



Town of Cumberland
Zoning Board of Review
Cumberland Town Hall
45 Broad Street
Cumberland, RI 02864
(401) 728-2400 ext. 141

Requirements for Filing Zoning Application
For Variance or Special Use Permit
and Zoning Appeal
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**Requirements for Filing Zoning Application
For Variance or Special Use Permit and Zoning Appeal
Effective September 2010**

The Application

Applications will be reviewed by the Zoning Official. Applications are not deemed complete until noted by the Zoning Official.

Upon receipt of a complete application, the application will be submitted to the Planning Board for an advisory recommendation. The Zoning Board will not review the application until an advisory recommendation is issued in writing by the Planning Board.

Twenty-Five (25) copies of the following must be submitted to the Zoning Board for review: See attached sample of a completed Zoning Packet.

- (a) **Complete the application form.**
Please note that the application form must be filled out completely and signed by all property owners or their lawful representatives. If an applicant is not the owner, the "owner's authorization" must be signed. Applicant corporations must be represented by an attorney.
- (b) **Radius Map and Abutters List.**
A suitable scale map showing all lot lines, street lines and zoning district boundary lines within 200 feet of the subject premises with appropriate dimensions, scale and north arrow noted. A list containing all of the names, mailing addresses and plat and lot numbers of all owners of real estate located wholly or partially within 200 feet of the subject premises and one set of mailing labels for the property owners. Please note that proper notice to abutters is the applicant's responsibility and that improper notice may be cause for appeal. When the application is deemed complete by the Zoning Official, a form of notice (see attached sample) will be sent to the applicant for the purpose of notification (14 day notice is required to abutters) in accordance with Rhode General Laws.
- (c) **Survey or site plan.**
For dimensional variances only, a Class 4 survey (or better) or site plan, (preferably on paper size no larger than 11 X 17) noting the dimensional relief requested, it is recommended that a registered land surveyor or engineer prepare plans. These plans must be signed by the preparer; we cannot accept any plans that do not have a signature. Please note that a building permit application may require additional items. If the applicant feels that a survey is unnecessary, the applicant may request that the Zoning Official wave this requirement. If the Board, at the time of the meeting, deems that a survey is necessary, the matter will be continued until the survey has been completed and received
- (d) **Other relevant information.**

Any other information that the applicant believes will support its (his/her) application will be accepted.

Additional Filing Information

An administrative filing fee in the amount of \$350.00 payable to "Town of Cumberland" must be submitted with each application.

In some cases, the Zoning Board may also request consultation from certain experts (including but not limited to traffic, real estate and planning), which cost shall be borne by the Applicant.

The Zoning Board suggests that Applicants contact abutting property owners to advise them of your intentions and to respond to any questions or concerns prior to the hearing.

The hearing date and agenda will be advertised in the local newspaper, at the Town Library, The Building Official's office, and the Office of the Secretary of State.

The Hearing

The Zoning Board conducts regular meetings on the second Wednesday of each month; those dates are listed on the Town of Cumberland website (cumberlandri.org) under Boards and Commissions. Special meetings may be scheduled by the Board to avoid excessive delay of applications.

The Zoning Board will limit the number of applications heard at each meeting. The Chairperson, in consultation with the Zoning Official, will determine the number of applications scheduled, which will depend on the types of applications under review.

The Zoning Board does not open new hearings on applications after 10:00 p.m. Any applications not heard will be continued to the following regular meeting or at a special meeting if and when necessary.

The Zoning Board will not hear matters until it has received an advisory recommendation from the Planning Board. A copy of the advisory recommendation will be mailed to the applicant prior to the hearing, please bring your copy with you to the hearing, as it will be read into the record.

The Agenda will list matters continued from prior meetings first and new matters thereafter.

At the beginning of each meeting, the Chairperson will call the agenda to determine attendance and whether applications are contested. Generally, applications will be heard in the following order: (1) matters in progress from a prior meeting, (2) unopposed continued matters, (3) contested continued matters, (4) unopposed new matters, and (5) contested new matters. Matters may be taken out of order at the sole discretion of the Chairperson.

Requests for continuances should be made with proper notice, to the Chairperson prior to the meeting.

The hearing will generally proceed as follows:

- (1) Planning Board recommendation read into the record;
- (2) Applicant's case;
- (3) Supporting statements;
- (4) Remonstrants' (objectors') statements;
- (5) Close public hearing;
- (6) Deliberation of Zoning Board and Decision. The Zoning Board reserves the right to question applicant, witnesses and remonstrants during deliberation.

In the event of an expected lengthy and/or complex matter, the Chairperson will determine an appropriate schedule for testimony and submissions.

Five active members shall be necessary to conduct a meeting. The concurring vote of four of the five members of the Board sitting through a hearing shall be required to decide in favor of an applicant on variances and special use permits.

In order to obtain approval of a requested variance or special permit the applicant must meet all standards identified in Section 18-1 of the Zoning Ordinance.

The Zoning Ordinance can be found on the Cumberland RI website at:

<http://cumberlandri.org>

Town Departments

Building

Zoning Book

You can also purchase the Zoning Ordinance in the Public Works/Building Officials' office for a fee of \$15.00.

This is not a summary of Zoning Ordinance requirements. Applicants should consult the Cumberland Zoning Ordinance and Rhode Island General Laws for all requirements for applications, standards, and other important information.

Appeals to Superior Court

An aggrieved party may appeal a decision of the Board to the Superior Court for Providence County by filing a complaint setting forth the reasons of appeal within twenty (20) days after such decision has been filed and posted with the Town Clerk. The decision shall be posted in a location visible to the public in the Town Hall for a period of twenty (20) days following the recording of the decision. The Board shall file the original documents acted upon by it and constituting the record of the case

appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the Clerk of the Court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of the Board shall be made parties to such proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

Tabled or Continuances

Any applicant that has been granted a continuance or tabled will be notified by mail by the Zoning Board.

