TOWN OF CHARLESTOWN
ZONING BOARD OF REVIEW
Variance – Special Use Permit Application

4540 South County Trail
Charlestown, RI 02813

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

If Continuance – Quorum Members

_____

_____

(OFFICIAL USE ONLY)

Application for (check all that apply)

___Special Use Permit ___Dimensional Variance
___Use Variance

The undersigned hereby applies to the Zoning Board of Review for the above designated relief 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.

1. Applicant:_____ Address:_____
2. Owner: _____ Address: _____
3. Location of Premises:

   _____ _____ _____
   Street Address Plat Lot

4. Dimensions of Lot: Frontage _____ Width _____ Depth _____ Area _____ Sq.Ft.
5. Zoning District(s) in which premises are located _____
   (At the time of this application)
6. When was property acquired? _____
   Date
7. Present use of property _____
8. Is there a building on the premises at present? _____ Give size(s) _____
9. Proposed use of property _____
10. Give size of proposed building(s) _____
11. State proposed alterations _____
12. Provision of Zoning Ordinance under which this application for relief is made:

    Article _____, Section _____, Subsection_____

_____
_____
_____

Lot Coverage	Height	Setback requirements			
		Front	Left Side	Right Side	Rear
Allowed _____ sq.ft.	Allowed _____				
Existing _____ sq.ft.	Requested _____	Allowed _____	Allowed _____	Allowed _____	Allowed _____
Requested _____ sq.ft.	Relief Req. _____	Requested _____	Requested _____	Requested _____	Requested _____
Relief Req. _____ sq. ft.		Relief Req. _____	Relief Req. _____	Relief Req. _____	Relief Req. _____

Dimensional Variance(s) related to: Principal Building(s) Accessory Building(s)

14. Other Variance and/or relief sought: _____

15. State grounds for request for relief sought in this case: _____

16. Additional information provided with this application has been attached as follows: _____

The undersigned declares that he/she has received, read and understands the Filing Instructions and Procedural Guidelines and that the information given herein is true to the best of his or her knowledge and belief.

Respectfully submitted,

Applicant: _____ (Signature) _____

Phone: _____ (Address) _____

Land Owner: _____ (Signature) _____

Phone: _____ (Address) _____

Agent: _____ (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 Variance and Special Use Permit 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, Electric 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 Plot Plan 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 day of 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 or cesspool, if applicable.

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

   f. ***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. 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 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.

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

5. The forty five (45) day period for rendering a decision of the Board shall begin on the day following **final** closing of the Public Hearing.

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

7. **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.

8. 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.

9. 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.

10. 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.

11. 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.

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

Section 218.23 Special use permits.

A. A special use permit may be approved by the Board following a public hearing if, in the opinion of the Board, that evidence to the satisfaction of the following standards has been entered into the record of the proceedings,

(1) The public convenience and welfare will be substantially served;

(2) It will not result in adverse impacts or create conditions that will be inimical to the public health, safety, morals and general welfare of the community;

(3) The requested special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan upon which this Ordinance is based;

(4) That the granting of a special use permit will not pose a threat to drinking water supplies;

(5) That the use will not disrupt the neighborhood or the privacy of abutting landowners by excessive noise, light, glare or air pollutants;

(6) That the sewage and waste disposal into the ground and the surface water drainage from the proposed use will be adequately handled on site;

(7) That the traffic generated by the proposed use will not cause undue congestion or introduce a traffic hazard to the circulation pattern of the area.

Section 218-24 Variances

B. In granting a variance, the Board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings;

(1) 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;

(2) That said hardship is not the result of any prior action of the applicant or owner and does not result primarily from the desire of the applicant to realize greater financial gain;

(3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Ordinance; and

(4) That the relief to be granted is the least relief necessary and not contrary to the public interest and welfare.

C. The Board shall, besides the above standards, require that evidence be entered into the record of the proceedings showing that:

(1) In granting a use variance that the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this Ordinance. Nonconforming use of the neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered in granting a use variance.

