APPLICATION #_____

MEETING DATE:_____

TOWN OF NORTH SMITHFIELD

ZONING BOARD OF REVIEW

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT

Check Each Type Zoning Relief Sought: ___ Variance _____ Use *

___ Variance – Dimensional*

___ Special Use Permit **

* Attach Appendix A to apply for a Use or Dimensional Variances

**Attach Appendix B to apply for a Special Use Permit

Applicant: _____

Address _____

Zip Code _____ Phone _____Home/Office /Mobile

E-mail _____

Owner: _____

Address _____

Zip Code _____ Phone _____ Home/Office/ Mobile

E-mail _____

Lessee: _____ _____

Address _____

Zip Code _____Phone: _____ Home/Office Mobile

E-mail _____

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Does the proposal require review by any of the following (check each):

_____ Planning Board

_____ Historic District Commission

_____ Other

1. Location of Property: _____

Street Address

2. Zoning District(s): _____

Special purpose or overlay district(s): _____

3a. Date owner purchased the Property:

_____

3b. Month/year of lessee's occupancy: _____

3. Dimensions of each lot:

Lot # _____ Frontage _____ depth _____ Total area _____sq. ft.

Lot # _____ Frontage _____ depth _____ Total area _____sq. ft.

Lot # _____ Frontage _____ depth _____ Total area _____sq. ft.

4. Size of each structure located on the Property:

Principal Structure: Total gross square footage _____

Footprint _____ Height _____ Floors _____

Accessory Structure: Total gross square footage _____

Footprint _____ Height _____ Floors _____

5. Size of proposed structure(s): Total gross square footage:

_____

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Footprint _____ Height _____ Floors _____

6a. Existing Lot coverage: (include all buildings, decks, etc.)

_____

6b. Proposed Lot coverage: (include new construction)

_____

7a. Present Use of Property (each lot/structure):

_____

7b. Legal Use of Property (each lot/structure) as recorded in the Office of the Building and Zoning Official

_____

8. Proposed Use of Property (each lot/structure):

_____

_____

9. Number of Current Parking Spaces: _____

10. Describe the proposed construction or alterations (each lot/structure):

_____

_____

_____

_____

_____

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11. Are there outstanding violations concerning the Property under any of the following:

____ Zoning Ordinance

____ RI State Building Code

____ North Smithfield Town Ordinance

12. List all Sections of the Zoning Ordinance from which relief is sought and description of each section:

_____ _____

_____ _____

_____ _____

13. Explain the changes proposed for the Property.

_____

_____

_____

_____

_____

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The undersigned acknowledge(s) and agree(s) that members of the Zoning Board of Review and its staff may enter upon the exterior of the Property in order to view the Property prior to any hearing on the application. The undersigned further acknowledge(s) that the statements herein and in any attachments or appendices are true and accurate, and that providing a false statement in this application may be subject to criminal and/or civil penalties as provided by law, including prosecution under the State and Municipal False Claims Acts. Owner(s)/Applicant(s) are jointly responsible with their attorneys for any false statements.

Owner(s): Applicant(s):

_____ _____

Print Name Print Name

_____ _____

Signature Signature

All requirements listed and described in the Instruction Sheet must be met or this application will not be considered complete or vested

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APPENDIX A

APPLICATION FOR VARIANCE(S)

Rhode Island General Laws § 45-24-41(c) requires that the Applicant for a variance demonstrate:

(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, excepting those physical disabilities addressed in § 45-24-30(16);

(2) 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;

(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 zoning ordinance or the comprehensive plan upon which the ordinance is based;

(4) That the relief to be granted is the least relief necessary; and

(5)

(a) For a use variance: That the land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance;

(b) For a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience.

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Please provide the following information:

1. What is the specific hardship from which the applicant seeks relief?

_____

_____

2. Specify any and all unique characteristics of the land or structure that cause the hardship?

_____

_____

3. (a) Is the hardship caused by an economic disability? Yes ____ No_____

(b) Is the hardship caused by a physical disability? Yes ____ No _____

(c) If the response to subsection (b) is "yes," is the physical disability covered by the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.? Yes _____ No _____

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)? Yes _____ No _____If "yes," describe any and all such prior action(s), and state the month/year taken.

_____

_____

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5. State any and all facts to support your position that the applicant is not seeking the variance(s) primarily in order to obtain greater financial gain.

_____

_____

_____

6. State any and all 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, set forth all facts that demonstrate that the Property cannot have any beneficial use if you are required to use it in a manner allowed in the zoning district.

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

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APPENDIX B

APPLICATION(S) FOR SPECIAL USE PERMIT

1. Identify the section(s) of the Ordinance that provides for the special use permit.

_____

_____

2. State all facts that demonstrate that the proposed special use will not substantially injure the use and enjoyment of neighboring property.

_____

_____

_____

3. State all facts that demonstrate that the proposed special use will not significantly devalue neighboring property.

_____

_____

_____

4. State all facts that demonstrate that the proposed special use will not be detrimental or injurious to the health or welfare of the community.

_____

_____

_____

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AUTHORIZATION FOR REPRESENTATION

I/We _____ of (company)

_____ authorize _____ to

represent me/us in the matter before the North Smithfield Zoning Board of Review

regarding(address)_____Plat_____Lot_____.

