

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 **4 August 2021**, at 6:00 P.M. The meeting is scheduled to be in an **In person and Virtual Format** due to this meeting was scheduled and noticed prior to the expiration of the Executive Order.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Acting Chairman

John Braga

Richard Croke, Sr.

Gary Pascoa – **ABSENT**

Matthew Robinson – 1st Alternate

Andrew Cotton – 2nd 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 11 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 Solicitor Conley** to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory informs the public that **Mr. Pascoa** is absent and **Mr. Robinson** will be a participating and voting member tonight.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **13 January 2021**, Zoning Board of Review Minutes. **Motion** by **Vice**

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

Chairman Saveory asks for approval of the **14 April 2021**, Zoning Board of Review Minutes. **Motion** by **Vice**

Chairman Beauparlant to approve the **14 April 2021**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Chairman Saveory asks for approval of the **regular 2 June 2021**, Zoning Board of Review Minutes. **Motion** by **Vice**

Chairman Beauparlant to approve the **regular 2 June 2021**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Chairman Saveory asks for approval of the **appeal 2 June 2021**, Zoning Board of Review Minutes. **Motion** by **Vice Chairman Beauparlant** to approve the **appeal 2 June 2021**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Chairman Saveory asks for approval of the **regular 14 July 2021**, Zoning Board of Review Minutes. **Motion** by **Vice Chairman Beauparlant** to approve the **regular 14 July 2021**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Chairman Saveory asks for approval of the **appeal 14 July 2021**, Zoning Board of Review Minutes. **Motion** by **Vice Chairman Beauparlant** to approve the **appeal 14 July 2021**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

Mr. Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

1. Petition No. 6826 – JOSEPH PAIVA, is requesting a **six month extension** for the property located at **501 Warren Avenue**. Request was submitted by **Attorney Bruce Cox**.

Joseph Paiva, the owner of the property, is properly sworn in

Mr. Paiva explains to the board that things move slowly in this business and is requesting an additional six month extension.

Mr. Croke notes that he would like to continue this petition but this would be the last continuance.

Mr. Paiva explains that a lot of the problem was due to things out of his control such as the State's timeline and Covid-19.

Chairman Saveory notes that there is a caller on Zoom wishing to speak however, no one responds to the board moves forward.

Motion by **Mr. Croke** to grant the final six month extension, the motion is **Seconded** by **Mr. Braga** and **Mr. Robinson** and **Unanimously** approved.

Roll Call Vote

Mr. Croke –aye

Mr. Robinson – aye

Mr. Braga –aye

Vice Chairman Beauparlant – aye

Chairman Saveory – aye

The request for the six month extension is granted 5-0.

2. Petition No. 6839 - ECOGY ENERGY RI IX, LLC, is requesting a **six month extension** for the property located at **109 King Philip Road**. Request was submitted by **Attorney Brittany Friese**.

Zoning Officer Pimentel explains to the board that the petitioner's originally believed that the roof at the property was structurally sound but the entire roofline must be re-designed.

Motion by **Vice Chairman Beauparlant** to grant the six month extension, the motion is **Seconded** by **Mr. Braga** and **Mr. Robinson** and **Unanimously** approved.

Roll Call Vote

Mr. Croke –nay

Mr. Robinson – aye

Mr. Braga –aye

Vice Chairman Beauparlant – aye

Chairman Saveory – aye

Mr. Croke believes that the petitioner is doing this project for financial gain.

The request for the six month extension is granted 4-1.

VI. STAFF REPORTS

1. Planning Department Staff Report – June 2021 - Previously Submitted

2. Zoning Complaint List – June 2021 –Previously Submitted

VII.CONTINUED BUSINESS

1A. Petition No. 6847 - JT REALTY PARTNERSHIP, requests a waiver of the mandatory submission of a Class I Surveyed Site Plan, due to the fact that no changes are proposed and there is more than sufficient off-street parking to meet the long-standing usage of property, for property located at **399 NORTH BROADWAY, being MAP 304, BLOCK 5, PARCEL 22, in a COMMERCIAL 2 DISTRICT.**

Zoning Officer Pimentel explains to the board that this petition came in as a technicality and the new sign regulations are with the City Solicitor now to be reviewed but is backed up. **Zoning Officer Pimentel** suggests that the board continue this to the **3 November 2021** meeting since once the ordinance is passed the petitioners will no longer require zoning approval.

