



TOWN OF SOUTH KINGSTOWN

ZONING BOARD OF REVIEW APPLICATION

1. APPLICANT INFORMATION:

Applicant Name: _____ Name of Primary Contact if Organization: _____

Applicant Address: _____

Applicant Phone: _____ Applicant Email: _____

2. OWNER INFORMATION:

Owner Name: _____ Owner Phone: _____

Owner Address: _____

3. PROJECT INFORMATION:

Physical Address: _____ Assessor's Plat: _____ Assessors' Lot: _____ Zoning District: _____

Required Zoning Setbacks: Front yard _____ Rear Yard _____ Side Yard Right _____ Side Yard Left _____ Corner Side Yard _____

4. APPLICATION FOR:

Special Use Permit _____ Dimensional Variance _____ Use Variance _____ Dimensional Modification by Zoning Officer _____

5. LOT SPECIFICATIONS:

Lot Frontage: _____ ft. Lot Depth: _____ ft. Lot Area: _____ ft.

6. USE OF PREMISES:

Present Use: _____ # of families: _____ Proposed Use: _____ # of families: _____

7. EXISTING STRUCTURES:

Number of Existing Buildings or Structures Present: _____

Size of Existing Structures: _____ sf; _____ sf; _____ sf; _____ sf

Distance from Property Lines of Existing Structures:

	Structure 1	Structure 2	Structure 3	Structure 4
Front Yard:	_____ ft.;	_____ ft.;	_____ ft.;	_____ ft.
Rear Yard:	_____ ft.;	_____ ft.;	_____ ft.;	_____ ft
Side Yard Right:	_____ ft.;	_____ ft.;	_____ ft.;	_____ ft
Side Yard Left:	_____ ft.;	_____ ft.;	_____ ft.;	_____ ft
Corner Side Yard:	_____ ft.;	_____ ft.;	_____ ft.;	_____ ft

8. WATER AND SOLID WASTE

Water: Town Water _____ Well _____ Other _____

Waste: Town Sewer _____ Septic _____ Other _____

9. SIZE OF PROPOSED BUILDINGS/ADDITIONS:

Total Square Feet: _____ sf. Width: _____ ft. Length: _____ ft.

Height Above Grade: _____ ft. Number of Stories: _____

10. IF DIMENSIONAL RELIEF IS SOUGHT INDICATE THE DISTANCE REQUESTED:

Front Yard: _____ ft. Rear: _____ ft. Side Yard Right: _____ ft.

Side Yard Left: _____ ft. Corner Side Yard: _____ ft. Height: _____ ft.

11. PROVISION OF THE ZONING ORDINANCE FROM WHICH RELIEF IS SOUGHT:

Section and Use (if known): _____

12. DESCRIBE THE EXTENT OF PROPOSED ALTERATIONS, STATE REASONS WHY YOU ARE REQUESTING RELIEF:

ZONING BOARD OF REVIEW RULES OF PROCEDURE ITEM K: "Reports from expert witnesses should be submitted with the application or ten (10) days prior to the hearing to give the Zoning Board sufficient review time. If a report is submitted at the time of the hearing, the Chairman may rule on whether the Zoning Board will continue to another meeting to give the Zoning Board time to review the reports."

Preparation of this Application and all necessary documentation is the sole responsibility of the Applicant. Town Staff's help in preparations of any facet of this applications, including abutter's list is for assistance only. The staff cannot give the applicant advice on the merits of the application nor can they render legal opinions.

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

Applicant Signature(s) _____

Applicant(s) Printed Name _____ Date: _____

Attorney / Other (If applicable) _____ Date: _____

Office Use Only

Received By: _____ Payment Amt. _____ Check # _____ Legal Notice Mailed: _____ Cert. Receipts Received: _____

OWNER/AUTHORIZED AGENT AUTHORIZATION FORM

Submittal Date: _____

The Owner/Authorized Agent Authorization Form must be completed in full and returned to the Office of the Building and Zoning Official for the Town of South Kingstown along with the Zoning Board of Review Application. Failure to submit this form will delay your application being processed.

I, _____ hereby certify that I am the owner / authorized agent of the property designated as Plat _____, Lot _____, as shown on the Town of South Kingstown Tax Assessor Maps. I further certify that I am the owner / authorized agent of the developmental rights for this property.

I hereby authorize and am in agreement with the application signed by _____ (applicant), for the requested relief or use of the subject property. Said application is to be submitted to the Office of the Building and Zoning Official of the Town of South Kingstown for review and decision by the Zoning Board of Review. By signing this application, the Applicant(s) and Land Owner(s) give permission to the Town of South Kingstown staff and members of the Zoning Board to enter the property individually or as a group for purposes of a site inspection.

Witness its name this _____ day of _____, _____.

By: _____
Signature of Owner/Authorized Agent

STATE OF RHODE ISLAND

County of _____

In _____ on the _____ day of _____, _____, before me personally appeared _____ (name) to me known and known by me to the party executing the foregoing instrument and acknowledged said instrument, by him/her executed to be his/her free act and deed, as _____ (individual, corporation, trustee, partnership, non-profit, etc.)

