

STATE OF RHODE ISLAND PROVIDENCE

CITY OF EAST

COUNTY OF PROVIDENCE MINUTES

ZONING BOARD OF REVIEW

A meeting of the East Providence Zoning Board of Review was held at 6:00P.M., on Wednesday, **12 February 2020**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice-Chairman

Pier-Mari Toledo

John Braga – **ABSENT**

Richard Croke, Sr.

Gary Pascoa – 1st Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor

Dylan Conley – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

Chairman Saveory announces that it is the policy of the Zoning Board of Review to caution all petitioners that they have the right to counsel before the Board and failure to do so at this time does not constitute sufficient grounds for a change in circumstances under the eighteen-month repetitive petition clause. All petitioners are also cautioned that if the petition is approved, all construction must be done in compliance with the submitted plan(s), application and testimony presented to the Zoning Board of Review. A change of any sought must obtain the requisite approval of the Zoning Board of Review. All work that deviates from the approval will be ordered halted and promptly removed. Comments will be limited to the petition being heard and no comments will be heard that do not pertain to an item scheduled on tonight's docket. He also notes that it is the policy of the Board that no new agenda item will be heard after 10:30 PM.

Chairman Saveory also notes that the Board welcomes any commentary from the public provided it solely pertains to an item on tonight's docket.

A. Swearing in of the Zoning Officer

Chairman Saveory asks **City Solicitor Michael Marcello** to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory informs the public that **Mr. Braga** is absent and **Mr. Pascoa, 1st Alternate**, will be a participating and voting member tonight.

III. APPROVAL OF ZONING BOARD MINUTES

A. Chairman Saveory asks for approval of the **15 January 2020**, Zoning Board of Review Minutes. **Motion** by **Mr. Croke** to approve the **15 January 2020**, Zoning Board of Review Minutes. The motion is **Seconded** by **Ms. Toledo** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

The Zoning Officer, Edward Pimentel announces that there is nothing to report.

V. CORRESPONDENCE / DISCUSSION

A. Joseph Paiva, 501 Warren Avenue, request for a six-month extension on approval.

Attorney Bruce Cox with offices located at 1481 Wampanoag Trail, East Providence, RI is representing the petitioner.

Attorney Cox explains to the board that one of the driveways needs to be closed off but the petitioner needs a

DOT permit. The application for the permit has been filed but is requesting the extension to be on the safe side as to not to wait for the last minute.

Motion by Mr. Croke to approve the six-month extension, the motion is Seconded by Ms. Toledo and Unanimously approved.

Chairman Saveory requests that the petitions **for 0 Fisher Street** be heard last since the case may be lengthier than the other petitions on the docket.

Motion by Mr. Croke to move 0 Fisher Street to last on the docket, the motion is Seconded by Ms. Toledo and Unanimously approved.

VI. STAFF REPORTS

A. Planning Department Staff Report – 17 February 2020 - Previously Submitted

VII. CONTINUED BUSINESS

1A. Petition No. 6761 - S & D REALTY, requests a **use variance** to construct a multi-unit residential facility (12-units in total), the referenced land use being a prohibited land use in the Residential 3 District, for property located at **0 FISHER STREET, being MAP 207, BLOCK 27, PARCEL 9, in a RESIDENTIAL 3 DISTRICT.**

Attorney Bruce Cox with offices located at 1481 Wampanoag Trail, East Providence, RI is representing the petitioner.

Attorney Cox explains to the board that originally a 12 unit apartment building was proposed that will be owned & managed by S & D Realty. This building will be 3 story building and will be 34.8 in height. But now S & D Realty decided to decrease the amount of units from 12 to 8 one bedroom units and still have 4 units handicap accessible. This will eliminate an entire floor so the building will only be 2 stories. **Attorney Cox** does note that the grading of the site will be lower than average and wishes more of the neighbors came and approached him and his clients.

Steve Dipilitto, co-owner of the property, is properly sworn in.

Mr. Dipilitto notes that some people don't like change and currently does own 2 rental properties in East Providence.

Mr. Dipilitto mentions to the board that he has created a landscaping plan to keep privacy for the neighbors and that this project would create thousands of tax dollars. **Mr. Dipilitto** continues to mention that this apartment complex will be good for seniors and millennials and that the planning board didn't look at the whole picture.

Attorney Cox inquires to **Mr. Dipilitto** how the grade on the site works and why is the proposed parking where it is.

