

# STATE OF RHODE ISLAND PROVIDENCE

## CITY OF EAST

### COUNTY OF PROVIDENCE MINUTES

### ZONING BOARD OF REVIEW

A meeting of the East Providence Zoning Board of Review was held at 6:00 P.M., on Wednesday, **4 November 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.

Gary Pascoa

Matthew Robinson – 1<sup>st</sup> Alternate

Andrew Cotton – 2<sup>nd</sup> Alternate - **ABSENT**

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor – **ABSENT**

Dylan Conley – Assistant City Solicitor

## I. OPENING STATEMENT BY CHAIRMAN

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

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

A. Swearing in of the Zoning Officer

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

## II. SEATING OF ALTERNATE MEMBERS

**Chairman Saveory** informs the public that **all members are present and that Mr.**

**Robinson, 1<sup>st</sup> Alternate** will be participating but not a 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

**Chairman Saveory** announces that there is nothing to report.

## IV. CORRESPONDENCE / DISCUSSION

**Mr. Pimentel** explains to the board that **10 Tripps Lane is requesting a 6 month extension**. The extension is being asked for out of an abundance of caution while they wait for their state approvals.

**Motion by Mr. Pascoa, to grant the 6 month extension for 10 Tripps Lane**. The motion is **Seconded by Vice**

**Chairman Beauparlant** and **Unanimously** approved.

## VI. STAFF REPORTS

1. Planning Department Staff Report – 30 October 2020 - Previously Submitted

2. October 2020 - Zoning Complaint List – Previously Submitted

**Mr. Croke** inquires about Crown Avenue on the Zoning Complaint List and the numerous sheds and the status of the property.

**Mr. Pimentel** explains that the person who installed the sheds has passed away and they are currently working with the widow.

## **VII. CONTINUED BUSINESS**

**1. Petition No. 6792 - FRANCIS J. SOUSA, request dimensional variance(s)** to retain an accessory shed that fails to comply with the accessory side-yard setback and front-yard setback requirements, will be maintained between a public right-of-way (roadway) and principal land usage (residence), as well as exceeding the maximum building coverage, for property located at **6 PARK SQUARE, being MAP 513, BLOCK 34, PARCEL 6, in a RESIDENTIAL 4 DISTRICT. Continued from 14 October 2020.**

**Mr. Pimentel** explains to the board that the applicant has purchased another property and has sold the shed and the new owner of the shed has pulled all the proper permits. This petition can be dismissed without prejudice.

**Motion by Mr. Braga to dismiss this petition without prejudice**, the motion is **Seconded by Vice Chairman Beauparlant and Unanimously approved.**

**2. Petition No. 6791 - ARMAND F. FERLAND, requests dimensional variance(s)** to convert an accessory shed to a cabana and introduce rear-yard improvements, to consist of a swimming pool and patio area, without complying with the minimum rear-yard setback requirement, as well as exceeding maximum impervious lot coverage requirement, for property located at **58 MERRICK STREET, being MAP 403, BLOCK 5, PARCEL 4, in a RESIDENTIAL 3 DISTRICT. Continued from 14 October 2020.**

**Mr. Pimentel** explains that the drainage calculations were provided and the city engineer did review them and they do meet the criteria. **Mr. Pimentel** suggests that this should be included into the landscape plan as a condition of approval.

***Attorney John Shekarchi is representing the petitioner.***

***Matthew Yanuskiewicz is properly sworn in.***

***Doug Mclean, the land use expert, is properly sworn in.***

**Mr. Yanuskiewicz** explains that he looked into peak flows and did analysis for storm events, including the 100 year storm event. All those figures show that there will be no increase of water runoff.

