

**TOWN OF RICHMOND, RHODE ISLAND
ZONING BOARD OF REVIEW**

Richmond Town Hall, 5 Richmond Townhouse Road, Wyoming, RI 02898 • (401) 539-9000 ext. 3

**RULES OF PROCEDURE
FOR THE SUBMISSION AND CONSIDERATION OF PETITIONS**

Pursuant to R.I. Gen. Laws § 45-24-56, the Richmond Zoning Board of Review establishes the following procedures for the submission and consideration of petitions for relief.

1. Meeting dates. Regular meetings of the Zoning Board of Review (“Board”) will take place on the fourth Monday of each month at 7 p.m. in the Town Council Chamber. The Board may schedule meetings at other times if necessary for the conduct of its business.

2. Meeting agendas. The agenda for each regular meeting will be as follows:

Call to Order.

Approval of Minutes.

Public Hearings.

1. Hearings continued from previous dates.
2. Hearings postponed from previous dates.
3. Hearings on new applications.

Adjournment.

Any other business to come before the Board should be listed after Public Hearings, and must be specifically described.

The Board may, by a majority vote of the regular members, consider items in a different order than that listed on the agenda.

3. Officers. At the first meeting of each calendar year, the regular members of the Board shall elect from among the regular members a chairman to conduct meetings, and a vice chairman to conduct meetings in the absence of the chairman. The chairman and the vice chairman shall have the authority to administer oaths.

4. Applications.

a. Site plan.

Every application for relief from the Zoning Ordinance shall be accompanied by an accurate site plan, drawn to scale, showing the lot dimensions, location of existing and proposed structures or improvements, distances from existing and proposed structures to lot lines, location of wells and septic systems, and location of parking area or landscaping. The plat and lot number, zoning district, graphic scale, north arrow, and names of streets must appear on the plan.

For applications that involve construction of a structure or expansion of a structure:

1. The site plan shall show the location on the site of freshwater wetlands and wetland buffers, as defined by Rhode Island law and by R.I. Department of Environmental Management regulations.
2. The site plan shall be prepared by a registered professional engineer or a registered land surveyor.

At the request of an applicant, the Board may waive any of the details listed above that are required to appear on a site plan. A waiver must be requested in writing, and must be considered at a Board meeting that takes place before the date on which the public hearing is scheduled.

The Board has the right to request that the applicant provide additional information if that information is necessary for consideration of the application.

b. Notice information.

Every application to the Zoning Board of Review shall include:

1. A copy of a portion of the Tax Assessor's Map showing the property that is the subject of the application, and showing all lots that are within 200 feet of the perimeter of the subject property.
2. A list of the names and addresses of the owners of all property within 200 feet of the perimeter of the subject property. This information may be found in Town records.

The sample Radius Map and sample Abutters List in the Appendix to these Regulations are provided to applicants for the purpose of illustration only.

c. Information on ISDS or OWTS.

If the proposed construction requires installation, repair, relocation, or upgrading of an Onsite Wastewater Treatment System (OWTS) or an Individual Sewage Disposal System (ISDS), or a change of use permit, a copy of the application to the R.I. Department of Environmental Management must be submitted.

d. Notice by mail.

Section 18.52.040 of the Zoning Ordinance requires applicants to send notice of the public hearing to owners of property within 200 feet of the subject property by first class mail, postage prepaid. Applicants may send notice by certified mail in addition to notice by first class mail, but **applicants may not substitute notice by certified mail for the notice required by the ordinance.**

5. **Development plan review.** The Zoning Enforcement Officer shall review each application at the time it is submitted to determine whether to recommend advisory development plan review pursuant to Section 18.54.080 of the Zoning Ordinance. If the Zoning Enforcement Officer determines that the application should be referred to the Planning Board for advisory development plan review, the Zoning Enforcement Officer shall so advise the Board in writing. The zoning enforcement officer shall send a copy of any such recommendation to the applicant.

- 6. Application form and accompanying documents.** The Application Form, Instructions for Applicants, Affidavit of Service by Regular Mail, Sample Radius Map, and Sample Abutters List included in the Appendix to these Rules of Procedure are hereby approved and incorporated by reference.
- 7. Transcripts on appeal.** A stenographer who is an independent contractor of the Town of Richmond makes a stenographic record of every public hearing conducted by the Board. If a Board decision is appealed to the Superior Court, the record must be accompanied by a transcript of the entire public hearing. The appellant shall be responsible for ordering the transcript from the stenographer, and the appellant shall be responsible for paying the stenographer for preparing and copying the transcript.