Motion by Vice Chairman Beauparlant to continue this petition to the **3 November 2021 meeting**. The motion is **Seconded by Mr. Robinson.**

Roll Call Vote

Mr. Braga - Aye

Mr. Croke – Aye

Mr. Robinson – Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

1B. Petition No. 6848 - JT REALTY PARTNERSHIP, requests a use variance to introduce an electronic message menu board associated with an existing restaurant (Dunkin Donuts), otherwise identified as a prohibited sign, for property located at **399 NORTH BROADWAY, being MAP 304, BLOCK 5, PARCEL 22, in a COMMERCIAL 2 DISTRICT.**

Motion by Vice Chairman Beauparlant to continue this petition to the **3 November 2021 meeting**. The motion is **Seconded by Mr. Robinson.**

Roll Call Vote

Mr. Braga - Aye

Mr. Croke – Aye

Mr. Robinson – Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

2A. Petition No. 6840 CIRCLE HOLDINGS, LLC, requests a waiver of the mandatory submission of a Class I Surveyed Site Plan, to introduce a Medical Marijuana Compassion Center, otherwise defined as a prohibited land use, for property located at **15 CIRCLE STREET, being MAP 402, BLOCK 4, PARCEL 4, in a COMMERCIAL 2 DISTRICT**

Chairman Saveory explains to the public that tonight's docket is heavy and there is a curfew of 11pm tonight. Seeing that this case is very involved **Chairman Saveory** suggests the board move this petition to **19 August 2021** so it can be by itself and gives all sides time to speak. **Chairman Saveory** turns to the board to get their opinions.

Mr. Croke would like to move forward with this petition.

Vice Chairman Beauparlant explains he would like to get the smaller cases without objections out of the way first and go ahead with this petition since so many people appeared.

Zoning Officer Pimentel notes that it would cause greater hurt shuffling cases around and the audience would be stuck here all night without being heard and the petitioner has a lot of experts and there will be a lot

of cross examination.

Mr. Braga believes that it would be a disservice to hear part of the meeting today and the 2nd part another day.

Mr. Robinson is in favor of continuing to a special meeting for this petition alone.

Vice Chairman Beauparlant is in agreement with Mr. Robinson.

Attorney David Robinson is representing the petitioner

Attorney Robinson believes that **19 August 2021** will not be an issue for his experts or himself.

Zoning Officer Pimentel explains to the public that there will be no noticing and there will no longer be zoom to watch or participate.

Motion by Vice Chairman Beauparlant to continue this petition to the **19 August 2021 special meeting**. The motion is **Seconded by Mr. Robinson**.

Roll Call Vote

Mr. Braga - Aye

Mr. Croke - Aye

Mr. Robinson - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

2B. Petition No. 6841 - CIRCLE HOLDINGS, LLC, requests a use variance to introduce a Medical Marijuana Compassion Center, otherwise defined as a prohibited land use, for property located at **15 CIRCLE STREET, being MAP 402, BLOCK 4, PARCEL 4, in a COMMERCIAL 2 DISTRICT**.

Motion by Vice Chairman Beauparlant to continue this petition to the **19 August 2021 special meeting**. The motion is **Seconded by Mr. Robinson**.

Roll Call Vote

Mr. Braga - Aye

Mr. Croke - Aye

Mr. Robinson - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Chairman Saveory calls for a recess at 6:38pm and the board reconvenes at 6:50pm.

3A. Petition No. 6852 - DAVID ANTONIO, requests a waiver of the mandatory submission of a Class I Surveyed Site Plan, due to the fact that neither exterior nor interior changes are proposed nor are required and furthermore that all conditions have been the same for in excess of 30-years. Finally, there is more than sufficient off-street parking to meet the long-standing multi-unit residential usage, for property located at **853 BROADWAY, being MAP 206, BLOCK 12, PARCEL 1, in a COMMERCIAL 1 DISTRICT**.

Zoning Officer Pimentel explains to the board that the use in questions has been this way since at least the early 1990's. It appears that the petitioner had received all approvals except zoning approval, how it was missed no one is sure.

David Antonio, the owner of the property, is properly sworn in.

Mr. Antonio explains to the board that he has owned the property for 30+ years and that there is plenty of parking. **Mr. Antonio** notes that he brought the property up to date fire-code wise and wants to have a Class 1 survey waived.

