

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, **21 September 2020**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice-Chairman

John Braga

Richard Croke, Sr. - **ABSENT**

Gary Pascoa

Matthew Robinson – 1st Alternate

Andrew Cotton – 2nd Alternate - **ABSENT**

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 **Mr. Croke** is absent and **Mr. Robinson, 1st**

Alternate, will be a participating and voting member tonight.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **2 September 2020**, Zoning Board of Review Minutes. **Motion** by **Mr.**

Braga to approve the **2 September 2020**, Zoning Board of Review Minutes. The motion is **Seconded** by **Vice**

Chairman Beauparlant and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

Chairman Saveory announces that there is nothing to report.

V. CORRESPONDENCE / DISCUSSION

Chairman Saveory announces that there is nothing to report.

VI. STAFF REPORTS

1. Planning Department Staff Report – 18 September 2020 - Previously Submitted

2. September 2020 - Zoning Complaint List – Previously Submitted

VII.CONTINUED BUSINESS

1. Petition No. 6803 - LEONEL E. MEDEIROS, requests a use variance to convert a mixed-use property (combination single-family and hair salon per the benefit of a prior variance) to a two-unit residence, otherwise defined as a prohibited land use within the Residential 3 District, for property located at **17 - 19 Deer Street, being MAP 402, BLOCK 9, PARCEL 4, in a RESIDENTIAL 3 DISTRICT. Continued from 12 August 2020.**

Attorney Bruce Cox is representing the petitioner.

Attorney Cox requests to the board that they hear this petition as a new petition due to **Mr. Croke** being absent this evening. **Attorney Cox** continues that the property was originally a duplex that was then converted to one residential unit and a hair salon. Present with him tonight is a supplemented application with a diagram with portions of concrete to be removed and two options. Option 1 is having 4 parking spaces on Deer Street but tenants in unit 1 would have to walk all the way around the building. Option 2 is more desirable, it will have a significant amount of concrete removed facing Pawtucket Avenue but will still have some parking spaces and enough space to turn vehicles around. Attorney Cox explains that Pawtucket Avenue is a state road and to modify the entrance would take months and the owner would just like to bring the property back to its original use as a duplex.

Motion by Mr. Pascoa to accept the diagram of the property as Exhibit A, the motion is Seconded by Vice Chairman Beauparlant.

Vice Chairman Beauparlant inquires if the petitioner will be keeping the 19ft. access area on the way in.

Attorney Cox answers yes but it will taper.

Vice Chairman Beauparlant clarifies that the areas not shaded on the map facing Pawtucket Avenue will be removed leaving 3-4 parking spots.

Attorney Cox answers yes.

Vice Chairman Beauparlant believes that option 2 makes the most sense by having some parking for the tenants in unit 1.

Mr. Pascoa has no questions at this time.

Mr. Braga inquires what will be in place of the removed concrete.

Attorney Cox answers grass.

Mr. Braga agrees with each unit having its own driveway and that this is more in line with the neighborhood.

Mr. Robinson likes the diagram submitted and believes this is a reasonable proposal.

Chairman Saveory believes this is more conducive to the area than the previous plan submitted.

There is no one present on the Zoom conference.

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 Vice Chairman Beauparlant,

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due 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 variance 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. The relief to be granted is the least relief necessary.

Vice Chairman Beauparlant moves that the use variance be **Granted** subject to the petitioner fulfilling the following

conditions:

1. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered in granting a use variance.

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

Motion is Seconded by Mr. Braga

Roll Call Vote

Mr. Pascoa – Aye

The board is pleased with the property going

Mr. Robinson - Aye

back to its original use as a duplex and removing

Mr. Braga - Aye

the commercial use and the extra concrete.