Date of Adoption: October 27, 2008

Amended: October 26, 2009

Amended: May 24, 2010

Amended: September 27, 2010

Amended: April 1, 2014

APPENDICES TO RULES OF PROCEDURE

- A. Zoning Board of Review Application
- B. Instructions for Applicants
- C. Sample Radius Map
- D. Sample Abutters List
- E. Affidavit of Service on Owners of Property Within 200 Feet

Relief sought: *Please describe what you are asking the Zoning Board of Review to do.*

Has the Building Official refused to issue a permit?	What date?
Has the Zoning Enforcement Officer issued a violation notice?	What date?
What sections of the Zoning Ordinance apply to this application?	
Please explain what relief from the ordinance requirements you are requesting, and why:	

If you are requesting a dimensional variance, please complete this section:

	<i>Circle the corresponding direction at your property</i>	Setbacks and dimensions required in the zoning district (Sec. 18.20.010 and Sec. 18.20.020)	Existing setbacks and dimensions at your property	Proposed setbacks and dimensions at your property
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FRONT	N S E W			
RIGHT SIDE	N S E W			
LEFT SIDE	N S E W			
REAR	N S E W			
HEIGHT				
LOT COVERAGE%				

I am requesting the following dimensional variances:

FRONT	
RIGHT SIDE	
LEFT SIDE	
REAR	
HEIGHT	
LOT COVERAGE %	

Signature: I hereby attest that the information contained in this application is true to the best of my knowledge. I hereby give permission to the Zoning Enforcement Officer and the Zoning Board of Review to enter the property for the purpose of viewing it. I acknowledge that if the application is denied and I wish to appeal that decision, I will be responsible for ordering and paying for a transcript of the public hearing.

Signature of Applicant
Signature of property owner, if not applicant (required)
Name, Address, Phone of Applicant's Attorney:
Name, Address, Phone of Applicant's Surveyor or Engineer:

APPLICATION CHECKLIST: An **original** and **ten copies** of the following items, with the copies no larger than 11 by 17 inches, must be filed:

1. This application form. All relief requested for a single property may be included on the same application form.
2. An **accurate** site plan, drawn to scale, showing:
 - ___ the plat and lot number
 - ___ zoning district
 - ___ graphic scale
 - ___ north arrow
 - ___ names of streets
 - ___ lot dimensions
 - ___ location of existing and proposed structures or improvements
 - ___ distances from existing and proposed structures to lot lines
 - ___ location of wells and septic systems
 - ___ location of parking area or landscaping.

If the application involves construction of a structure or expansion of a structure, the sites plan:

- Must show the location on the site of freshwater wetlands and wetland buffers, and
- **Must be prepared by a registered professional engineer or registered land surveyor.**

The original may be any size; the ten copies may be no larger than 11 by 17 inches.

At the request of an applicant, the Board may waive any of the details that must appear on a site plan. A waiver must be requested in writing, and must be considered at a Board meeting that takes place before the date on which the public hearing is scheduled. The Board has the right to request that the applicant provide additional information.

3. If the proposed construction requires installation, repair, relocation, or upgrading of an Onsite Wastewater Treatment System (OWTS), or a change of use permit, a copy of the application to the R.I. Department of Environmental Management must be submitted.
4. A copy of a portion of the Tax Assessor's Map showing the property that is the subject of the application, and all lots within 200 feet of the perimeter of the subject property.
5. A list of the names and addresses of the owners of all property within 200 feet of the perimeter of the subject property. This information is in the Tax Assessor's Office at Town Hall. *Caution: The property information available on the Town's website, provided by Vision Appraisal, gives property locations. It does not provide the mailing addresses of property owners.*
6. If the application is an appeal from a violation notice or other determination of the Zoning Enforcement Officer, copies of that violation notice or determination must be attached.

APPLICATION FEE: The fee for an application to the Zoning Board of Review for a variance, a special use permit, or an appeal of a decision or determination by the Zoning Enforcement Officer shall be as follows: For property used for single-family or two-family uses, the application fee is \$225. For commercial, business, industrial, institutional, or multi-family uses, the application fee is \$400. **A surcharge of \$80 shall be collected for each application to cover the administrative costs associated with the public hearing.**

The fee for an application to the Zoning Enforcement Officer for a **modification** shall be \$150. If the modification is denied and the applicant seeks a variance, the applicant shall pay the fees and charges applicable to the Zoning Board of Review application.

AFFIDAVIT OF MAILING: Before your public hearing takes place, you must submit an affidavit to the Building, Zoning and Planning clerk stating that you have sent notice of the hearing by regular mail to all owners of property within 200 feet of the subject property, listing the names and addresses to whom notice was sent, and stating the date on which you mailed the notice.

If you have any questions about how to complete this application form, you may call the Zoning Enforcement Officer or the Building, Zoning and Planning Clerk at (401) 539-9000, ext. 3, on weekdays between 9 a.m. and 4 p.m.

11/5/03, 2/05/04 rev., 3/19/04 rev., 4/2/04 rev., 1/17/05 rev., 3/14/05 rev., 8/24/06 rev., 9/17/07 rev., 6/16/08 rev., 8/04/08 rev., 8/6/08 rev., 9/20/08 rev., 10.27.08 Adopted, 11.02.09 rev., 2-7-12 rev.

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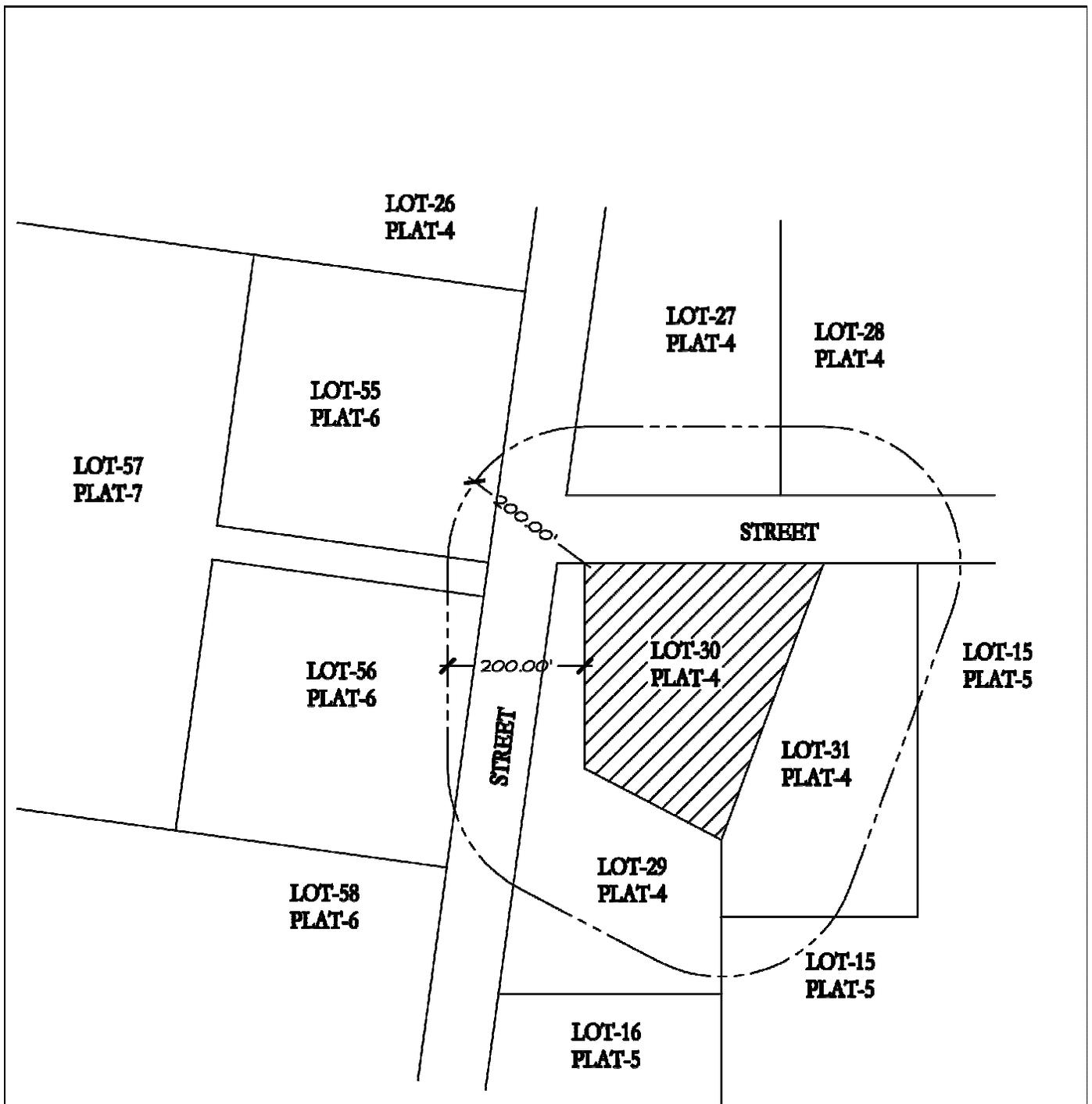
Instructions for Zoning Board of Review applicants

An application to the Zoning Board of Review can permanently affect the status of your property. Before you file an application, you should strongly consider hiring a lawyer familiar with zoning law to represent you.

