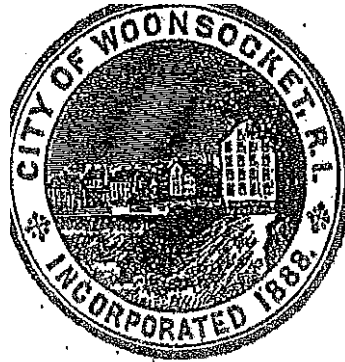


CITY OF WOONSOCKET RHODE ISLAND



ZONING BOARD OF REVIEW Informational Package WHEN FILING AN APPLICATION TO BE HEARD BEFORE THE ZONING BOARD OF REVIEW

Revised January 2024

INSTRUCTIONS AND REQUIRED FORMS

These materials have been prepared to assist you in presenting your application before the Zoning Board of Review for the City of Woonsocket, the outline contains four sections:

- (1) The role of the Zoning Board, applicant/owner, and City officials at the hearing.
- (2) Various types of relief; what you must prove.
- (3) The record: what it must contain.
- (4) Helpful hints - nothing in this outline is legal advice. It is merely informational. If you retain an attorney, which is advisable in some cases, they will assist you in presenting your application.

(1) The Role of the Zoning Board, Applicant/Owner and Zoning Officer

Zoning Board of Review

Pursuant to Section 45-24-56 of the Rhode Island Zoning Enabling Act, the Zoning Board of Review (the "Board") is a quasi-judicial body that is empowered to take the following actions:

- Review variances.
- Review special use permits;

The Board has the authority to grant relief from the City's Zoning Ordinance. It takes evidence in the form of oral testimony, pictures, exhibits, plans, etc. and considers whether the applicant has proven their case. You must remember that the Board is not a city agency or department, and it has no duty or authority to assist you at the hearing. The Board will render a decision either granting or denying your request for relief and may impose conditions when it grants relief. For you to prevail there must be a majority votes in favor of granting a variance or special use permit, and majority of votes to uphold or reverse a decision of the Zoning Officer. It is important to note that you may also have to appear before another board or agency, such as Design Review, Planning Board, City Council, or Building Inspector, in connection with your application depending on the specifics of your application.

Applicant/Owner - You, the applicant, have the burden of proof that supports your application. This means that you must produce relevant and competent evidence and persuade the Board members that you are entitled to the relief requested. Additionally, you are responsible for providing a completed application with correct information and plans for the hearing.

Zoning Officer - The Zoning Officer is the city official responsible for interpreting the Zoning Ordinance and making determinations on zoning applications. The Zoning Officer reviews the application for completeness and submits the completed application to the Board.

(2) Various Types of Relief- What You Must Prove

As noted above, the Board is empowered to grant relief in the form of:

- Variances
- Special Use Permits
- Uphold or reverse a decision of the Zoning Officer

The following are the various legal standards which apply, as well as what you, the applicant/owner, must prove:

Variance -There are two types of variances: use variance and dimensional variance,

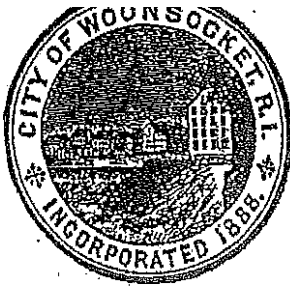
- Use Variance - You need a use variance when you propose a use in a zone where it is not permitted. The most common examples are placing a business in a residential zone or increasing the number of housing units in zones where units are limited. To obtain relief, you must prove a hardship. This means the loss of all beneficial use of your property. To do this, you must show that the property would be useless or of no value if the restrictions in the zoning ordinance are applied to the property. This is a difficult standard to prove, and professional legal assistance is recommended.
- s Dimensional Variance This type of relief is available when the proposed use is permitted, but you cannot conform to the regulations that govern height, rear or side lot setbacks. To prevail, you must show that the application of the regulations to your property would be more than a mere inconvenience. Be prepared to show by testimony, plans, charts, etc., what you propose, and why your plan cannot meet the dimensional requirements of the zoning ordinance.

Special Use Permit-This is a form of relief which requires that you provide evidence to the Zoning Board to the satisfaction of the following standards:

- That the special use shall be in harmony with the general purpose and intent of the ordinance;
- That the special use is reasonably necessary for the promotion of the public health, safety, and general welfare; and
- That all appropriate conditions and safeguards are included in the special use permit in the form of stipulations.

(3)The Record - What It Must Contain

You must consider your hearing before the Zoning Board like a trial. This is why it is important that you prepare adequately, The Zoning Board of Review acts as a finder of fact. There is no other hearing, even if you appeal the Board's decision to the Superior Court. The Superior Court does not take additional evidence. For that reason, you must present your case competently. If you feel that you're unable to do so, you should consult an attorney. In many cases, it may be important to produce expert testimony from an architect, engineer, traffic expert, real estate person, etc, It is crucial for you to present complete and relevant evidence to prove the legal standards that apply to your application. If you fail to do so, you risk losing your case, and making a successful appeal to Superior Court unlikely.



City of Woonsocket, Rhode Island

ZONING BOARD OF REVIEW

City Hall - 169 Main Street

Woonsocket, Rhode Island 02895

APPLICATION FOR VARIANCE OR SPECIAL USE PERMIT UNDER THE ZONING ORDINANCE

Date: _____

To the Honorable Zoning Board of Review:

The undersigned hereby applies to the Zoning Board of Review requesting relief in the application of the provisions or regulations of the Zoning Ordinance of the City of Woonsocket affecting the following described premises in the manner and on the grounds hereinafter set forth:

OWNER:

Name _____

Business Name (if different) _____

Address: _____ Tel, No. _____

City, State, Zip Code _____

APPLCIANT:

Name _____

Address _____ Tel, No. _____

City, State, Zip Code _____

INDICATE ALL PROPERTIES OWNED OR HAVE AN INTEREST IN, INCLUDING
COMPANIES AND CORPORATIONS (INC. or LLC)

THE PROPERTY

1. Location of the property _____
2. Assessor's Plat (s) _____ Lot(s) _____ Square footage _____
3. Zoning District(s) and Overlay District(s) (if applicable) in which the property(s) is located _____
4. How long have you owned the property(s)? _____
5. Is there a building or structure on the property at present? _____
6. Give size of existing building(s) _____ Proposed building(s) _____
7. Are there any Minimum Housing code violations or other violations of any kind on this property? Yes _____ No _____
8. Have all taxes fees been paid on all above listed properties? Yes ___ No ___
9. State present use of the property(s) _____

10. State proposed use of the property(s) _____

11. Give extent of proposed alterations on the structure _____

12. Number of families for which the building is to be used. _____
13. Have you appeared before the Zoning Board of Review for this property within the past twelve (12) months? _____
14. Provisions or regulations of Zoning Ordinance or State Enabling Act under which application for special use permit, variance, is being made.

15. State grounds for special use permit, and/or variance, in this case, (In the case of a variance, what are the peculiar conditions of the property that create the hardship you are claiming?)

- * This application gives authority to the Zoning Officer or the Zoning Officer's Alternate to view the property without prior notice to the property owner.

Respectfully submitted,

Signature (Owner of property MUST sign)

Please print name.

Important: Applicant and owner to be present at public hearing.

Note: Plans, and/or drawings shall be submitted at the time of application. (Plans shall also show designated parking spaces.) For new structures on vacant land, a site plan by a registered land surveyor is required. Applications cannot be placed on the Zoning Board's agenda unless the requirements are met. The Zoning Officer may declare any application incomplete or lacking sufficient information. Incomplete applications shall not be placed on the Zoning Board's agenda.

CITY OF WOONSOCKET, Rhode Island

DIVISION OF ZONING & BUILDING INSPECTION

Zoning Application Affidavit

I, _____

attest to understanding what is required of me.

as an applicant going before the Zoning Board of Review.

I have given the Zoning Official all the information that I
can provide to support my application. Anything that may
be deemed missing and necessary is my sole responsibility
to provide for all members, as well as all others attending
the hearing.

Applicant signature: _____

Date: _____

CITY OF WOONSOCKET, RHODE ISLAND
Office of the Zoning Official

169 Main Street, Woonsocket
Rhode Island 02895-4379

Tel. (401) 597-5359
Fax (401) 769-5612

Notice to Owner

If for any reason you will be unable to attend the scheduled Zoning Board hearing and would like a representative to speak on your behalf, please fill out this form, have it notarized, and have your representative present it to the Zoning Board on the night of the meeting.

I, _____ agree to have _____ act as

Owner

Representative

my authorized representative before the Woonsocket Zoning Board. This person has the authority to present testimony and answer questions on my behalf regarding my property located

at _____ -
Property Address

Property Owner

Notary Public (Print name)

Notary Public (Signature)

My Commission expires on:

— / — / —

FEE SCHEDULE FOR ZONING BOARD OF REVIEW APPLICATIONS

Application For Residential Uses.....	\$150.00
Filing Fee Residential Uses	
- Single-family residence or in-law apartment.....	\$175.00
- Duplex residence.....	\$200.00
- Multi-family structures up to nine (9) units.....	\$225.00+
..... (\$225.00 for the first unit plus \$75.00 for each additional unit up to 9 units)	
- Multi-family structures ten (10) units or more.....	\$275.00+
..... (\$275.00 for the first plus \$100.00 for each additional unit)	
Application fee Non-Residential Uses.....	\$300.00
Filing Fee Commercial, Industrial / Office Uses (Based on Square Footage of Use)	
- Use containing up to five thousand (5,000) sq. ft. of gross floor space.....	\$300.00
- Use containing more than five thousand (5,000) but less than ten thousand (10,000) sq. ft. of gross floor space.....	\$350.00
- Use containing more than ten thousand (10,000) but less than (20,000) sq. ft. of gross floor space.....	\$425.00
- Use containing more than twenty thousand (20,000) sq. ft. of gross floor space.....	\$550.00+
..... each additional one thousand (1,000) sq. ft. of gross floor space	\$ 25.00

Increased Fees

Where any action requiring the granting of a variance or special use permit by the Zoning Board of Review has commenced prior to the granting of said variance or special use permit, the filing fees for such applications before the Zoning Board of Review shall be increased to twice the amount, unless an exemption from the requirements of this subsection is granted by the Zoning Board of Review upon request of the petitioner and recommendation of the zoning officer.

Cost for Special Meeting

Any petitioner seeking a special or unscheduled meeting of the zoning Board of Review will be responsible for all costs incurred including the appropriate fee, cost of notification, advertisement, and stenographic services and members stipends. Should more than one petitioner seek a special meeting, costs will be divided proportionately.

Fees to appear before the Overlay District Commissions

- Appearance before Design Review Commission.....	\$200.00
- Appearance before River Corridor Overlay District Commission.....	\$200.00

Charges for all Residential and Non-Residential Variances, Special Use Permits and Zoning Appeals

• Hearing Notification charge <u>per abutter</u> (abutters determined to be within a 200 ft. radius of property)	\$ 3.00
- Advertising charge,	\$ 175.00
- Recording of decision.....	\$ 49.00

Total filing fees equals
