

APPLICATION

ZONING BOARD OF REVIEW BARRINGTON, RHODE ISLAND 02806

INSTRUCTIONS

- APPLICATIONS FOR SPECIAL USE PERMIT, DIMENSIONAL AND USE VARIANCES OR APPEALS MUST BE SUBMITTED TO THE BUILDING OFFICIAL BY THE ***THIRD THURSDAY OF THE MONTH PRECEDING THE MONTH IN WHICH THE APPLICATION IS TO BE HEARD.***
- FILING FEE IS \$150.00 FOR RESIDENTIAL AND \$200.00 FOR COMMERCIAL APPLICATIONS.
- REQUEST FOR EXTENSION FILING FEE \$25.00 - MUST BE FILED BY THE THIRD THURSDAY OF THE PRECEDING MONTH.
- PLEASE NOTE: THERE IS A **MAXIMUM OF EIGHT (8)** APPLICATIONS PER MONTH. THESE WILL BE ACCEPTED ON A FIRST COME-FIRST SERVED BASIS. IT IS POSSIBLE THAT THE MEETING CAN FILL UP BEFORE THE DEADLINE.
- NO REFUNDS WILL BE GIVEN FOR CANCELLATION IF APPLICATION HAS BEEN ADVERTISED.
- **ALL PLANS MUST BE NO LARGER THAN 11" X 17".**
- IT IS IMPORTANT THAT ITEMS #14 AND #15 BE COMPLETED WITH THE PROPER INFORMATION. THE BUILDING OFFICIAL WILL PROVIDE THE SPECIFIC VIOLATION, THE RELATED TITLE, CHAPTER AND PARAGRAPH OF THE ZONING ORDINANCE AND THE ZONE IN WHICH THE PROPERTY IS LOCATED.
- ATTACHMENTS E AND F ARE EXCERPTS FROM THE ZONING ORDINANCE EXPLAINING A VARIANCE AND SPECIAL USE PERMIT.
- APPLICATION MUST BE SIGNED BY APPLICANT. IF THE OWNER IS NOT THE APPLICANT, THE OWNER MUST ALSO SIGN THE APPLICATION.
- THE APPLICANT MUST BE PRESENT AT THE HEARING.
- IF YOUR PROPERTY IS WITHIN 100 FT. OF A WETLAND OVERLAY DISTRICT, THE CONSERVATION COMMISSION WILL REVIEW YOUR APPLICATION AT THEIR MEETING ON THE SECOND TUESDAY OF THE MONTH PRIOR TO THE ZONING BOARD MEETING.

C H E C K L I S T

SUBMIT ORIGINAL AND 12 COPIES OF ALL ITEMS (TOTAL OF 13 COPIES)

APPLICATIONS MUST BE ACCURATE.
BEFORE YOU MAKE THE REQUIRED COPIES, SUBMIT YOUR ORIGINAL APPLICATION
TO THE BUILDING OFFICIAL FOR REVIEW.

1. _____ ZONING BOARD APPLICATION
 - Information to complete Item #17 is available in the Assessor's Office. Property owner's names can be found in the plat and lot index.
 - Property owner's MAILING ADDRESS, whose property is in Barrington, can be found in the taxpayers' name and address file. All abutters within the 200' radius must be sent a notice of the public hearing at which your petition will be heard. This includes abutters in Warren, East Providence, Seekonk, Rehoboth or Swansea, Massachusetts.
2. _____ A copy of a location plan, site plan, and front elevation or finished sketch of the property involved must be attached. See Attachments A, B C, and D for examples.
3. _____ ATTACHMENT A: Location plans are copied from plat maps found in the Assessor's office. A drawing of the 200' radius circle around the outside property dimensions must be made. In some cases, the 200' radius will encompass properties in an abutting plat. Differences in the scale used on each map will have to be taken into account. ***It is your responsibility to list all property owners within the 200' radius. Failure to do so may postpone the hearing of your application.***
4. _____ ATTACHMENT B: Site plans must be drawn neatly and accurately on plain paper. Site plans should include street area, dimensions of building and distance from side, front and back yards. They must also include driveways, steps, decks, bulkheads, chimneys, etc.

IMPORTANT: PLANS MUST BE ACCURATE AND TO SCALE.
5. _____ ATTACHMENTS C AND D: Elevations must be drawn to scale.
6. _____ Explanatory material that the applicant wishes to include should be filed with the application.