If you do not plan to hire a lawyer, please remember the following:

- It is your responsibility – not the responsibility of the Zoning Board members – to prove that your application should be granted. It is your responsibility to know what evidence and testimony you need to submit. It is your responsibility to look at the Zoning Ordinance to see what the burden of proof is for the relief you are requesting, and it is your responsibility to submit all of the sworn testimony and all of the evidence necessary to support your application.
- Relief from the Zoning Ordinance is granted for the *property*, not for the person who owns it. The word “hardship” in the ordinance refers to the particular characteristics of the land that justify relief from the terms of the ordinance. It has nothing to do with anyone’s *personal* hardship.
- If you do not send the proper hearing notices to all of the current owners of property within 200 feet of your property at their correct addresses, as shown in the Tax Assessor’s records, at least 14 days before the hearing, the Zoning Board of Review does not have jurisdiction to hear your application. The hearing will have to be postponed so that new notices can be sent.
- If your application is denied, or if you forgot to provide some information, *you cannot go back and do it over again*. You only have one chance to do it the right way. You cannot submit the same application to the Zoning Board of Review again unless there is a material change in circumstances that involves the property itself. If the Zoning Board of Review decision on your application is appealed to the Superior Court, there is no trial and no new hearing. The court makes a decision based only on what happened before the Zoning Board of Review.
- If the Zoning Board of Review grants your application, the decision will be recorded in the Richmond Land Evidence Records. Unless a court overturns it, it will be permanent. A variance or a special use permit “runs with the land.” It is attached to the property, no matter who owns the property.
- The Zoning Clerk and the Zoning Enforcement Officer can provide you with application forms and other documents, *but they cannot give you legal advice*.

4.26.06
6.16.08 rev.
10.27.08 Adopted
11.03.09
12.14.09 rev.



SAMPLE RADIUS MAP

NOTE:
DIFFERENT PLATS AND PARTS OF LOTS WITHIN THE RADIUS

SAMPLE ABUTTERS LIST
for Zoning Board of Review application

**PROPERTY OWNERS WITHIN 200 FEET
OF RICHMOND ASSESSOR'S PLAT 4E, LOT 30**

<u>Lot</u>	<u>Name and address</u>	<u>Lot</u>	<u>Name and address</u>
	<u>Assessor's Plat 4E</u>		<u>Assessor's Plat 5E</u>
27	Sam Smith and Helen Smith 23 Basket Street Wyoming, RI 02898	15	Seymour Snort 34 Basket Street Wyoming, RI 02898
28	Joe Jones and June Jones 25 Basket Street Wyoming, RI 02898		<u>Assessor's Plat 6</u>
		55	Walter Winchell 39 Whitford Street Wyoming, RI 02898
29	Bill Burke and Barbara Burke 33 Whitford Street Wyoming, RI 02898		
		56	Beverly Beverage 35 Whitford Street Wyoming, RI 02898
31	Lance Lane and Harold Smith 222 Tuckertown Road Wakefield RI 02879		<u>Assessor's Plat 7</u>
		57	Susan Syms and John Reed 37 Whitford Street Wyoming, RI 02898

Adopted 10.27.08
11.03.09

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Name of petition: _____

AFFIDAVIT OF SERVICE ON OWNERS OF PROPERTY WITHIN 200 FEET

The undersigned, being duly sworn, upon oath does depose and say:

1. On _____, 20____, I mailed a copy of the attached notice of public hearing by first class mail, postage prepaid, to the names and addresses on the attached list.

2. Each notice was sent in an envelope containing as a return address _____
_____.

3. As of this date, none of the notices have been returned by the United States Postal Service.

Signature _____
Print name:

Sworn and subscribed to before me at _____, County of Washington,
State of Rhode Island, this ____ day of _____, 20 ____.

NOTARY PUBLIC
Print name:
My commission expires / /

11.03.09