

Application for a Modification from the Zoning Code

Rhode Island General Law §45-24-46 states that “A zoning ordinance shall provide for the issuance of modifications from the literal dimensional requirements of the zoning ordinance in the instance of the construction, alteration, or structural modification of a structure or lot of record. The zoning enforcement officer is authorized to grant modification permits. The zoning ordinance shall permit modifications that are” [...] “up to twenty-five percent (25%).”

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

§45-24-46(a)(1): “The modification requested is reasonably necessary for the full enjoyment of the permitted use”:

The requested modification is reasonable to allow full enjoyment of the permitted use.

The RIDEM Freshwater Wetland Regulations section 3.7.3(A)2(a)5 requires wetland applicants consider and address whether they have made any attempts (and if so what they were) to avoid alterations to freshwater wetlands, buffers, floodplains, areas subject to flooding or areas subject to storm flowage by overcoming or removing constraints imposed by zoning, infrastructure, parcel size or the like. We are requesting a modification of 2.5-feet from the front setback.

To mitigate the requested 2.5’ of relief, a 6’ tall stockade fence and continuous plantings will be installed along the front property line. The proposed use is by rights.

§45-24-46(a)(2): “If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired”:

The modification of 2.5-feet from the front setback will not substantially injure the neighboring properties or substantially impair their use.

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§45-24-46(a)(3): “The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations”:

The modification requested does not require a variance of a flood zone requirement.

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§45-24-46(a)(4): “The modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands.”

The requested modification does not violate any rules or regulations with respect to freshwater wetlands or coastal wetlands. Wetlands are present and the project will be submitted to RIDEM Freshwater Wetlands for review and approval.

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