Mr. Dipilitto explains that the property will be lowered 3-4 ft. and the parking is located to purposely be away from the neighborhood. The apartment complex would be fully sprinkled in case of a fire and will be adding a fire hydrant at the entrance of the property.

Attorney Cox believes that the situation has been altered significantly but didn't have much of a chance to speak to the neighbors. **Attorney Cox** also believes that this will be a nice and functioning building.

Mr. Croke notes that in a R3 zone that a 12 unit apartment building isn't allowed.

Attorney Cox answers yes that it is correct, but is currently asking for 8 units and that is why they are here today asking for the variance.

Mr. Croke notes that this looks like a possible encroachment.

Richard Lipsitz of Waterman Engineering with offices located at 46 Sutton Ave East Providence, RI is properly sworn in.

Mr. Lipsitz explains that they tried looking for different situations and explains that if there was a single family home proposed it would be exactly the same. **Mr. Lipsitz** notes this way there is no traffic lights from cars that would affect the neighbors.

Mr. Croke inquires if they can confirm that the parking will be contained.

Mr. Lipsitz answers yes, especially after eliminating the other 4 units.

Mr. Croke expresses concerns over flooding of the golf course.

Mr. Lipsitz explains that there is currently some run off into the golf course and they are allowed to maintain that same amount of run off.

Mr. Croke inquires the current width of the roadway.

Mr. Lipsitz answers about 24-30ft. per the planning board's memo.

Ms. Toledo has no questions but does have comments, **Ms. Toledo** believes that this is an inappropriate area for that building. **Ms. Toledo** explains that 8 one bedroom units are not helping those in need, maybe two bedroom apartments would. **Ms. Toledo** expresses she would rather see single family homes in that area.

Vice Chairman Beauparlant inquires if the plan for the shrubs/landscaping was submitted, he wants to see the buffering for the neighbors. **Vice Chairman Beauparlant** explains that this is a tough burden to pass and inquires if the petitioners did any marketing or anything like that.

Attorney Cox answers no, the petitioners recently purchased the property with this proposal in mind. The petitioners believe that this was more beneficial.

Mr. Pascoa has no questions at this time.

Chairman Saveory inquires about the entrance of the property from developments, there will be 40ft. dedications. Going down Fisher Street and up Seth Street are only 30ft. **Chairman Saveory** explains that he did a plot check of the property and the houses in the neighborhood range from being built 1945-1960 and notes that this neighborhood is almost hidden away. **Chairman Saveory** worked his way around the property and worked his way from the main entrance to the nursing home parking lot and inquires if there will be any retaining for the neighbors if the road is built.

Mr. Lipsitz answers yes and it will be angled.

Chairman Saveory notes that the land goes down to Metacomet golf club and a wetlands area, he expresses his concerns about water run off to the neighboring homes since they are downhill and inquires if there will be a retention area.

Mr. Lipsitz answers yes it will be a retention swale and would be required by City engineers. **Mr. Lipsitz** includes that this would even have to be done if there were several single families, one single family, etc on the lot.

Chairman Saveory explains that he is concerned about the current means of egress, which is going through Fisher Street or Seth Street. If the egress came from South Broadway, he probably wouldn't have the same concerns.

Chairman Saveory explains that this is an older neighborhood that pre-dates zoning and doesn't have a standard size street there. It will be a commercial facility in a residential area, and inquires how many single families could fit on this lot.

Attorney Cox explains that about 3 small lots could be made up.

Chairman Saveory has concerns about a more transient style of housing and that this will change the character of the neighborhood.

Chairman Saveory inquires if there is anyone present who would like to speak in favor of the subject petition. Hearing and seeing none, **Chairman Saveory** inquires if there is anyone present who would like to speak against the subject petition.

Karen Setzer of 15 Seth Street East Providence, RI 02914 is properly sworn in.

Ms. Setzer explains to the board that she already has to see the nursing home and does not want to look at another building. **Ms. Setzer** is also opposed to the potential traffic this could cause.

Michael Desmarais of 9 Seth Street East Providence, RI 02914 is properly sworn in.

Mr. Desmarais explains to the board that he has been there since 2003 and is even against having 2-3 single family homes in that area due to traffic concerns. Since the road is small there are already issues with emergency vehicles and has concerns about wildlife in the neighborhood.

Ahmed Farhane of 27 Fisher Street East Providence, RI 02914 is properly sworn in.

Mr. Farhane hashis daughter speak to the board

Mr. Farhane's daughter explains to the board that it will be too hard for her to ride her bike in the street since there will be too much traffic. She also has concerns about animals in the area and that they will be chased away.