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

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

2A. Petition No. 6804 -CRUZ HOLDINGS, LLC, requests a use variance to introduce a free- standing sign that will incorporate an electronic message center, otherwise defined as prohibited signage, for property located at **30 HIGHLAND AVENUE, being MAP 607, BLOCK 20, PARCEL 1, in a COMMERCIAL 5 DISTRICT. Continued from 12 August 2020.**

Mr. Pimentel explains to the board that this petition was continued due to issues with the zoning ordinance, the sign being proposed is a hybrid sign and they had set up a temporary sign and invited the Planning, Building and Zoning offices to see the sign on the property.

Attorney John Garrahy is representing the petitioner.

Attorney Garrahy requests that the board treats this petition as new due to Mr. Croke being absent.

Attorney Garrahy continues to explain that this sign will not be a television screen, there will be one image at a time and it can be controlled. It is just a modernization of gas station signs with their prices and bank signs with the time and temperature. Due to confusion with the zoning ordinance it is better for everyone if the petitioner gets permission and any stipulations can be enforced by the zoning officer. There are provisions by the Planning Board such as no sudden bursts of light, no fading or scrolling, must dim accordingly to light conditions, must not change the screen more than 10 minutes at a time, etc. **Attorney Garrahy** explains that right down the road in Seekonk, MA these signs are prevalent and it is not fair that over the border into Rhode Island it is not allowed.

Mr. Pascoa inquires if the petitioner is okay with the restrictions that the Planning Board laid out.

Attorney Garrahy explains that they are acceptable.

Mr. Braga explains that it is hard for the city to enforce these type of things and wishes there were better ordinances.

Attorney Garrahy explains that this proposed sign is almost exactly a digit sign, which is allowed.

Mr. Robinson notes that the Planning Board requested that the sign be on only during normal hours of operation and inquires what those hours will be.

Attorney Garrahy explains that the hours will be 8am-8pm 7 days a week but the petitioner would like the sign to be on longer than those hours.

Mr. Robinson inquires if there will be coin operated machines that would be available 24 hours a day, if so then technically the business is opened 24 hours.

Francisco Cruz, the owner of the property, is properly sworn in.

Mr. Cruz explains that the business will only be opened 8am-8pm and there will be a gate closed when the business is closed.

Vice Chairman Beauparlant finds this difficult due to the ordinances but inquires since the sign is practically a

digitalsign, what is the downside of having just a digital sign.

Attorney Garrahy explains that due to the advances in technology it's harder to have just a plain digital sign.

Chairman Saveory believes the board is stuck between a rock and a hard place but agrees with Planning's provisions but is concerned with future issues. Chairman Saveory inquires if the sign has already been purchased.

Attorney Garrahy explains that the sign is under deposit.

Chairman Saveory explains that he wants the business to do well but has concerns with safety in the intersection that the property is on.

Mr. Pascoa inquires if it would make members of the board more comfortable with a 15 minutes wait period for the static messages.

Mr. Braga inquires to **Mr. Pimentel** if the new regulations are in the works.

Mr. Pimentel explains that they were working on several overlay districts but that came to a stop due to the pandemic but they were considering allowing it in areas like these since it is not an overlay district and heavily commercial. **Mr. Pimentel** notes that the size of the sign is within compliance.

Mr. Braga inquires if hypothetically the variance was granted with all of these stipulations then the ordinance changes but isn't nearly as strict, what happens at that point.

Mr. Pimentel explains that if the conditions imposed are stricter than the ordinance then they would go by the ordinance.

Mr. Robinson explains that he is in favor of Planning's restrictions regarding the hours and minimum time of screen changing since there is a hotel, a home for the elderly nearby, and the residential street Skycrest Avenue in the immediate area.

There is no one present on the Zoom conference.

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. Pascoa,

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due 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 variance 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. The relief to be granted is the least relief necessary.

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

1. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered in granting a use variance.
2. Must abide by the Planning Department provisions dated 16 September 2020 on page 5 with exception of:
 - i. All Messages must be static for no less than 15 minutes.
 - ii. Illuminated during normal hours of operation defined as 8am-8pm.

Chairman Saveory asks **Attorney Garrahy** 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. **Attorney Garrahy** responds that

he fully understands and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa – Aye

The board appreciates the changes the applicant

Mr. Robinson - Aye

has and the board believes with the provisions s

Mr. Braga - Aye

set by the Planning Board that the safety of the area

Vice Chairman Beauparlant - Aye

has been taken into consideration.

Chairman Saveory – Aye

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

2B. Petition No. 6805 - CRUZ HOLDINGS, LLC, requests a dimensional variance to introduce a free-standing sign that will incorporate an electronic message center, referenced free-standing sign failing to comply with the requisite setback and exceeding maximum signage area, for property located at **30 HIGHLAND AVENUE, being MAP 607, BLOCK 20, PARCEL 1, in a COMMERCIAL 5 DISTRICT. Continued from 12 August 2020.**

Mr. Pimentel explains to the board that the request for a dimensional variance was sought for out of an abundance of caution since they did not know the exact size of the sign. The size of the proposed sign meets setback requirements and will be in compliance so dimensional relief is no longer necessary.

3A. Petition No. 6794 - ALBERTO and MARIA Da SILVA, requests a use variance to subdivide their property into two (2) distinct lots, resulting in retention of a two-unit dwelling on an undersized parcel, otherwise defined as a prohibited land use, for property located at **50 FENMOOR STREET, being MAP 307, BLOCK 12, PARCEL 2, in a RESIDENTIAL 6 DISTRICT. Continued 12 August 2020.**

Mr. Pimentel explains to the board that the Planning Board did not get a chance to render a decision on this matter and the petitioners must be heard before the Planning Board before being heard by the Zoning Board. **Mr. Pimentel** asks the board to see about continuing this petition.

Motion by Mr. Braga to continue this petition from 21 September 2020 to 14 October 2020 so the petitioners can be heard by the Planning Board, the motion is **Seconded by Mr. Robinson**, and **Unanimously** approved.

3B. Petition No. 6795 - ALBERTO and MARIA Da SILVA, requests a dimensional variance(s) to subdivide their property into two (2) distinct lots, resulting in both parcels failing to comply with the minimum lot depth requirement, retention of the pre-existing accessory detached garage that will fail to comply with the minimum accessory side-yard setback requirement, and deficient lot area in regard to the retention of the two-unit dwelling, for property located at **50 FENMOOR STREET, being MAP 307, BLOCK 12, PARCEL 2, in a RESIDENTIAL 6 DISTRICT. Continued from 12 August 2020.**

Motion by Mr. Braga to continue this petition from 21 September 2020 to 14 October 2020 so the petitioners can be heard by the Planning Board, the motion is **Seconded by Mr. Robinson**, and **Unanimously** approved.

VIII. NEW BUSINESS

4. Petition No. 6807 - GAMALIEL and MARIA FERREIRA, requests a dimensional variance to introduce a rear-yard deck, without complying with the minimum rear-yard setback requirement, for property located at **232 DON AVENUE, being MAP 502, BLOCK 7, PARCEL 13, in a RESIDENTIAL 3 DISTRICT.**

Maria Ferreira of 232 Don Avenue Rumford, RI is properly sworn in.

Vice Chairman Beauparlant notes that the lot is large but inquires how high off the ground will the deck be.

Ms. Ferreira answers that she is unsure.

Mr. Pimentel explains that they wanted the deck in line with the stairs since **Mr. Ferreira's** health is declining and may need a wheelchair. The lots in this area are wide but shallow.

Vice Chairman Beauparlant explains that this petition seems straight forward.

Mr. Pascoa has no concerns.

Mr. Braga has no concerns.

Mr. Robinson believes that this is a reasonable request especially if having to deal with a wheelchair and got a chance

to speak with the neighbors on Weeden Avenue and they had no issues.

Chairman Saveory has no concerns and believes that this is a small deviation.

There is no one present on the Zoom conference.

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 Vice Chairman Beauparlant,

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due 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 variance 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. The relief to be granted is the least relief necessary.