Owner (Print) _____ (Sign)_____

Date_____

Owner (Print) _____ (Sign)_____

Date_____

Notary Public (Sign):_____

My term expires:_____

Date_____

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ZONING

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Town of North Smithfield

APPENDIX A: SCHEDULE OF ZONING FEES, CHARGES AND EXPENSES [Amended 7-28-2008; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Applications for special use permits and/or variances or appeals from decisions of the Building/Zoning Official or the Planning Board shall be accompanied by a filing fee as indicated herein. In addition to the filing fee, the applicant appellant shall pay and be responsible for all costs of advertising, Board expense, stenographer and any transcripts (of applicant's portion of the hearing), notification to abutting landowners, plus any additional, professional or other expenses required by the Zoning Board of Review in order to process the application or appeal and for the review and hearing of the application or appeal. The filing fee and costs shall be payable to the Town of North Smithfield and collected from the applicant or appellant by the Inspector. The costs shall reasonably estimated by the Building/Zoning Official at the time of filing the application or appeal and such amount shall be collected from the applicant appellant at that time. Otherwise, the Building/Zoning Official shall charge and collect all such costs as incurred. Failure to pay any cost when incurred shall be considered a failure to comply with § 3405.1.

The applicant appellant shall advise the Building/Zoning Official as to the anticipated length of the hearing to be conducted on the application or appeal; hearings in excess of one session shall require the applicant to pay the additional fees, costs and expenses as necessitated by the extra hearings.Fees will be charged for the following:

PRIMARY REFERENCE

APPLICATION FEE FOR:	SECTION
Zoning amendment	Part 5, Article XXII, §§ 340-5.24 through 340-5.28
Special use permit	Article VI
Variance	§ 340-5.20

Fees for all other permits required by this ordinance shall be based on the size of the applicable use as listed in the Schedule of Fees below.

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APPEAL FEES:

APPLICATION FEE FOR:	SECTION
Appeal to Board on decision of the inspector	§ 340-5.18
Appeal to Board on decision of the Planning Board	Land Development and Subdivision Regulations

NORTH SMITHFIELD CODE

BUILDING CODE

APPLICATION FEE FOR:	SECTION
Building permit; certificate of zoning compliance	§ 340-5.4
Temporary certificate of zoning compliance	§ 340-3.3; § 340-5.4

ADVERTISING OF ZONING HEARINGS

FEE FOR	SECTION
General amendment	§ 340-5.25
Appeal of Building/Zoning Official's decision	§ 340-5.18
Special use permit	§ 340-5.19
Variance	§ 340-5.20

All of the above require advertising in a newspaper of general circulation at least once each week for two successive weeks prior to the date of such hearing, and except for a general amendment requires written notice to interested parties.

NOTE:

(1) Appeals from the Board's decision requires a petition to the Superior Court within 20 days of the filing of the Board's decision in the Board's office. No advertising or written notice is necessary. (Reference Article XX.)

(2) Copies of the ordinance are available at the Town Clerk's office, Town Hall, for a nominal fee.

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Fee Schedule

Application fees for special use permit, dimensional variance, use variance, modification or appeal, any other permit. A. Residential Use:

1. Single-family dwellings:.....$450
   Additional request:.....$100
   Advertising fee (minimum):.....$300
   Abutters' notifications (per abutter):.....current postage rate

2. Two-family dwellings:.....$450
   Additional request:.....$100
   Advertising fee (minimum):.....$300
   Abutters' notifications (per abutter):.....current postage rate

3. Multifamily/Condominiums.....$500 ($50 per additional request)
   (Also to include additions or accessory uses)
   (plus $45 per each unit included in the application)

ZONING

Advertising fee (minimum):.....$300
Abutters' notifications (per abutter):.....current postage rate

Any application for more than one of the above add $100 to the applicable fee. B.

Signs. The following fees are for each sign:

1. Residential zoning districts.....$225
2. Commercial/industrial zoning districts.....$250

C. Commercial/industrial or mixed uses:

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1. Commercial/industrial buildings up to 5,000 square feet

   Also to include additions or accessory uses.....$600
   Advertising fee (minimum):.....$300
   Abutters' notifications (per abutter):.....current postage rate

   Fee is for each building and the square footage is calculated per each building's footprint that is included in the application

2. Commercial/industrial buildings exceeding 5,000 square feet
   up to a maximum of 10,000 square feet.....$600
   Also to include additions or accessory uses.....$600
   Advertising fee (minimum):.....$300
   Abutters' notifications (per abutter):.....current postage rate

   Fee is for each building and the square footage is calculated per each building's footprint that is included in the application.

3. Commercial/industrial buildings exceeding 10,000 square feet.....$1,000
   Advertising fee (minimum):.....$300
   Abutters' notifications (per abutter):.....current postage rate

   Also to include additions or accessory uses

   Plus $0.10 for each square foot exceeding 10,000 square feet

   Fee is for each building included in the application. The square footage shall be calculated per each building's footprint.

4. Uses without structures requiring special use permit or any other permit.....$500
   Advertising fee (minimum):..... .$300
   Abutters' notifications (per abutter):.....current postage rate NORTH SMITHFIELD CODE

D. All Vertical Structures

Included, but not limited to, towers, cell towers, wind turbine towers,

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roof top mounted wind turbine, etc.....$750

Advertising fee (minimum):.....$300

Abutters' notifications (per abutter):.....current postage rate

E. Appeals

1. Appeal of Building/Zoning Official decision.....$450
2. Appeal of a Planning Board or Historic Commission decision.....$450

Note: See Article 10 of the Land Development and Subdivision Regulations for additional fees.

F. Zoning Compliance:

1. Zoning Compliance Cetificate.....$50

MAKE CHECK PAYABLE TO: TOWN OF NORTH SMITHFIELD

Note: See Article 10 of the Land Development and Subdivision Regulations for additional fees.