**Mr. Mclean** notes that the biggest changes to the plan are to address drainage. There will be 2 drywell installations and the drywells will be able to store 2-3 times to excess of what the standards are. **Mr. Mclean** adds that they have removed the hot tub that was previously on the plans and had the city engineer come out to do a site inspection. The engineer did believe this was an over design and had no concerns regarding the drainage. They will also have new fast draining soil, this soil drains faster than regular soil and will have pavers being installed that will have layers of sand. This will allow water to seep through and they will be semi-pervious. In regards to use of the structure it will be used for a pool house/cabana, it will be a seasonal use of the pool house since the pool will not be heated. The structure will service for a bathroom and store equipment during the off season. East Providence zoning code does allow shower rooms and equipment houses as a principle use.

**Vice Chairman Beauparlant** explains that they have done a good job about the drainage but there were a number of complaints about the structure itself. Planning has recommended that the proposed kitchen be removed and inquires what else is included in the structure.

**Mr. Mclean** explains that changes have been made and there is no stove or dishwasher. There will be a fridge and a sink, electricity, plumbing and heat. **Mr. Mclean** notes that the sink, electricity and plumbing are pre-existing but will be upgrading the plumbing. There will be no other new utilities and will be used as a principle and seasonal use.

**Vice Chairman Beauparlant** expresses concerns regarding installing hear.

**Attorney Shekarchi** explains that they are willing to make it a stipulation that there can be no use of the cabana during

the winter months.

**Mr. Pascoa** has no questions.

**Mr. Croke** inquires why the structure will be heated, especially since water for the plumbing can be turned off.

**Mr. Mclean** answers that it comes down to building standards and the plaster and insulation may wear and tear if not properly kept at an average temperature and explains that the heat will be electric heat.

**Mr. Croke** expresses concerns over the coverage issue and the outdoor cooking area being right next to the neighbors.

**Mr. Croke** inquires if the outdoor cooking area can be moved elsewhere.

**Mr. Mclean** answers that it is already been permitted and completed.

**Mr. Croke** believes that no respect has been shown to the neighbors during this process and inquires when the garage was demolished.

**Mr. Mclean** apologizes if neighbors have felt disrespected and explains that the outdoor cooking area meets fire code and is considered to be in a safe location. The garage was torn down within this last calendar year.

***Armand Ferland, the property owner, is properly sworn in.***

**Mr. Ferland** explains that when he received the permit to rebuild the garage is when it was torn down and a few weeks later he started building the pool house.

**Mr. Braga** inquires if there is no gas inside the pool house.

**Mr. Mclean** answers no but there is to the outdoor grill area.

**Mr. Robinson** has no questions at this time.

**Chairman Saveory** inquires if the height of the cabana and the original garage are the same.

**Mr. Mclean** answers yes, they had to in order to keep the grandfathered rights.

**Mr. Robinson** inquires if there will be dates put into place for the cabana's winter months.

**Chairman Saveory** notes that it is concerning since there is New England weather.

**Mr. Ferland** adds that the pool may be heated.

**Mr. Robinson** inquires if the applicant would be okay with the stipulations of May 1<sup>st</sup>-October 31<sup>st</sup> the cabana be open.

**Vice Chairman Beauparlant** adds the stipulation that it will not be used as a residency.

**Mr. Ferland** answers that he is okay with both stipulations.

**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.

***Alexa Mavormatis of 53 Thatcher Street Rumford, RI is properly sworn in.***

**Ms. Mavormatis** explains to the board that her property abuts the applicant's property in the rear. **Ms. Mavormatis** believes this is excessive in every way and would like it denied. Ms. Mavormatis requested copies of the previous 21 letters in favor of the petition, after reviewing them she noticed that many of them lived nearly a mile away. **Ms.**

**Mavormatis** has drawn a map and created packets of letter from neighbors against the petition and would like to give them to the board.

