

STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE

COUNTY OF PROVIDENCE MINUTES

ZONING BOARD OF REVIEW

A meeting of the Zoning Board of Review is scheduled for **14 April 2021**, at 6:00 P.M. The meeting is scheduled to be purely in a **Virtual Format** due to the **Executive Order by the Governor and the Mayor of East Providence**.

The following members were present:

Eugene Saveory – Chairman – **ABSENT**

Michael Beauparlant – Acting Chairman

John Braga

Richard Croke, Sr.

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

Acting Chairman Beauparlant 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.

Acting Chairman Beauparlant 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

Acting Chairman Beauparlant asks **City Solicitor Marcelo** to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

Acting Chairman Beauparlant informs the public that **Chairman Saveory is absent this evening**. **Acting**

Chairman Beauparlant explains that he will be acting chairman tonight and that **Mr. Robinson** will be voting and participating member tonight.

III. APPROVAL OF ZONING BOARD MINUTES

Acting Chairman Beauparlant asks for approval of the **14 December 2020**, Zoning Board of Review Minutes.

Motion by **Mr. Braga** to approve the **14 December 2020**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Robinson** and **Unanimously** approved.

Acting Chairman Beauparlant asks for approval of the **13 January 2021**, Zoning Board of Review Minutes. **Motion** by **Mr. Braga** to approve the **13 January 2021**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Robinson** and **Unanimously** approved.

Acting Chairman Beauparlant asks for approval of the **3 February 2021**, Zoning Board of Review Minutes. **Motion**

by **Mr. Braga** to approve the **3 February 2021**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Robinson** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

Mr. Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

Mr. Pimentel explains that there is none.

VI. STAFF REPORTS

1. Planning Department Staff Report – 7 April 2021 - Previously Submitted

VII. CONTINUED BUSINESS

There is no continued business.

VIII. NEW BUSINESS

1. Petition No. 6842 - WILLIAM and SANDRA MEEKINS, request a dimensional variance to introduce a front farmer's porch, without complying with the minimum front-yard setback requirement, for property located at **94 SWEET BRIAR AVENUE, being MAP 409, BLOCK 3, PARCEL 7, in a RESIDENTIAL 3 DISTRICT.**

Sandra Meekins of 94 Sweet Briar Avenue Riverside, RI is properly sworn in.

Mr. Pimentel explains that the applicants had 3 different projects going on but now they just want to concentrate on the farmer's porch. The survey currently showing a proposed addition in the back but the applicants are not pursuing the addition at this time.

Ms. Meekins explains to the board that they have always wanted a porch and believes that the porch will improve the appearance of her home. **Ms. Meekins** adds that the home will soon be re-sided and just recently installed a new roof and they believed it was a good time to do the porch.

Mr. Pascoa has no questions at this time.

Mr. Robinson has no questions at this time.

Mr. Croke notes that the applicant is off by 2ft. but believes this is a minor deviation and will not impact the neighborhood.

Mr. Braga agrees that this is a small deviation and will have minimum impact to the area.

Acting Chairman Beuparlant inquires how high the porch will be compared to the roof line.

Ms. Meekins answers that she believes it will be the same but definitely won't be higher.

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

Carissa Meekins of 168 Glenwood Avenue Pawtucket, RI is properly sworn in.

Ms. Meekins explains that she is the daughter of the petitioner's and knows that this porch has been a goal for her parents for some time and is in favor of them building the porch.

Acting Chairman Beuparlant 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 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.

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

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

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

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

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

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

Motionis Seconded byMr. Croke,

RollCall Vote

The board feels that thisis a minor deviation

Mr.Pascoa – Aye

and thatit will not negatively impact the

Mr. Robinson - Aye

neighborhood.

Mr.Croke – Aye

Mr. Braga – Aye

ActingChairman Beauparlant - Aye

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

2. Petition No. 6843 - NICOLE M.BORGES, requests a dimensional variance to retain a side-yard deck,without complying with the minimum side-yard setback requirement, for propertylocated at **18 SOMERSET AVENUE, being MAP512, BLOCK 2, PARCEL 9, in a RESIDENTIAL 3 DISTRICT.**

Nicole Borges of 18 Somerset Avenue Riverside, RI is properly sworn in.

Ms. Borges explains to the board that she had alreadybuilt the deck during the summer when Covid-19 hit. **Ms. Borges** explains that the house is small and she used the deckas a way to work outside and relax. **Ms.Borges** apologizes to the board, she didn’t realize she needed to comebefore the board first.

Mr. Braga notes that the deck only has an 11ft setbackwhen the requirement is 15ft, he doesn’t believes that it is a huge deviation.However, the only issue is that the deck was already built.

Mr. Robinson notes that the deck looks beautiful and hasseen the letters of approval from neighbors. **Mr. Robinson** believes that this doesn’t impact the neighborhoodnegatively at all.

Mr. Croke has no questions at this time.

Mr. Pascoa has no questions at this time.

Acting Chairman Beauparlant agrees with **Mr. Braga** that this is a modest deviation but explains that **Ms. Borges** should call and ask the citynext time.

Acting Chairman Beauparlant inquires if there is anyone present whowould like to speak in favor of the subject petition.

Edward Lachance of 532Willett Avenue Riverside, RI is properly sworn in.