Mary Leonard of 20 Fisher Street East Providence, RI 02914 is properly sworn in.

Ms. Leonard has been in the neighborhood for 22 years and the neighborhood is currently quiet. **Ms. Leonard** believes that the traffic will be insane and shares concerns regarding children's safety and emergency vehicle traffic. **Ms. Leonard** doesn't even want to see a single family home on the lot.

Greg Olsen of 15 Fisher Street East Providence, RI 02914 is properly sworn in.

Mr. Olsen explains that this is a nice tight knit community and would be okay with a few single families on the lot but believes there are reasons for variances.

Jeff Machado of 14 Seth Street East Providence, RI 02914 is properly sworn in.

Mr. Machado explains that he has lived in his house for over 65 years, it was originally his parent's house. **Mr. Machado** understands that something needs to be done with the property and is okay with the 3 single family homes. **Mr. Machado** believes that the 12 units is just a way to make money.

Anthony DeJesus Jr. of 7 Fisher Street East Providence, RI 02914 is properly sworn in.

Mr. DeJesus explains that he has been in his house for 18 years and the neighborhood is all single family houses and adding a few more would be consistent with the area.

Tracey McGowan of 37 Fisher Street East Providence, RI 02914 is properly sworn in.

Ms. McGowan explains that she lives closest to where the building will be, and it does look lovely but wouldn't be lovely in this neighborhood. Also shares concerns about children playing outside.

Richard Vaughn of 26 Fisher Street East Providence, RI 02914 is properly sworn in.

Mr. Vaughn believes that progress is good but shares concerns about children playing outside.

Ellen Lowell of 21 Fisher Street East Providence, RI 02914 is properly sworn in.

Ms. Lowell explains to the board that she created a petition that has been signed by all the neighbors not wanting this apartment complex. **Ms. Lowell** believes that the neighborhood will be disrupted by this and has concerns about snow vehicles and emergency vehicles.

Councilwoman Anna Sousa of 109 Summit Street East Providence, RI 02914 is properly sworn in.

Councilwoman Sousa explains that she has had multiple months of dialogue between herself and the neighbors. **Councilwoman Sousa** believes the design is beautiful but the location is not appropriate, all the reasons why have already been mentioned. **Councilwoman Sousa** notes that the street is very narrow and has the feel of a cu-de-sac and a house or two built on the lot would not be an issue. She also shares the same concerns with wildlife in the area.

Councilman At-Large Bob Rodericks of 70 Plum Rd Riverside, RI 02915 is properly sworn in.

Councilman Rodericks opposes the project and believes that this is not an appropriate area for it. He also agrees that a few houses on the lot would be better.

Attorney Cox would like to approach some of the comments made, traffic would not be less with a series of small houses, the fire department would be able to have enough road to turn around if the new road will be built and the petitioners felt that this would fit in since it will be next to the nursing home. The petitioners will like to withdraw this petition without prejudice and come back with a new proposal.

Request to withdraw this petition without prejudice is granted.

1B. Petition No. 6762 - S & D REALTY, requests a dimensional variance to construct a multi-unit residential facility (12-units in total), thereferenced facility exceeding the maximum height limit, failing to meet the minimum lot density, failing to provide sufficient off-street, and failing to comply with requisite setbacks (side and rear), for property located at **0 FISHER STREET, being MAP 207, BLOCK 27, PARCEL 9, in a RESIDENTIAL 3 DISTRICT.**

Attorney Cox explains that the petitioners will like to withdraw this petition without prejudice and come back with a new proposal.

Request to withdraw this petition without prejudice is granted.

VIII. NEW BUSINESS

1. Petition No. 6765 - CHRISTOPHER L. SMITH, requests a **special use permit** to introduce a deck, being associated with a second-floor unit (three-units in total), otherwise defined as an intensification of a non-conforming land use, for property located at **228 TAUNTON AVENUE, being MAP 206, BLOCK 15, PARCEL 8, in a COMMERCIAL 3 DISTRICT.**

Attorney William C. Maiaa with offices located at 349 Warren Avenue, East Providence, RI is representing the petitioner.

Attorney Maiaa explains that there's an error that states that the lot size is 100x100 but it is actually 50x100, he apologizes for any confusion. **Attorney Maiaa** continues to say that he has packets regarding the property prepared to pass out to board members

Motion by Mr. Croke to accept the packets as exhibit A with attachments, the motion is Seconded by Ms. Toledo.

