STATE OF RHODE ISLAND PROVIDENCE

CITYOF EAST

COUNTYOF PROVIDENCE **ZONINGBOARD OF REVIEW**

MINUTES

A special meeting of the East Providence Zoning Board of Review washeld at 6:00 P.M., on Monday**, 13 July 2020**, in theCity Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

MichaelBeauparlant – Vice-Chairman

Pier-MariToledo – **ABSENT**

JohnBraga

RichardCroke, Sr.

GaryPascoa – 1st Alternate

EdwardPimentel – Zoning Officer / Clerk

MichaelMarcello – City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

Chairman Saveory announces that it is the policy of the Zoning Board ofReview to caution all petitioners that they have the right to counsel beforethe Board and failure to do so at this time does not constitute sufficientgrounds for a change in circumstances under the eighteen-month repetitivepetition clause. All petitioners arealso cautioned that if the petition is approved, all construction must be donein compliance with the submitted plan(s), application and testimony presentedto the Zoning Board of Review. A changeof 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 promptlyremoved. Comments will be limited to thepetition being heard and no comments will be heard that do not pertain to anitem scheduled on tonight's docket. Healso notes that it is the policy of the Board that no new agenda item will beheard after 10:30 PM.

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

A.Swearing in of the Zoning Officer

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

II.SEATING OF ALTERNATE MEMBERS

Chairman Saveoryinforms the public that **Ms. Toledo** is absent and **Mr. Pascoa, 1st Alternate**, will be a participating and voting membertonight.

III. APPROVAL OFZONING BOARD MINUTES

Chairman Saveory announces that thereare no minutes to be approved.

IV.ZONING OFFICER'S REPORT

TheZoning Officer, Edward Pimentel announces that thereis nothing to report.

V. CORRESPONDENCE / DISCUSSION

Chairman Saveory announces that thereare no correspondence or discussions.

VI. STAFF REPORTS

A.Planning Department Staff Report– 8 July 2020 - Previously Submitted

B. June 2020 - ZoningComplaint List – Previously Submitted

VII.CONTINUED BUSINESS

Chairman Saveory announces that thereis no continued business.

VIII. NEW BUSINESS

1A. Petition No. 6766 - KIMBERLY A.STARKS-MELLO, requests a **special usepermit** to intensify a pre-existing legal non-conforming land use byconstructing additions onto two (2) distinct single-family residences situatedon a singular parcel, for property located at **117 PROVIDENCE AVENUE, being MAP 412, BLOCK 30, PARCEL 16, in aRESIDENTIAL 4 DISTRICT.**

Kimberly Starks-Mello of 117 Providence AveRiverside, RI is properly sworn in.

Zoning Officer, Mr. Pimentel explains to the board thatthis petition was heard by the board before back in 2018. However, due toissues with building permits and other obstacles too much time had passed and **Ms. Starks-Mello** had to come backbefore the board. During the process several neighbors expressed concerns andthe petitioner had agreed to certain conditions**. Mr. Pimentel explains that Ms. Starks-Mello** is still willing toabide by those conditions.

Mr. Croke inquires if both properties will remain singlefamilies.

Ms. Starks-Mello answers yes.

Mr. Croke inquires if **Ms. Starks-Mello** will be adding a garage.

Ms. Starks-Mello answers yes.

Mr. Croke has no further questions.

Mr. Braga explains that he was not present when thispetition was first heard by the board and inquires if **Ms. Starks-Mello** is asking for the same exact relief including allthe stipulations.

Ms. Starks-Mello answers yes that is correct.

Mr. Braga has no further questions.

Mr. Pascoa has no questions at this time.

Vice Chairman Beauparlant explains that if all the sameconditions are applied than he has no concerns with the petition.

Chairman Saveory apologizes for the delay ofhearing this petition but due to Covid-19, precautions had to be made.

Chairman Saveory also explains that hehas no concerns if all of the same conditions are applied.

