

STATE OF RHODE ISLAND PROVIDENCE

CITY OF EAST

COUNTY OF PROVIDENCE MINUTES

ZONING BOARD OF REVIEW

A special meeting of the East Providence Zoning Board of Review was held at 6:00 P.M., on Monday, **13 July 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 – **ABSENT**

John Braga

Richard Croke, Sr.

Gary Pascoa – 1st Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – 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 **Ms. Toledo** is absent and **Mr. Pascoa, 1st**

Alternate, will be a participating and voting member tonight.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory announces that there are no minutes to be approved.

IV. ZONING OFFICER'S REPORT

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

V. CORRESPONDENCE / DISCUSSION

Chairman Saveory announces that there are no correspondence or discussions.

VI. STAFF REPORTS

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

B. June 2020 - Zoning Complaint List – Previously Submitted

VII. CONTINUED BUSINESS

Chairman Saveory announces that there is no continued business.

VIII. NEW BUSINESS

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

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

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

Mr. Croke inquires if both properties will remain single families.

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 this petition was first heard by the board and inquires if **Ms. Starks-Mello** is asking for the same exact relief including all the 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 same conditions are applied than he has no concerns with the petition.

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

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

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

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 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.

Chairman Saveory asks **Ms. Starks-Mello** if she 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. **Ms. Starks-Mello** responds that she fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Braga

Roll Call Vote

The board had already heard and approved this petition

Mr. Croke – Aye

and they believe that the conditions put into place are fair.

Mr. Pascoa – Aye

Mr. Braga - Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

1B. Petition No. 6767 - KIMBERLY A. STARKS-MELLO, requests a **dimensional variance** to construct additions onto two (2) distinct single-family residences 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 PROVIDENCE AVENUE, being MAP 412, BLOCK 30, PARCEL 16, in a RESIDENTIAL 4 DISTRICT.**

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.

2. Both properties must remain single family dwellings.

3. All previous conditions of approval stay into effect.

Chairman Saveory asks **Ms. Starks-Mello** if she 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. **Ms. Starks-Mello** responds that she fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Braga

Roll Call Vote

The board had already heard and approved this petition

Mr. Croke – Aye

and believes that the conditions put into place are fair.

Mr. Pascoa – Aye

Mr. Braga - Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

2. Petition No. 6777 - SCOTT and KATIE BEER, request a **dimensional variance** to construct an addition onto a single-family residence, without complying with the minimum front-yard setback requirement, for property located at **8 LAKESIDE CIRCLE, being MAP 411, BLOCK 5, PARCEL 14, in a RESIDENTIAL 3 DISTRICT.**

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

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

Mr. Salois explains to the board that he is the contractor for the project and that the petitioner's would like to build a 10ft.x 22ft. addition to the front of their house due to the fact that their family is growing and they need more room. The purposed addition will not comply 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, a camper and a few vehicles in the driveway and inquires if there will still be adequate 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 variance and has no questions at this time.

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

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

Vice Chairman Beauparlant notes that there is plenty of space 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 and impervious coverage of the property.

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

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.

2. An as-built with the shed, building and impervious coverage information be submitted to the zoning officer.

Chairman Saveory asks **Ms. Beer** if she 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. **Ms. Beer** responds that she fully understands and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

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

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

3. Petition No. 6778 - DAVID and SANDRA COSTA, requests a **dimensional variance** to construct an addition onto a single-family residence, without complying with the minimum side-yard setback requirement, for property located at **181 MARTIN STREET, being MAP 308, BLOCK 6, PARCEL 16.1, in a RESIDENTIAL 3 DISTRICT.**

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

Mr. Costa explains to the board that they would like to build an addition to their home, the addition would include adding onto the existing kitchen, a mudroom area, a bedroom, and a master bedroom with a full bath.

Mr. Pascoa has no questions at this time.

Vice Chairman Beauparlant inquires if this addition will be a single level.

Mr. Costa answers yes that is correct.

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

Ms. Costa answers yes that is correct.

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

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

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

Ms. Costa answers yes.

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

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

Chairman Saveory inquires if there will be a full basement.

Mr. Costa answers yes.

Chairman Saveory inquires if the property will remain a single family.

Mr. Costa answers yes.

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.

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

Ms. Nyman explains to the board that she isn't entirely against the petition but does have concerns in case of a fire.

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

Ms. Nyman answers about 16 ft.

Mr. Braga reassures **Ms. Nyman** that the property isn't getting closer to her since it is going along with the existing house.

Chairman Saveory also notes that as they build they will need to have inspections and be up to current building code.

Ms. Nyman thanks the board and feels better about the project.

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

Mr. Wilkinson explains that he isn't against this petition but did want to speak about a case from about 30 years ago

since he wasn't notified then.

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

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

Mr. Pimentel reads into 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 have no concerns.

Mr. Marcello went into the lobby and outside of the building to see if there was any additional people willing to speak in favor or against this petition and there were none.

Chairman Saveory queries the Board for a motion.

Motion by Mr. Pascoa, 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. Pascoa, 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. Pascoa moves that the dimensional variances be **Granted** subject to the petitioner fulfilling the following conditions:

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

2. The dwelling must remain a single family.

Chairman Saveory asks **Mr. and Ms. Costa** if they accept 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. and Ms. Costa** responds that they fully understand and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board believes that the hardship is the placement of the property and that it pre-dates zoning. The addition will be in line with the 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 **dimensional variance** to retain a breezeway addition, said addition connecting the single-family residence to the once detached accessory garage, without complying with the minimum side-yard setback requirement, for property located at **121 TURNER AVENUE, being MAP 412, BLOCK 5, PARCEL 10, in a RESIDENTIAL 3 DISTRICT.**

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

Mr. Croke notes that the project has already been started.

