
Applicant/Owner's name

PUBLIC NOTICE

This property is subject of Zoning Application #_____

The property owner is requesting a Variance, Special Use Permit or Appeal from the Zoning Board of Review

A public hearing will be held on_____ at 7:00pm at the Charlestown Town Hall in the Council Chambers 4540 South County Trail by the Zoning Board of Review

Questions about this application can be answered

by _____ (applicant name)

at _____ (telephone number)