**Motion by Vice Chairman Beauparlant to accept the drawn map as Exhibit A, the motion is Second by Mr. Croke and Unanimously approved.**

**Motion by Vice Chairman Beauparlant to accept packet containing letters from abutters as Exhibit B, the motion is Second by Mr. Croke and Unanimously approved.**

***Michael Rogers of 25 Brayton Avenue Rumford, RI is properly sworn in.***

**Mr. Rogers** thanks the board for recognizing the issues with the applicant and appreciates **Mr. Mclean** apologizing but he has not heard anything from the applicant. When he and his wife went before the board they went to their neighbors first to see if they were okay with their project. **Mr. Rogers** notes that this was the complete opposite and that the applicant has created the problem himself and believes she has gone around the laws.

***Nicolau Pereira of 57 Thatcher Street Rumford, RI is properly sworn in.***

**Mr. Pereira** explains that he would like to submit photos to the board and believes **Mr. Ferland** is asking for the maximum of variances and already built this cabana, which is massive. **Mr. Pereira** notes that the last time they met for this petition **Mr. Mclean** stated that a few properties in the area were not in compliance. Those properties have sheds and garages, not cabanas. **Mr. Pereira** believes property values will drop now because of the cabana.

**Mr. Braga** inquires if **Mr. Pereira** is saying that the structure is not the same size as the original garage.

**Mr. Pereira** admits it is the same size but not the same height.

**Motion by Vice Chairman Beauparlant to accept Mr. Pereira's photos as Exhibit C**, the motion is **Seconded by Mr. Croke and Unanimously approved**.

**Chairman Saveory** inquires if there is a request for a use variance.

**Mr. Pimentel** answers no, the applicant is asking for setback relief for the principle use.

***Carolyn Beaudry of 45 Thatcher Street Rumford, RI is properly sworn in.***

**Ms. Beaudry** explains to the board that she believes this is excessive and does not fit in with the neighborhood.

***Phillip Norton of 55 Merrick Street Rumford, RI is properly sworn in.***

**Mr. Norton** believes this is a pool house, not a cabana or a shed. **Mr. Norton** notes that **Attorney Shekarchi** said in the last meeting that the heat would be removed and **Mr. Mclean** said tonight the pool won't be heated but now **Mr. Ferland** said the pool may be heated and the pool house will be heated. **Mr. Norton** believes **Mr. Ferland** makes aggressive moves and this will end up being operational 12 months of the year and expresses concerns about the grill location.

**Chairman Saveory** inquires if there is anyone present via Zoom.

***Benjamin Tuthill of 21 Hoyt Avenue Rumford, RI is properly sworn in.***

**Mr. Tuthill** explains that he can see the property from his house and is in favor of this petition, he believes this has increased the value of the neighborhood.

***Dolly Brooks of 53 Thatcher Street Rumford, RI is properly sworn in.***

**Ms. Brooks** believes that **Mr. Tuthill** is not immediately impacted by the property in questions but he has his right to voice his opinion. **Ms. Brooks** explains that she has two images to give the board via someone already present at the meeting. **Ms. Brooks** believes the variance is excessive and is too intense for the area. **Ms. Brooks** believes **Mr. Ferland** applied for a dimensional variance because it's easier for it to be granted than a use variance. **Ms. Brooks** believes the applicant created the hardship and is playing the system and that this will become a party house. **Ms. Brooks** believes the cabana was not built to be the same size as the original garage and wants all variances denied. **Motion by Vice Chairman Beauparlant to accept the two images from Ms. Brooks as Exhibits D and E**, the motion is **Seconded by Mr. Braga and Unanimously approved**.

***Nicholas Craig of 34 Brayton Avenue Rumford, RI is properly sworn in.***

**Mr. Craig** complains of the construction debris and the port-a-potty being constantly moved around. **Mr. Craig** believes this is excessive and not the least relief necessary and that this could have been done differently.

**Vice Chairman Beauparlant** inquires if wasn't there supposed to be a 6ft. fence around to shield the neighbors.

**Mr. Mclean** answers that there is an existing portion of fence and there will be a fence around the pool but there will be abbreviations on the side without a fence.