Attorney Maiaa has his client, **Christopher Smith** approach the board as a witness.

Christopher Smith of 228 Taunton Avenue is properly sworn in.

Mr. Smith explains to the board that he approached most of his abutters and received their signatures stating that they had no issues with the proposed work. **Mr. Smith** explains to the board that the deck he would like to build a 4x7 would be facing the parking lot of his own property. Mr. Smith assures that he will try to protect the privacy of his neighbors.

Mr. Smith also includes that he has never asked the board for permission for anything in the past

Attorney Maiaa explains that in Exhibit 1 paragraph E explains how **Mr. Smith** qualifies to be approved for the special use permit.

Mr. Croke inquires if the deck will be on the back of the house.

Mr. Smith answers yes.

Mr. Croke notes that there is a storage container on the property and inquires how long it will stay there.

Mr. Smith admits he had no plans for it, he is just using it to store supplies for his business.

Mr. Croke inquires if **Mr. Smith** is running a business out of the property.

Mr. Smith admits yes that it is a plumbing/heating business.

Mr. Croke explains that the container should be 5ft from the fence line to comply with zoning.

Mr. Smith explains he was not aware and will work on moving the container.

Zoning Officer does notes that the container is not mentioned on the plans and is technically not allowed.

Attorney Maiaa explains that they will definitely move the container.

Ms. Toledo has no questions at this time.

Vice Chairman Beauparlant inquires if **Mr. Smith** resides at this address.

Mr. Smith answers yes.

Vice Chairman Beauparlant confirms that there will only be one deck and it will only be coming out 4ft.

Mr. Smith answers yes.

Vice Chairman Beauparlant inquires if the deck will be off of his unit.

Mr. Smith answers no, it will be for the 2nd floor unit. **Mr. Smith** explains that way it is easier for tenants to move

furniture in and out and to hopefully cause less damage.

Mr. Pascoa has no questions at this time.

Chairman Saveory doesn't see any issues with the proposed work.

Chairman Saveory inquires if there is anyone present who would like to speak in favor of the subject petition. Hearing and seeing none, **Chairman Saveory** inquires if there is anyone present who would like to speak against the subject petition. Hearing and seeing none, **Chairman Saveory** queries the Board for a motion.

Motion by Mr. Croke, based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

1. That the use is compatible with neighboring land uses.
2. The use does not create a nuisance in the neighborhood.
3. That the use does not hinder the future development of the City.
4. That the use conforms to all applicable sections of the special use requested.
5. That the use is in conformance with the purpose and intent of the East Providence Comprehensive Plan and applicable standards of this Chapter.

Mr. Croke moves that the special use permit be **Granted** subject to the petitioner fulfilling the following conditions:

Petitioner(s) obtaining any, and all, necessary permits.

The container on the property must be either removed or moved to meet the setback requirement.

Chairman Saveory asks **Mr. Smith** if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Mr. Smith** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Ms. Toledo & Vice Chairman Beauparlant

Roll Call Vote	The board notes that the deck will in the
Mr. Croke – Aye	rear of the property facing the lot and will
Vice Chairman Beauparlant – Aye	not be a privacy issue to the abutters. The
Ms. Toledo – Aye	board believes that this will have minimum
Mr. Pascoa – Aye	impact to the neighborhood.
Chairman Saveory – Aye	

Special Use Permit unanimously granted, subject to the aforementioned condition(s).

2. Petition No. 6766 - DAVID RODERICK., requests **dimensional variances** to introduce an accessory rear-yard shed as well as convert the present garage to living space, resulting in failing to comply with the minimum side-yard setback requirement, as well as exceeding both the minimum building coverage and impervious lot coverage requirements, for property located at **44 FAIRFIELD AVENUE, being MAP 309, BLOCK 12, PARCEL 7, in a RESIDENTIAL3 DISTRICT.**

Ms. Toledo inquires about the proposed window on the left side, there is currently no window on that side and wonders if **Mr. Roderick** spoke with his neighbor.

Mr. Roderick answers yes, he has spoken with that neighbor and there are no concerns.

Ms. Toledo just wants to clarify that there will be a full bathroom, a closet but no kitchen/cooking area.

Mr. Roderick answer yes and that there will be no appliances other than a fridge. The bedroom, bathroom and living space will all be handicap accessible.

