

ZONING

Application for Dimensional Variance

To: Westerly Zoning Board of Review Date: _____
Town Hall – 45 Broad Street
Westerly, RI 02891

The undersigned hereby applies to the Westerly Zoning Board of Review for a **dimensional variance** pursuant to the provisions of § 260-33 of the Westerly Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

Applicant(s): _____ Address: _____

Owner(s): _____ Address: _____

Lessee: _____ Address: _____

1. Filing instructions:

- a. Original application and 10 copies, typed or legibly printed, must be filed with the Zoning Office in accordance with the minimum time required to post adequate notice.
- b. A filing fee in the amount of **\$150**, plus legal advertising and recording fees, shall accompany an application to the Zoning Board of Review to cover the costs of processing (payable to "Town of Westerly – Zoning"). In addition to the \$150 fee, the applicant shall also be responsible for all additional costs, if any, incurred by the town in the course of review of this application, such as third-party review, cost of additional advertising and stenographic fees, and will be billed when the final costs have been determined.
- c. All required checklist items for a **dimensional variance** must accompany the application in order to be considered a complete application.

2. Location of premises: _____

3. Plat: _____ Lot: _____ Zoning District:

911 Address:

4. Dimensions of lot: (frontage) feet by (depth) feet; Area (square feet or acres): _____

5. Present use of premises:

6. Proposed use of premises:

7. Is there a building on the premises at present:

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8. How long have you owned the premises:
9. Year that lot was platted and recorded:
10. Have you submitted plans to the Zoning Inspector: _____
11. Has a permit been refused: _____ If a permit has been refused, attach a copy of the denial in writing.
12. Size (in square feet) of all existing buildings and accessory structures:
13. Size (in square feet) of all proposed buildings and accessory structures:
14. Indicate the number of families to reside in the building: _____
15. Describe the extent of the proposed alterations: _____
16. Indicate the section of the Westerly Zoning Ordinance under which application for **dimensional variance** is made:
17. State what relief is sought (dimensions, in number of feet):
Side: _____ Side: _____ Rear: _____ Front: _____ Height: _____
18. Clearly state the grounds for which this **dimensional variance** is sought:
19. Request for waiver: Indicate checklist items that are requested to be waived by the Zoning Board and the reasons for the request:

Respectfully submitted:

Print Name:

Signature:

Address:

Town of Westerly
Rhode Island

Department of Development Services
Zoning Office
(401) 348-2549



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45 Broad Street
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Dimensional Variance
Zoning Ordinance Application Requirements
Updated 30 June 2021

1. **§ 260-33 Variances. Item A. Application 2.b.1** The original application and 10 copies of a site plan prepared by and signed and stamped by a land use design professional, such as a professional engineer, land surveyor or architect licensed in the State of Rhode Island and to the extent allowed by their professional license, at a scale of not less than one-inch equals 40 feet, clearly showing the following:
 - [a] Name and address of property owner(s);
 - [b] Date, North arrow, graphic scale, lot dimensions and area in square feet or acres;
 - [c] Plat and lot, zoning district(s) and front, side and rear yard setbacks;
 - [d] Existing and proposed structures, and their relationship and distances from lot boundary lines;
 - [e] FEMA flood hazard zone, wetlands and coastal features boundaries, if present;
 - [f] Existing and proposed topography at two-foot intervals;
 - [g] Existing and proposed driveways, parking areas and walkways;
 - [h] Existing and proposed landscaping, as it relates to the request;
 - [i] Existing streets, 911 address, wells, septic system; and
 - [j] Any peculiar site conditions or features.
2. **§ 260-33 Variances. Item A. Application 2.b.2** List of names and addresses of all property owners within 200 feet of the subject property, and 10 copies of a separate map showing all property owners within 200 feet of the subject property and/or all those property owners and entities that require notice under R.I.G.L. § 45-24-53, also depicting any zone district boundary and uses of all neighboring properties;
3. **§ 260-33 Variances. Item A. Application 2.b.3 (Old Item C.)** Letter from a biologist indicating that there are no coastal or freshwater wetlands on or in proximity to the site. In cases where the application is regulated by the Rhode Island Freshwater Wetlands Act or the Rhode Island Coastal Resources Management Council ("CRMC"), a physical alteration permit issued by the Rhode Island Department of Environmental Management ("RIDEM") and, where applicable, the United States Army Corps of Engineers shall be required;
4. **§ 260-33 Variances. Item A. Application 2.b.4 (Old Item D.)** Where construction requires approval by RIDEM Office of Water Resources for an OWTS (on-site wastewater treatment system) or change of use permit for the proposed activity, attach a copy of the required application;
5. **§ 260-33 Variances. Item A. Application 2.b.5** Soil erosion and stormwater control plan with supporting calculation based on standards approved by the USDA Natural Resources Conservation Service and in conformity with the Rhode Island Erosion and Sediment Control Handbook;
6. **§ 260-33 Variances. Item A. Application 2.b.6** Traffic study prepared by a professional engineer addressing the potential impacts of the proposed activity; and
7. **§ 260-33 Variances. Item A. Application 2.b.7** Evidence that there is sufficient water supply to support the proposed activity and that this supply is of drinking water quality.

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Variance - Standards to be Proven

DATE: **30 June 2021**
TO: **Applicants – Variance**
FROM: **Nathan Reichert – Zoning Official**
RE: **Variance – Legal Criteria**

During the deliberations of the Zoning Board the following five criteria must be met by the application. Please address within a written narrative submitted with your application these standards. These standards are defined by Town of Westerly Ordinance for a Variance. In accordance with §260-33 *Variations* of the Zoning Ordinance, in granting variances the Zoning Board shall require that evidence satisfying the following standards be entered into the record of the proceedings:

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;
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 this chapter is based; and
4. That the relief to be granted is the least relief necessary.
5. 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. 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.

Sincerely,

Nathan K. Reichert
Zoning Official