SUBMIT ORIGINAL AND 12 COPIES OF ALL ITEMS

PLEASE NOTE: A TOTAL OF 13 COPIES MUST BE SUBMITTED

APPLICATIONS MUST BE ACCURATE. BEFORE YOU MAKE THE REQUIRED COPIES,
SUBMIT YOUR ORIGINAL APPLICATION TO THE BUILDING OFFICIAL FOR REVIEW.

TOWN OF BARRINGTON

ZONING BOARD OF REVIEW

APPLICATION FOR SPECIAL USE PERMIT

USE OR DIMENSIONAL VARIANCE OF THE ZONING ORDINANCE

The undersigned hereby applies to the Zoning Board of Review for a Special Use Permit, Use or Dimensional Variance 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.

Applicant: _____
(please print in black ink)

Address: _____
Zip Code _____

Owner: _____
(please print in black ink)

Address: _____
Zip Code _____

Lessee: _____
(please print in black ink)

Address: _____
Zip Code _____

1. Location of Premises: _____
No. Street Name

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

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

4. How long owned: _____

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

6. Size of building: _____

7. State present use of premises: _____

8. State proposed use of premises: _____

9. List extent of proposed alterations: _____

10. List size of proposed building: _____

11. Number of parking spaces: _____

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

13a. Existing Lot coverage: *(include all buildings, decks, etc.)* _____

13b. Proposed Lot coverage: *(include new construction)* _____

14. Please state zoning violation(s): _____

15. Please specify Title, Chapter, and Paragraph of the Zoning Ordinance to which your application applies: _____

16. Have you submitted plans for above to the Building Official? _____
Has he refused a permit? _____

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

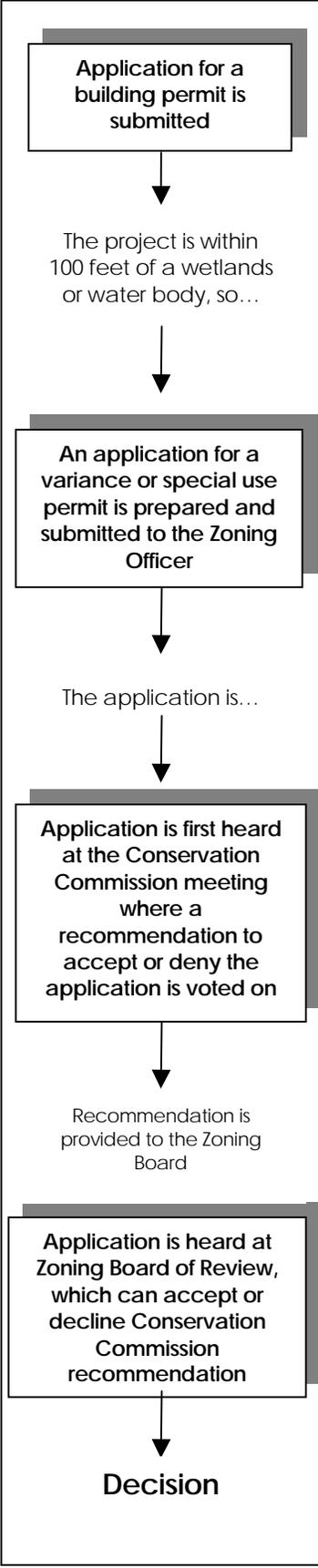
18. Give *LOT NUMBER - NAME - MAILING ADDRESS* OF PROPERTY OWNERS WITHIN THE 200' RADIUS. **(PLEASE PRINT)**

Plat No.	Lot No.	Name of Owner	Mailing Address	State/Zip Code
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Signature of Applicant: _____ Signature of Owner: _____

Contact Person: _____ Phone #: _____
(please print)

**A GUIDE FOR PREPARING AN APPLICATION FOR A VARIANCE
FOR ACTIVITIES IN OR NEAR WETLANDS/WATER BODIES
FOR REVIEW BY THE BARRINGTON CONSERVATION COMMISSION**



Applications for variances or special use permits that are submitted to the Zoning Board for projects in or near wetlands and water bodies are forwarded to the Conservation Commission for review. The Commission reviews the applications at its monthly meeting and advises the Zoning Board on whether to accept or deny the application. This guidance 1) explains which activities are reviewed by the Commission; 2) identifies the information that must be in the application for the Commission’s review, and 3) describes how the Commission makes its decision.