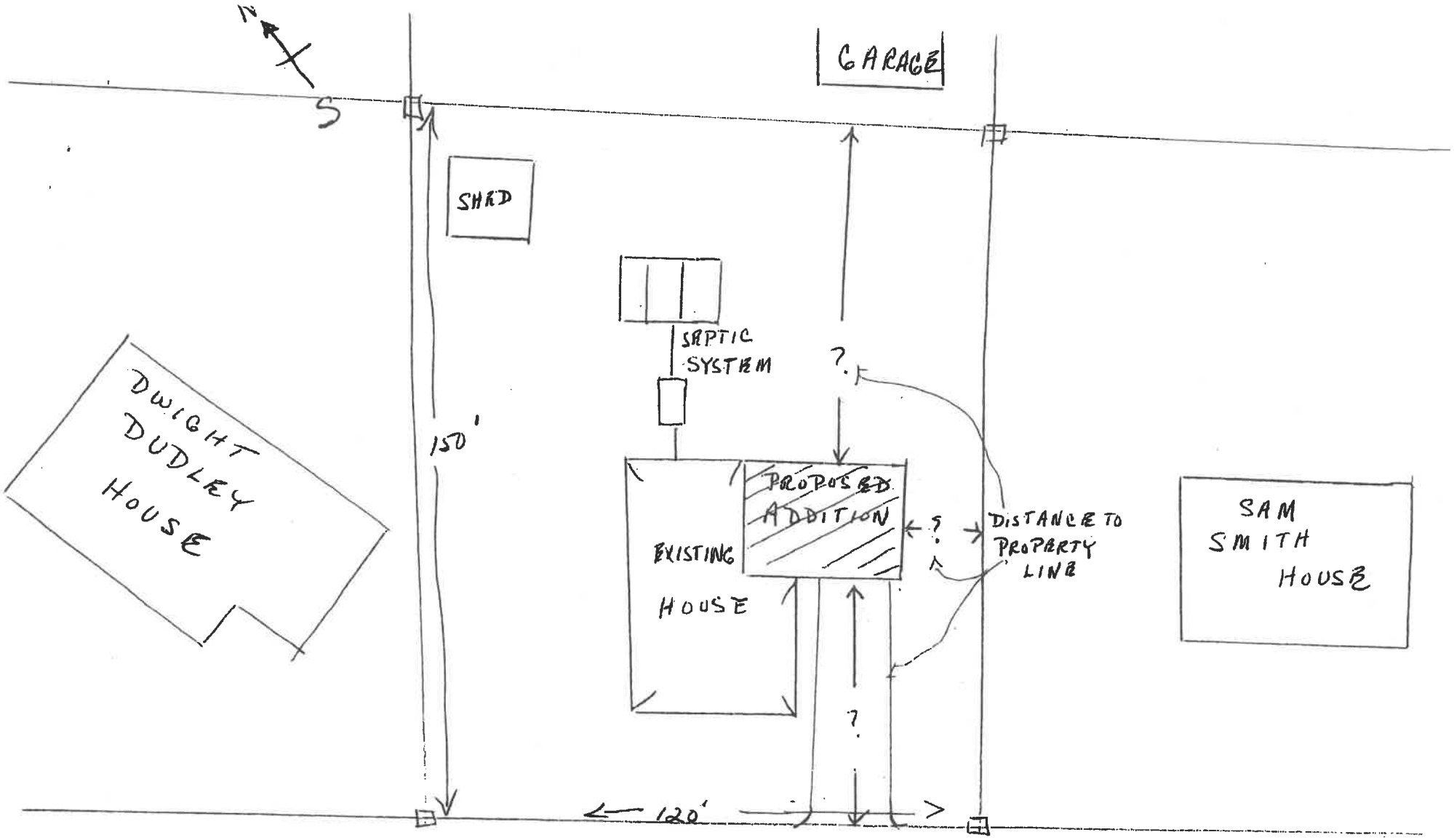
(2) In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. That a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

Section 218-22 Powers and duties

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.

Special Use Permits and Variances shall expire twelve months from the date of the approval as specified in 218-23 and 218-24.