**Vice Chairman Beauparlant** inquires about the reluctance to put up a fence on that side.

**Mr. Mclean** believes abbreviations is more attractive and will grow to be up to 10ft. in height.

**Mr. Craig** explains he has dogs and small children and would prefer a fence installed.

**Vice Chairman Beauparlant** suggests a fence be installed as a stipulation.

**Mr. Pimentel** explains that due to zoning the fence height is regulated.

**Mr. Mclean** explains that if the board feels it is necessary they will install the fence but it will be 4ft. in height.

**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.
3. Operation of the cabana will only be from May 1st - October 31st
4. The drainage plans being included into the landscape plan.
5. No range stove allowed in the cabana.
6. No overnight stays or any type of residency in the cabana.
7. A 4ft. in height fence be installed from the left side of the property.

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

**Motion is Seconded by Mr. Braga**

**Roll Call Vote**

|                                        |                                                            |
|----------------------------------------|------------------------------------------------------------|
| <b>Mr. Pascoa – Aye</b>                | <b>The board believes this is a difficult case and are</b> |
| <b>Mr. Braga - Aye</b>                 | <b>trying to make it work for the applicant and the</b>    |
| <b>Mr. Croke - Nay</b>                 | <b>neighbors. There will not be any drainage issues,</b>   |
| <b>Vice Chairman Beauparlant - Aye</b> | <b>the hot tub and the stove have been eliminated. Mr.</b> |
| <b>Chairman Saveory – Aye</b>          | <b>Croke believes that there is too much impervious</b>    |
|                                        | <b>coverage.</b>                                           |

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

**Chairman Saveory requests a recess at 8:16pm and the board reconvenes 8:28pm.**

## **VIII. NEW BUSINESS**

**3A. Petition No. 6819 - ST. MARGARET CHURCH, requests a use variance to introduce a digital sign, otherwise defined as a prohibited land use, for property located at 1098 PAWTUCKET AVENUE, being MAP 503, BLOCK 2, PARCEL 1, in a RESIDENTIAL 4 DISTRICT.**

***Attorney Gregory Dias is representing the petitioner.***

**Attorney Dias** explains to the board that the petitioner would like to install a sign with an electronic message board. Attorney Dias also asks for a motion to modify the petition since it had the incorrect numbers listed.

**Mr. Pimentel** explains that the sign will be two sided and only one side was considered.

**Attorney Dias** adds that the planning board recommends approval with the addition of 3 specific requirements that the applicant is willing to meet.

***Monsignor John Darcy is properly sworn in.***

**Monsignor Darcy** explains to the board that St. Margaret has been there for 130 years and the existing sign is deteriorating. The new sign will help with the mission of St. Margaret and will be test only. It will have times and school related messages and is willing to have Amber and Silver alerts for the city. The sign will be facing Pawtucket Avenue and will give illumination to the sidewalk and no neighbors have reached out to him to oppose the sign.

**Attorney Dias** adds that they have a petition from neighbors in favor of the sign and a map of those people who signed in favor and would like to give these to the board.

**Motion by Vice Chairman Beauparlant to accept the petition signed by abutters in favor of the sign as Exhibit A, the motion is Seconded by Mr. Braga and Unanimously approved.**

**Motion by Vice Chairman Beauparlant to accept the map of the abutters in favor of the sign as Exhibit B, the motion is Seconded by Mr. Croke and Unanimously approved.**

***Jason Sozazez is properly sworn in.***

**Mr. Sozazez** explains to the board that he frequently does this type of sign construction and can meet all of the planning board's recommendations. The sign has the ability to dim down automatically and he did the same type of sign for St. Theresa's in Pawtucket on Newport Avenue.

**Vice Chairman Beauparlant** is glad to see the planning board's stipulations will be agreed to and that there will be no animation such as scrolling. **Vice Chairman Beauparlant** admits he'd would be more comfortable with the sign off at night.

**Mr. Pascoa** has no questions.

**Mr. Croke** would like to consider having the sign shutoff at midnight and inquires how the messages can be controlled.