Vice Chairman Beauparlant notes that based on all of the information it appears that the City dropped the ball somewhere and is okay with approving the waiver.

Mr. Croke inquires where the property line on the southerly side of property is and notes that there is no separate between **Mr. Antonio's** property and Dr. Miller's property.

Gary Antonio, David Antonio's son, is properly sworn in.

Mr. G. Antonio answers that the fence is on the property line.

Mr. Croke notes that there are pick-up trucks on the property.

Mr. G. Antonio explains that his father was previously an electrical contractor and that is where all the tools are held.

Mr. Croke believes that they cannot determine where the property lines are.

Mr. Braga inquires to **Zoning Officer Pimentel** if he knows any information regarding Dr. Miller's property.

Zoning Officer Pimentel answers no he doesn't, he believes that this is the City's fault and the property lines don't matter regarding this case.

Mr. Robinson agrees and is in favor of waiving the Class 1 survey.

Chairman Saveory agrees to waive the survey due to the circumstances.

Motion by Vice Chairman Beauparlant to waive the Class 1 survey. The motion is **Seconded by Mr. Braga**

Roll Call Vote

Mr. Braga - Aye

Mr. Croke - Nay

Mr. Robinson - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Waiving of the Class 1 Survey passes 4-1, subject to the aforementioned condition(s).

3B. Petition No. 6852 - DAVID ANTONIO, seeks a use variance to retain a four (4) unit residential facility, each of which are improved with a singular bedroom, otherwise defined as a prohibited land use, for property located at **853 BROADWAY, being MAP 206, BLOCK 12, PARCEL 1, in a COMMERCIAL 1 DISTRICT.**

Vice Chairman Beauparlant has no questions at this time.

Mr. Croke inquires how long the apartments have been there.

Mr. G. Antonio answers since at least 1986 when his father purchased the property.

Mr. Braga has no questions.

Chairman Saveory has no questions.

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.

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

Motion is Seconded by Mr. Braga

Roll Call Vote

Mr. Braga - Aye

Mr. Croke - Nay

Mr. Robinson - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Members of the board believe that this is not the petitioner's fault and has the evidence to support his claims. At this point, this is merely a clean-up.

Use variance passes 4-1, subject to the aforementioned condition(s).

Chairman Saveory announces to the public that Mr. Braga will be recusing himself for the rest of the evening and Mr. Pascoa has arrived.

4. Petition No. 6851 - YASMANI BALCAZAR VACA, seeks a use variance to permit conversion of a pre-existing two-unit residence to a three-unit residence, otherwise defined as a prohibited land use, for property located at **21 ARLINGTON STREET, being MAP 106, BLOCK 30, PARCEL 7, in a RESIDENTIAL 6 DISTRICT.**

Attorney Joelle Rocha is representing the petitioner.

Attorney Rocha explains to the board that he client is available on zoom and her expert is present this evening. **Attorney Rocha** explains that although they have submitted a lot of material, she does have color copies of the map that was previously submitted.

Motion by Mr. Croke to accept the copies of the map in color as **Exhibit 1**. The motion is **Seconded by Mr. Pascoa**

Maria Rosa Flores and Yasmani Balcazar Vaca of 21 Arlington Street E. Providence, RI are properly sworn in.

Michael McCue is properly sworn in.

Attorney Rocha explains to the board that although she did her research, she is not sure when the property became a 3 family. Previously submitted is a letter from a tenant that has been living at the property for 8 years and has been being taxed as a 3 family. The property was purchased in August 2019 and the petitioners believed that they were buying a 3 family, and this was never flagged by anyone. The petitioner's then put the property up for sale and the buyer's bank caught the issues and the sale fell through. **Attorney Rocha** points out that on the map there are plenty of 2-3 families on 5,000 sq. ft. lots and some properties have more units. **Attorney Rocha** did discover that back in 1979 there was a variance stating that the property will be a 2 family and are trying to rectify the situation now since the petitioners were transferred for Florida.

Mr. McCue explains that the property was purchased as a 3 family, on the street itself there are (3) 3 family properties and (1) 4 unit property. As you move closer to Warren Avenue there is a mix of commercial, mixed use, and larger residential complexes. **Mr. McCue** notes that the property has been a 3 family for a number of years and is in the R6 zone which does allow 3 family properties, but this property is lacking the lot size. However, 5,000 sq. ft. lot size is the average lot size in the area. **Mr. McCue** adds that there is only 1 interior means of egress but, there is a deck that leads down to grade, and the property also have 3 electrical meters.