To Whom This Applies If your proposed project is located in one of the following features, it is subject to the **Zoning Code** sections referenced below:

- In or within 100 feet of a wetland or within 200 feet of specific flowing water bodies (§185-22)
- In or within 100 feet of the Wetlands Overlay District (§185-169 through §185-175).

In your application, you are seeking relief from these requirements to perform an activity that is not allowed by right, but requires a special use permit under §185-173 (application procedure when within wetlands overlay district) and Article XIV (general standards for special use permits). Commission review of the application is directed by §185-60 and §185-173(C).

Application Requirements Your application must meet the requirements of §185-61 and §185-173 and contain the following information needed by the Commission:

- An accurate and complete description of the proposed activity,
- An accurate site plan, drawn to scale, containing all of the following:
 - Property boundaries, existing structures, and hardscape features (e.g., driveways, paved areas),
 - Location of the proposed activity,
 - All wetlands and water bodies within 100 feet of the proposed activity, The 50-foot and 100-foot setback line from the wetland/water body(s),
 - An accurate minimum distance from the proposed activity to the wetland/water body(s),
 - Surface elevations of the property and wetland/water body (i.e., topographic relief), and
 - Vegetative and landscape features.

What Does the Review Entail? Commission members will review the application, visit the property, and, if possible, inspect the specific location of the proposed activity. The application will be discussed at the monthly Commission meeting (second Tuesday of each month) prior to the applicant’s scheduled Zoning Board meeting. Although not required, it is strongly recommended that applicant attend the Commission meeting.

**A GUIDE FOR PREPARING AN APPLICATION FOR A VARIANCE
FOR ACTIVITIES IN OR NEAR WETLANDS/WATER BODIES
FOR REVIEW BY THE BARRINGTON CONSERVATION COMMISSION
*CONTINUED***

After discussion and input from interested parties, the Commission will vote on the application and make one of the following recommendations:

- approval of the application as submitted;
- approval of the application, with **conditions**, or
- disapproval of the application.

The Zoning Board is notified of the Commission's recommendation in writing.

What Factors Are Considered?

Standards that apply to projects near wetlands/water bodies are contained the **Zoning Code** sections previously referenced, and state:

- All new structures, expansions, paved areas, and land disturbances will be set back at least 100 feet from the wetland edge. Proposed construction that is not closer to the wetland than the property's existing construction may be exempted from the 100-foot setback requirement if there is no potential for significant environmental impact.
- The proposed activity will:
 - minimize any negative impact to public or private water supplies, groundwater resources, flood control, erosion control, storm damage prevention, water pollution prevention, wildlife habitat, or agricultural values,
 - include all necessary and appropriate erosion and sediment control measures.
- The proposed activity will not:
 - obstruct floodways in any detrimental way,
 - reduce the net capacity of the site and adjoining properties to retain floodwaters,
 - cause sedimentation of wetlands,
 - reduce the capacity of the wetland to absorb pollutants,
 - directly or indirectly degrade water quality in any wetland/water body,
 - reduce the capacity of the wetland to recharge groundwater, or
 - degrade the value of the wetland as a spawning ground for fish/shellfish or habitat for wildlife/waterfowl.

**A GUIDE FOR PREPARING AN APPLICATION FOR A VARIANCE
FOR ACTIVITIES IN OR NEAR WETLANDS/WATER BODIES
FOR REVIEW BY THE BARRINGTON CONSERVATION COMMISSION
CONTINUED**

What Else is Considered?

The Commission also considers the following factors:

- Is the proposed activity the most sensitive approach to attain the goal of the applicant or is an alternate approach or configuration more protective of the wetland or water body?
- Are appropriate erosion controls proposed to be used?
- Will additional runoff from impervious surfaces be created? If so, how will it be managed?
- Is the hardship adequately demonstrated (§185-71)?
- Are the general standards for special use permits (§185-73) met by the application?

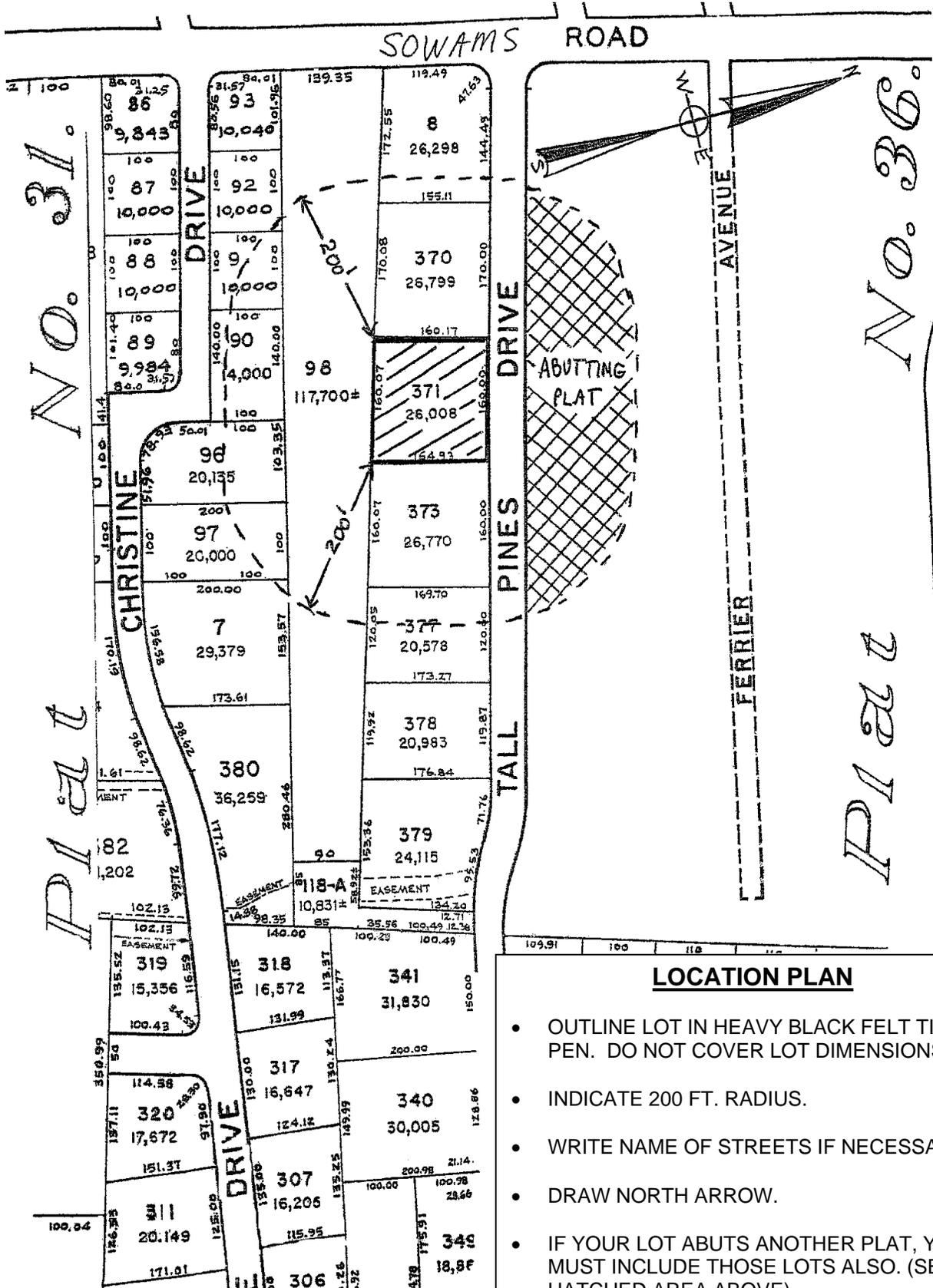
What are Conditions on the Approval?

The Commission may vote to approve the application with **conditions**, which are additional requirements or limitations placed on proposed activities that must be complied with as a stipulation of the approval. Some common conditions include:

- Use of erosion controls to prevent or control erosion of soil from the work area
- Use of devices (such as dry wells) to facilitate infiltration of roof drainage
- Planting or maintenance of native vegetation to serve as a natural buffer to the wetlands
- Use of pervious paving surfaces for driveways, walking path, etc. to facilitate infiltration of rain water.

For further information, please contact the Barrington Conservation Commission through the Town Clerk's office or the Town's website.

ATTACHMENT A



LOCATION PLAN

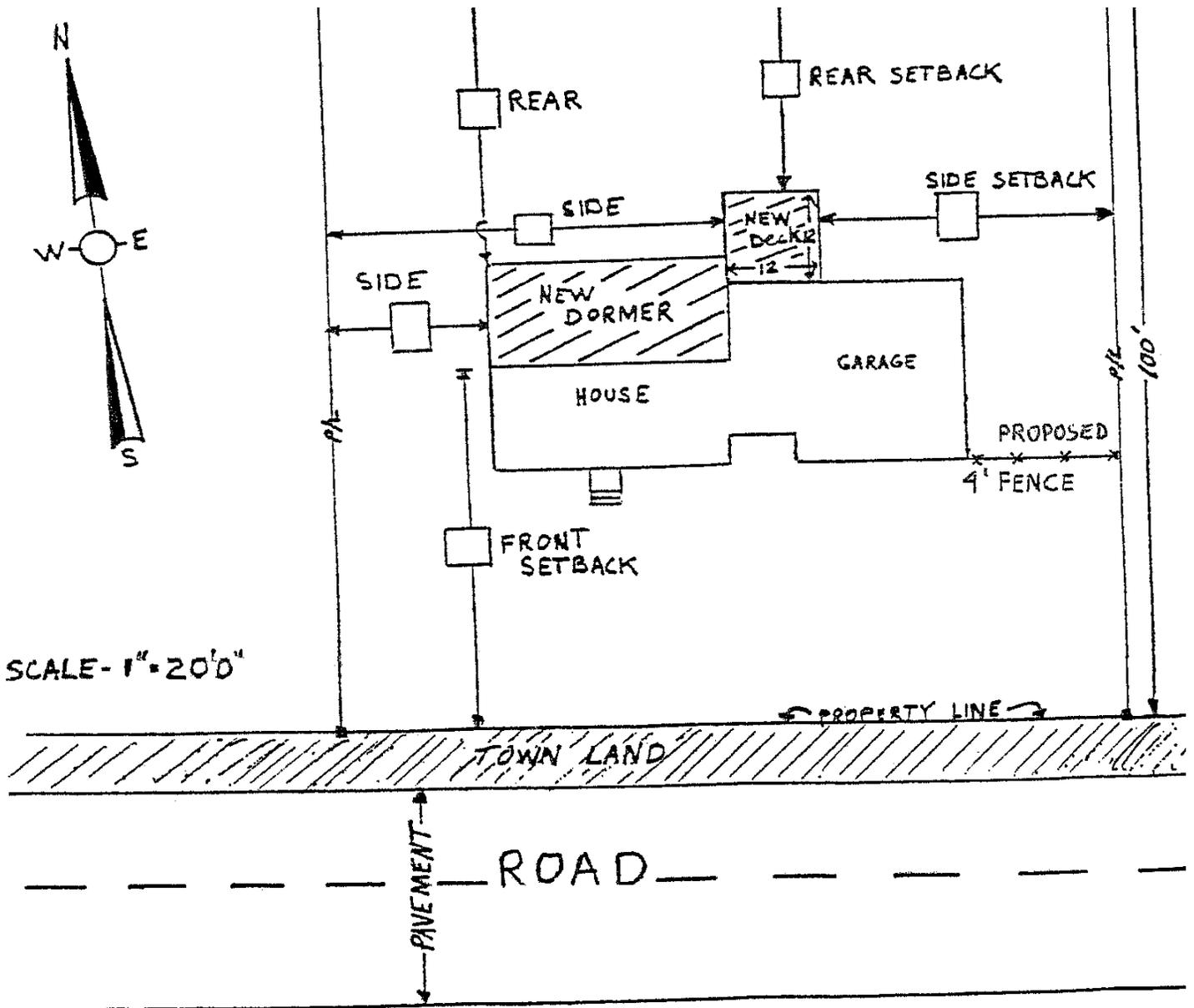
- OUTLINE LOT IN HEAVY BLACK FELT TIP PEN. DO NOT COVER LOT DIMENSIONS.
- INDICATE 200 FT. RADIUS.
- WRITE NAME OF STREETS IF NECESSARY.
- DRAW NORTH ARROW.
- IF YOUR LOT ABUTS ANOTHER PLAT, YOU MUST INCLUDE THOSE LOTS ALSO. (SEE HATCHED AREA ABOVE)