Mr. Pimentel went into the lobby and outside ofthe building to see if there was anyone willing to speak in favor or againstthis petition and there were none. There was also no written correspondenceregarding this petition.

Chairman Saveory queries the Board fora motion.

Motion by **Mr. Croke**, based on allthe evidence and testimony presented to the Zoning Board of Review and thepersonal knowledge of the members of the Board of the land and area of the Cityof East Providence, the Zoning Board hereby finds:

1.Thatthe use is compatible with neighboring land uses.

2.Theuse does not create a nuisance in the neighborhood.

3.Thatthe use does not hinder the future development of the City.

4.Thatthe use conforms to all applicable sections of the special use requested.

5.Thatthe use is in conformance with the purpose and intent of the East ProvidenceComprehensive 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 properties must remain single family dwellings.

Modifications to the rear single family as reflected in the revised elevation plan modified during the respective hearing and designated as the Applicant's Exhibit 1 from the planning board.

Submission of a clean elevation plan, reflecting the agreed to for the rear single family dwelling.

Compliance with submitted site plan.

ChairmanSaveoryasks **Ms. Starks-Mello** if she acceptsthe conditions of approval just stipulated, understanding that

strictcompliance means that any deviation will necessitate revisiting the ZoningBoard of Review; said revisit may be requested by either the Zoning Officer orany member of the Zoning Board of Review. **Ms.Starks-Mello** responds that she fully understands and accept the conditionsjust stipulated.

Motionis Seconded by**Mr. Braga**

RollCall Vote The board had already heard and approved this petition

Mr.Croke – Aye and they believe thatthe conditions put into place are fair.

Mr.Pascoa – Aye

Mr.Braga - Aye

ViceChairman Beauparlant– Aye

Chairman Saveory –Aye

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

1B. Petition No. 6767 - KIMBERLY A.STARKS-MELLO, requests a **dimensionalvariance** to construct additions onto two (2) distinct single-familyresidences without complying with requisite front and rear-yard setbacks,accessory side-yard setback, and provision of sufficient off-street parking,for property located at **117 PROVIDENCEAVENUE, being MAP 412, BLOCK 30, PARCEL 16, in a RESIDENTIAL 4 DISTRICT.**

ChairmanSaveoryqueries the Board for a motion.

Motionby **Mr. Croke,** based on all the evidenceand testimony presented to the Zoning Board of Review and the personalknowledge of the members of the Board of the land and area of the City of EastProvidence, the Zoning Board hereby finds:

1. Thehardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).

2. The hardship is not the result of any prioraction of the applicant and does not result primarily from the desire of theapplicant to realize greater financial gain.

3. The granting of the requested variances willnot alter the general character of the surrounding area or impair the intent orpurpose of this chapter or the city's comprehensive plan upon which thischapter is based.

4. That the relief to be granted is theleast relief necessary.

Mr. Croke hereby further findspursuant 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 ifthe dimensional variances are not granted shall amount to more than a mereinconvenience.

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

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

2.Bothproperties must remain single family dwellings.

3.Allprevious conditions of approval stay into effect.

ChairmanSaveoryasks **Ms. Starks-Mello** if she acceptsthe conditions of approval just stipulated, understanding that strictcompliance means that any deviation will necessitate revisiting the ZoningBoard of Review; said revisit may be requested by either the Zoning Officer orany member of the Zoning Board of Review. **Ms.Starks-Mello** responds that she fully understands and accept the conditionsjust stipulated.

Motionis Seconded by**Mr. Braga**

RollCall Vote The board had already heard and approved this petition

Mr.Croke – Aye and believes that theconditions put into place are fair.

Mr.Pascoa – Aye

Mr.Braga - Aye

ViceChairman Beauparlant– Aye

ChairmanSaveory –Aye

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

2. Petition No. 6777 - SCOTT andKATIE BEER, request a **dimensionalvariance** to construct an addition onto a single-family residence, withoutcomplying with the minimum front-yard setback requirement, for property locatedat **8 LAKESIDE CIRCLE, being MAP 411,BLOCK 5, PARCEL 14, in a RESIDENTIAL 3 DISTRICT.**

Katie Beer of 8 Lakeside Cir. Riverside, RI isproperly sworn in.

Mike Salois with offices located at 290 WinthropStreet Rehoboth, MA is properly sworn in.

Mr. Salois explains to the board that he is thecontractor for the project and that the petitioner's would like to build a10ft.x 22ft. addition to the front of their house due to the fact that theirfamily is growing and they need more room. The purposed addition will notcomply with the front yard setback which is why they are here today.

Mr. Croke inquires if the house is on a dead end street.

Ms. Beer answers that it is on a cul-de-sac.

Mr. Croke notes that there is a portable garage, acamper and a few vehicles in the driveway and inquires if there will still beadequate off street parking if the addition is built.

Ms. Beer answers yes.

Mr. Croke has no further questions.

Mr. Braga notes that the relief requested is only 3ft.and since the property is on a cul-de-sac this appears to be a minimal varianceand has no questions at this time.

Mr. Pascoa notes that the survey does not reflect theshed.

Mr. Salois isn't sure about why but will be doing anas-built.

Vice Chairman Beauparlant notes that there is plenty ofspace for this addition and has no concerns.

Chairman Saveory explains that he also has no concerns.

Mr. Pimentel asks that the as-built notes the building andimpervious coverage of the property.

Mr. Pimentel went into the lobby and outside ofthe building to see if there was anyone willing to speak in favor or againstthis petition and there were none. There was also no written correspondenceregarding this petition.

ChairmanSaveoryqueries the Board for a motion.

Motionby **Mr. Croke,** based on all the evidenceand testimony presented to the Zoning Board of Review and the personalknowledge of the members of the Board of the land and area of the City of EastProvidence, the Zoning Board hereby finds:

1. Thehardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).

2. The hardship is not the result of any prioraction of the applicant and does not result primarily from the desire of theapplicant to realize greater financial gain.

3. The granting of the requested variances willnot alter the general character of the surrounding area or impair the intent orpurpose of this chapter or the city's comprehensive plan upon which thischapter is based.

4. That the relief to be granted is theleast relief necessary.

Mr. Croke hereby further findspursuant 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 ifthe dimensional variances are not granted shall amount to more than a mereinconvenience.

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

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

2.Anas-built with the shed, building and impervious coverage information besubmitted to the zoning officer.

ChairmanSaveoryasks **Ms. Beer** if she accepts theconditions of approval just stipulated, understanding that strict compliancemeans that any deviation will necessitate revisiting the Zoning Board ofReview; said revisit may be requested by either the Zoning Officer or any memberof the Zoning Board of Review. **Ms. Beer** respondsthat she fully understands and accept the conditions just stipulated.

Motionis Seconded by**Vice Chairman Beauparlant**

RollCall Vote
Mr.Croke – Aye
Mr.Pascoa – Aye
Mr.Braga - Aye
ViceChairman Beauparlant– Aye
ChairmanSaveory –Aye

The board believes that the hardship is the placement of the property and thatit pre-dates zoning. The board believes that the variance is minimal onlybeing 3ft. andthat this will not hinder but enhance the area.

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

ChairmanSaveory requests a recess and 6:44pm and the board reconvenes and 7pm.

3. Petition No. 6778 - DAVID andSANDRA COSTA, requests a **dimensionalvariance** to construct an addition onto a single-family residence, withoutcomplying with the minimum side-yard setback requirement, for property locatedat **181 MARTIN STREET, being MAP 308,BLOCK 6, PARCEL 16.1, in a RESIDENTIAL 3 DISTRICT.**

David and Sandra Costa of 181 Martin St. EastProvidence, RI are properly sworn in.

Mr. Costa explains to the board that they would like tobuild an addition to their home, the addition would include adding onto theexisting kitchen, a mudroom area, a bedroom, and a master bedroom with a fullbath.