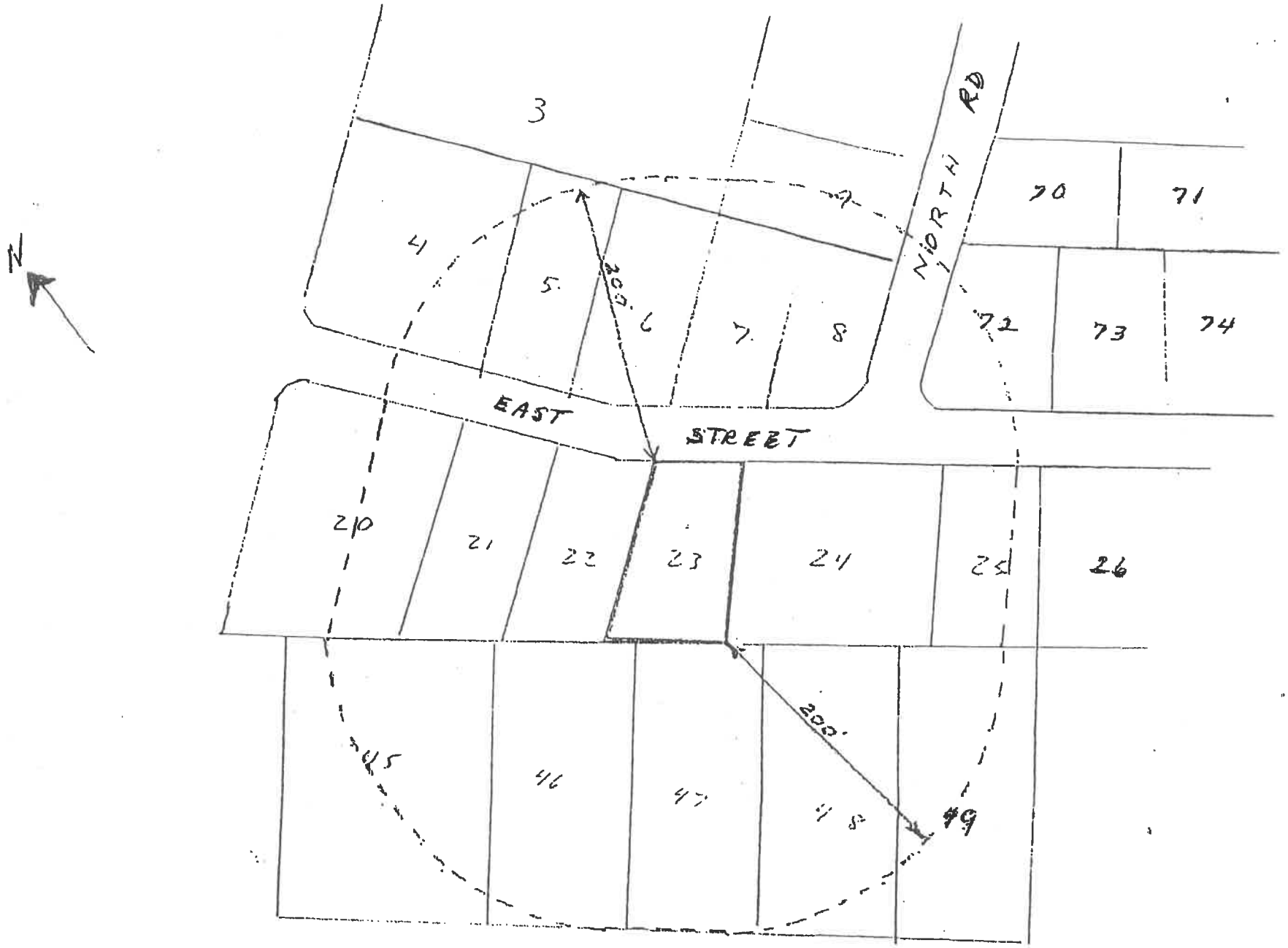
Complete copies of the Zoning Ordinance are available for review and/or purchase in the Zoning Office.



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 __(abutters 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) ____(variance, special exception, 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)