Cumberland Zoning Board
45 Broad Street, Cumberland, RI 02864

John P. McCoy, Chairman
jmccoy@benjestlaw.com

September 24, 2009

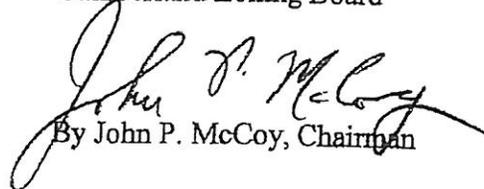
To all applicants:

The Zoning Board's Rules of Procedure, adopted June 13, 2007 provide in Section 3(j) that all written documents that are to be presented by an applicant at a hearing **must be filed with the Zoning Clerk at least 7 days before the hearing.** (emphasis added). In this way, the Clerk will be able to get copies of the documents in the packets sent to the members. The documents may then be reviewed by the members prior to the hearing.

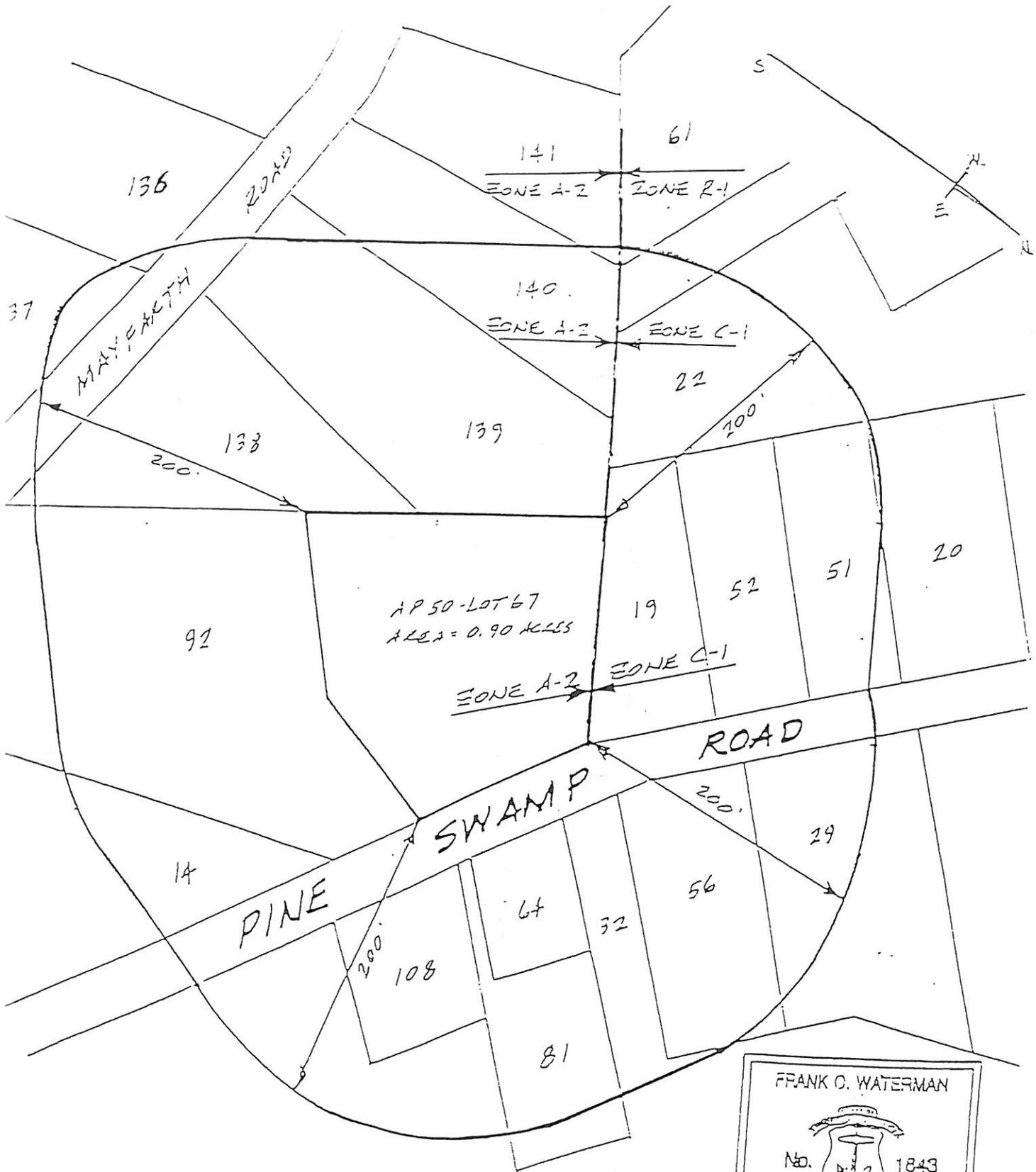
In an effort to be accommodating to applicants, the Board has not always enforced this Rule. However, at a recent hearing, more than one applicant submitted extensive Exhibits, including memoranda of law, none of which were submitted previously. This is not fair to the members; or to the applicant.

Therefore, effective as of this date, unless waived in a particular case, the Board shall refuse to consider written memoranda and statements that are not submitted in accordance with the above Rule. The Zoning Clerk shall give a copy of this letter to all applicants at the time they submit their application so that they are notified of this procedure.

Cumberland Zoning Board


By John P. McCoy, Chairman

SAMPLE ABUTTORS' MAP



DRAWN w/ COMPASS
SCALE 100' = 1"