Mr. Croke notes that there are 3 gas meters and 3 doorbells on the property and notes that the City must

have missed something when the house was sold back in 2019.

Mr. Pascoa inquires what the property is assessed as.

Attorney Rocha answers that it is assessed as a 3 family.

Mr. Robinson inquires if there are permits for the deck.

Attorney Rocha admits that she could not find any.

Mr. McCue adds that there was a permit for 3 electrical units to be brought up to code that was issued in 2019.

Mr. Robinson has no more questions at this time.

Vice Chairman Beauparlant inquires to **Zoning Officer Pimentel** if zoning certificates were mandatory back in 2019.

Zoning Officer Pimentel answers that zoning certificates have not been required since 2015.

Chairman Saveory notes that there was a preventative in place but it was removed, all of his concerns were previously answered and there are other 3 families on the same street.

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. Croke

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. Croke 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 Rocha** 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. **Attorney Rocha** responds that she fully understands and accept the conditions just stipulated.

Motion is Seconded by **Vice Chairman Beauparlant**

Roll Call Vote

Mr. Pascoa - Aye	Members of the board believe that this is not the
Mr. Croke - Aye	petitioner's fault and that the property is
Mr. Robinson - Aye	conducive to the neighborhood. Vice Chairman
Vice Chairman Beauparlant - Nay	Beauparlant believes that due diligence must be
Chairman Saveory - Aye	done.

Use variance passes 4-1. subject to the aforementioned condition(s).

5. Petition No.6853 - REVOCABLE LIVING TRUST OF ROBERT WALSH, request a dimensional variance to construct an accessory shed, without complying with either the accessory side-yard or rear-yard setbacks, for property located at **48 BOURNE AVENUE, being MAP 403, BLOCK 1, PARCEL 4, in a RESIDENTIAL 3 DISTRICT.**

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

Mr. Walsh explains to the board that the existing shed is 30 years old and was hit by a tree limb. **Mr. Walsh** would like to replace the shed but re-position it on the property closer to the corner of the lot. **Mr. Walsh** wants relief from the required 5ft. set back and wants to have only a 2ft setback.

Vice Chairman Beauparlant inquires if **Mr. Walsh** spoke with his neighbors regarding this petition.

Mr. Walsh yes and they had no objections.

Vice Chairman Beauparlant gives **Mr. Walsh** credit for asking for permission first and has no issues since there is a 6ft. fence and the neighbors are okay with the proposed location of the shed.

Mr. Croke has no questions.

Mr. Pascoa has no questions.

Mr. Robinson inquires if he has spoken to the **Clupny's**, the neighbors next door.

Mr. Walsh admits he did not get a chance to speak with them.

Chairman Saveory has no questions.

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.

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

Motion is Seconded by Mr. Pascoa

Roll Call Vote

Mr. Pascoa – Aye

Members of the board do not see the hardship

Mr. Robinson - Nay

and believe that it is not the least relief

Mr. Croke – Nay

necessary. Other members believe that it

Vice Chairman Beauparlant - Aye

will not impact the surrounding area and there

Chairman Saveory – Nay

is a fence for a buffer.

Dimensional variances denied 3-2.

6. Petition No. 6854 - MANUEL DOREGO, requests a dimension variance to retain a covered rear-yard porch addition onto a single-family residence, without complying with the minimum side-yard setback requirement, as well as exceeding the maximum building and impervious lot coverage requirements, for property located at **80 SUTTON AVENUE, being MAP 205, BLOCK 8, PARCEL 5, in a RESIDENTIAL 6 DISTRICT.**

Manuel Dorego, 80 Sutton Avenue E. Providence, RI is properly sworn in.

Jasmine Dorego, daughter of Mr. Dorego, of Johnston, RI is properly sworn in.

Ms. Dorego explains to the board that her father, **Mr. Dorego**, doesn't speak English so she will be translating for him.

Vice Chairman Beauparlant inquires if there was a Stop Work Order done on the property.

Ms. Dorego answers yes, there was a leak and her father was trying to fix it and started doing some work. He didn't realize that he needed a permit.

Vice Chairman Beauparlant has no further questions.

Mr. Croke inquires if there were any more additions put on the back.

Ms. Dorego answers just the one he's working on now.

Mr. Pascoa has no questions.

Mr. Robinson has no questions.

Chairman Saveory inquires if **Mr. Dorego** was expanded the existing porch and then the building inspector caught him.

Ms. Dorego answers yes.

Chairman Saveory notes that **Mr. Dorego** has a lot of cement in the backyard and cannot have more.

Ms. Dorego explains that her father does not plan to have anymore.

Chairman Saveory explains that regarding water run-off, he cannot have the water go towards the neighbors.

Ms. Dorego explains that they understand.

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. Compliance with the amendment with the Planning Board.

Chairman Saveory asks **Ms. Dorego** 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. Dorego** 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 – Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

The board believes that this will not impact the surrounding area and sees the hardship with the lot being an irregular size.

Dimensional variance passes 5-0, subject to the aforementioned condition(s).

Chairman Saveory calls for a recess at 8:09pm and the board reconvenes at 8:24pm

7. Petition No. 6855 - MICHAEL CAVACO, requests a dimensional variance to construct an accessory detached garage, said garage serving the needs of a pre-existing legal nonconforming two-unit residence, thereby being prohibited because it is an intensification of said land use, for property located at **137 BOURNE AVENUE, being MAP 303, BLOCK 8, PARCEL 16, in a RESIDENTIAL 3 DISTRICT.**

Michael Cavaco of 137 Bourne Avenue Rumford, RI is properly sworn in.

Mr. Cavaco explains to the board that he would like to build a 26x28 garage.

Vice Chairman Beauparlant explains that he has no questions and met with the applicant and walked around the property, the proposed location makes sense.

Mr. Croke notes that the property was legally conforming until the 1950's-1960's and believes it won't affect the neighbors. **Mr. Croke** mentions that there is a stone wall that blocks 2 sides of the property and that he doesn't want the plumbing truck at the property.

Mr. Pascoa has no questions.

Mr. Robinson has no questions.

Chairman Saveory has no concerns and believes it will enhance 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. 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. Cavaco** 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. Cavaco** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke

Roll Call Vote	The board believes that this will not
Mr. Pascoa – Aye	negatively impact the surrounding
Mr. Robinson - Aye	area and the board sees the hardship
Mr. Croke – Aye	with the lot being non-conforming.

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

Dimensional variance passes 5-0, subject to the aforementioned condition(s).

8. Petition No. 6856 - FREDERIC H. and NANCYN. BEHR, requests a dimensional variance to construct an addition onto a single-family residence, without complying with the minimum side-yard setback requirement, for property located at **210 TERRACE AVENUE, being MAP 414, BLOCK 4, PARCEL 8, in a RESIDENTIAL 3 DISTRICT.**

Attorney John Garrahy with offices in Cranston, RI is representing the petitioner.

Attorney Garrahy explains to the board one owner is present this evening while the other owner and his expert are online via Zoom.

Nancy and Frederic Behr of 210 Terrace Ave Riverside, RI are properly sworn in.

Peter Casale, the expert witness, is properly sworn.

Attorney Garrahy explains to the board that the petitioners would like to build an 8x15 addition. The house was constructed in 1895. The property size is 50X100 and 50x10 and is an odd shaped lot. The petitioners would like to square off the house and the proposed area will be on the driveway side and will be a screened in porch.

Motion by Mr. Robinson to recognize Mr. Casale as an expert, the motion is **Seconded by Vice Chairman Beauparlant and Mr. Croke**.

Mr. Casale explains to the board that he is familiar with the property, it is an existing single family dwelling and takes up almost the entire width of the parcel. The proposal is to construct a deck within the footprint. The placement of the existing house is the cause of the hardship and believes that this will not have any negative effects. **Mr. Casale** believes that this is the least relief necessary.

Mr. Robinson has no questions.

Vice Chairman Beauparlant inquires if the drawing provided is accurately depicting what the petitioners are wanting to build.

Ms. Behr answers yes.

Vice Chairman Beauparlant has no further questions.

Mr. Croke believes this is in line with the area.

Mr. Pascoa has no questions.

Chairman Saveory notes that it will square the house out.

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. 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 **Ms. Behr** 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. Behr** responds that she fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa – Aye

The board believes that this won't impact

Mr. Robinson - Aye

the character of the surrounding area and

Mr. Croke – Aye

the hardship is the location of the home.

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

Dimensional variance passes 5-0, subject to the aforementioned condition(s).

9. Petition No. 6857 - K & DJ HOMER MODELING, LLC, requests a dimensional variance to modify a prior zoning decision, now requesting permission to retain additional impervious lot coverage, as well as excessive off-street parking within the requisite front-yard setback, for property located at **65 FLOYD AVENUE, being MAP 513, BLOCK 40, PARCEL 3, in a RESIDENTIAL 4 DISTRICT.**

Sean and Elizabeth Laframboise, of 35 Winslow Street, Riverside, RI are properly sworn in.

Mr. Laframboise explains that they are here tonight to receive 4.4ft relief for the front yard setback. **Mr. Laframboise** admits he was wrong and shouldn't have covered that much.

Mr. Robinson has no questions.

Vice Chairman Beauparlant expresses some concerns, the petitioners were granted a variance and they built a larger home and are now trying to sell it.

Mr. Laframboise explains that when they gave the first survey when they came before the board to square the house off and the surveyor didn't put everything down. **Mr. Laframboise** adds that they didn't put the sidewalk in the back, it was already there.

Vice Chairman Beauparlant inquires to **Zoning Officer Pimentel** if the surveyor should have put down the dimensional amounts, how the board to know what was approved.

Zoning Officer Pimentel explains that it would be in the decision on what was requested and granted.

Mr. Croke has no questions and notes that the property looks nice.

Mr. Laframboise admits fault and explains that he would like to keep the back sidewalk.

Mr. Pascoa has no questions.

Chairman Saveory inquires if the purpose for the driveway is for the vehicles to be parked side by side instead of stacked.

Mr. Laframboise answers yes, exactly.

Vice Chairman Beauparlant inquires what is on the 2nd floor.

Mr. Laframboise answers that there is 3 bedrooms and 2 bathrooms on the 2nd floor. The 1st floor has a ½ bath, office space, kitchen, and then there is a quarter basement and crawl space.

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. 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 **Mr. Laframboise** 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. Laframboise** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa – Aye

Mr. Robinson - Aye

Mr. Croke – Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

**The board believes that there is a hardship
and are no longer concerned that the
parking was for a 2nd unit.**

Dimensional variance passes 5-0, subject to the aforementioned condition(s).

10. Petition No. 6858 - JASON SILVA, requests a dimensional variance to retain an above-ground swimming pool, without complying with the minimum accessory rear-yard swimming pool setback requirement, as well as exceeding the maximum impervious lot coverage, for property located at **16 ROUNDS AVENUE, being MAP 512, BLOCK 11, PARCEL 40, in a RESIDENTIAL 3 DISTRICT.**

Zoning Officer Pimentel explains to the board that this petition needed to be heard first this evening so it could be decided if the petition could be continued.

Chairman Saveory is okay with that.

Zoning Officer Pimentel explains to the board that late this afternoon, after 4pm, the petitioner sought out legal counsel when it was discovered that there is issues with the neighbors hiring their own legal counsel.

Mr. Silva's attorney would like this petition moved to 1 September 2021 to meet with **Mr. Silva** and meet with the neighbor's legal counsel to try and figure out the concerns.

Motion by Mr. Braga to continue this petition from 4 August 2021 to 1 September 2021, the motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Croke –aye

Mr. Robinson – aye

Mr. Braga –aye

Vice Chairman Beauparlant – aye

Chairman Saveory – aye

11. Petition No. 6859 - GIULIA RIGHI and GRAHAM GARBER, requests a dimensional variance to construct a deck onto a single-family residence, without complying with the minimum side-yard setback requirement, for property located at 15 MORRA WAY, being MAP 604, BLOCK 1, PARCEL 1, in a RESIDENTIAL 2 DISTRICT.

Clark Westcott, the general contractor for the project, is properly sworn in.

Mr. Westcott explains to the board that the petitioners would like to build a deck off the back of the property however, the house sits on the lot line currently on the side.

Vice Chairman Beauparlant notes that this is quite a property, it will be a large deck but the property can support it and the proposed location makes sense.

Mr. Croke has no questions.

Mr. Pascoa has no questions.

Mr. Robinson confirms that the property was once 160 Pleasant Street and the driveway was moved.

Mr. Westcott answers yes.

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

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

Motion is Seconded by Mr. Croke and Mr. Robinson

Roll Call Vote

Mr. Pascoa – Aye

The board believes that there is a hardship

Mr. Robinson - Aye

due to the location of the house and is the

Mr. Croke – Aye

only place where the deck can be built.

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

Dimensional variance passes 5-0, subject to the aforementioned condition(s).

12A. Petition No. 6860 - RAYMOND E. and EVELYN L. HASSELL, and PACE ORGANIZATION OF RHODE ISLAND, requests a special use permit to alter a property boundary via an Administrative Subdivision between Map 509, Block 1, Parcel(s) 2 and 4, resulting in an intensification of the pre-existing legal nonconforming automotive repair land use on Parcel 2, for property located at **269 WAMPANOAG TRAIL, being MAP 509, BLOCK 1, PARCEL 2, in an INDUSTRIAL 1 DISTRICT.**

Attorney Christine Engustian, with offices located in East Providence, RI is representing the petitioners.

Attorney Engustian explains to the board that there are two companion zoning applications and that she is representing both owners, both parcels are in the Industrial 1 zone. These are being treated as companion since they submitted a subdivision application, **PACE**, at 10 Tripps Lane, would like to decrease their parcel and give some land to 269 Wampanoag Trail. Since 269 Wampanoag Trail is an auto repair shop, it is not allowed, the special use permit is required for **Hassell's garage** at 269 Wampanoag Trail to be able to obtain the extra land to store their vehicles. **PACE** will benefit by not having these vehicles in their immediate eye sight. The impervious coverage was increased due to the proposed subdivision by 1.3%. The hardship is the existing impervious coverage at 10 Tripps Lane.

Mr. Pascoa has no questions.

Mr. Robinson has no questions.

Vice Chairman Beauparlant inquires about the line extended around property B on the site plan.

Attorney Engustian explains that property B will be transferred over to **Hassell's garage**.

Vice Chairman Beauparlant confirms that **PACE** is required to have 318 parking spaces but after the subdivision they will have 322 parking spaces.

Attorney Engustian answers yes that is correct.

Mr. Croke notes that the only problem is that there are cars parking on the sidewalk and being worked on the sidewalk. **Mr. Croke** hopes that is the variance is granted **Hassell's** will keep vehicles off the sidewalk

Donna Hassell-Winter of 90 Padelford Avenue Riverside, RI is properly sworn in.

Ms. Hassell-Winter explains that this will resolve that issue, they have been trying to extend their property for decades.

Chairman Saveory inquires if the entrance to the parcel in the back is going to be from Tripps Lane and cut through **PACE's** property.

Attorney Engustian answers that there will be a separate egress and received input from city officials about the reconfiguration of the parking lot.

Chairman Saveory inquires if the property will be fenced in.

Ms. Hassell-Winter answers yes, the entire property will be fenced.

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 the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

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

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

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

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

Motion is Seconded by Mr. Robinson

Roll Call

Mr. Pascoa - Aye

The board understands the hardship and likes

Mr. Croke – Aye

to see these two properties working together.

Mr. Robinson – Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

Special Use Permit unanimously granted 5-0, subject to the aforementioned condition(s).

12B. Petition No. 6861 - PACE ORGANIZATION OF RHODE ISLAND and RAYMOND E. and EVELYN L. HASSELL, requests a dimensional variance to alter a property boundary via an Administrative Subdivision between Map 509, Block 1, Parcel(s) 2 and 4, resulting in exceeding the maximum impervious lot coverage requirement for Parcel 4, for property located at **10 TRIPPS LANE, being MAP 509, BLOCK 1, PARCEL 4, in an INDUSTRIAL 1 DISTRICT.**

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

Motion is Seconded by Mr. Croke

Roll Call

Mr. Pascoa - Aye

The board understands the hardship and likes

Mr. Croke - Aye

to see these two properties working together.

Mr. Robinson - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Dimensional variance passes 5-0, subject to the aforementioned condition(s).

VIII. NEW BUSINESS

1. Petition No. 6863 - DAVID L. MILLER and SUZANNE P. BURNS, requests a dimensional variance to introduce an accessory shed without complying with the minimum accessory setback requirements, as well as exceeding the maximum building and impervious lot coverage requirements, for property located at **10 – 12 OCEAN AVENUE, being MAP 415, BLOCK 4, PARCEL 2, in a RESIDENTIAL 3 DISTRICT.**

Motion by Mr. Robinson to accept a letter from Stuart Weeman at 20 Ocean Avenue Riverside, RI as Exhibit A. The motion is Seconded by Vice Chairman Beauparlant.

Mr. Weeman explains that he has no issues with the proposed shed and thinks it will match the property.

Attorney Tim Chapman is representing the petitioners.

Attorney Chapman explains to the board that they are here tonight for a variance of 3ft. The property is unique and was previously a casino. The petitioners are looking to replace the existing 8x8 shed with a 10x14 shed to store kayaks and other items that couldn't fit in the 8x8 shed. The petitioners have spoken with the neighbors and have supplied photos and a Class 1 survey. The petitioners have renovated the property and enhanced the neighborhood.

Mr. Robinson has no questions, he met with **Mr. Miller** and believes this will fit and match the neighboring properties.

Vice Chairman Beauparlant has no concerns.

Mr. Croke notes that house numbers need to be put up on the property.

Attorney Chapman explains that he is not making excuses but that might be due to the renovations and will see that it gets done, they are on the mailboxes in the meantime.

Mr. Pascoa has no questions at this time.

Chairman Saveory notes that the property is well kept and the location of the home is in the middle of the lot and that is really the only place the shed can go.

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. 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 **Mr. Miller and Ms. Burns** 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. Miller and Ms. Burns** respond that they fully understand and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke

Roll Call

Mr. Pascoa - Aye	The board understands the hardship due to
Mr. Croke – Aye	uniqueness of the property and is the relief
Mr. Robinson – Aye	is minimum.
Vice Chairman Beauparlant - Aye	
Chairman Saveory – Aye	

Dimensional variance passes 5-0, subject to the aforementioned condition(s).

2. Petition No. 6864 - DARREN F. and CHRISTENC. CORRENTE, requests a dimensional variance to construct additions onto a single-family residence, as well as render site improvements, to include a swimming pool and patio, without complying with the minimum rear-yard setback requirement, as well as exceeding the maximum building coverage and impervious lot coverage requirements, for property located at 74 BENT ROAD, being MAP 402, BLOCK 20, PARCEL 8, in a RESIDENTIAL 3 DISTRICT.

Motion by Vice Chairman Beauparlant to accept letters of recommendation as Exhibits A and B. The motion is

Seconded by Mr. Robinson.

Darren Corrente, the owner of the property, is properly sworn in.

Mr. Corrente explains to the board that he is working with an architect to find a solution for the house that he hopes to live in for the rest of his life. **Mr. Corrente** would like to add a single story structure to the right of the house and behind the garage, pool and walk ways. Currently, there is a portion of the house that violates the setback. They will be removing some of that but the addition will add to it.

Vice Chairman Beauparlant knows the property and the previous owner let it rot. The applicant is coming in and doing all this work and the neighbors are thrilled. Vice Chairman Beauparlant believes this is a minimal request and the plans look great.

Mr. Croke has issues regarding the pool and that it is close to the property line on 2 sides. Everything else looks great and the owners are doing a great job. He inquires if the hedge will be removed.

Mr. Corrente answers yes, the country club requested it but is waiting until construction is over to have as a buffer.

Mr. Pascoa has no questions

Mr. Robinson explains that he is looking forward to the end results and in regards to the pool the petitioners are asking for relief anyways.

Mr. Corrente explains that the country club had no issues and said that they would submit a letter saying so.

Chairman Saveory explains that he had to deal with the previous owners for years, and that this will finally complete the neighborhood.

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

Al Chadsey is properly sworn in.

Mr. Chadsey explains that the addition is fabulous and looking forward to having the **Correntes** as neighbors.

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 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.

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

Motionis Seconded by**Mr. Croke** and **Mr. Robinson**

RollCall

Mr. Pascoa - Aye	The board understands the hardship dueto
Mr.Croke – Aye	the locationof the property and almost any
Mr. Robinson – Aye	modificationswould require a variance. This
ViceChairman Beauparlant - Aye	willimprove the area.
Chairman Saveory –Aye	

Dimensional variance passes5-0, subject to the aforementioned condition(s).

IX. PROCEDURES

Chairman Saveory explains that there areno 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

Motiontoadjourn by **Vice Chairman Beauparlant**.The motion is **Seconded** by **Mr.Robinson** and **Unanimously** votedto adjourn. Meeting is adjourned at **10:09pm**

EdwardPimentel, AICP
Zoning Officer / Clerk

Secretary