**Mr. Sozazez** explains that they could control the sign to shut off at 10pm and would not be an issue. The messages are controlled through cloud based technology, it can be done through cellphone, computer or tablet.

**Mr. Croke** inquires if there will be rolling messages.

**Mr. Sozazez** answers that the sign has the ability to do so but, will be sticking with the stipulations set by the planning board.

**Mr. Braga** explains that with the planning board stipulations in place, he has no issue with this petition.

**Mr. Robinson** explains that if the applicant is willing to use the sign for law enforcement, those messages should be an exception to being turned off at night.

**Mr. Sozazez** explains that they can easily manage the alerts then put it back to the more restricted messages.

**Monsignor Darcy** explains that there are many people he trusts to operate the sign if he is unavailable, but he can manage the sign from his cellphone or iPad.

**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** inquires if there is anyone present via Zoom. 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.

2. Following the stipulations provided by the planning board.

3. The sign system be shut down from 10pm-6am with the exception for an emergency/public safety message.

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

**Motion is Seconded by Mr. Croke**

**Roll Call Vote**

**Mr. Pascoa – Aye**

**Members of the board have seen the St. Theresa's**

**Mr. Braga - Aye**

**sign and have no issue with sign since the**

**Mr. Croke - Aye**

**applicant has agreed to their stipulations and the**

**Vice Chairman Beauparlant - Aye**

**planning board's stipulations.**

**Chairman Saveory – Aye**

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

**3B. Petition No. 6820 - ST.MARGARET CHURCH, requests a dimensional variance** to introduce a digital sign, that will exceed the maximum aggregate signage requirements, otherwise defined as a prohibited land use, for property located at **1098 PAWTUCKET AVENUE, being MAP 503, BLOCK 2, PARCEL 1, in a RESIDENTIAL 4 DISTRICT.**

**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.
3. Following the stipulations provided by the planning board.
4. The sign system be shut down from 10pm-6am with the exception for an emergency/public safety message.

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

**Motion is Seconded by Mr. Croke**

**Roll Call Vote**

**Mr. Pascoa – Aye**

**Members of the board have seen the St. Theresa's**

**Mr. Braga - Aye**

**sign and have no issue with sign since the**

**Mr. Croke - Aye**

**applicant has agreed to their stipulations and the**

**Vice Chairman Beauparlant - Aye**

**planning board's stipulations.**

**Chairman Saveory – Aye**

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

**4. Petition No. 6821 - SUE SHEINITKIN, requests a dimensional variance** to convert an accessory garage to principal living space, without complying with the minimum side-yard setback requirement, for property located at **226 PLEASANT STREET, being MAP 504, BLOCK 10, PARCEL 8, in a RESIDENTIAL 3 DISTRICT.**

***Sue Shein-Itkin is properly sworn in.***

**Ms. Shein-Itkin** explains to the board that she would like to create a workout space in the garage since she cannot work out at the gym due to Covid-19. They will be removing the garage door and installing a regular door.

**Vice Chairman Beauparlant** inquires if the work as already begun.

**Ms. Shein-Itkin** answers that there was termite damage that needed to be repaired. **Ms. Shein-Itkin** explains that she will not be turning this into a business and that her driveway has spaces for 3 vehicles.

**Mr. Croke** inquires if heat will be installed.

**Ms. Shein-Itkin** answers that she hopes between the insulation and working out that it will be warm enough to not install heat.

**Mr. Braga** has no questions at this time.

**Chairman Saveory** inquires if there will be any electricity or water to the garage.

**Ms. Shein-Itkin** answers yes to electric but no to water.

**Chairman Saveory** inquires if there will be a bedroom built in the garage.

**Ms. Shein-Itkin** answers no.

**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** inquires if there is anyone present via Zoom. 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.
- 3.If the gym does not work out or the property is sold the gym must be reverted back into a garage.

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

**Motion is Seconded by Mr. Croke**

**Roll Call Vote**

|                                        |                                                          |
|----------------------------------------|----------------------------------------------------------|
| <b>Mr. Pascoa – Aye</b>                | <b>The board believes there is hardship due to the</b>   |
| <b>Mr. Braga - Aye</b>                 | <b>property pre-dating zoning and that this will not</b> |
| <b>Mr. Croke - Aye</b>                 | <b>alter the surrounding area. The board likes that</b>  |
| <b>Vice Chairman Beauparlant - Aye</b> | <b>there will be no windows on the left side of the</b>  |
| <b>Chairman Saveory – Aye</b>          | <b>gym for privacy.</b>                                  |

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

**5. Petition No. 6822 - 310 GREENWOOD AVE., LLC, requests a use variance** to convert a prior commercial usage of property (as approved by the Zoning Board of Review), to a prohibited two-unit residence, for property located at **310 GREENWOOD AVENUE, being MAP 403, BLOCK 20, PARCEL 6.1, in a RESIDENTIAL 3 DISTRICT.**

***Chairman Saveory informs the public that Vice Chairman Beauparlant will be recusing himself and Mr. Robinson will be a participating and voting member.***

***Attorney Joseph Brennan is representing the petitioner.***

**Attorney Brennan** explains to the board that the proposed conversion of the property is 2 residential units, one top floor with 2 bedrooms and 1 bathroom and one bottom floor with 2 bedrooms and 1 bathroom. **Attorney Brennan** explains that they were previously before the board proposing a golf simulation but was denied by the board.

**Attorney Brennan** notes that they met with as many neighbors as they could and they all wanted the commercial use abandoned. This property was along time existing commercial building that is large in size but is on a small lot.

**Attorney Brennan** adds that he has a letter from **Tom Sweeney**, no relation to the applicant **Michael Sweeney, Mr.**

**Tom Sweeney** is a real estate expert and his letter states that 2 residential units is the best option.

**Motion by Mr. Braga to accept Mr. Tom Sweeney's resume and letter as Exhibit A, the motion is Seconded by Mr. Pascoa and is Uniamously approved.**

**Attorney Brennan** notes that there was previous discussion about a disputed easement and explains to the board that they are present tonight for a variance only and not here for any private rights. There are currently 4 parking spaces which they are required to have for 2 residential units.

**Motion by Mr. Robinson to accept the letter regarding the easement as Exhibit B, the motion is Seconded by Mr. Braga and is Uniamously approved.**

**Mr. Robinson** has no questions at this time.

**Mr. Pascoa** has no questions at this time.

**Mr. Croke** inquires where the 4 parking spaces are.

**Attorney Brennan** explains that the plan is to get rid of bulkhead which would give room for a potential 5<sup>th</sup> parking spot.

***Michael Sweeney of 322 Blackstone Blvd Providence, RI is properly sworn in.***

**Mr. Sweeney** is trying to do everything to find a use for the property the only person that may object is his neighbor

**Ms. Cain** who owns the 12 units because she wants to purchase the property. The building was a victim of time and would like to have a two 2 bedroom units for younger or older couples.

**Mr. Braga** explains that he can't see another use for this property and that the proposed use last time would have been too intense. Mr. Braga agrees with Attorney Brennan's arguments for hardships and presentation.

**Chairman Saveory** has no issues with the proposed two family.

**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.

***Anne Cain, owner of 40-42 Elm Avenue Rumford, RI is properly sworn in.***

**Ms. Cain** presents a package of her opposition regarding this petition and would like it submitted into the record.

**Motion by Mr. Robinson to accept Ms. Cain's packet as Exhibit C, the motion is Seconded by Mr. Braga and is and Uniamously approved.**

**Ms. Cain** explains that she is against this petition due to the parking and easement reasons.

**Chairman Saveory** inquires if there is anyone present via Zoom.

***Lucy Stoddard of 5 Carolina Avenue Riverside, RI is properly sworn in.***

**Ms. Stoddard** explains to the board that she was the listing agent for the property and had an issue with **Ms. Cain** regarding the parking. **Ms. Stoddard** explains that the property does have parking and that **Mr. Sweeney** will make the property look better.

**Mr. Croke** inquires about the removal of the bulkhead for more parking and the potential blocking of the stairs.

**Attorney Brennan** answers that they will not block the stairs.

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

**Motion is Seconded by Mr. Braga and Mr. Croke**

**Roll Call Vote**

**Mr. Pascoa – Aye**

**The board likes the idea of the commercial use**

**Mr. Robinson - Aye**

**being abandoned and turned residential. There is**

**Mr. Croke - Aye**

**residential 12 unit next door so it will fit in with**

**Mr. Braga - Aye**

**the area. The board realizes that there are limited**

**Chairman Saveory – Aye**

**options for this property.**

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

***Chairman Saveory calls for a recess at 10:17pm, the board reconvenes at 10:28pm***

***Chairman Saveory informs the public that Vice Chairman Beauparlant has returned as a voting and participating member and Mr. Robinson will return to being a participating but not voting member.***

**6. Petition No. 6823 - C. JULIAN UGENT and JEAN CAVANAUGH, request a dimensional variance to construct a new single-family residence, without complying with the minimum front and side-yard setback requirements, for property located at 29 SUNNYSIDE AVENUE, being MAP 209, BLOCK 3, PARCEL 8, in a RESIDENTIAL 3 DISTRICT.**

***C. Julia Nugent of 29 Sunnyside Avenue Riverside, RI is properly sworn in.***

**Ms. Nugent** explains to the board that the house is a 1920's structure and the proposed new home will not be in the exact footprint as the existing home, which is why she is here tonight. **Ms. Nugent** explains that she has spoken with all of the abutters regarding this petition.

**Mr. Pascoa** has no questions at this time.

**Mr. Croke** inquires how **Ms. Nugent** will protect the property from vehicles.

**Ms. Nugent** explains that there isn't a sidewalk but the road does become parallel in front of her home.

**Mr. Braga** has no concerns with this petition.

**Mr. Robinson** can see why the house needs to be demolished and had spoken with one of the neighbors and they had a lot of good things to say.

**Vice Chairman Beauparlant** notes that all the neighbors will still keep their views.

**Chairman Saveory** has no issues with the petition.

**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** inquires if there is anyone present via Zoom. 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.

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. 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 - 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. Nugent** 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. Nugent** responds that she fully understands and accept the conditions just stipulated.

**Motion is Seconded by Mr. Croke**

**Roll Call Vote**

**Mr. Pascoa – Aye**

**Mr. Braga - Aye**

**Mr. Croke - Aye**

**Vice Chairman Beauparlant - Aye**

**Chairman Saveory – Aye**

**The board notes that the home will be built in a similar footprint and the property has had pre-existing variances.**

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

**7. Petition No. 6824 - JESSICA GOMES, requests a dimensional variance** to construct an addition, as well as convert an existing attached accessory garage to living space, without complying with the minimum front and side-yard setback requirements, as well as exceeding the maximum building and lot coverage requirements, for property located at **45 FERNCREST DRIVE, being MAP 612, BLOCK 7, PARCEL 45, in a RESIDENTIAL 3 DISTRICT.**

***Bryan Gomes of 45 Ferncrest Drive Riverside, RI is properly sworn in.***

**Mr. Gomes** explains to the board that the garage is currently set back and will move it to come out 5ft and create more living space for a kitchen/living room area. They currently have 4 children and one of which is special needs so they are just trying to make more living space.

**Mr. Braga** has no questions at this time.

**Mr. Robinson** has no questions at this time.

**Vice Chairman Beauparlant** inquires who is doing the construction work.

**Mr. Gomes** answers that he'll be doing the work.

**Vice Chairman Beauparlant** has no further questions.

**Mr. Pascoa** has no questions at this time.

**Mr. Croke** noticed that other neighbors are doing work as well and inquires if they have spoken with them.

**Mr. Gomes** responds that the neighbors on the left know and the neighbor on the right came today but left due to the time but was going to speak on their behalf.