Mr. Lachance explains he is on the corner of Willett Avenue and Somerset Avenue and he has no issues with the deck.

Acting Chairman Beauparlant inquires if there is anyone present who would like to speak against the subject petition. Hearing and seeing none, **Acting Chairman Beauparlant** inquires if there is anyone present via Zoom.

Judith Benson of 17 Somerset Avenue Riverside, RI is properly sworn in.

Ms. Benson explains that she lives across the street and that the deck is beautiful and has no issues with it.

Chris Farra of 22 Somerset Avenue Riverside, RI is properly sworn in.

Mr. Farra explains that the deck looks great and has no problem with it, he's actually happy that they did it.

David Benson of 17 Somerset Avenue Riverside, RI is properly sworn in.

Mr. Benson explains to the board that he believes that the deck looks great.

Acting Chairman Beauparlant 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.

Acting Chairman Beauparlant asks **Ms. Borges** 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. Borges** 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. Croke – Nay

Mr. Braga – Aye

Acting Chairman Beauparlant - Aye

The board feels that this is a small deviation

and that it will not negatively impact the

neighborhood. It is obvious to the board that

Ms. Borges has a great relationship with her

neighbors. Mr. Croke believes that there is no

hardship since it is for relaxation.

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

3. Petition No. 6844 - CANDIDOESTEVEES, requests a dimensional variance to subdivide a lot into two(2) distinct and separate parcels, resulting in the present decking associated with the single-family residence failing to comply with the requisite side-yard setback, for property located at **50 BOURNE AVENUE, being MAP 303, BLOCK 11, PARCEL 93, in a RESIDENTIAL 3 DISTRICT.**

Candido Esteves the owner of 50 Bourne Avenue Rumford, RI is properly sworn in.

Mr. Esteves explains to the board that he is doing a minor subdivision, one lot will have an existing house and the new lot he will be building a single family home. **Mr. Esteves** explains that he meets all the requirements for the subdivision except for the side yard setback due to an existing deck.

Mr. Robinson inquires if **Mr. Esteves** will be repairing the deck.

Mr. Esteves answers yes.

Mr. Croke inquires if the houses will be put up for sale.

Mr. Esteves explains that the existing house will be rehabbed and sold but the new property that will be built he may possibly live in.

Mr. Croke inquires if there will be financial gain from selling one of the properties.

Mr. Esteves answers yes.

Mr. Braga confirms that that existing house is the property with the deck and will be 8.7ft from the side-yard. 8.7ft isn't the smallest deviation, if **Mr. Esteves** will be working on the deck could he perhaps shorten it.

Mr. Esteves explains he wasn't going to replace the deck just do some repairs. **Mr. Esteves** explains that the 8.7ft isn't the entire deck but it is just at the closest point.

Mr. Braga notes that property is on a corner lot but the deviation is bigger than he'd like. **Mr. Braga** recognizes that the deck is already existing and the property will be subdivided regardless.

Mr. Pascoa has no questions at this time.

Acting Chairman Beauparlant notes that this is a larger variance than the other's from this evening but seems to be the least relief necessary. **Acting Chairman Beauparlant** inquires if **Mr. Esteves** will be installing a fence in between the lots.

Mr. Esteves answers yes, he will install white vinyl fencing.

Acting Chairman Beauparlant inquires if **Mr. Esteves** will agree to that as a stipulation, this way it guarantees privacy. **Acting Chairman Beauparlant** inquires to **Mr. Pimentel** that **Mr. Esteves** doesn't need relief for the front yard setback for the existing house.

Mr. Esteves answers yes.

Mr. Pimentel answers no since the property is pre-existing and meets all other requirements.

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

Eugene Oakland of 7 Holmes Avenue Rumford, RI is properly sworn in.

Mr. Oakland explains that he has no issue with the variance and wants the property rehabbed since it has been a mess and is here tonight to show support for the project.

Marianne Walsh of 48 Bourne Avenue Rumford, RI is properly sworn in.

Ms. Walsh explains to the board that she is pleased with the rehabilitation since the property has been in disrepair for several years.

Maddie Josephs of 43 Bourne Avenue Rumford, RI is properly sworn in.

Ms. Josephs explains that she lives across the street and is delighted that the property will be repaired.

Acting Chairman Beauparlant 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.

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.
- 3.Fencing will be installed the separate the properties.

Acting Chairman Beauparlant asks **Mr. Esteves** 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. Esteves** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Braga,

Roll Call Vote	The existing property pre-dates zoning and
Mr. Pascoa – Aye	does need to be cleaned up which is what the
Mr. Robinson - Aye	petitioner is trying to do.
Mr. Croke – Aye	
Mr. Braga – Aye	
Acting Chairman Beauparlant - Aye	

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

IX. PROCEDURES

Acting Chairman Beauparlant explains that there are no procedures to announce.

X. ANNOUNCEMENTS

The Zoning Board of Review will be serving in their capacity as an Appellate Board, immediately upon adjourning this hearing.

XI. ADJOURNMENT

Motion to adjourn by Mr. Braga. The motion is **Seconded** by **Mr. Robinson** and **Unanimously** voted to adjourn. Meeting is adjourned at **7:03pm**.

Secretary