Ms. Toledo understands the need for the proposed shed since there will no longer be a garage to use for storage, but notes that the planning board questioned the size of the proposed shed. **Ms. Toledo** expresses her concerns that

introducing a larger shed could cause drainage and impervious coverage issues and inquires if **Mr. Roderick** would be willing to reduce the size of the shed.

Mr. Roderick explains that shed has already been purchased and delivered and has been waiting to be built.

Ms. Toledo inquires if there were any other future plans for the property.

Mr. Roderick explains that the only thought is of a possible makeover of the front of the home but no other growth of the footprint. **Mr. Roderick** also includes that water hasn't been an issue for his property.

Vice Chairman Beauparlant is reviewing the plans and inquires about what looks like impervious coverage.

Mr. Roderick believes that is it the concrete slab and the non-raised deck on his property.

Vice Chairman Beauparlant notes about the same proposed window on the left side.

Mr. Roderick says that if the board does not like that window it doesn't have to be installed.

Mr. Pascoa has no questions at this time.

Mr. Croke inquires about proposing a 2nd shed.

Mr. Roderick clarifies that there is no shed currently, he has already purchased one shed and is waiting for the board's approval but it is not constructed. It's only listed on the plans as a proposed area.

Mr. Croke notes that work has already started on the property since the garage door has already been removed and plywood has been installed. **Mr. Croke** mentions that a variance was received for this property a few years ago.

Mr. Roderick explains that the project started and he had applied for the building permit but he didn't know that converting garage to living space would've caused a zoning issue. **Mr. Roderick** explains that the project has been on hold since October because they stopped once they were told to stop by zoning. **Mr. Roderick** explains that his father has been currently in a nursing home for past 5 months and he has spent about \$25,000 for the nursing home and he would like to get the project back on track to bring his father home.

Chairman Saveory notes he saw construction items and other things on the side of the home.

Mr. Roderick explains that it is only there until shed is built.

Chairman Saveory has no other questions at this time.

Vice Chairman Beauparlant inquires if the shed will be at least 5ft from property lines.

Mr. Roderick answers yes.

Vice Chairman Beauparlant inquires if the neighbors have any issues with the shed.

Mr. Roderick answers no, the neighbors do not have an issue and they shouldn't have an issue since most of his neighbor's sheds are only 3ft. from the property lines.

Chairman Saveory inquires if there is anyone present who would like to speak in favor of the subject petition. Hearing and seeing none, **Chairman Saveory** inquires if there is anyone present who would like to speak against the subject petition. Hearing and seeing none, **Chairman Saveory** queries the Board for a motion.

Motion by Ms. Toledo based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

1. 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 not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in RIGL 45-24-30(16).
2. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
3. The granting of the requested variances will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.
4. That the relief to be granted is the least relief necessary.

Ms. Toledo hereby further finds pursuant to Section 19-45(b) of the City of East Providence Zoning Ordinance:

5. In granting the dimensional variances, that the hardship that will be suffered by the owner of the subject property if the dimensional variances are not granted shall amount to more than a mere inconvenience.

Ms. Toledo moves that the dimensional variances be **Granted** subject to the petitioner fulfilling the following conditions:

1. Petitioner(s) obtaining any, and all, necessary permits.

Chairman Saveory asks **Mr. Roderick** if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Mr. Roderick** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Ms. Toledo – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board understands that the lot pre-dates zoning and is a smaller lot. The board feels that this will not alter the characteristic of the neighborhood and most of these issues were pre-existing.

Dimensional variances unanimously granted, subject to the aforementioned condition(s).

3. Petition No. 6767 - RIANNA REALTY LLC, requests a **dimensional variance** to entirely remodel the present KFC restaurant operation on Taunton Avenue, resulting in several deviations to include: excessive impervious lot coverage, deficient off-street parking and off-street loading, and excessive signage, for property located at **797 TAUNTON AVENUE, being MAP 506, BLOCK 1, PARCEL 4, in a COMMERCIAL 4 DISTRICT.**

Zoning Officer explains to the board that this is the KFC restaurant on Taunton Avenue, the petitioner just recently purchased the franchise and is currently not handicap accessible.

Attorney Timothy Kane with offices located at 627 Putnam Pike Smithfield, RI is

representing the petitioner.

Attorney Kane explains to the board that his client has been the owner since 2016 and owns 9 other KFC restaurants and at this particular location there are 17 employees. **Attorney Kane** continues to mention that the petitioner is looking to make signage upgrades, exterior upgrades, and making the building handicap accessible since this is the oldest looking restaurant that the petitioner owns. **Attorney Kane** stresses the fact that corporate offices for KFC are also pushing for these upgrades since they are looking for a better experience for their customers. **Attorney Kane** notes that the lot is long and narrow and is sandwiched between two car dealerships in a C4 zone.

