

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, **3 November 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

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

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

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

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

A. Swearing in of the Zoning Officer

Chairman Saveory asks **City Solicitor Marcello** 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. **Mr. Robinson** will be participating but not voting this evening.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **19 August 2021**, Zoning Board of Review Minutes. **Motion** by **Vice**

Chairman Beauparlant to approve the **19 August 2021**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Chairman Saveory asks for approval of the **1 September 2021**, Zoning Board of Review Minutes. **Motion** by **Vice**

Chairman Beauparlant to approve the **1 September 2021**, Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Mr. Pimentel explains that the **6 October 2021 minutes** will be continued to the **1 December 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 – October 2021 – Previously Submitted

VII. CONTINUED BUSINESS

1A. Petition No. 6848 - 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 there has been an ordinance amendment that will be adopted and the petitioner can have the menu board by right and have requested to formally withdraw their petitions.

Motion by Vice Chairman Beauparlant to accept the formal withdraw request, the motion is Seconded by Mr. Braga and Unanimously approved.

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 accept the formal withdraw request, the motion is Seconded by Mr. Braga and Unanimously approved.

2. 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.**

[NOTE: Continued from 4 August 2021.]

Zoning Officer Pimentel explains to the board that since previously there was extensive testimony taken that the quorum of **Chairman Saveory, Vice Chairman Beauparlant, Mr. Braga, Mr. Croke and Mr. Pascoa** must hear this petition, **Mr. Robinson** cannot speak on this matter since he was not previously present.

Mr. Robinson inquires if he can recuse himself to the audience to speak on this petition as a citizen.

Solicitor Marcello answers yes that is okay.

Attorney Dennis Ritchie is representing the petitioner.

Jason Silva, of 16 Rounds Avenue, is properly sworn in.

Attorney Ritchie explains to the board that the pool has been removed and has the photos to prove it. However, his client may want to put the pool back up in the future.

Chairman Saveory notes that the petition was to retain the pool and now it is gone, do the petitioners need to adjust their application.

Zoning Officer Pimentel answers no.

Attorney Ritchie explains that they can cure the dimensional variance by not having the pool so close to the property. The petitioner would then need the variance for just the impervious coverage and inquiries about continuing for six months.

Zoning Officer Pimentel answers that it can be done with re-notice but it would be at the cost of the petitioner.

Attorney Ritchie explains that he does not want to do that and inquires how long they can continue without

re-notice.

Solicitor Marcello answers only 30 days.

Attorney Ritchie decides to proceed tonight.

Mr. Braga notes that the petitioner is seeking 7% relief for impervious coverage and believes this is minimal and wouldn't affect the character of the neighborhood as long as it is not intrusive to the neighbors.

Mr. Silva adds that the neighbor the pool was closest to wrote to the board saying that they had no issues.

Vice Chairman Beauparlant has no questions at this time.

Mr. Pascoa has no questions at this time.

Mr. Croke inquires where the pool will be going and if the brick will be placed back.

Mr. Silva answers that the pool will be going more into the yard.

Mr. Croke inquires if **Mr. Silva** receives that variance what is stopping him from putting everything back where it was before.

Mr. Silva answers respect.

Mr. Croke notes that the board has been told otherwise.

Mr. Silva responds that he did not know that pools needed permitting, he just did it for his daughter and wants to keep the pool for his family.

Mr. Croke believes that **Mr. Silva** is basing hardship on his daughter.

Mr. Silva explains that he is a single dad working crazy hours and wanted the pool for his daughter since he cannot afford to bring her to the beach.

Mr. Croke inquires where the hardship is.

Attorney Ritchie mentions that the pool will be in a more central area of the yard.

Mr. Croke wants a guarantee with the pool will not be put back too close to the neighbor's fence and the brick to not be put back in.

Mr. Braga notes that if the variance is granted, it is for 7% only, the petitioner cannot get a bigger pool.

Mr. Silva responds that he understands.

Chairman Saveory looks at the pictures with the pool and inquires what will be removed if the pool is re-installed, notes that the petitioner originally mentioned removing the shed.

Mr. Silva responds that he wants to keep the shed for storage.

Chairman Saveory wants to hear from the neighbors.

Attorney Ritchie inquires if he can sequester the witnesses.

Solicitor Marcello answers that is a unique request but it is the board's decision.

Motion by Mr. Croke against sequestering the witnesses, the motion is Seconded by Mr. Braga

Roll Call Vote

Mr. Pascoa - Aye

Mr. Croke - Aye

Mr. Robinson - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Motion to deny sequester the witnesses passes 5-0.

Attorney Tim Chapman is representing the neighbors.

Attorney Chapman notes that when he was in attendance last meeting it was continued to obtain a new survey, the board was unsure what would be removed and remain. There were questions regarding the pavers and if the deck is permitted. **Attorney Chapman** adds that there are neighbors that were unable to attend tonight's meeting so there is a petition signed by 13 neighbors against this petition. **Attorney**

Chapman notes that there have been 32 appearances by the East Providence police department since he's owned the property and there are several noise complaints in municipal court.

Zoning Officer Pimentel notes that this property for several improvements and the only item he is aware of that did not have appropriate approval was the pool. At the last meeting a “trade off” idea was offered and that is why there was mention of a new plan. It was to remove the shed, the deck or pavers in turn having the pool. **Zoning Officer Pimentel** explains that his understanding now is that the petitioner is wishing to retain everything.

Chairman Saveory requests a recess, the board reconvenes at 6:05pm.

John Twomey of 7 Rounds Avenue is properly sworn in.

Mr. Twomey explains to the board that issues started when **Mr. Silva** moved in, his dog is left in the backyard barking all the time. There is partying in the front lawn and the house is turned into a party house. The music speakers are facing **Ms. Tracey's** home, who is an 81 year old neighbor, when the pool was drained the water went out to the street the entire weekend. **Mr. Twomey** explains that he knows that it is not just **Mr. Silva's** daughter using the pool and that **Mr. Silva** was having pool parties. **Mr. Twomey** further explains that **Mr. Silva** went to city hall last year to pull the permit for the pool but was denied and still put up the pool.

Attorney Chapman notes that the Planning Department stated that there was no zoning history but that is incorrect, there was dimensional relief sought for an addition and the deck but the addition was not acted on and there is no permit for the deck. Since the pool is down it does cure the impervious coverage and believes that the board needs a new site plan to see where exactly the pool is going.

Attorney Ritchie inquires to **Mr. Twomey** if he has animosity toward the petitioner.

Mr. Twomey answers no.

Attorney Ritchie inquires if **Mr. Twomey** filed any complaints against the petitioner regarding his dog.

Mr. Twomey explains that the dog barks all day long and a neighborhood woman called the police. **Mr. Twomey** adds that the dog has gotten out of the yard twice and even gave the petitioner materials to install a fence for the dog.

Solicitor Marcello reminds the attorneys and witnesses that they are here for a dimensional variance and not here for dogs. Adds that neither party has given a reason for hardship.

Attorney Ritchie wants **Mr. Twomey's** testimony stricken.

Chairman Saveory reminds **Attorney Ritchie** that the board votes on the dimensional variance only.

Attorney Chapman adds that he did mention prior action and what is the least relief necessary.

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 the board needs a set of plans for where the pool is going.

Zoning Officer Pimentel responds that if the board wants the pool located in a specific area with strict compliance then yes, the board can mandate that.

Mr. Braga inquires if that is needed prior to approval.

Zoning Officer Pimentel responds that it is up to the board, it is his personal opinion to make sure what submitted matches, perhaps a continuance so the petitioner can have a plan that reflects where the pool is going.

Chairman Saveory inquires if it has been verified about the permits for the deck.

Zoning Officer Pimentel explains that he cannot say.

Attorney Ritchie adds that the deck was there when **Mr. Silva** purchased the home.

Mr. Braga feels that until there is a plan to approve where the pool is going he is not comfortable moving forward, especially since there is so much going on in this case.

Chairman Saveory notes that variances are forever and with the information presented in front of them, **Mr. Braga** brought up a valid issue and agrees with him.

Attorney Ritchie explains that if a survey is deemed necessary then his client will comply with that.

Zoning Officer Pimentel notes that a 30 day continuance should be enough time for the surveyor.

Attorney Ritchie inquires when the next meeting date is and what the board is specifically requesting.

Zoning Officer Pimentel answers that the next meeting date is 1 December 2021, and a survey where the board can see where the pool will be located, the size of the pool and see if the pool will meet all setbacks.

Motion by Mr. Braga to continue this petition to 1 December 2021, the motion is Seconded by Vice Chairman Beauparlant.

