

**TOWN OF NORTH SMITHFIELD
ZONING BOARD OF REVIEW**

NOTICE OF APPEAL

Application for an **APPEAL** from a: (check which applies)

Decision of the Zoning/Building Official Decision of the Planning Board

Decision of the Administrative Officer Other Under Section 9.1 of the
Zoning Ordinance.

To the Zoning Board of Review sitting as the Board of Appeal:
c/o Building and Zoning Department Town Annex
575 Smithfield Road
North Smithfield, RI 02896

DATE RECEIVED: _____

Honorable Zoning Board Members:

The undersigned hereby applies to the **BOARD OF APPEAL** (as indicated above) for relief from the application of the provisions or regulations of the zoning ordinance at the following described premises, in the manner and on the grounds hereinafter set forth.

NAMES AND ADDRESSES

Appellant(s): _____ Address: _____

_____ Telephone: _____

FILING INSTRUCTIONS

A. The original of this notice of appeal (including a copy of the decision appealed from) and twelve (12) copies, either typed or legibly printed, must be filed with the Building and Zoning Department.

B. A filing fee in the amount of \$450.00, an advertising fee in the amount of \$125.00 and notification fee of \$.50 per abutter shall accompany a notice of appeal to the

Board of Appeal to cover the costs of processing the application. (checks payable to Town of North Smithfield).

C. The Officer or Planning Board from whom the appeal is taken shall immediately transmit to the Board of Appeal all the papers constituting the record upon which the action appealed from was taken. All documentation that the appellant wishes the Board of Appeal to consider as part of the appeal shall accompany the application. **PLEASE NOTE:** An appeal from a decision of the Planning Board shall be based on the certified record only and the Board of Appeal shall admit no new evidence.

THE PREMISES

1. Location of Premises: _____

(Street Number and Address)

2. (a) Assessor's Plat: _____ (b) Lot(s): _____ (c) Zoning District(s) _____

3. Are you the owner/occupant of the Premises that is the Subject of this appeal? Yes/No

4. What decision are you appealing? _____

5. What was the date of the decision and/or the date of its recording? _____

6. Did you receive, or were you entitled to receive, notice of the proposed subdivision?

Yes/No

If yes, what is the location of your property? Assessor's Plat: _____ Lot(s): _____

7. Please state with specificity where the Officer or the Planning Board erred in rendering the decision under appeal. _____

8. In a separate written statement describe what evidence you plan to rely upon to meet the standards for the granting of the appeal, with particular reference to the factual evidence you will use to support the appropriate standard of review. See Appendix.

The undersigned declares that the information given herein is a true statement to the best of his or her knowledge and belief.

Respectfully submitted,

Print Name:

Signature:

Print Name:

Signature:

Attorney / other: Tel. # _____

Address: _____

Date: _____

APPENDIX

NOTICE: All appeals shall be reviewed at a public hearing, after advertisement in a newspaper of general circulation in the town at least fourteen (14) days prior to the date of the hearing. Notice of the hearing, which shall include the street address of the subject property, shall be sent by first class mail, postage prepaid, to the Appellant and to owners of land within 200 feet of the property. The cost of any notice required for the hearing shall be charged to the Appellant. R.I. Gen. Laws § 45-24-66.

VOTE: The concurring vote of three (3) of the five (5) members of the Board of Appeal sitting at a hearing is necessary to reverse any decision of the Zoning Officer, Planning Board or Administrative Officer. R.I. Gen. Laws § 45-24-57.

APPEALS OF A PLANNING BOARD OR ADMINISTRATIVE OFFICER'S DECISION

PROCESS: An appeal of a Planning Board or Administrative Officer's decision shall take place at a special meeting of the Board of Appeal separate from the regular Zoning Board agenda. If the Board of Appeal overturns a decision of the Planning Board or Administrative Officer, the proposed project application is remanded to the Planning Board or Administrative Officer, at the stage of processing from which the appeal was taken, for further proceedings before the Planning Board or Administrative Officer and/or for the final disposition, which shall be consistent with the Board of Appeal's decision. R.I. Gen. Laws § 45-23-70.

STANDARD OF REVIEW: "The Board of Appeal shall not substitute its own judgment for that of the Planning Board or the Administrative Officer but must consider the issue upon the findings and record of the Planning Board or Administrative Officer. The Board of Appeal shall not reverse a decision of the Planning Board or Administrative Officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record." R.I. Gen. Laws § 45-23-70.

APPEALS OF A ZONING OFFICER'S DECISION PROCESS: An appeal of a Zoning Officer's decision may take place at either a special meeting of the Board of Appeal or in conjunction with the regular Zoning Board agenda. The Board of Appeals 'stands in the shoes' of the Zoning Officer. As such, the Board of Appeal "may reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make any orders, requirements, decisions, or determinations that ought to be made." R.I. Gen. Laws § 45-24-68.

STANDARD OF REVIEW: Appellants will be asked to prove to the Board of Appeals that the Zoning Officer erred in rendering their decision.

