

APPLICATION INSTRUCTIONS

Instructions to Applicants Filing Applications for Variances or Special Use Permits or Relief from Mapped Street Ordinance or Appeals

All applications to be reviewed by the Town of Lincoln's Zoning Board of Review, according to the Lincoln Zoning Ordinance, must be filed forty-five (45) days before the 1st Tuesday of the month with the proper filing fee and items one through seven (1-7) below fully completed. The application must be filed with the Zoning Enforcement Officer in the Office of Building Inspections at Lincoln Town Hall.

Applications are scheduled on a first come, first serve basis. A maximum of eight (8) complete applications (including appeals) may be scheduled for review each month. **NO APPLICATION WILL BE SCHEDULED FOR A HEARING WITHOUT A CERTIFICATE OF COMPLETENESS FROM THE ZONING ENFORCEMENT OFFICER OR HIS/HER DESIGNEE.**

In order for an application to be Certified as Complete by the Zoning Enforcement Officer or his/her designee, the following items are **REQUIRED** for an application submission:

1. A completed application form (available from the Office of Building Inspections) that is signed by the property owner, and applicant (if different from owner) and lawyer (if applicable). The application must also include a list of all the property owners within 200 feet of the property's lot lines.
2. A 200' radius map drawn to scale. From the furthest corners of the lot or lots in question and all contiguous lots owned directly or indirectly by the owner and/or applicant. Show all lot numbers and plat numbers on each lot within the radius. (Maps are available from the Tax Assessor's Office).
3. A copy of the proposed site plans drawn to scale. It is **STRONGLY RECOMMENDED** that a registered land surveyor or engineer draws the site plan. As applicable, plans must show off-street parking.
4. A sketch that describes exactly what the applicant and/or owner intends to do. The sketches do not have to be architectural drawings but must accurately reflect your plans.
5. Picture(s) of existing conditions from at least two sides.
6. The above items must be separated in packages - one of each of the five (5) items above in each package for a total of **eleven (11)** complete packages.
7. Two (2) sets of self-adhesive mailing labels no larger than 1½" x 4" with the names, addresses, and zip codes of all property owners within the 200' radius and reported on the application form.
8. Check for the filing fee (\$250) plus \$1.00 for each abutter.

TOWN OF LINCOLN ZONING BOARD OF REVIEW
RULES AND POLICIES

These rules are promulgated in accordance with the Town of Lincoln Charter §C15-6 and Chapter 260 of the Town Ordinance. These rules are not meant to change or limit the authority of the Zoning Board of Review as set forth in the Town Charter, Code of Ordinances and Zoning Enabling Act (R.I. GEN. LAWS) §45-24 *et seq.*, but are meant as a supplement to guide applicants of the policies and procedures of the Zoning Board of Review in an effort to simplify the process of applying for a special use permit, dimensional variance or use variance and afford an applicant notice as to the policies and practices of the Zoning Board of Review prior to a hearing.

1. **The application needs to set forth the exact relief sought in order for the Zoning Board of Review to make a decision.**

A certificate from the zoning official does not mean that the application provides all of the information necessary for the Board to make an informed decision. Be sure to include (on the submitted plans):

- a. dimensions and locations of all existing structures and buildings and pools, if applicable, on the property;
- b. dimensions and locations of any proposed buildings, structures or additions on the property;
- c. exact measurements of setbacks, lot coverage, lot width, height, and any other dimensional issue from which relief is requested. These items are defined throughout the Zoning Code of Ordinances, for example, "Setback" is defined in the Zoning Ordinance §260-7 and specific setback requirements for each zoning district are outlined in §260-22 through 260-26.

Upon motion of one of its members and a second, the Board may vote on continuing an application if the Board finds it cannot determine what relief is requested in the application.

2. **Plans**

All plans submitted to the Zoning Board shall be no larger than 11"x17".

3. **Reports from experts and additional information submitted after the application deadline**

Reports from expert witnesses and additional information from the applicant shall be submitted with the application or to the attention of the Zoning Official at Town Hall no later than ten (10) days prior to the hearing in order to provide the Zoning Board with sufficient time to review this information. Any information or reports submitted after this time will not be included in the packets to the Zoning Board. Therefore, any additional information the application wishes to submit to the Board within this time should be submitted at the meeting itself. If such information is submitted at the meeting, the Board may rule on whether it will

continue the application to another meeting to give the Board time to review the report.

4. Witnesses

The Board, as recognized by the Chair, may question any party, agent, or witness at any time. Questions and cross-examination of witnesses shall be at the discretion of the Chair. The Chair, in his or her sole discretion, may limit each witness to a specific time period to assure opportunity for all interested parties to participate.

All witnesses shall confine their testimony to issues relevant to the pending application or appeal. The Chair shall determine whether testimony is relevant and helpful to the Zoning Board in making its decision. Expert witnesses shall confine their testimony to the field which they have been qualified as an expert by the Zoning Board.

5. Additional information

The Zoning Board shall have the right to require any additional information from the applicant that in their judgment is required for them to render a decision.

6. Meetings

At the discretion of the Zoning Board, and by a vote of a majority of the members, the Board may continue all matters which have not been heard by 11:00 pm. Any matters on the agenda that are not heard as scheduled pursuant to this section shall be continued to the next regular meeting.

The applicant(s) is/are solely responsible for gathering all information requested by the Zoning Board.

EFFECTIVE DATE

These Rules of Procedure have been adopted by the Lincoln Zoning Board at a meeting of the Board on May 4, 2010, shall be in effect for all applications submitted after this.

Dated: June 1, 2010



Chair Jina Karampetsos