

DIMENSIONAL VARIANCE
INSTRUCTIONS
(PLEASE READ ALL INSTRUCTIONS)

Fees as per Appendix A – Land Use and Development Fees approved March 21, 2006
SECTION 19-46, 47 - Dimensional Variance (Recording Fees \$50.00 per application)

- b. Any Application or petition to the Zoning Board of Review for an Appeal, Special Use Permit, Dimensional Variance or Use Variance, except by the City, shall be accompanied by a filing fee payable to the City of East Providence, in accordance with the following schedule: (a)*

1. Residential Districts:

- | | | |
|----|---------------------------------|----------|
| A. | Application limited to one lot: | \$150.00 |
| B. | Each additional lot; | \$ 50.00 |

2. Commercial Districts:

- | | | |
|----|--|----------|
| A. | Application limited to one lot and/or construction 5,000 square feet or less | \$300.00 |
| B. | Two or more lots and/or construction in excess of 5,000 square feet. | \$400.00 |

3. Industrial Districts:

- | | | |
|----|---|----------|
| A. | Applicant limited to one lot and/or Construction 10,000 square feet or less | \$500.00 |
| B. | Two of more lots and/or construction in excess of 10,000 square feet. | \$600.00 |

- c. The filing fee shall include a charge of five dollars (\$5.00) per each abutter to a maximum fee of two hundred fifty dollars (\$250.00) and a fee for recording the decision of the Zoning Board of Review in the land evidence records.
- d. In event the applicant/petitioner or his/her authorized agent requests a continuance, a second filing fee in the same amount as the first, is required prior to said application or petition being placed on the next Zoning Board of Review docket.

Section 19-46 Dimensional Variance – Intent and Eligibility

Any person, group, agency or corporation may apply for relief from the literal requirements of a Zoning Ordinance, which is not contrary to the public interest, in instances where owing to special conditions of the parcel, a strict application of the ordinance results in unnecessary and undue hardship. Two types of variances are allowed: Dimensional Variance and Use Variance. Both variance applications follow the same procedure, while the standards of findings differ as noted in Section 19-40.

***(a) Adopted September 7, 1993 Book 11 Page 234.**

SECTION 19-47. Dimensional Variance – Application Process.

Application for Dimensional Variance shall be filed with the Zoning Officer acting in his/her capacity as Clerk for the Zoning Board of Review. Twelve (12) complete copies of the application must be submitted. The application shall include: **(b)***

- (1) A completed dimensional variance form indicating the variance sought and the grounds for the variance; *(please print back to back)*
- (2) Names and addresses of all owners of property within a two hundred (200) foot radius as measured from the perimeter of the subject property and as show on the current rear estate Tax Assessment records of the City.
- (3) An accurate site map drawn at a scale of 1" = 20' (or as appropriate 1" = 40 or 1" =80') showing the following for the subject property:
 - (a) the shape, dimension and area of the subject property;
 - (b) the location size and use of all existing and proposed structures;
 - (c) the zoning use district boundaries;
 - (d) the street numbers and assessor's lot numbers
 - (e) title block in the lower right hand corner showing name(s) of the property owner; map, block, parcel of subject property; date of plan; north arrow and a blank signature space for the Chairman of the Zoning Board of Review and;
 - (f) such other information as may be necessary for the execution and enforcement of this Chapter of the Zoning Ordinance.
- (4). an accurate radius map drawn at a scale of 1" = 100' (or as appropriate 1" = 50' or 1" = 40') which includes:

- (a) a title block in the lower right hand corner showing names) of the property owner, map, block, parcel of the subject property, date of plan; north arrow and a blank signature space for the Chairman of the Zoning Board of Review and;
- (b) for all property within a two hundred (200) foot radius as measured from the perimeter of the subject property:
 - 1. the shape, dimension and area of the property;
 - 2. the location of all Zoning Use District boundary lines; and
 - 3. the street numbers and assessor's lot numbers;
- (c) in the case of a Dimensional Variance, the general location, shape and use of all existing buildings and structures within a one hundred (100) foot radius on the subject property; and
- (e) such other information as may be necessary for the execution an enforcement of this chapter.