Notary Public: _____

My Commission Expires: _____

Notary Seal:

South Kingstown Zoning Board of Review Application, Filing Instructions & Checklist

1. **Original** completed and signed application (**plus** 9 copies).
submitted: _____
2. **Original** completed, signed, and notarized Owner / Authorized Agent Authorization Form (**plus** 9 copies).
submitted: _____
3. Payment in full (cash or check only).
submitted: _____
 - Residential \$175.00 / Commercial \$250.00 / Multi-family \$300.00 1st unit plus \$10.00 / add. Units
4. 200' Radius Map & Abutters List with Plat & Lot, street address, owner's name(s) & owner's mailing address
submitted: _____

Obtained from South Kingstown's GIS & verified with the Tax Assessor for current ownership.

GIS link: <http://gis.southkingstownri.com/webgis/>

Prior to legal mailing, abutter's mailing address must be verified in the Tax Assessor's Office and Current Ownership must be verified with the Town Clerk's Office Land Evidence

5. Survey, to scale, prepared by a licensed professional land surveyor (10 copies, no larger than 11x17).
submitted: _____
 - Stamped, dated, and signed by professional land surveyor ****only the surveyor of record can make alterations to an existing survey****
 - Showing name, address of property owner
 - Date, North arrow, scale, lot dimensions & area
 - Road(s) indicated and/or landmarks
 - Existing and proposed structures & the distance from lot lines
 - Existing and proposed parking area, driveways & walkways
 - Existing and proposed wells & septic systems
 - Existing and proposed landscaping, as it relates to the request (i.e., buffering)
 - Location of wetlands, coastal features, site conditions such as cemeteries or stone walls
6. Floor Plans & Elevations with dimensions of proposed structure to scale (10 copies, no larger than 11x17).
submitted: _____
7. Any other relevant material to the proposed application (10 copies, no larger than 11x17).
submitted: _____

Additional information that may be required:

- Recorded Development Plan Review Decision or advisory opinion from any Municipal Board if applicable. The applicant shall first obtain this approval, or the application will not be complete and cannot be processed. (10 copies)
- Soil Erosion Plan & Storm Water Plan with calculations in conformity with standards of USDA Soil Conservation Service and RI Erosion and Sediment Handbook (10 copies)
- Traffic Study addressing the potential impacts of proposed activity/use(s) (10 copies)
- Septic Systems needing to be located closer to a wetland under Sect. 504.1 will require an approved septic system plan from the OWTS Section of RI DEM and a recommendation from the South Kingstown Conservation Commission (10 copies)

The applicant or their representative must appear at the hearing to present the application before the Board. If the applicant is not present at the hearing a **notarized designation of authority** from the applicant must be provided.

Preparation of this Application and all necessary documentation is the sole responsibility of the Applicant. Town Staffs help in the preparation of any facet of this application, including abutter's list is for assistance only. The staff cannot give you advise on the merits of the application, nor can they render legal opinions.

***All Zoning Applications must meet the following Standards as applicable* Sec. 907. - Variances and special use permits.**
A. Standards for relief.

1. **Variance.** In granting a variance, the Board shall require that evidence satisfying 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 not due to a physical or economic disability of the applicant, except where necessary to provide reasonable accommodation to applicants with physical disabilities addressed in the Rhode Island Fair Housing Practices Act, the United States Fair Housing Amendments Act of 1988 (FHAA), the Rhode Island Civil Rights of Individuals with Handicaps Act, and the Americans with Disabilities Act of 1990 (ADA);
- b. That said 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 characteristic of the surrounding area or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan of the Town;
- d. That the relief to be granted is the least relief necessary;
- e. In granting 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 Ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered grounds for granting a use variance; and
- f. 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, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. 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.

2. **Special use permit.** In granting a special use permit, the Board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

- a. That the special use is specifically authorized by this Ordinance, and setting forth the exact subsection of this Ordinance containing the jurisdictional authorization;
- b. That the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use; and
- c. That the granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board shall consider, whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable:
 - (i) Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe;
 - (ii) Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare or odor effects of the special use permit on adjoining lots;
 - (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above;
 - (iv) Utilities, with reference to locations, availability and compatibility;
 - (v) Screening and buffering with reference to type, dimensions and character;
 - (vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district;
 - (vii) Required yards and other open space;
 - (viii) General compatibility with lots in the same or abutting zoning districts.

B. Special conditions. In granting a variance or special use permit, or in making any determination upon which it is required to pass after public hearing under this Ordinance, the Board may apply such special conditions that may, in the opinion of the Board, be required to promote the intent and purposes of the Comprehensive Plan of the Town and this Ordinance. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Such special conditions shall be based on competent credible evidence on the record, be incorporated into the decision, and may include, but are not limited to, provisions for:

1. Minimizing adverse impact of the development upon other land, including the type, intensity, design, and performance of activities;
2. Minimizing adverse impact upon Town services and facilities;
3. Controlling the sequence of development, including when it must be commenced and completed;
4. Controlling the duration of use or development and the time within which any temporary structure must be removed;
5. Assuring satisfactory installation and maintenance of required public improvements;
6. Designating the exact location and nature of development;
7. Establishing detailed records by submission of drawings, maps, plats, or specifications;
8. Minimizing any adverse environmental impacts; and
9. Establishing hours of operation of the use.