Robert Rianna, the owner of this KFC location, is properly sworn in.

Mr. Croke inquires about on street loading for deliveries.

Mr. Rianna explains that there are only two main deliveries a week and they are overnight deliveries arriving between 3am-7am and they pull into the parking lot of the restaurant.

Mr. Croke notes the increase of signage and believes that overall it's too much. **Mr. Croke** inquires if it can be scaled back and specifically notes about the signage along the side of the building.

Mr. Rianna explains that currently this is what corporate wants to see and it will be difficult to see from the street anyways due to the building being located between the car dealerships.

Mr. Croke explains that it is visible from the street and inquires about the promotional signs in the window.

Attorney Kane responds that the window signs are only promotional and temporary and explains that if progress is not made at this location corporate wants the restaurant moved to Seekonk or Swansea and believes that the city would not want a vacant building.

Mr. Croke explains that the board has regulations to follow and believes that the proposed plan would make the building look like a circus with the red and white paint. **Mr. Croke** also notes about the reduced parking.

Attorney Kane explains that they are only required to have 1 handicap parking spot but will put in 2 handicap spots and will have 15 regular parking spots but are required to have 17.

Ms. Toledo believes that the building will look loud but understands that corporate dictates what the building should look like. **Ms. Toledo** inquires if the business is majority drive thru take out.

Attorney Kane answers yes about 60% of business is drive thru based.

Vice Chairman Beauparlant inquires about the front signage being changed.

Attorney Kane explains that the face will be changed but not the size of the sign.

Vice Chairman Beauparlant explains that he does not have an issue with the look since it appears to be the new look for KFC.

Mr. Pascoa has no questions at this time.

Chairman Saveory notes that this KFC has always been in that location and believes that since it's in such a commercial area that it won't be too much. **Chairman Saveory** explains that the car dealerships can have balloons and other distracting things to promote their business and does recognize that corporate cannot be this naïve about cities and town's ordinances.

Mr. Rianna explains to the board that this remodel is needed since it is the lowest performing of all his stores.

Chairman Saveory inquires if there is anyone present who would like to speak in favor of the subject petition.

Councilman At-Large Bob Rodericks of 70 Plum Rd Riverside, RI 02915 is properly sworn in.

Councilman Roderick explains that he strongly supports this remodel and agrees with **Chairman Saveory** about the car dealerships.

Councilwoman Anna Sousa of 109 Summit Street East Providence, RI 02914 is properly sworn in.

Councilwoman Sousa commends **Mr. Rianna** for purchasing the restaurant and is pleased to hear the delivery times to avoid creating more traffic on Taunton Avenue, the two handicap parking spots and that this is not impeding residential areas and for these reasons Councilwoman Sousa supports this variance.

Chairman Saveory inquires if there is anyone present who would like to speak against the subject petition. Hearing and seeing none, **Chairman Saveory** queries the Board for a motion.

Motion by Mr. Croke based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

1. 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 not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in RIGL 45-24-30(16).
2. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
3. The granting of the requested variances will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.
4. That the relief to be granted is the least relief necessary.

Mr. Croke hereby further finds pursuant to Section 19-45(b) of the City of East Providence Zoning Ordinance:

5. In granting the dimensional variances, that the hardship that will be suffered by the owner of the subject property if the dimensional variances are not granted shall amount to more than a mere inconvenience.

Mr. Croke moves that the dimensional variances be **Granted** subject to the petitioner fulfilling the following conditions:

1. Petitioner(s) obtaining any, and all, necessary permits.

Chairman Saveory asks **Mr. Rianna** if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Mr. Rianna** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Ms. Toledo

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Ms. Toledo – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board understands that the lot pre-dates zoning and is an odd shaped lot. The board also understands that coloring is not considered to be signage in the ordinance. The board is happy with this upgrade.

Dimensional variances unanimously granted, subject to the aforementioned condition(s).

IX. PROCEDURES

A. Approval of new 'Motion Form.'

a. Continued until 4 March 2020 for Mr. Braga to approve the form.

X. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday, 4 March 2020 at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XI. ADJOURNMENT

Motion to adjourn by Vice Chairman Beauparlant. The motion is **Seconded** by **Ms. Toledo** and **Unanimously** voted to adjourn. Meeting is adjourned.

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary