

STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE

COUNTY OF PROVIDENCE MINUTES

ZONING BOARD OF REVIEW

A meeting of the East Providence Zoning Board of Review was held at 6:00 P.M., on Wednesday, **6 October 2021**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Acting Chairman

John Braga

Richard Croke, Sr.

Gary Pascoa

Matthew Robinson – 1st Alternate – **ABSENT**

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 10:30 PM.

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

A. Swearing in of the Zoning Officer

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

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory informs the public that there is a full quorum this evening.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **4 August 2021**, Zoning Board of Review Minutes. **Motion by Mr. Braga** to approve the **4 August 2021**, Zoning Board of Review Minutes. The motion is **Seconded by Vice Chairman Beauparlant** and **Unanimously** approved.

Mr. Pimentel explains that the **19 August 2021** and the **1 September 2021 minutes** will be continued to the **3 November 2021 meeting**.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

Zoning Officer Pimentel explains that there is none.

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – September 2021– Previously Submitted

VII. CONTINUED BUSINESS

1A. Petition No. 6866 – CONSTANTINOS PERDIKAKIS, requests a use variance to locate accessory vacuums and a mechanical / electrical room (stated improvements being accessory to the adjacent car wash operation), an otherwise prohibited accessory component given the present Commercial 1 District designation of the property, as well as to introduce a prohibited electronic message center, for property located at **2207 – 2209 PAWTUCKET AVENUE, being MAP 406, BLOCK 13, PARCEL(S) 3 and 4, in a COMMERCIAL 1 DISTRICT.**

Joseph Brennan - 1st. Is application for vacuums & 2nd is for the sign - existing today it is on 2 lots 1 residential zone 1 in Commercial zone 1 - surrounding by Commercial 4 & 5 zones & want to put in free vacuums. Will have huge incentive to have customer have a car wash done - trying to compete w/ another car wash - traffic concerns won't be for anyone - will pay for system by having a car wash - the closest residents is 120ft. From the vacuums - there is a fence to block sounds & the decibel

Will be about 30 by the time it gets to the house but that w/o fence. 10x12 building to store equipment - providing electronic sign & static sign underneath that size 40sq. Ft. Per side - wants to stay relevant with the times - only C1 in the area - knows the city is changing the ordinances with allow signage - willing for stipulation for changing sign once every 10 mins but would like once every 2 minutes. Thanks the board for granting continuance - sent their own letters for a private meeting & gave contact info - no one contact & no one came to meeting - there was a neighbor rep. That spoke w/ petitioner - the lights are on a timer to shut off at 8pm and any other lights one will be shielded.

Croke - variance for driveway & signs on the

Brennan - I don't think it was this property

Croke - don't bust me

Brennan -

Croke - that property was in here & remember looking at it - remember to move the driveway more convenient

Dean Perdikakis

Dean - were in front of board for 250 Newport Avenue - was not this location - been in business here since 1982 & has been a car wash

Croke - shed on the property that encroaches boundaries

Dean - has been there for years

Croke - dumpster not enclosed

Dean - new plan shows dumpster to be moved

Croke - how many more signs

Dean - looking to replace sign & put new one

Braga - to Pimentel - that sign ordinance - when will it be done

Pimentel - received recommendation by planning - with solicitor then should be with council - moving fast

Conley - ETA - delayed to council since its budget time - since budget passed - probably 10/19/21 meeting

Braga - signage until the ordinance passes the argument will be more valid, 2 not really on board - for the shed no issues.

Brennan - if the board allows - wouldn't put up the sign until ordinance passes - knows there's a lot of LED signs in EP - realizes they worry about presidencies.

Beauparlant - hours of operation for vacuums

Dean - only during business hours to 8am-6pm latest would be 7pm

Beauparlant - good business in EP - not in favor of signs - wait til city sets the boundary.

Brennan - withdrawal LED sign from application & keep going with the remaining items

Croke - motion to NOT remove the signs from application - 2nd Braga

Conley - risking an appeal to not allow them to withdraw & to vote on what may have been - recognize the withdrawal of the LED signs

Roll Call

Croke - aye

Braga - nay

Pascoa - nay

Beauparlant - nay

Saveory - nay

Croke - motion to withdraw the LED sign - 2nd by pascoa

Roll Call

Croke - aye

Pascoa - aye

Braga - aye

Beauparlant - aye

Saveory - aye

Pascoa - no questions

Saveory - been in operation since 1982

Dean - yes family business

Saveory - didn't have much competition back then- shouldn't drive out old business if they want to compete w/ the new business the lights bothering neighbors at Sidney Street.

Dean - willing to do whatever needs to be done - attempted to meet w/ neighbors

Saveory - closer on Pawtucket Ave with the vacuums

Brennan - vacuums will be on a line - 40ft. From Sidney St. but 120 ft. From house

Saveory - how long vacuums run

Dean - 5 minutes per token

Croke - people will lose jobs

Dean - no it will be optional, offering more of a flex services - we provide full service

Croke - extra charge for the vacuuming

Dean - if washed exterior would get token for free - or can buy token

Croke - 2 car washes nearest has vacuums

Brennan - trying to compete

Croke - how is this a new use

Brennan - already a car wash - trying to stay relevant

Braga - landscape area - what are we doing w/ that - is it grass?

Dean - shrubbery or whatever meets city standards - usually do crushed stone w/ trees - it is grass now

Saveory - egress in egress out the same of car wash

Dean - sometimes cars are out to the street - willing to add in new traffic pattern to help elevate cars on the Pawtucket Ave

In favor -

None -

Thomas Cavaco - 35 Sidney - directly across - living there for 38 years - bought in 1983, there was a 3 family w/ tree & couldn't see Pawtucket ave - the car wash bought the 3 family demo'd it & now its open space & can see Pawtucket Ave. Sent letter to board to address noise level while vacuuming & people playing loud music while vacuuming - knows

it will get worse. Wants peace & quiet & wants no extra noise. Tired of false promises of the hours of operation - the light was bright but has been shutting off at night - will be installing more lights. Doesn't want quality of life diminish - complains about dominos using Sidney Street. Got 16 signatures against this petition & wants board to make the right decision.

Nancy Rose - for 10 Sidney - agrees w/ Thomas - thinking of buying the house at 10 Sidney - concerns for exhaust fumes - there's nothing to block sounds/fumes - its full service what do they need carwash - re-locate, doesn't need a booming noisy business. Believes east providence is a New York w/ the lights, no more LED.

Marvin Novogrofski - 25 Charles St. - supports the neighbors - dominos already zips up and down the road - create more havoc can hear the highway & sure he will hear more noises

Beauparlant - lights mentions near the vacuums - didn't see it

Brennan - are installing - will install lights that will be facing down/shielded - tried to contact these neighbors to have these discussions.

Saveory clients willing to look @ originally lighting

Dean - lighting was changed but not sure when exactly - lights on vacuums will point straight down

Braga - concerned with the fact that there's not a lot of shielding between property & neighborhood - amount of space between back driveway & Sidney St.

Brennan - about 3-4ft.

Braga - believes the neighborhood needs to be shielded - as a neighbor should consider doing something more - doing a different traffic pattern - neighborhood deserves this - neighbors aren't wrong - appreciates the business but that back end can make quality of life a little better.

Brennan - put abbreviations on the new lot - the old lot is already cement - existing fence is already 6ft.

Saveory recess 7:13pm - back 7:26pm

Pimentel - conversation w/ petitioner to submit a proposal it has to be on plan form - need DPW permission - needs to be reviewed

Brennan - continuance to have dialogue w/ neighbors & plantings on other side of fence

Saveory - this is an opportunity to work with the business

Croke - continued to 11/3/21 - 2nd Braga

Roll Call

Croke - aye

Braga - aye

Beauparlant - aye

Pascoa - aye

Saveory - aye

1B. Petition No. 6867 - CONSTANTINOS PERDIKAKIS, requests a dimensional variance to introduce a prohibited electronic message center, referenced signage likewise exceeding the maximum square footage allotted, for property located at 2207 - 2209 PAWTUCKET AVENUE, being MAP 406, BLOCK 13, PARCEL(S) 3 and 4, in a COMMERCIAL 1 DISTRICT.

Croke - continued to 11/3/21 - 2nd Braga

Roll Call

Croke - aye

Braga - aye

Beauparlant - aye

Pascoa - aye

Saveory - aye

VIII. NEW BUSINESS

1. Petition No. 6868 - PHYLLISARFFA, requests a dimensional variance to retain a front-yard deck, without complying with the minimum front and side-yard setback requirements, as well as exceeding the maximum impervious lot coverage requirement, for property located at **20 DONNELLY STREET, being MAP307, BLOCK 36, PARCEL 30, in a RESIDENTIAL 6 DISTRICT.**

Phyllis Arffa of 20 Donnelly Street E. Providence, RI is properly sworn in.

Ms. Arffa explains to the board that she wanted to build a front porch to beautify her home.

Mr. Croke notes that there is a shed and carports on the property that violate setbacks and that she did not call the city to see if she could have the porch.

Ms. Arffa responds that those were there when she purchased the home and didn't know she needed to call since she is unaware of the laws.

Mr. Braga inquires if the carport has gutters and where the water drains to.

Ms. Arffa answers yes it is guttered and the water runs down the driveway to the road.

Mr. Braga inquires if **Ms. Arffa** knows when the home was built.

Mr. Pascoa answers 1955.

Mr. Braga inquires if **Ms. Arffa** already started the project.

Ms. Arffa answers yes.

Mr. Braga explains that it is a problem when projects are started but believes that the porch will look nice. **Mr. Braga** believes that this is minimal and is in character with the neighborhood.

Vice Chairman Beauparlant inquires who is doing the work.

Ms. Arffa replies that a friend was helping her but now she is hiring a contractor.

Vice Chairman Beauparlant explains that this looks minor and is not too concerned.

Mr. Pascoa has no concerns.

Chairman Saveory inquires if there will be a roof on the porch or will it be enclosed.

Ms. Arffa answers no.

Chairman Saveory inquires if **Ms. Arffa** would agree to be a stipulation that the porch will not be enclosed or incorporated into the main living area.

Ms. Arffa answers yes.

Chairman Saveory notes he has no concerns with the porch.

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. **Chairman Saveory** queries the Board for a motion.

Mr. Croke reads his motion in as a denial, but is the sole member to be in favor of the denial. Mr. Braga, Vice Chairman Beauparlant, Mr. Pascoa and Chairman Saveory vote nay to deny this petition. The motion is then read by Mr. Braga to be in favor of this petition.

Motion by Mr. Braga,

Based on all 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.

3. The porch will not be enclosed or incorporated into the main living area.

Chairman Saveory asks **Ms. Arffa** 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. Arffa** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa – Aye

Mr. Braga - Aye

Mr. Croke – Nay

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

The majority of the board feels that this is a minor deviation and will not impact the surrounding area. Mr. Croke believes that the petitioner has full use of the property with the shed and carport.

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

2A. Petition No. 6869 - PROVIDENCE APARTMENTS, LLC, requests a waiver of the mandatory submission of a Class I Surveyed Site Plan, for property located at 3120 PAWTUCKET AVENUE, being MAP 310, BLOCK 1, PARCEL 1, in a RESIDENTIAL 5 DISTRICT.

Attorney Andrew Howleycki is representing the petitioner.

Attorney Howleycki explains to the board that Saint Mary's Bay View Academy is in opposition of this petition and the petitioners would like a formal continuance in order to meet with Bay View Academy and go over their concerns.

Motion by Mr. Pascoa to continue this petition from 6 October 2021 to the 3 November 2021 meeting. The motion is **Seconded by Mr. Braga.**

Roll Call Vote

Mr. Braga - Aye

Mr. Croke – Aye

Mr. Pascoa – Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

Zoning Officer Pimentel adds that the petitioners did submit a class I survey so at the **3 November 2021** they will be withdrawing the request for the waiver.

2B. Petition No. 6869 - PROVIDENCEAPARTMENTS, LLC, requests a special use permit to modify a prior zoning approval, converting the front single-family residence to a lodging / boarding house, in conjunction with an approved four (4) residential units located in a rear structure, for property located at **3120 PAWTUCKET AVENUE, being MAP 310, BLOCK 1, PARCEL 1, in a RESIDENTIAL 5 DISTRICT.**

Motion by Mr. Pascoa to continue this petition from 6 October 2021 to the 3 November 2021 meeting. The motion is **Seconded by Mr. Braga.**

2C. Petition No. 6870 - PROVIDENCEAPARTMENTS, LLC, requests a dimensional variance to modify a prior zoning approval, converting the front single-family residence to a lodging / boarding house, in conjunction with an approved four (4) residential units located in a rear structure, without complying with the requisite off-street parking, for property located at **3120 PAWTUCKET AVENUE, being MAP 310, BLOCK 1, PARCEL 1, in a RESIDENTIAL 5 DISTRICT.**

Motion by Mr. Pascoa to continue this petition from 6 October 2021 to the 3 November 2021 meeting. The motion is **Seconded by Mr. Braga.**

3. Petition No. 6871 - PAMELA A. and TAMMY A. CHIN, requests a dimensional variance to rectify encroachments associated with the adjacent property owner, encroachments that pre-date their ownership of the property, thereby justifying an associated subdivision plan, encroachments resulting in both side and rear-yard setback deviations, for property located at **54 –56 STANTON AVENUE, being MAP 312, BLOCK 69, PARCEL 3, in a RESIDENTIAL 4 DISTRICT.**

Zoning Officer Pimentel explains to the board that nothing is changing with this property, this is just cleaning up a mistake that the title company caught. This property has been before the board a number of times for several variances, this is for an administrative subdivision and to reflect what is actually there so the property can be sold.

Attorney John Garrahy is representing the petitioners.

Attorney Garrahy explains that **Zoning Officer Pimentel** summed the situation up well, overall this is a mess. The petitioners are looking to sell this property the sale has been on hold since May due to this issue. The property was originally given approval by this board to be a duplex rather than a 3 family. There is a generator for the commercial property that is over the lot line. It is the way it is and has always been since at one point both properties were under common ownership. **Attorney Garrahy** stresses that this is not the petitioner's fault and they are trying to remedy what is already in place. **Attorney Garrahy** explains the planning department has been helpful, although they believe a subdivision was completed in 1984 the title company believes this wasn't done properly. **Attorney Garrahy** explains the with him tonight is **Michael McCue**, an expert in planning who has been before this board before, and has his resume present and would like **Mr. McCue** to be considered to be an expert by the board. **Attorney Garrahy** also provides the board with a photo of the back of the property where the setbacks are.

Motion by Mr. Braga to accept Mr. McCue's resume as Exhibit A. The motion is **Seconded by Vice Chairman Beauparlant** and **Unanimously approved.**

Motion by Mr. Braga to accept the photo of the back of the property as Exhibit B. The motion is **Seconded by Vice Chairman Beauparlant** and **Unanimously approved.**

Michael McCue, expert in planning, is properly sworn in.

Mr. McCue explains to the board that these are two existing, legal lots with legal uses. The commercial building in front received permission with a granted easement to allow encroachments. The easement was granted in 2016 to legalize the area where the mechanical equipment was installed. There are no changes to the buildings or their uses, the current property owner is not at fault and believes that this will not alter the characteristics of the area since it has been there since 1984. **Mr. McCue** adds that there is hardship since if this was not granted it could stop the sale of the property.

Attorney Garrahy presents the board with a copy of a zoning certificate for the property that was issued in February 2005 and wants to submit this into the record.

Motion by Mr. Braga to accept the zoning certificate for the property dated February 2005 as Exhibit C. The

motion is **Seconded by Vice Chairman Beauparlant** and **Unanimously approved**.

Mr. Braga admits he is not sure what is happening.

Zoning Officer Pimentel explains that the previous owner of the commercial building received a variance to build the duplex. The lots on the city maps do not match the legal description in the deeds and both lots actually have more land than what is listed on the city maps. The class I survey shows the true boundary line. When the owner previously received permission for the duplex for a subdivision you would get zoning approval then a quit claim deed would be drawn up and no class I survey was required, the title company will not accept this.

Mr. Braga inquires if the generator will be staying.

Attorney Garrahy answers yes there is an easement and the potential new owners will know about it.

Vice Chairman Beauparlant adds this is why class I surveys are required and important.

Mr. Pascoa has no questions at this time.

Mr. Croke has no concerns.

Chairman Saveory inquires if the generator was turned would it help the situation.

Mr. McCue responds that the commercial building is already right on the property line.

Chairman Saveory understands that there is a hardship for the current owner, if this petition is not granted then the property cannot be sold.

Attorney Garrahy responds that yes that is the bottom line.

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. **Chairman Saveory** queries the Board for a motion.

Motion by Mr. Braga,

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

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area, and not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in RIGL 45-24-30(16).
2. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
3. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.
4. The relief to be granted is the least relief necessary.

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

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

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

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

Chairman Saveory asks **Attorney Garrahy** if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Attorney Garrahy** responds that

he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa – Aye

Mr. Braga- Aye

Mr. Croke – Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

The board understands that not granting this petition would cause more than a mere inconvenience and that this is just a legal clean up. The commercial property was given an easement for the generator that was agreed upon by all involved.

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

Chairman Saveory calls for a recess at 8:15pm and the board reconvenes at 8:25pm

4. Petition No. 6872 - KEITH C. and KAREN PERRY, requests dimensional variance to retain an accessory detached shed, without complying with the minimum front-yard setback requirement, and retaining said shed forward of the principle single-family home (no accessory structure shall be located between the principle land use and public right-of-way), for property located at **156 DEWEY AVENUE, being MAP 405, BLOCK 3, PARCEL(S) 39 and 40, in a RESIDENTIAL 4 DISTRICT.**

Keith and Karen Perry of 156 Dewey Avenue E. Providence, RI are properly sworn in.

Mr. Perry explains to the board that he was born and raised in East Providence and his family has owned this property since 1941. Apologizes but notes that the shed is in the wrong place, but there was a structure there in the 1960's that eroded. Since the medical building and parking lot are up against the property they were using the shed for some privacy. Together they have several children and grandchildren so they wanted a buffer.

Vice Chairman Beauparlant notes that usually the issue with sheds in the front yard is safety issues, but in this case there really isn't a safety concern since it's not blocking any views. The property is larger and didn't realize that there was two entrances to the medical center sounderstands and has no concerns.

Mr. Pascoa has no concerns.

Mr. Croke notes that what was done isn't allowed and that is a problem, all they had to do was make a call and it would've saved them all this money to go before the board.

Mr. Perry apologizes.

Mr. Croke notes that it is a dead end street and doesn't believe it will effect anyone.

Mr. Braga notes that the unique character of the land is part of the hardship and believes that the placement of the 5x7 shed isn't an issue and is passable.

Chairman Saveory has no issue with the shed.

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. **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 **the Perrys** 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. **the Perrys** respond that they fully understand and accept the conditions just stipulated.

Motion is Seconded by Mr. Braga

Roll Call Vote

Mr. Pascoa – Aye

The board understands that there is hardship

Mr. Braga- Aye

due to the unique characteristics of the land.

Mr. Croke – Aye

The shed does provide some screening and

Vice Chairman Beauparlant - Aye

will not alter the area.

Chairman Saveory – Aye

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

5. Petition No. 6873 - CLIFFORD M. and SANDRA M. GRANT, request a dimensional variance to convert an accessory attached garage to principal living space, without complying with the minimum accessory side and rear-yard setback requirements, for property located at **121 TURNER AVENUE, being MAP 412, BLOCK 5, PARCEL 10, in a RESIDENTIAL 3 DISTRICT.**

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

Ms. Grant explains to the board that they were here about a year ago to have their old garage attached to the house. Now they would like to turn the garage into a master bedroom with a closet and bathroom. **Ms. Grant** adds that she spoke with her neighbors at 144 Dorr Avenue and the neighbor parallel to the garage and they were okay with the project.

Mr. Grant adds that the garage was previously a barn that has been on the property since 1887.

Mr. Pimentel explains to the board that the petitioners previously got permission to build the mudroom and the idea of them turning the garage into living space must have got lost in translation. Now they are here again because the last time they were here they explained that they were leaving it as a garage. There is also more relief since they want the garage to become living space.

Mr. Braga notes that when the Grants were given the last variance the board was under the impression that this would stay a garage and inquires what their reason for doing this is and will there be a kitchen installed

Ms. Grant answers that they wanted their own private space since her son and his family live at the house and no there will be no kitchen.

Mr. Braga explains that since the garage is already there so that so much isn't an issue.

Mr. Grant explains that before he purchased the property it was abandoned for 5 years and he started rebuilding the property.

Vice Chairman Beauparlant notes that the couple showed him around and that there are no privacy concerns. The only window is below the fence and that the couple have made advancements to the property.

Mr. Pascoa has no concerns.

Mr. Croke has no questions at this time.

Chairman Saveory notes that the structure was always there and there have been considerable improvements to the property.

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. **Chairman Saveory** queries the Board for a motion.

Motion by Mr. Braga,

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

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area, and not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in RIGL 45-24-30(16).
2. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
3. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.
4. The relief to be granted is the least relief necessary.

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

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

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

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

Chairman Saveory asks **the Grants** 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. **the Grants** respond that they fully understand and accept the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa – Aye

Mr. Braga- Aye

Mr. Croke – Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

**The board understands that there is hardship
due to the unique characteristics of the land.**

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

6. Petition No. 6874 - SYNERGYCAPITAL, LLC, requests a dimensional variance to retain a mixed-use facility, consisting of first-floor commercial and four (4) one-bedroom residential units on the second-floor (having received prior zoning approval), without complying with the minimum off-street parking requirement, for property located at **234 WARREN AVENUE, being MAP206, BLOCK 26, PARCEL 11, in a COMMERCIAL 3 DISTRICT. =**

Attorney Joseph Brennan is representing the petitioners.

Attorney Brennan explains to the board that they recently learned there was opposition from the neighbors and would like an opportunity to speak with them and discuss their concerns.

Motion by Mr. Croke to continue this petition from 6 October 2021 to 3 November 2021, to speak with the neighbors, the motion is Seconded by Mr. Braga.

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

IX. PROCEDURES

Zoning Ordinance - Section 19-37(a): "Once each year the zoning board of review shall organize by electing from its membership a vice-chair, and secretary. The zoning officer may serve as clerk of the board and shall perform such duties as are provided by this chapter. Meetings of the board shall be held at the call of the chair or as maybe fixed by the board. The chair, or in his absence the vice-chair, may administer oaths and compel the attendance of witnesses by the issuance of subpoena."

Chairman Saveory explains to the board that there are elections this evening for the position of Secretary and Vice Chair. **Chairman Saveory** inquires for a nomination for Secretary,

Motion by Vice Chairman Beauparlant for Mr. Braga to be the Secretary, the motion is Seconded by Mr. Pascoa.

Mr. Braga accepts the nomination.

Roll Call Vote

Mr. Croke – Abstained

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Vote passes 4-1, Mr. Braga will hold the position of Secretary.

Motion by Chairman Saveory for Vice Chairman Beauparlant to be the Vice-Chair, the motion is Seconded by Mr. Braga.

Vice Chairman Beauparlant accepts the nomination.

Roll Call Vote

Mr. Croke – Abstained

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Vote passes 4-1, Vice Chairman Beauparlant will hold the position of Vice-Chair.

X. ANNOUNCEMENTS

The next meeting of the Zoning Board of Review is scheduled for **Wednesday 3 November 2021, at 6:00 PM**, in the City of East Providence Council Chambers, City

Hall, and East Providence, RI.

XI. ADJOURNMENT

Motion to adjourn by **Vice Chairman Beauparlant**. The motion is **Seconded** by **Mr. Braga** and **Unanimously** voted to adjourn. Meeting is adjourned at **8:54pm**.

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary