APPLICATION FOR VARIANCE AND/OR SPECIAL USE PERMIT
UNIFIED DEVELOPMENT REVIEW

INSTRUCTIONS

- Applications must be signed by the Applicant and the Owner. *An applicant must be a person with a financial interest in the property, not the architect, engineer, draftsperson, contractor, or attorney.* Examples include a current or potential tenant or purchaser.

- All applicants for a *variance* must also complete Appendix A to the application.

- All applicants for a *special use permit* must also complete Appendix B to the application.

APPLICATIONS MUST BE COMPLETE AND ACCURATE.

Review of Applications with Department of Planning and Development staff is by APPOINTMENT ONLY. Note that the Commission and staff accept no responsibility for correcting or completing any application. Nor is the staff permitted to provide specific advice or recommendations regarding any particular application. However, staff may be able point out deficiencies before the finalized application is submitted, and to assist in explaining the application process, requirements, and general content requirements.

- **Legal counsel and professional representatives**

  There is no requirement that applicants be represented by legal counsel either during the application process or when appearing before the Commission. While the Commission does not recommend either for or against the hiring of legal counsel, the Commission does caution all applicants that zoning law can be complex. Applicants may choose to have an architect, draftsperson, traffic engineer, zoning, or real estate expert testify at the hearing before the Commission. **However, the applicant must still appear at the hearing and offer the presentation/testimony of the witness.**

  Commission members and staff are not permitted to make referrals or recommendations regarding legal or other professionals.
CHECKLIST OF SUPPORTING DOCUMENTATION REQUIRED FOR APPLICATION

The following documents must be provided WITH your application. An application will not be considered “complete” until all documents and the filing fee are submitted.

____ Complete sets of plans (scaled architectural drawings of the proposed building(s) or alteration(s); site plans; parking plans, landscaping plans, etc.) as required for minor or major subdivision/development application.

____ Ten (10) 200’ radius plans drawn to a scale of 1”= 50’ from all corners of the lot or lots in question.

____ Show all lot numbers, owners’ names, street numbers and buildings (if any) on each lot within the radius, present use (example: parking lot, vacant lot, gas station, number of families, etc.) zone boundaries (including overlay districts), tax assessor’s plat boundaries and indicate new construction and additions. If the 200’ radius line intersects or is close to any lot(s) such lot(s) must be included fully within the radius.

____ Two (2) copies of a list containing the following information, consistent with the latest data available in the office of the Providence Tax Assessor:

   a. Each plat and lot number that appears within the 200 foot radius plan

   b. The corresponding names and MAILING addresses, including zip codes, of all property owners of each plat and lot number listed

____ Four (4) photographs of the Property taken from different angles, taken within seven (7) calendar days of the filing of the complete application. If there are any changes to the Property between the filing of the application and the date of the hearing, the applicant must submit at the hearing photographs reflecting any such changes.

All plans must be signed by the author and must contain the author’s full name, address and telephone number.
Check Each Type Zoning Relief Sought:  

___ Variance – Use *  
___ Variance – Dimensional*  
___ Special Use Permit **  

* Attach Appendix A to apply for a Use or Dimensional Variances  
**Attach Appendix B to apply for a Special Use Permit  

Applicant: __________________________  Address __________________________  
E-mail __________________________  Phone __________________________  
Home/Office __________________________  Mobile (Cell) __________________________  

Owner: __________________________  Address __________________________  
E-mail __________________________  Phone __________________________  
Home/Office __________________________  Mobile (Cell) __________________________  

Lessee: __________________________  Address __________________________  
E-mail __________________________  Phone __________________________  
Home/Office __________________________  Mobile (Cell) __________________________  

Does the proposal require review by any of the following (check each):  

_____ Downtown Design Review Committee  
_____ I-195 Redevelopment District Commission  
_____ Capital Center Commission  
_____ Historic District Commission  

1. Location of Property: __________________________  
   Street Address __________________________  

2. Zoning District(s): __________________________  
   Special purpose or overlay district(s): __________________________  

3a. Date owner purchased the Property: __________________________  

3b. Month/year of lessee’s occupancy: __________________________  

Page 3 of 10
3. Dimensions of each lot:

<table>
<thead>
<tr>
<th>Lot #</th>
<th>Frontage</th>
<th>Depth</th>
<th>Total area</th>
<th>sq. ft.</th>
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4. Size of each structure located on the Property:

<table>
<thead>
<tr>
<th>Principal Structure</th>
<th>Total gross square footage</th>
<th>Footprint</th>
<th>Height</th>
<th>Floors</th>
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<thead>
<tr>
<th>Accessory Structure</th>
<th>Total gross square footage</th>
<th>Footprint</th>
<th>Height</th>
<th>Floors</th>
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5. Size of proposed structure(s):

<table>
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<tr>
<th>Total gross square footage</th>
<th>Footprint</th>
<th>Height</th>
<th>Floors</th>
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6a. Existing Lot coverage: (include all buildings, decks, etc.)