Mr. Pascoa has no questions at this time.

Vice Chairman Beauparlant inquires if this addition will bea single level.

Mr. Costa answers yes that is correct.

Mr. Croke inquires if the necessity for this addition isthat their family has gotten bigger and that this addition is strictly forfamily use.

Ms. Costa answers yes that is correct.

Mr. Braga inquires how many new windows will beinstalled onto the addition.

Mr. Costa answers that there will be 3 but the neighborswill still have their privacy since the property is surrounding by a 6ft.stockade fence.

Mr. Braga inquires that the addition will be going alongthe already existing house.

Ms. Costa answers yes.

Chairman Saveory inquires if the mudroom will becoming off from the dining room.

Mr. Costa answers that it will be coming from thekitchen/dining room, near the existing entrance near the driveway.

Chairman Saveory inquires if there will be a fullbasement.

Mr. Costa answers yes.

Chairman Saveory inquires if the property willremain a single family.

Mr. Costa answers yes.

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

Mary Nyman of 185 Martin Street EastProvidence, RI is properly sworn in.

Ms. Nyman explains to the boardthat she isn't entirely against the petition but does have concerns incase of afire.

Chairman Saveory inquires about thedistance that her property is to the petitioner's property.

Ms. Nyman answers about 16 ft.

Mr. Braga reassures **Ms. Nyman** that the property isn'tgetting closer to her since it is going along with the existing house.

Chairman Saveory also notes that asthey build they will need to have inspections and be up to current buildingcode.

Ms. Nyman thanks the board andfeels better about the project.

Ronald Wilkinson of 219 Grassmere Ave EastProvidence, RI is properly sworn in.

Mr. Wilkinson explains that he isn'tagainst this petition but did want to speak about a case from about 30 yearsago

since he wasn't notified then.

Chairman Saveory explains that unfortunatelythey can only discuss the case at hand.

Mr. Pimentel explains that he isn'tsure what happened back then but in some cases, property owners can build byright and do not have to notify anyone.

Mr.Pimentel readsinto the record a letter in favor of the petition **from Sergio & Mina Chiong of 188 Martin St. East Providence, RI.Mr. and Ms. Chiong** explain that they are in favor of the petition and haveno concerns.

Mr. Marcello went into the lobby and outside ofthe building to see if there was any addition people willing to speak in favoror against this petition and there were none.

ChairmanSaveoryqueries the Board for a motion.

Motionby **Mr. Pascoa,** based on all the evidenceand testimony presented to the Zoning Board of Review and the personalknowledge of the members of the Board of the land and area of the City of EastProvidence, the Zoning Board hereby finds:

1. Thehardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).

2. The hardship is not the result of any prioraction of the applicant and does not result primarily from the desire of theapplicant to realize greater financial gain.

3. The granting of the requested variances willnot alter the general character of the surrounding area or impair the intent orpurpose of this chapter or the city's comprehensive plan upon which thischapter is based.

4. That the relief to be granted is theleast relief necessary.

Mr. Pascoa, hereby further findspursuant 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 ifthe dimensional variances are not granted shall amount to more than a mereinconvenience.

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

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

2.Thedwelling must remain a single family.

ChairmanSaveoryasks **Mr. and Ms. Costa** if theyaccept the conditions of approval just stipulated, understanding that strictcompliance means that any deviation will necessitate revisiting the ZoningBoard of Review; said revisit may be requested by either the Zoning Officer orany member of the Zoning Board of Review. **Mr.and Ms. Costa** responds that they fully understands and accept theconditions just stipulated.

Motionis Seconded by**Mr. Croke**

RollCall Vote
Mr.Croke – Aye
Mr.Pascoa – Aye
Mr.Braga - Aye
ViceChairman Beauparlant– Aye
ChairmanSaveory –Aye

The board believes that the hardship is the placement of the property and thatit pre-dates zoning. The addition will be in line withthe current setback so the board that the relief is minimal.

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

4. Petition No. 6779 - CLIFFORD M.and SANDRA M. GRANT, request a **dimensionalvariance** to retain a breezeway addition, said addition connecting thesingle-family residence to the once detached accessory garage, withoutcomplying with the minimum side-yard setback requirement, for property locatedat **121 TURNER AVENUE, being MAP 412,BLOCK 5, PARCEL 10, in a RESIDENTIAL 3 DISTRICT.**

Clifford and Sandra Grant of 121 Turner AvenueRiverside, RI are properly sworn in.

Mr. Croke notes that the project has already beenstarted.

Ms. Grant explains that they already had the buildingpermit application started and was in contact with the building inspector. Shebelieved that they were all set but the permit was never actually issued.

Mr. Croke inquires if the garage was already there onproperty when they purchased it in 1997.

Ms. Grant answers yes.

Mr. Croke notes that where the breezeway is located doesmake since but does encroach.

Mr. Braga notes that the class I survey and the siteplan that was drawn has a discrepancy.

Mr. Grant admits that the site plan drawing is hisfault.

Mr. Braga inquires what is in the breezeway.

Ms. Grant answers that it is a sitting area and mudroom.

Mr. Pascoa has no questions at this time.

Vice Chairman Beauparlant inquires if there is a 2nd floor to the garage.

Mr. Grant answers no.

Vice Chairman Beauparlant inquires if the breezeway is asingle level.

Ms. Grant answers yes.

Chairman Saveory inquires if there are any plansfor the garage.

Ms. Grant answers no it will just be a garage.

Vice Chairman Beauparlant inquires if the petitioner isdoing the work himself.

Mr. Grant answers yes they are since he is aprofessional carpenter.

Mr. Pimentel went into the lobby and outside ofthe building to see if there was anyone willing to speak in favor or againstthis petition and there were none.

Mr. Pimentel reads into the record a note from **Clifford and Christine Medeiros of 118Turner Ave of Riverside, RI** stating that they are in favor of the petitionbut this note is not signed.

A note from **Jonathan and Courtnee Munson who own the property at 117-119 Turner AveRiverside, RI** stating that they have no concerns about the project.

A notarized letter from **David Jarvis of 127 Turner Ave Riverside,RI** stating that he is in favor of the variance.

Ms. Grant explains to the board that she did speak withsome of their neighbors and they did not have any concerns.

ChairmanSaveoryqueries the Board for a motion.

Motionby **Mr. Croke,** based on all the evidenceand testimony presented to the Zoning Board of Review and the personalknowledge of the members of the Board of the land and area of the City of EastProvidence, the Zoning Board hereby finds:

1. Thehardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).

2. The hardship is not the result of any prioraction of the applicant and does not result primarily from the desire of theapplicant to realize greater financial gain.

3. The granting of the requested variances willnot alter the general character of the surrounding area or impair the intent orpurpose of this chapter or the city's comprehensive plan upon which thischapter is based.

4. That the relief to be granted is theleast relief necessary.

Mr. Croke, hereby further findspursuant 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 ifthe dimensional variances are not granted shall amount to more than a mereinconvenience.

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

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

4.Thedwelling must remain a single family.

ChairmanSaveoryasks **Mr. and Ms. Grant** if theyaccept the conditions of approval just stipulated, understanding that strictcompliance means that any deviation will necessitate revisiting the ZoningBoard of Review; said revisit may be

requested by either the Zoning Officer orany member of the Zoning Board of Review. **Mr.and Ms. Grant** responds that they fully understands and accept theconditions just stipulated.

Motionis Seconded by**Vice Chairman Beauparlant,**

RollCall Vote
Mr.Croke – Aye
Mr.Pascoa – Aye
Mr.Braga - Aye
ViceChairman Beauparlant– Aye
ChairmanSaveory –Aye

The board believes that the hardship is the placement of the property and thatit pre-dates zoning.

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

5. Petition No. 6770 - OUADIAAHABCHANE, requests a **dimensionalvariance** to retain several improvements associated with a single-familyresidence, inclusive of an accessory shed and walk-out basement dormer, whichwill fail to comply with requisite setbacks (accessory and principal), as wellas exceeding maximum building coverage and impervious lot coverage, forproperty located at **1 DONNELLY STREET,being MAP 207, BLOCK 4, PARCEL 25, in a COMMERCIAL 1 DISTRICT.**

Ouadia Ahabchane of 1 Donnelly Street EastProvidence, RI is properly sworn.

Mr. Ahabchane explains to the board that he built an 8x12shed and replaced his bulkhead with a walk-out basement dormer. **Mr. Ahabchane** explains that he was toldby a previous building inspector that it was okay and that he only replaced thebulkhead since it was damaged and mice were getting into his home.

Mr. Braga inquires what the shed is built on.

Mr. Ahabchane says it is above ground with poles.

Mr. Pimentel explains to the board that the petitioner doeshave some benefits for the property being in a C1 zone and is allowed morecoverage then residential.

Mr. Braga inquires if **Mr. Ahabchane** has spoken with the neighbor where the shed isclosest too.

Mr. Ahabchane explains that they have no issues and theyhave a tall fence so it won't be as visible to them. **Mr. Ahabchane** says the neighbor would have even come tonight butwas concerned due to Covid-19.

Vice Chairman Beauparlant notes that he doesn't think thatthe shed is negatively impacting the neighbors since they have the fence.

Mr. Croke inquires if the bulkhead already had the foundationcut our or was it ground level.

Mr. Ahabchane explains that there were a few steps up to thebulkhead.

Chairman Saveory notes that the property has come along way and has no concerns with the shed since where it currently sits.

Mr. Pimentel went into the lobby and outside ofthe building to see if there was anyone willing to speak in favor or againstthis petition and there were none. There was also no written correspondenceregarding this petition.

ChairmanSaveoryqueries the Board for a motion.

Motionby **Mr. Braga,** based on all the evidenceand testimony presented to the Zoning Board of Review and the personalknowledge of the members of the Board of the land and area of the City of EastProvidence, the Zoning Board hereby finds:

1. Thehardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).

2. The hardship is not the result of any prioraction of the applicant and does not result primarily from the desire of theapplicant to realize greater financial gain.

3. The granting of the requested variances willnot alter the general character of the surrounding area or impair

the intent orpurpose of this chapter or the city's comprehensive plan upon which thischapter is based.

4. That the relief to be granted is theleast relief necessary.

Mr. Braga hereby further findspursuant 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 ifthe dimensional variances are not granted shall amount to more than a mereinconvenience.

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

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

ChairmanSaveoryasks **Mr. Ahabchane** if he accepts theconditions of approval just stipulated, understanding that strict compliancemeans that any deviation will necessitate revisiting the Zoning Board ofReview; said revisit may be requested by either the Zoning Officer or anymember of the Zoning Board of Review. **Mr.Ahabchane** responds that he fully understands and accept the conditions juststipulated.

Motionis Seconded by**Vice Chairman Beauparlant and Mr. Croke**

RollCall Vote
Mr.Croke – Aye
Mr.Pascoa – Aye
Mr.Braga - Aye
ViceChairman Beauparlant– Aye
ChairmanSaveory –Aye

The board believes that the hardship is the placement of the property, housesize, lot size and the zone it's located in. The board notes that the property hasbeen enhanced.

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

6A. Petition No. 6781 - WILLIAM R.MILLER and JACLYN D. TRUDEL, request a **use variance** to introduce a workshop / artist studio byconstructing a second-story addition above an accessory detached garage,otherwise defined as prohibited usage of accessory space, for property locatedat **87 ROUNDS AVENUE, being MAP 512,BLOCK 15, PARCEL 10, in a RESIDENTIAL 3 DISTRICT.**

William R. Miller of 87 Rounds Ave Riverside,RI is properly sworn in.