(4) The application fee is set by the City of East Providence Council, to cover the costs associated with review, hearing, notice and recording fees.

THIS APPLICATION MUST BE RECEIVED ON/OR BEFORE THE FIRST WORKING MONDAY OF THE WEEK OF THE ZONING BOARD OF REVIEW HEARING. THE MEETING IS GENERALLY HELD ON THE LAST WEDNESDAY OF THE MONTH. IF YOU HAVE FURTHER QUESTIONS PLEASE CALL THE ZONING OFFICER AT (435-7720/435-7723) EAST PROVIDENCE CITY HALL. FAX (401-435-7727).

- NOTE:
- A. Applicants are encouraged to review proposed projects with the Zoning Officer prior to submitting an application to the Zoning d Board of Review.
 - B. **WARNING:** A change of use, addition or new construction of a four (4)-unit or more multi-family dwelling, commercial or industrial building will require preliminary review by the Building Official, Fire Marshall and others as determined by the Building Official.
 - C. Upon approval by the Zoning Board of Review, the applicant has six (6) months to exercise that approval, also an additional one (1) time six (6) month extension may be granted by the Zoning Board of Review **upon written request**, without additional recording fees required. A Building permit must be approved by Zoning, Engineering, Fire Department, (Fire alarm is necessary), Electrical, Plumbing/Mechanical and Building Official prior to construction starting.

**EAST PROVIDENCE ZONING BOARD OF REVIEW
INFORMATIONAL FACT SHEET**

The following information is provided to assist an applicant in the process of apply for a Zoning Variance (Use, Dimensional, Special Use).

- 1) It is the policy of the Zoning Board of Review to caution all petitioners that they have the right to counsel before the Zoning Board of Review, and failure to do so at this time does not constitute sufficient grounds for a change in circumstances under the eighteen-month (18) repetitive petition clause.
- 2) A Use or Dimensional Variance, and Special Use Permit granted by the Zoning Board of Review shall expire within six-months from the date of its issuance, unless the applicant shall within that period exercise the right granted by the decision. The Board may upon application within the six-month period and for good caused shown, extend the limitation for one additional six-month period.” (Section 19-44) (b).
- 3) To assist an applicant in applying for a Variance or Special Use Permit for Residential Use, it is advisable that you meet with the Zoning Officer to discuss your proposed plans. The Building Official may also be contracted to determine the requirements of City’s Building Code. You may call the Building Official at 435-7722, and the Zoning Officer at 435-7720, or 7723, to make an appointment.
- 4) To assist an applicant in applying for a Variance or Special Use Permit for Commercial/Industrial use, it is advisable that you contact the Building Official and Fire Department to determine the requirements of the City’s Building and Fire Codes. You may call the Building Official at 435-7722, or 7723, the Fire Chief at 435-7677, to make appointments to discuss your proposed construction plans. The reason for this request is to assist the applicant in determining the cost factor in changes contemplated and any requirements required by the City.
- 5) It is advisable that your request a pre-filing conference with the Zoning Officer at least a month before the filing of an application. The Zoning Officer will determine if the complexity of the application requires advanced filing of information for a comprehensive review by the appropriate City staff.
- 6) You are advised that the Planning Department reviews all Zoning Board of Review cases before the Zoning Board of Review, and writes an advisory recommendation to the Zoning Board, which is available to the applicant on the Monday before the ZBR meeting. You are advised to obtain a copy of this advisory recommendation report to assist you in your presentation at the Zoning Board of Review meeting. A copy may be obtained from the Zoning Office.
- 7) The Zoning Board of Review requests that you sign your name below so that the file will represent that you, the applicant, have received this information.

Name and Date: _____