6b. Proposed Lot coverage: (include new construction)

7a. Present Use of Property (each lot/structure):

______________________________________________________________________________

7b. Legal Use of Property (each lot/structure) as recorded in Dept. of Inspection & Standards:

______________________________________________________________________________

8. Proposed Use of Property (each lot/structure):

______________________________________________________________________________

______________________________________________________________________________

9. Number of Current Parking Spaces: ____________________________

10. Describe the proposed construction or alterations (each lot/structure):

______________________________________________________________________________

______________________________________________________________________________

11. Are there outstanding violations concerning the Property under any of the following:

   ____ Zoning Ordinance
   ____ RI State Building Code
   ____ Providence Housing Code

12. List all Sections of the Zoning Ordinance from which relief is sought and description of each section:

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________
13. Explain the changes proposed for the Property.

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

The undersigned acknowledge(s) and agree(s) that members of the City Plan Commission and its staff may enter upon the exterior of the Property in order to view the Property prior to any hearing on the application.

The undersigned further acknowledge(s) that the statements herein and in any attachments or appendices are true and accurate, and that providing a false statement in this application may be subject to criminal and/or civil penalties as provided by law, including prosecution under the State and Municipal False Claims Acts. **Owner(s)/Applicant(s) are jointly responsible with their attorneys for any false statements.**

**Owner(s):**

____________________________________
Type Name

_____________________
Signature

____________________________________
Type Name

_____________________
Signature

**Applicant(s):**

____________________________________
Type Name

_____________________
Signature

____________________________________
Type Name

_____________________
Signature

All requirements listed and described in the Instruction Sheet must be met or this application will not be considered complete.
Rhode Island General Laws § 45-24-41(c) requires that the Applicant for a variance demonstrate:

(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, excepting those physical disabilities addressed in § 45-24-30(16);

(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 the ordinance is based;

(4) That the relief to be granted is the least relief necessary; and

(5) (a) For a use variance: That the land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance;

(b) For a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience.

Please provide the following information:

1. What is the specific hardship from which the applicant seeks relief?

_________________________________________________________________________________
_________________________________________________________________________________

2. Specify any and all unique characteristics of the land or structure that cause the hardship?

_________________________________________________________________________________
_________________________________________________________________________________

3. (a) Is the hardship caused by an economic disability? Yes _____ No _____

(b) Is the hardship caused by a physical disability? Yes _____ No _____

(c) If the response to subsection (b) is “yes,” is the physical disability covered by the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.? Yes _____ No _____

4. Did the owner/applicant take any prior action with respect to the Property that resulted in the need for the variance requested? (Examples include, but are not limited to, any changes the owner/applicant made to the structure(s), lot lines, or land, or changes in use of the Property)? Yes _____ No _____

If “yes,” describe any and all such prior action(s), and state the month/year taken.

_________________________________________________________________________________
5. State any and all facts to support your position that the applicant is not seeking the variance(s) primarily in order to obtain greater financial gain.

6. State any and all facts that support your position that you are seeking the least relief necessary to lessen or eliminate the hardship (for example, why there are no viable alternatives to your proposed plan).

7. If you are seeking a USE VARIANCE, set forth all facts that demonstrate that the Property cannot have any beneficial use if you are required to use it in a manner allowed in the zoning district.

8. If you are seeking a DIMENSIONAL VARIANCE, set forth all facts that indicate that if the variance is not granted, the hardship the owner/applicant will suffer is more than a mere inconvenience.
APPENDIX B

APPLICATION(S) FOR SPECIAL USE PERMIT

1. Identify the section(s) of the Ordinance that provides for the special use permit.

______________________________________________________________________________
______________________________________________________________________________

2. State all facts that demonstrate that the proposed special use will not substantially injure the use and enjoyment of neighboring property.

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

3. State all facts that demonstrate that the proposed special use will not significantly devalue neighboring property.

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

4. State all facts that demonstrate that the proposed special use will not be detrimental or injurious to the health or welfare of the community.

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

IF THE APPLICANT IS AN EDUCATIONAL OR HEALTH CARE INSTITUTION, COMPLETE PAGES 10 AND 11 BELOW
5. Date on which you last filed an Institutional Master Plan ("IMP") with the City:
________________________________________

Date on which the City issued final approval of your most recent IMP:
_______________________________________

6. Specify the manner in which the proposed use conforms with your IMP.
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

7.a. Identify all dimensional requirements that apply to the proposed institutional use (you may refer to sections of the Ordinance).
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

b. Does the proposed use comply with all the dimensional requirements listed above?
   _____ Yes        _____ No

c. If your answer to subsection b is “no,” state why the special use cannot be established without a dimensional variance.
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

8. Identify the sections of the Ordinance that govern parking for the proposed use.
______________________________________________________________________________

Describe the manner in which the institution is providing for parking for the proposed use. (or attach proposed parking plan).
______________________________________________________________________________
______________________________________________________________________________
9. State why the proposed use cannot be located on your existing property within an institutional district in which the use is permitted.
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

10. State facts to support that the proposed use is in conformance with the objectives of the Comprehensive Plan. Include references to the specific objectives of the Plan.
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________