ATTACHMENT B

EXAMPLE SITE PLAN

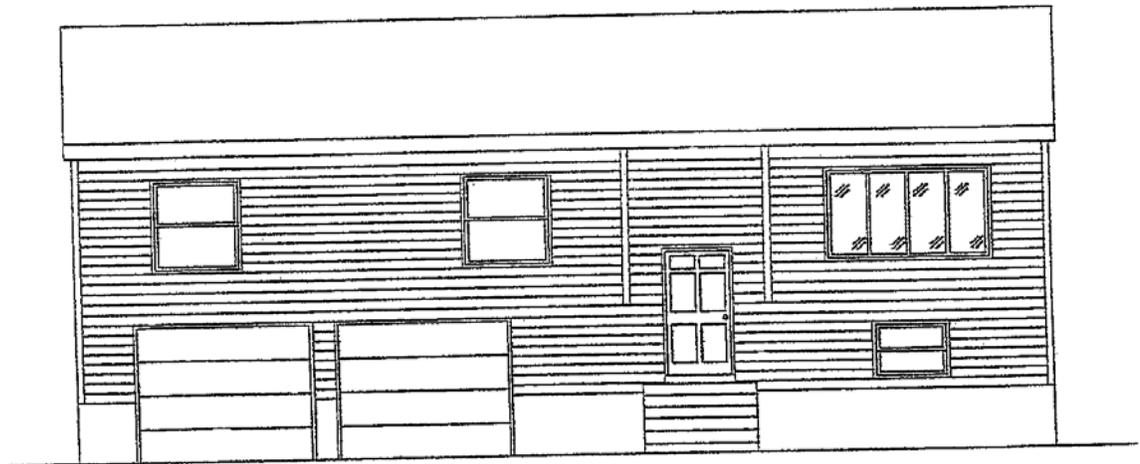
Your site plan MUST BE DRAWN TO SCALE and should include:

- Outline of lot
- Name(s) of street(s)
- Existing structure
- Proposed structure drawn in broken line
- Proposed location of new structure
- All distances, dimensions, landscape features, etc. pertinent to your application
- Proposed fence indicated with hatching
- North arrow



NOTE: FRONT SETBACK TO PROPERTY LINE NOT PAVEMENT

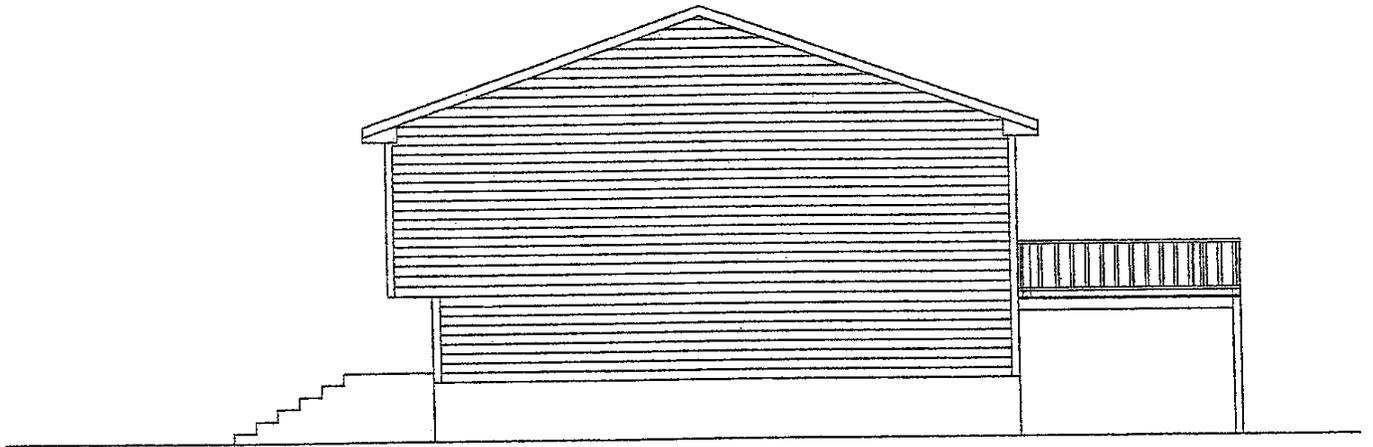
ATTACHMENT C



FRONT ELEVATION

SCALE 1/8" = 1'-0"

ATTACHMENT D



RIGHT SIDE ELEVATION

SCALE 1/8" = 1'-0"

ATTACHMENT E

ARTICLE XIII 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.

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, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of the 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.

ATTACHMENT F

ARTICLE XIV 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.