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

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

Ms. Grant answers yes.

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

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

Mr. Grant admits that the site plan drawing is his fault.

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 a single level.

Ms. Grant answers yes.

Chairman Saveory inquires if there are any plans for the garage.

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

Vice Chairman Beauparlant inquires if the petitioner is doing the work himself.

Mr. Grant answers yes they are since he is a professional carpenter.

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

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

A note from **Jonathan and Courtnee Munson who own the property at 117-119 Turner Ave Riverside, 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 with some of their neighbors and they did not have any concerns.

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:

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

4. The dwelling must remain a single family.

Chairman Saveory asks **Mr. and Ms. Grant** if they accept 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. and Ms. Grant** responds that they fully understand and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant,

Roll Call Vote

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

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

5. Petition No. 6770 - OUADIA AHABCHANE, requests a **dimensional variance** to retain several improvements associated with a single-family residence, inclusive of an accessory shed and walk-out basement dormer, which will fail to comply with requisite setbacks (accessory and principal), as well as exceeding maximum building coverage and impervious lot coverage, for property located at **1 DONNELLY STREET, being MAP 207, BLOCK 4, PARCEL 25, in a COMMERCIAL 1 DISTRICT.**

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

Mr. Ahabchane explains to the board that he built an 8x12 shed and replaced his bulkhead with a walk-out basement dormer. **Mr. Ahabchane** explains that he was told by a previous building inspector that it was okay and that he only replaced the bulkhead 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 does have some benefits for the property being in a C1 zone and is allowed more coverage than residential.

Mr. Braga inquires if **Mr. Ahabchane** has spoken with the neighbor where the shed is closest to.

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

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

Mr. Croke inquires if the bulkhead already had the foundation cut out or was it ground level.

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

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 of the building to see if there was anyone willing to speak in favor or against this petition and there were none. There was also no written correspondence regarding this petition.

Chairman Saveory queries the Board for a motion.

Motion by Mr. Braga, 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. Braga 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. Braga 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. Ahabchane** 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. Ahabchane** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant and Mr. Croke

Roll Call Vote	The board believes that the hardship is the placement of
Mr. Croke – Aye	the property, house size, lot size and the zone it's located
Mr. Pascoa – Aye	in. The board notes that the property has been enhanced.
Mr. Braga – Aye	
Vice Chairman Beauparlant – Aye	
Chairman Saveory – Aye	

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 by constructing a second-story addition above an accessory detached garage, otherwise defined as prohibited usage of accessory space, for property located at **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 wife would like to build a 2nd story onto their garage since they are artists, she makes jewelry and he is a painter, and would like some studio space.

Mr. Croke notes that they can use the property currently.

Mr. Miller explains that they use the garage currently for studio space and that they have made some changes to the plans. Originally there were 2 windows proposed for the 2nd story but are now eliminated for privacy for the neighbors.

Mr. Croke inquires if there will be jewelry manufacturing.

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

Mr. Croke explains that he has concerns for future owners later on down the road and that it could eventually be turned into a business or apartment.

Mr. Braga inquires what utilities are in the garage currently.

Mr. Miller answers electric and gas.

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

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

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

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

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

Mr. Miller explains that he is a painter and it would not be feasible.

Mr. Pascoa has no questions at this time.

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

Chairman Saveory inquires about the height to ceiling from the proposed addition.

Mr. Miller explains it will be 9ft. and keeping with the pitch on the roof.

Chairman Saveory inquires about heating.

Mr. Miller explains that the garage does have heat with a wall hanging heater.

Chairman Saveory inquires about heating for the 2nd story.

Mr. Miller admits that they are not sure but will go with whatever is most cost efficient.

Chairman Saveory inquires if there are any plans for water hook up or any restrooms.

Mr. Miller answers no. **Mr. Miller** explains to the board that when he had purchased the home it is only a 2 bedroom 1 bathroom home with just over 600 sq. ft. of living space and when he was single there was enough room but now is married and they need more space. He has also made several improvements to the property over the last 6 years.

Chairman Saveory inquires about egress to the 2nd story.

Mr. Miller answers that it will be an internal staircase only.

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 for page 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 of the building to see if there was anyone willing to speak in favor or against this petition and there were none. There was also no written correspondence regarding this petition.

Chairman Saveory queries 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 Chairman Beauparlant, 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 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:

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 special use permit be **Granted** subject to the petitioner fulfilling the following conditions:

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** 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. Miller** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Braga – Aye

Mr. Croke- Nay

Mr. Pascoa – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory - Aye

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

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

6B. Petition No. 6782 - WILLIAM R. MILLER and JACLYN D. TRUDEL, request **dimensional variances** to introduce a workshop / artist studio by constructing a second-story addition above an accessory detached garage, without complying with the minimum rear and side-yard setback requirements, as well as exceeding the maximum height requirement, for property located at **87 ROUNDS AVENUE, being MAP 512, BLOCK 15, PARCEL 10, in a RESIDENTIAL 3 DISTRICT.**

Chairman Saveory queries the Board for a motion.

Motion by Mr. Braga, 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. Braga 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. Braga moves that the dimensional variances be **Granted** subject to the petitioner fulfilling the following conditions:

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

2. 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.

3. No exterior storage.

4. No plumbing or water service.

5. No teaching or lessons.

6. No retail sales on site or business.

7. No additional living space.

8. No exterior access to the 2nd floor.

Chairman Saveory asks **Mr. Miller** 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. Miller** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Croke – Nay

Mr. Pascoa – Aye

Mr. Braga - Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

IX. PROCEDURES

Chairman Saveory announces there are none.

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

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

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary