

Application for a Use Variance from the Zoning Code

Rhode Island General Law §45-24-41 states that “An application for relief from the literal requirements of a zoning ordinance because of hardship may be made by any person, group, agency, or corporation by filing with the zoning enforcement officer or agency an application describing the request and supported by any data and evidence as may be required by the zoning board of review or by the terms of the ordinance.”

There are four criteria that the Zoning Board of Review will take into consideration when reviewing an application for a Use Variance. Please note that all four criteria must be answered. Failure to do so may result in an application being deemed incomplete.

§45-24-41(d)(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(a)(16)”:

The garage existing on the property was constructed in 1967 for automotive service, and has been used in that manner since that time. The location at the busy intersection, together with the adjacent Pawtuxet River limit the ability to safely work in an outdoor setting, creating the need for the proposed garage expansion. The historic use as a gas station and repair shop make the underlying property unmarketable for any alternative use due to the environmental concerns.

§45-24-41(d)(2): “That the hardship is not the result of any prior action of the applicant”:

The garage existing on the property was constructed in 1967 for automotive service, and has been used in that manner since that time. The location at the busy intersection, together with the adjacent Pawtuxet River limit the ability to safely work in an outdoor setting, creating the need for the proposed garage expansion. The historic use as a gas station and repair shop make the underlying property unmarketable for any alternative use due to the environmental concerns.

§45-24-41(d)(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.”:

Permitting expansion of an automobile repair facility is supported by existing conditions in the Town of Coventry. The Comprehensive Plan and the land use plan both identify the location of the property as a location for services depending on vehicular traffic. There are several auto repair facilities located in the GB Zone in close proximity.

§45-24-41(e)(1): "In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance;"

The use of this property for automotive services since 1967 limits its use for any other purpose. The existing garage structure is inadequate to safely sustain the level of repair activity required to operate a repair business on the property. Without the ability to expand the garage space, the property will fail to provide adequate facilities to sustain an automobile service business which is the only type of business suitable for the property even though partial dependant on other half of business across the street.