**Chairman Saveory** believes this will be an improvement.

**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** inquires if there is anyone present via Zoom. 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.

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. 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 - 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. Gomes** 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. Gomes** responds that he fully understands and accept the conditions just stipulated.

**Motion is Seconded by Mr. Croke**

**Roll Call Vote**

**Mr. Pascoa – Aye**

**Mr. Braga - Aye**

**Mr. Croke - Aye**

**Vice Chairman Beauparlant - Aye**

**Chairman Saveory – Aye**

**The board recognizes the hardship and believes this will fit in with the neighborhood.**

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

**8. Petition No. 6825 CRAIG and ELIZABETH O'ROURKE, request a dimensional variance to construct several second-floor additions, without complying with the minimum front and both side-yard setback requirements, for property located at 22 CATLIN AVENUE, being MAP 403, BLOCK 19, PARCEL 3, in a RESIDENTIAL 3 DISTRICT.**

***Craig and Elizabeth O'Rourke of 22 Catlin Avenue Rumford, RI are properly sworn in.***

**Vice Chairman Beauparlant** inquires if they are staying within the existing footprint.

**Ms. O'Rourke** answers yes.

**Mr. Croke** inquires if the garage will be torn down.

**Mr. O'Rourke** answers yes due to fire code reasons.

**Mr. Braga** has no concerns.

**Mr. Robinson** believes this will fit in with the area.

**Chairman Saveory** also believes that this will fit in with the area.

**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** inquires if there is anyone present via Zoom,

***Mary Jane McDonald of 16 Catlin Avenue Rumford, RI is properly sworn in.***

**Ms. McDonald** explains to the board that she feels that it is a large addition facing her side and has concerns with the potential damage done to the tree on her property.

**Mr. O'Rourke** answers that they will just be cutting branches hanging over to their property and that this was the least relief necessary.

**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. and Ms. O'Rourke** 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. O'Rourke** respond that they fully understand and accept the conditions just stipulated.

**Motion is Seconded by Mr. Croke and Mr. Braga**

**Roll Call Vote**

**Mr. Pascoa – Aye**

**Mr. Braga - Aye**

**Mr. Croke - Aye**

**Vice Chairman Beauparlant - Aye**

**Chairman Saveory – Aye**

**The board believes this will fit in nicely with the neighborhood and is the least relief necessary.**

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

**9. Petition No. 6789 - RANDALL ROMANOFF, requests a use variance to retain a prohibited three-unit residential facility, otherwise defined as a prohibited land use, for property located at 216 NARRAGANSETT AVENUE, being MAP 313, BLOCK 1, PARCEL 6, in a RESIDENTIAL 4 DISTRICT.**

**Mr. Pimentel** explains to the board that the applicant is still working on having the land survey completed and would like to have this petition continued.

**Motion by Mr. Braga to continue this petition from 4 November 2020 to 14 December 2020 so the petitioner has time to completed the class I survey, the motion is Seconded by Vice Chairman Beauparlant, and Unanimously approved.**

## **IX. PROCEDURES**

**Chairman Saveory requests the board for a motion to have the next regular scheduled meeting of the zoning board be 14 December 2020.**

**Motion by Mr. Braga to make the next regular meeting of the zoning board, the motion is Seconded by Mr. Croke and Mr. Pascoa and Unanimously approved.**

## **X. ANNOUNCEMENTS**

The next meeting of the Zoning Board of Review is scheduled for **Monday, 14 December 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 Vice Chairman Beauparlant and Unanimously voted to adjourn. Meeting is adjourned at 11:10pm.**

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**Edward Pimentel, AICP**  
**Zoning Officer / Clerk**

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**Secretary**