The Zoning Board of Review hereby further finds pursuant to Section 19-45(b) of the City of East Providence Zoning Ordinance:

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

Vice Chairman Beauparlant moves that the dimensional variances be **Granted** subject to the petitioner fulfilling the following conditions:

1. Petitioner(s) obtaining any, and all, necessary permits - said permits necessary to exercise (execute) the relief granted. Failure to obtain requisite permit(s), if needed, within the six-month approval period (one-year, if extended by the Zoning Board of Review), will result in expiration of said approval.
2. Strict compliance, to include: Submitted site plan (or amended site plan, as it may be applicable) and site plan package; all exhibits; entire testimony of applicant and/or property owner; presentation of legal counsel (if applicable); and, testimony of all expert(s), if applicable.

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

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Pascoa – Aye

Mr. Robinson- Aye

Mr. Braga - Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board recognizes the hardship due to the shape of the lot, the location of the house and the existing health uses. This will not negatively the surrounding area and was not caused by any prior action by the petitioner.

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

5. Petition No. 6808 - BETSEY C. QUIGLEY - TRUST, requests a dimensional variance to introduce a rear-yard addition onto a single-family residence, without complying with the minimum side-yard setback requirement, for property located at **59 JAY STREET, being MAP 503, BLOCK 24, PARCEL 8, in a RESIDENTIAL 2 DISTRICT.**

Bestey Quigley is properly sworn in.

David Patterson, the contractor for this petition, is properly sworn in.

Mr. Patterson explains to the board that the petitioner would like to add an 18.8x18 screened in porch. It will not have windows and will not be a 3 or 4 season room. There will be no heat but electrical for some plugs and lightings.

Vice Chairman Beauparlant believes this is a minor deviation.

Mr. Pascoa has no questions at this time.

Mr. Braga inquires if it will have a cement slab.

Mr. Patterson answers no it will have piers that go across with the deck.

Mr. Braga notes that the setback already exists due to the garage and they are going just short of it.

Mr. Robinson has no questions at this time.

Chairman Saveory explains that his questions have already been answered and has no concerns regarding this petition.

There is no one present on the Zoom conference.

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 Vice Chairman Beauparlant,

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due 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 variance 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. The relief to be granted is the least relief necessary.

The Zoning Board of Review hereby further finds pursuant to Section 19-45(b) of the City of East Providence Zoning Ordinance:

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

Vice Chairman Beauparlant moves that the dimensional variances be **Granted** subject to the petitioner fulfilling the following conditions:

1. Petitioner(s) obtaining any, and all, necessary permits - said permits necessary to exercise (execute) the relief granted. Failure to obtain requisite permit(s), if needed, within the six-month approval period (one-year, if extended by the Zoning Board of Review), will result in expiration of said approval.
2. Strict compliance, to include: Submitted site plan (or amended site plan, as it may be applicable) and site plan package; all exhibits; entire testimony of applicant and/or property owner; presentation of legal counsel (if applicable); and, testimony of all expert(s), if applicable.

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

Motion is Seconded by Mr. Robinson

Roll Call Vote

The board believes that this will not impact the

Mr. Pascoa – Aye

surrounding area and that it will fit innicely.

Mr. Robinson- Aye

Theproposed screen room will almost be in

Mr. Braga - Aye

line with the garage

ViceChairman Beauparlant– Aye

ChairmanSaveory – Aye

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

6. Petition No. 6809 - CARLOS A. PEREIRA (Owner) and ARIANNA MITCHELL (Applicant), requests a use variance to mergetwo (2) distinct parcels (via an administrative subdivision) into a singularparcel, resulting in two (2) distinct single-family residences being situatedon a singular parcel, otherwise prohibited by the zoning ordinance, forproperty located at **23 and 25 HARDING AVENUE, being MAP 313, BLOCK 11, PARCEL(S) 15 and 16, in a RESIDENTIAL 4DISTRICT.**

Attorney Bruce Cox is representing the petitioner.

Mr. Pimentel explains to the board that this is a uniquesituation, these parcels are two lots and each have a single family. However,no one can figure out how that came to be since there is only one deeddescription. This is an issue since the property owner is trying to sell theproperties and they are not here tonight for modifications, just foradministrative clean up.

Attorney Cox explains that theproperties have to be bought together and there is no other way to market andsell them. This way they can erase the property line between the lots.

Mr. Braga has no questions at this time.

Mr. Robinson explains he went to look at the property andhas no issues with combining them into a single lot.

Vice Chairman Beauparlant has no questions at this time.

Mr. Pascoa has no questions at this time.

Chairman Saveory has no concerns other than to dothe administrative clean up.

There is no one present on the Zoom conference.

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

Motion by Mr. Braga,

Basedon all evidence presented to the Zoning Board of Review and personal knowledgeof the members of the Board of the land and area of the City of EastProvidence, the Zoning Board of Review hereby finds pursuant to Section19-45(a) of the City of East Providence Zoning Ordinance:

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- 2.The hardship is not the result of any prior action of the applicant and doesnot result primarily from the desire of the applicant to realize greaterfinancial gain.
- 3.The granting of the requested variance will not alter the general character ofthe surrounding area or impair the intent or purpose of this chapter or thecity’s comprehensive plan upon which this chapter is based.
- 4.The relief to be granted is the least relief necessary.

Mr. Braga moves that the use variance be **Granted** subject tothe petitioner fulfilling the following conditions:

- 1.In granting a use variance the subject land or structure cannot yield anybeneficial use if it is required to conform to the provisions of this chapter.Nonconforming use of neighboring land or structures in the same district andpermitted use of land or structures in an adjacent district shall not beconsidered in granting a use variance.

ChairmanSaveoryasks **Attorney Cox** 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 any member of the Zoning Board of Review. **Attorney Cox** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa – Aye

Mr. Robinson - Aye

Mr. Braga - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

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

7. Petition No. 6810 - JNS ASSOCIATES, LLC (Owner) and OCEAN STATE BALLET (Applicant), request a use variance to introduce a ballet school within a long-standing professional office building, otherwise defined as a prohibited land use due to the residential zoning designation of the property, for property located at **37 NORTH BLOSSOM STREET, being MAP 406, BLOCK 9, PARCEL(S) 9 and 9.1, in a RESIDENTIAL 6 DISTRICT.**

Attorney Bruce Cox is representing the petitioner.

Attorney Cox explains to the board that the property is located in a residential zone but is a commercial building. The building has been used for office space in the past but **Ocean State Ballet** want to open a small school for younger students and has an impressive business model that is included in the packets given to the board.

Nancy Alibrandi, the owner of the property, is properly sworn in.

Ms. Alibrandi explains to the board that she has owned the property since May 2016 and has had no luck renting out the property as office space. She was then approached about opening the ballet studio and believes that this will work.

Ms. Alibrandi explains that there is more than adequate parking having about 57 parking spaces and a majority of the space is warehouse space.

Viljha Putrius, owner of Ocean State Ballet, is properly sworn in.

Ms. Putrius explains that this would be to prepare kids to be serious about ballet so it will be different than other studios in the area. **Ms. Putrius** has already started the business with about 22 students but only has temporary space.

Mr. Robinson has no questions at this time.

Vice Chairman Beauparlant notes that the plans look good and there appears to be plenty of parking. He believes this will not negatively impact the area and inquires about the hours of operation.

Ms. Putrius explains that there will be morning classes from 8am-11am then evening classes from 4pm-8pm Monday-Saturday and no recitals.

Mr. Pascoa has no questions at this time.

Mr. Braga has no questions at this time and believes this is a good application.

Chairman Saveory believes this is a less intense use and notes the positives of the building being occupied and having a more cultural use.

There is no one present on the Zoom conference.

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. Robinson,

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due 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 variance 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.The relief to be granted is the least relief necessary.

Mr. Robinson moves that the use variance be **Granted** subject to the petitioner fulfilling the following conditions:

1. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered in granting a use variance.

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

Motion is Seconded by Vice Chairman Beauparlant

RollCall Vote

Mr.Pascoa – Aye

Mr. Robinson - Aye **notbeing able to find an office space tenant.**

Mr.Braga - Aye

ViceChairman Beauparlant - Aye **and is a minimal variance.**

Chairman Saveory – Aye

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

8. Petition No. 6811 - VCR ENTERPRISES, LLC, requests a use variance to introduce a minor modification to a previously approved use variance (stated variance permitting automotive repair), for the purpose of engaging in automotive sales, otherwise defined as a prohibited accessory land use, for property located at **450 BULLOCKS POINT AVENUE, being MAP 312, BLOCK 71, PARCEL 1, in a split-zoned COMMERCIAL 2 DISTRICT and RESIDENTIAL 4 DISTRICT.**

Attorney Patrick Doherty is representing the petitioner.

Attorney Doherty begins by informing the board that he had accidentally wrote the incorrect business name on the application, it is actually **DIB Brothers LLC** that own the property. **Attorney Doherty** continues to explain that the petitioners would like to modify a previously granted use variance by along with being an auto repair business have about 6-7 vehicles for sale. There is no construction involved and the owners have cleaned up the property and have maintained a quiet presence in the neighborhood. The property currently has 15 parking spaces when it is required to have 6 and there are multiple uses in that area so selling a few vehicles will not negatively impact the surrounding area.

Joe Casali, the professional engineer for the petition, is properly sworn in.

Mr. Casali explains to the board that the property is located at the intersection of River Street and Bullocks Pt. Avenue and it is a small lot in a split zone. Some of the property is in the C2 zone and the other part is in the R4 zone. 7 of the 15 parking spaces will be for sales inventory and there will be 2 vehicles out in front during normal business hours and will be brought in behind the fence at nighttime.

Najib and Elias Dib, owners of the property, are properly sworn in.

Mr. Najib Dib explains to the board that they have been in business over 20 years in the area and their intent is to sell some vehicles.

Mr. EliasDibexplains that they have managed to develop a relationship with the communityover the last few years and believes this will be good for the neighborhood.

Attorney Doherty believes this will be a bonus to the community by having reasonably priced vehicles nearby.

Mr. Braga inquires if **Attorney Doherty** has a chance to look at Planning's report.

AttorneyDoherty answers no.

Mr. Braga explains that Planning did note that the applicant should install fencing for Earl Avenue.

Mr. Elias Dib explains that the fencing is new from May and it's a wooden fence.

Mr. Robinson explains he went out to the property and knows that the fence is stockade and being maintained. **Mr. Robinson** can see the no parking signs and that the building was upgraded. **Mr. Robinson** inquires what the plan for vehicle parking is.

Mr. Elias Dib explains that the purpose is to give the building more of a purpose and there is no plans to go crazy.

Mr. Najib Dib explains that they want to keep it low key.

Mr. Robinson expresses concerns for fire hazards or there being a large number of vehicles and would like to know the cap number of vehicles stored inside and out.

Attorney Doherty answers 20 vehicles all together.

Vice Chairman Beauparlant inquires if there will be line painting for the front spots.

Mr. Elias Dib answers yes.

Vice Chairman Beauparlant gives kudos to building a relationship with the community and believes they are doing a good job.

Mr. Pascoa has no concerns.

Chairman Saveory believes the neighbors are fortunate that they have taken that building over but they do need to stick with 7-8 vehicles.

Mr. Braga inquires if they would be okay with the stipulation of no more than 20 vehicles on the property at a time.

Mr. Elias and **Mr. Najib Dib** both answer yes.

Vice Chairman Beauparlant inquires if there will be any additional signage.

Mr. Najib Dib answers no, they rely on word of mouth.

Mr. Pimentel also inquires if abandoned vehicles can be stored elsewhere.

Mr. Elias and **Mr. Najib Dib** both answer yes.

There is no one present on the Zoom conference.

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. Braga,

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due 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 variance 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. The relief to be granted is the least relief necessary.

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

1. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered in granting a use variance.
2. There shall be no more than 20 vehicles on the property.
3. Only 7 vehicles listed for sale at a time.

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

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Pascoa – Aye	The board believes that the petitioners have done a
Mr. Robinson - Aye	great job taking care of the property and will not
Mr. Braga - Aye	negatively impact the area.

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

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

9. Petition No. 6812 - DRISCOLL DEVELOPMENT, LLC (Owner) and JOHN FLATLEY, CO. (Applicant), request dimensional variances to introduce a multi-unit residential development, consisting of several residential facilities, all of which will exceed the maximum number of stories and exceed the maximum height requirements, for property located at **1279 WAMPANOAG TRAIL, being MAP 711, BLOCK 3, PARCEL 15, in a COMMERCIAL 1 DISTRICT.**

Attorney Stephen J. Antonucci is representing the petitioner.

Brandon Carr, the engineer for this petition, is properly sworn in.

Mr. Carr explains to the board that the property in questions is an abandoned gravel pit and the material has already been removed. The existing grade of the property is 30-35 and the grade of Wampanoag Trail is about 55. The proposed site will have 8 buildings with 52 units in each building, each building will have 4 stories and will be 57ft. at max in height. **Mr. Carr** further explains that the main access point to the site will be off Wampanoag Trail and the connection to Hospital Road will be gated and used for emergency personnel only. There will be a club house in the center of the site with a gym, pool, etc. The idea of the proposed site is to keep the buildings away from abutters as much as possible, with this setup the buildings will be about 200-300ft. away from abutters. Public water and sewer will be coming from Wampanoag Trail and the petitioners have done a full traffic study that has been submitted to the DOT and to the board and if approved they will have to go to DEM and DOT for other approvals such as rain water run-off. **Attorney Antonucci** explains that the building height ordinances allows only up to 40ft. and are requesting a variance for the 17ft and the ordinances allow 3 stories but the petitioners want to have 4 stories. The current design was shrunk to try and maximize the space and notes that the applicant is permitted to have more units but is choosing to lessen the amount of units.

Mr. Carr explains that the buildings won't be seen by the neighbors due to the elevation, grade and existing vegetation. **Attorney Antonucci** adds in that the property is essentially a bowl and this project is in line with the city's comprehensive plan and believe the project in this state is what is best for the neighborhood.

Mr. Braga explains that based on the Planning report and the presentation tonight, it probably is the least relief necessary. Although the building will have some height they will be in a bowl like area and if the development was more cut up would be more intrusive.

Mr. Robinson understands that this project has been in the process for years and all of his questions have already been answered.

Vice Chairman Beauparlant inquires if the property will be a gated community.

Attorney Antonucci explains that there will be a gate on the entrance from Hospital Road but it is just for emergencies only.

Vice Chairman Beauparlant inquires if the units will be rented out or sold and what will the club house have.

Attorney Antonucci explains that there will be 1 or 2 bedrooms for rent.

Kevin Walker, the applicant, is properly sworn in.

Mr. Walker explains that the club house will have a game room, exercise room, sitting area, a small movie room, a kitchenette area with coffee/water, pool table, indoor fireplace, bathroom and leasing office.

ViceChairman Beauparlant inquires if there will be guest parking available.

Mr. Walker answers that each unit will get two parking spaces and that should be able to accommodate guests.

Mr. Pasco has no concerns.

Chairman Saveory expresses his concerns regarding traffic.

Amy Archer is properly sworn in.

Ms. Archer explains to the board that she conducted the traffic study during morning peak period from 7am-9am and then in the evening from 4pm-6pm. They did an analysis on Forbes Street and Wampanoag Trail and the turn arounds on the Wampanoag Trail. **Ms. Archer** explains that Wampanoag Trail can handle large amounts of traffic and will continue to assess with DOT. **Ms. Archer** explains that there is no changes of safety and accidents from the last 3 years are typically single vehicles who lost control, deer incidents and rear end accidents.

Chairman Saveory inquires if there will be a deceleration lane.

Ms. Archer explains that it will be just a taper style.

Chairman Saveory expresses concerns with vehicles speeding down Wampanoag Trail and the speed limit already being 45 mph.

Ms. Archer notes that the average speed was 54 mph on Wampanoag Trail.

Chairman Saveory continues to express concerns with Estelle Drive, Rounds Avenue and Grassy Plain Road since they are already used as cut through streets. **Chairman Saveory** inquires if they will run water into Hospital Road.

Mr. Carr explains that Hospital Road up until "Tobacco Road" will be getting water and the site will have 2 large retention ponds.

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

Charlie Dasilva of 10 Julie Ann Circle Riverside, RI is properly sworn in.

Mr. Dasilva explains to the board that he is in favor of the development and that it will be a nice addition to the area.

Chairman Saveory inquires if there is anyone present who would like to speak against the subject petition. Hearing and seeing none, **Chairman Saveory** queries if there is anyone present on the **Zoom** format.

Sandra Medeiros of 93 Hospital Road Riverside, RI is properly sworn in.

Ms. Medeiros explains to the board that she is in favor of the project but has concerns that there will be cars that will contaminate her well and inquires if they are actually getting water installed.

Mr. Carr assures **Ms. Medeiros** that her property will be getting water.

Melissa Lourenco of 24 Hospital Road Riverside, RI is properly sworn in.

Ms. Lourenco explains to the board that she has a major concern about the number of units, lighting, noise and traffic.

Ms. Lourenco would prefer if the board would hold off making a decision until the developers speak with DOT.

Deshawn Williams of 28 Hospital Road Riverside, RI is properly sworn in.

Mr. Williams explains that he has concerns regarding traffic and would like to know when exactly the traffic study was completed.

Ms. Archer answers the study was done on 12 February 2020.

Mr. Williams is concerned since the study was done on only one day and inquires what the point is adding the 4th story to the buildings.

Attorney Antonucci explains that under current regulations they are only allowed 3 stories and adding the 4th would consolidate the number of buildings and maximize on the green space.

Mr. Braga inquires if the petitioners are required to go before DOT.

Attorney Antonucci answers yes and plan on speaking with them.

Motion by Mr. Robinson,

Based on all evidence presented to the Zoning Board of Review and personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board of Review hereby finds pursuant to Section 19-45(a) of the City of East Providence Zoning Ordinance:

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure

and not due 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 variance 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. The relief to be granted is the least relief necessary.

The Zoning Board of Review hereby further finds pursuant to Section 19-45(b) of the City of East Providence Zoning Ordinance:

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

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

1. Petitioner(s) obtaining any, and all, necessary permits - said permits necessary to exercise (execute) the relief granted. Failure to obtain requisite permit(s), if needed, within the six-month approval period (one-year, if extended by the Zoning Board of Review), will result in expiration of said approval.

2. Strict compliance, to include: Submitted site plan (or amended site plan, as it may be applicable) and site plan package; all exhibits; entire testimony of applicant and/or property owner; presentation of legal counsel (if applicable); and, testimony of all expert(s), if applicable.

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

Motion is Seconded by Mr. Braga

Roll Call Vote

Mr. Pascoa – Aye

Mr. Robinson- Aye

Mr. Braga - Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

the rest of the area.

The board understands that something was going to happen with this property eventually and like the idea that Hospital Road will receive water service because of this project. It will not be a nuisance to the area due to the entrance on Wampanoag Trail and is graded lower than

Dimensional variances unanimously granted, 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, 14 October 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 Mr. Braga. The motion is **Seconded** by **Mr. Robinson** and **Unanimously** voted to adjourn. Meeting is adjourned at 10:31pm.

Secretary