Mr. Miller explains to the board that he and his wifewould like to build a 2nd story onto their garage since they areartists, she makes jewelry and he is a painter, and would like some studiospace.

Mr. Croke notes that they can use the propertycurrently.

Mr. Miller explains that they use the garage currentlyfor studio space and that they have made some changes to the plans. Originallythere were 2 windows proposed for the 2nd story but are noweliminated for privacy for the neighbors.

Mr. Croke inquires if there will be jewelrymanufacturing.

Mr. Miller answers no, it will just be for creative spaceand not for any retail business.

Mr. Croke explains that he has concerns for futureowners later on down the road and that it could eventually be turned into abusiness or apartment.

Mr. Braga inquires what utilities are in the garagecurrently.

Mr. Miller answers electric and gas.

Mr. Braga inquires if there is any plumbing and if hewould be okay with the stipulation of no plumbing allowed.

Mr. Miller answers that no there is no plumbing and yeshe would be okay with that stipulation.

Mr. Braga inquires if his wife's hobby requires moreelectric tools.

Mr. Miller answers no mostly hand tools. **Mr. Miller** explains to the board thatthey had looked into renting space but it is too expensive and would like tohave a studio at his own home.

Mr. Braga has concerns regarding the height requirement andinquires why 20ft. is not sufficient enough and why 23ft. is needed.

Mr. Miller explains that he is a painter and it would notbe feasible.

Mr. Pascoa has no questions at this time.

Vice Chairman Beauparlant doesn't see too many concerns forprivacy and doesn't believe that the use for the space would be very impactful.

Chairman Saveory inquires about the height toceiling from the proposed addition.
Mr. Miller explains it will be 9ft. and keeping with thepitch on the roof.
Chairman Saveory inquires about heating.
Mr. Miller explains that the garage does have heat with awall hanging heater.
Chairman Saveory inquires about heating for the 2nd story.
Mr. Miller admits that they are not sure but will go withwhatever is most cost efficient.
Chairman Saveory inquires if there are any plansfor water hook up or any restrooms.
Mr. Miller answers no. **Mr. Miller** explains to the board that when he had purchased thehome it is only a 2 bedroom 1 bathroom home with just over 600 sq. ft. ofliving space and when he was single there was enough room but now is marriedand they need more space. He has also made several improvements to the propertyover the last 6 years.
Chairman Saveory inquires about egress to the 2nd story.
Mr. Miller answers that it will be an internal staircaseonly.
Chairman Saveory inquires if **Mr. Miller** would be okay with the stipulations of no foot traffic,no retail and no teaching.
Mr. Miller answers yes.
Mr. Miller presents the board with a revised plan forpage A6 regarding the windows.
Motion by **Mr. Braga** to accept the revised plan for page A6 as **Exhibit A**, the motion is **Seconded by Vice Chairman Beauparlant.**

Mr. Pimentel went into the lobby and outside ofthe building to see if there was anyone willing to speak in favor or againstthis petition and there were none. There was also no written correspondenceregarding this petition.

ChairmanSaveoryqueries the Board for a motion.

Mr. Croke reads his motion in as a denial,but is the sole member to be in favor of the denial. Mr. Braga, Vice ChairmanBeauparlant, Mr. Pascoa and Chairman Saveory vote nay to deny this petition.The motion is then read by Mr. Braga to be in favor of this petition.

Motion by **Mr. Braga**, based on all theevidence and testimony presented to the Zoning Board of Review and the personalknowledge of the members of the Board of the land and area of the City of EastProvidence, the Zoning Board hereby finds:

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

Mr. Braga moves that the specialuse permit be **Granted** subject to the petitioner fulfilling the followingconditions:

Petitioner(s) obtaining any, and all, necessary permits.
Compliance with the submitted site plan (or amended site plan as it may be applicable), all exhibits, and entire testimony provided during the respective hearing.
No exterior storage.
No plumbing or water service.
No teaching or lessons.
No retail sales on site or business.
No additional living space.
No exterior access to the 2nd floor.

Chairman Saveory asks **Mr. Miller** ifhe accepts the conditions of approval just stipulated, understanding thatstrict compliance means that any deviation will necessitate revisiting theZoning Board of Review; said revisit may be

requested by either the ZoningOfficer or any member of the Zoning Board of Review. **Mr. Miller** respondsthat he fully understands and accepts the conditions just stipulated.

Motion is Seconded by **Vice ChairmanBeauparlant**

Roll Call Vote
Mr. Braga – Aye
Mr. Croke- Nay
Mr. Pascoa – Aye
Vice ChairmanBeauparlant –Aye
Chairman Saveory - Aye

Mr. Croke believes that there is no hardship in this petition.The rest of the board believes that with the stipulationsput into place it will not hinder the surroundingarea and gives the petitioners space to be creative.

Use Variance granted 4to 1, subject to the aforementioned condition(s).

6B. Petition No. 6782 - WILLIAM R.MILLER and JACLYN D. TRUDEL, request **dimensionalvariances** to introduce a workshop / artist studio by constructing asecond-story addition above an accessory detached garage, without complyingwith the minimum rear and side-yard setback requirements, as well as exceedingthe maximum height requirement, for property located at **87 ROUNDS AVENUE, being MAP 512, BLOCK 15, PARCEL 10, in a RESIDENTIAL3 DISTRICT.**

ChairmanSaveoryqueries the Board for a motion.

Motionby **Mr. Braga,** based on all the evidenceand testimony presented to the Zoning Board of Review and the personalknowledge of the members of the Board of the land and area of the City of EastProvidence, the Zoning Board hereby finds:

1. Thehardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).

2. The hardship is not the result of any prioraction of the applicant and does not result primarily from the desire of theapplicant to realize greater financial gain.

3. The granting of the requested variances willnot alter the general character of the surrounding area or impair the intent orpurpose of this chapter or the city's comprehensive plan upon which thischapter is based.

4. That the relief to be granted is theleast relief necessary.

Mr. Braga hereby further findspursuant 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 ifthe dimensional variances are not granted shall amount to more than a mereinconvenience.

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

1.Petitioner(s)obtaining any, and all, necessary permits.
2.Compliancewith the submitted site plan (or amended site plan as it may be applicable),all exhibits, and entire testimony provided during the respective hearing.
3.Noexterior storage.
4.Noplumbing or water service.
5.Noteaching or lessons.
6.Noretail sales on site or business.
7.Noadditional living space.
8.Noexterior access to the 2nd floor.

ChairmanSaveoryasks **Mr. Miller** if he accepts theconditions of approval just stipulated, understanding that strict compliancemeans that any deviation will necessitate revisiting the Zoning Board ofReview; said revisit may be requested by either the Zoning Officer or anymember of the Zoning Board of Review. **Mr.Miller** responds that he fully understands and accept the conditions juststipulated.

Motionis Seconded by**Vice Chairman Beauparlant**

RollCall Vote

Mr.Croke – Nay

Mr.Pascoa – Aye

Mr.Braga - Aye

ViceChairman Beauparlant– Aye

ChairmanSaveory –Aye

Dimensionalvariances granted 4 to 1, subject to the aforementioned condition(s).

IX. PROCEDURES

Chairman Saveory announces there arenone.

X. ANNOUNCEMENTS

The next special meeting of the Zoning Board of Review is scheduled for **Wednesday, 15 July 2020 at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XI. ADJOURNMENT

Motiontoadjourn by **Vice Chairman Beauparlant**.The motion is **Seconded** by **Mr.Braga** and **Unanimously** voted to adjourn. Meetingis adjourned at 9:17pm.

EdwardPimentel, AICP
ZoningOfficer / Clerk

Secretary