Roll Call Vote

Mr. Croke – Nay

Mr. Pascoa – Aye

Mr. Braga – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Zoning Officer Pimentel adds that the same quorum must be present on the 1 December 2021 meeting in order for this case to be heard.

3A. 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. (Use Variance - Petition No. 6866)**

[NOTE: Continued from 1 September 2021.]

Zoning Officer Pimentel notes that the same quorum as the last time is required, which are the following board members: **Mr. Pascoa, Mr. Croke, Mr. Braga, Vice Chairman Beauparlant and Chairman Saveory.**

Attorney Joseph Brennan is representing the petitioners.

Attorney Brennan gives an overview of the last meeting, the petitioners are looking to have additional vacuums and add on to the driveway. **Attorney Brennan** explains that they talked with the neighbors after the last meeting and installed a new fence and landscaping, the new plan is included in the board's packets. There are also photos of the new landscaping and fence that can be provided to the board.

Motion by Mr. Croke to accept the photos as Exhibit A, the motion is Seconded by Vice Chairman Beauparlant.

Attorney Brennan notes that a lot of money went into the fence and arborvitaes, the arborvitaes will grow 2ft. a year and will be maintained by the petitioners. Downward facing lighting is being installed and withdrew the petition for the electronic signage.

Mr. Croke apologizes for yelling at **Attorney Brennan** at the previous meeting.

Attorney Brennan thanks **Mr. Croke** for that.

Mr. Croke remarks on the pole lights and the shed located on the property line should be moved.

Attorney Brennan explains that the lights they can provide shielding for but unsure if they can physically move the shed. The shed may have to be demolished but they are willing to do so if need be.

Mr. Braga has no questions.

Vice Chairman Beauparlant gives the petitioners credit, adding all these changes are good and is more pleased with this.

Mr. Pascoa has no concerns.

Chairman Saveory has no concerns at this point and understands that the petitioners have to compete with other car washes.

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

Thomas Cavaco of 35 Sidney Street is properly sworn in.

Mr. Cavaco explains that he did have a few meetings with the petitioners and they are very nice guys. They were shown plans for the trees and within a week the trees were up and the lighting issues were discussed. **Mr.**

Cavaco adds he wants to withdraw the petition against the petitioners.

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

Hearing and seeing none, **Chairman Saveory** queries the Board for a motion.

Motion by Mr. 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.
2. The pole lights be properly shielded.
3. The shed be removed from the property line.

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa - Aye	The board commends the petitioners for meeting
Mr. Croke – Aye	with the neighbors and adjusting their petition to
Mr. Braga – Aye	work with the neighbors. The hardship is the
Vice Chairman Beauparlant - Aye	competition and is the least relief necessary.
Chairman Saveory – Aye	

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

3B. 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.** (Dimensional Variance - Petition No. 6867)

[NOTE: Continued from 1 September 2021.]

This petition was previously formally withdrawn

Chairman Saveory calls for a recess, the board reconvenes at 7:50pm

Chairman Saveory announces that **Mr. Braga** has left due to a personal matter and **Mr. Robinson** will be a voting and participating member.

4A. 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.**

[NOTE: Continued from 1 September 2021.]

Attorney Restivo is representing the petitioner

Attorney Restivo notes that a survey was previously submitted so will be withdrawing the petition regarding the waiver.

4B. Petition No. 6869 - PROVIDENCE APARTMENTS, 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.**

[NOTE: Continued from 1 September 2021.]

Attorney Restivo passing out a memorandum to the board members.

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

Roll Call Vote

Mr. Pascoa - Aye

Mr. Croke - Aye

Mr. Robinson - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Attorney Restivo explains to the board that the property contains two main structures, we will mainly be talking about the structure in the front tonight. Currently the structure in the back is being used as a multi-family. The property was purchased back in 2017 and was being used as a single family at that time, currently, it is being used as a rooming house and in the past around 1980, and in this zone the lodging house is allowed. **Attorney Restivo** explains that they tried to speak with the neighbors, the neighbor's requested that they wanted all those staying at the rooming house to have a background check and a stockade fence installed and the petitioner is willing to do that. **Attorney Restivo** believes this is incompatible with the neighboring land use since it was used as a rooming house for decades and there were no issues previously, the use was stopped for sometime. **Attorney Restivo** believes that this will not create a nuisance and any complaints were filed against the tenants in the rear house. **Attorney Restivo** believes that this will not hinder the future development since the development was going on around the property when it was a rooming house, which is similar to a lodging house. **Attorney Restivo** believes this will comply with the comprehensive plan to have affordable housing which this allows, rent would be \$650-\$750 monthly for a room which is cheaper than many studio apartments. At one point there was an application to the zoning board of review to turn this building into a 3 unit multi-family but that would be a higher cost in rent. The required parking is 19 spaces but they currently have 13/14 spaces, there is no more space on the property to add more parking. The hardship is due to the unique characteristics of the land, the property's existing structure and land. The hardship is not a result of prior action of the applicant and not for financial gain. There will be no alterations or any new construction since they will not be making any changes. Boarding houses are part of history but not too common anymore since they got a bad reputation since they were built quickly and there weren't any building codes. There were improvements made in 2017 after the purchase.

Mr. Pascoa has no questions at this time.

Mr. Croke inquires if the property was up for sale.

Attorney Restivo answers yes, that is correct.

Mr. Croke notes that should have been mentioned previously, he inquires to **Zoning Officer Pimentel** is the property is zoned a 2 family.

Zoning Officer Pimentel notes that the property in the front was being used by a large family and the back building was a light manufacturing use from 2000 to mid-2000's. The previous owner asked to use property for residential use, he wanted to have the back building become a 4 units and the front building to be 3 units. The back property was converted to 4 units with the proper permits but the front building was never converted. So, there's a single family in

the front and the 4 units in the back. Since the previous owner didn't exercise the front conversion so it was dropped.

Mr. Croke notes that there are 9 mailboxes in the front.

Attorney Restivo explains that the property is being used as a lodging house at the moment.

Mr. Croke inquires if the applicant checked with the city to make sure that using the property as a lodging house is okay.

Attorney Restivo answers that lodging is a permitted use and there is no more than 7 guests and there are no meals for compensation.

Mr. Croke doesn't see a difference and notes that **Attorney Restivo** chose not to speak about traffic, especially with Bay View next door and the apartment complexes nearby it is an already existing problem. **Mr. Croke** believes that the applicant has not met the requirements for hardship and wants to create hardship and more income.

Attorney Restivo believes that this is similar to how the property is being used now and gives the applicant more control and have higher standard such as background checks. **Attorney Restivo** disagrees that it will bring more income to the petitioner.

Mr. Robinson inquires how many bedrooms are in the rear building.

Stacia Pietrpaolo is properly sworn in.

Ms. Pietrpaolo explains that there is a studio apartment, (1) 1 bedroom and (2) 2 bedroom apartments in the back building.

Mr. Robinson notes that there are 9 bedrooms in the main house, so there are 15 bedrooms altogether and inquires how many parking spaces there are.

Ms. Pietrpaolo answers that she believes that there are 14 spaces and 2 garage spaces.

Mr. Robinson counts 7 spots and 2 garage spaces and inquires where the rest of the spaces are.

Ms. Pietrpaolo and Attorney Restivo go up to Mr. Robinson and review the diagram.

Attorney Restivo explains that extra parking is alongside of the driveway.

Mr. Robinson inquires if on the diagram the red line is the property line and the dotted line is the easement.

Attorney Restivo answers yes.

Mr. Robinson notes that those spots are not theirs since it is over the easement and they cannot have parking spaces on your side of the island since it's the driveway to get in/out. None of those spaces count.

Attorney Restivo admits he hasn't seen the easement that was recorded and is not sure if it says that they can't park there. **Attorney Restivo** respectfully disagrees with **Mr. Robinson** and believes that neither of them can speak on the easement. **Attorney Restivo** adds that this is why they've applied for the variance and not everyone that will live there will have a vehicle.

Vice Chairman Beauparlant believes that the 2012 plan only had 6 bedrooms but currently there is 9 bedrooms, inquires if permits were pulled.

Attorney Restivo notes that what was proposed was never built and nothing has changed.

Vice Chairman Beauparlant inquires if the property was presented as having 6 bedrooms.

Attorney Restivo answers that it was proposed, yes.

Chairman Saveory inquires when it became a rooming house after it was the single family, he asks only to see if the use was abandoned.

Attorney Restivo believes it was around 2017.

Vice Chairman Beauparlant adds that it was used as a single family.

Zoning Officer Pimentel notes that it was being utilized as a single family and was proposed to be a 3 family.

Zoning Officer Pimentel admits he did not know about the rooming house, but the use was abandoned and cannot reestablish use after abandonment. Not sure what the grandfathering use was either.

Chairman Saveory inquires when the property was sold as a single family, the buyers turned it into a lodging house.

Attorney Restivo answers yes, 1988 was the earliest evidence they could find of the property being used as a lodging/rooming house.

Chairman Saveory notes that back in the day there wasn't a lot there, perhaps Bay View was but nothing else such as the Knights of Columbus, Village Green Apartments, etc. The culture has changed considerably and inquires how long was the property being used as a single family.

Attorney Restivo answers from 2012-2017 according to their timeline.

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.

Rosa Maria Pereira of 40 Cumberland Ave Riverside, RI is properly sworn in.

Ms. Pereira passes out a packet she created regarding the history of the property.

Motion by Mr. Pascoa to accept the packet as Opponent's Exhibit 1, the motion is Seconded by Vice Chairman Beauparlant

Ms. Pereira explains that although she received a letter from zoning, other neighbors did not so she made a petition for those who could not make it or did not receive notice. The ward 3 councilman, **Nate Cahoon**, is against this petition as well and was present tonight, he just couldn't stay. Boarding house tenants move in and out quickly and it would be wrong to be next to Bay View. Pawtucket Avenue is already difficult to get in and out of their neighborhood being constantly blocked out by Bay View, Village Green, and Winchester Park traffic and believes this would make it worse. There are 14 real estate listings from 1997-2021 and was always advertised as a single family in the MLS until this most recent listing which says, "with the potential of being a boarding house". **Ms. Pereira** also went to the East Providence Police Department and got records of calls for the last 2 years and that is included in the packet as well.

Karina Mascorro of 3126 Pawtucket Avenue Riverside, RI is properly sworn in.

Ms. Mascorro explains to the board that she is the neighbor that shares the previously mentioned easement. **Ms. Mascorro** tells the board that when she was buying her home she was told that the property in question was a single family and learned afterwards it was a lodging house. **Ms. Mascorro** mentions the problems she has with the easement being used as a street and not a driveway. In addition there are other problems, she has a family with small children and there are people trespassing through their yard. **Ms. Mascorro** has only been in the home a year and 5 months and has seen a lot of turnover of tenants. **Ms. Mascorro** believes that the applicants are in violation and want the city to rectify this since they want to sell the property. If she had known that this property was operating as a boarding house she wouldn't have purchased her home. **Ms. Mascorro** has been finding trash and needles in their yard and garden and is in opposition of this petition. **Ms. Mascorro** believes this is not an adequate place and is sure that the applicant's attorney doesn't live next to a boarding house.

Mary Beth Beretta, Sister at Bay View Academy, is properly sworn in.

Sister Beretta explains to the board that she is in opposition since it would bring transients. Bay View is an all-girls school with students from the ages of 3-17, in June of 2017 the tenants were parking in their lot and it became an issue. **Sister Beretta** mentions that they also had trouble with trash coming through the property and people cutting through their property. The police have not been contacted but no one realized there were that many people. **Sister Beretta** doesn't think this is conducive to the area however, if it does pass Bay View would want a fence installed, 24 hour surveillance, background checks, and no tenants with criminal histories for the student's safety.

Clotilde Amaral Rohter, who has interest in 56 Park Road Riverside, RI is properly sworn in.

Ms. Amaral-Rohter explains to the board that the property has always been a single family and the driveway/easement has been disrespected and not meeting today's standard. **Ms. Amaral-Rohter** believes everyone should have a parking space and that Pawtucket Avenue is a nightmare to get in and out of.

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

Ms. Stoddard inquires if these tenants would get and pay car taxes like the other East Providence citizens do.

Shamila Ahmed, real estate agent to Karina Mascorro, is properly sworn in.

Ms. Ahmed explains that **Ms. Mascorro** would have never bought her home if we knew the truth about the property.

Chairman Saveory reads into the record a letter from Nancy Moore of 14 Josephine Ave Rumford, RI

Ms. Moore explains that she is a member of the preservation committee but is writing this as a private citizen. **Ms.**

Moore explains that she would want the exterior unchanged and retains the historical character.

Mr. Pascoa inquires if the board can enforce BCI checks.

Solicitor Marcello answers that he has never seen it and isn't sure how the city would enforce it.

Attorney Restivo adds that the applicant would consent to it.

Chairman Saveory notes that he knows about the issues at Bay View and has concerns about the advertisement as a single family. **Chairman Saveory** notes that things can change in the future and understands the need for affordable housing but 9 bedrooms is intense. **Chairman Saveory** expresses concerns about safety and devaluation of the neighborhood, and who could monitor all of these stipulations if approved. The property is a problem of the times and nearly everyone has a vehicle. **Chairman Saveory** cannot see the hardship and could see that property being turned into a 3 family home.

Attorney Restivo responds that the city had no idea and some of the neighbors didn't know that this use was going on, which shows that it is not intrusive, there are a lot of issues that have come up are zoning mistakes.

Chairman Saveory notes that the traffic is bad, sometimes it can take him 10 minutes to get to City Hall and sometimes it's taken an hour. The property is a causality of time and can see this being for financial gain, he doesn't believe the rents will stay low.

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 **Attorney Restivo** 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 Restivo** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Robinson

Mr. Pascoa - Nay	The board believes this will intensify traffic,
Mr. Croke - Nay	is for financial gain, and have safety concerns.
Mr. Robinson - Nay	It has currently been a nuisance to the
Vice Chairman Beauparlant - Nay	neighbors already.
Chairman Saveory - Nay	

Special Use Permit unanimously denied 5-0.

4C. Petition No. 6870 - PROVIDENCE APARTMENTS, 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.**

[NOTE: Continued from 1 September 2021.]

Chairman Saveory queries the Board for a motion.

Motion by Mr. Pascoa,

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

1. The hardship from which the applicant seeks relief is **NOT** 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** 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** 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 **NOT** 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 **NOT** granting a dimensional variance, that the hardship that will **NOT** 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 **DENIED**.

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa - Aye

Mr. Croke - Aye

Mr. Robinson - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Dimensional variance is unanimously denied 5-0.

Chairman Saveory calls for a recess and the board reconvenes 9:24pm

5. Petition No. 6874 - SYNERGY CAPITAL, 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 MAP 206, BLOCK 26, PARCEL 11, in a COMMERCIAL 3 DISTRICT**

[NOTE: Continued from 1 September 2021.]

Attorney Joseph Brennan is representing the petitioner.

Attorney Brennan explains to the board that there is no off-street parking available on this property. The property had received a variance back in 1990 and was granted to have 4 residential units on the 2nd floor as long as the previous owner who obtained the variance continued to own the lot across the street to provide parking. The previous owner has since passed away and his widow was unaware of the variance stipulations and the property was going into tax sale. The petitioners had no idea about the previous variance either since it did not come up in title search prior to the closing of the property about 3 years ago. The lot across the street that was used for parking sold separately. There haven't been complaints from tenants regarding the parking aspect. The petitioner is here tonight to move forward with the property and knows about some other concerns that abutters and tenants had, he has installed a fence and figured out the trash situation. The trash will be stored in the back and having the trash picked up every Tuesday by a private company, our use requires 4 spaces so that is all the petitioner is asking for tonight. The petitioner is looking

for an agreement from other locations for parking but know that those owners would not want deed restrictions and is working on a licensing agreement. This situation is unique since they cannot provide any off-street parking, all 4 units have been occupied for some time now and if this petition is denied then those tenants will lose their housing and adds that this is not fault of the applicant.

Mr. Croke inquires if the petitioner spoke with the new owners of the lot across the street regarding using the lot for parking.

Tyler Leonard, owner of 234 Warren Avenue, is properly sworn in.

Mr. Leonard answers that he informed the owners of the situation and thought having a written agreement with them would be enough. However, they are in the process of selling the property and would not sign an agreement.

Mr. Croke notes that there was a lot of on-street parking when he drove by.

Mr. Leonard adds that there are only (4) 1 bedroom units so the cars couldn't be all from his building. **Mr. Leonard** mentions that he has photos of the property for the board, and the newly installed fence is in the photos.

Motion by Mr. Croke to accept the photos as Exhibit 1, the motion is Seconded by Mr. Robinson

Mr. Croke inquires if the business units are occupied.

Attorney Brennan responds that one is occupied and the other is vacant.

Mr. Robinson notes that there are 6 mailboxes for the residential units and on the glass door leading up to the residential units states "Units 1-6". There are 6 doors on the 2nd floor, apartments #1-#4 are labeled, one door is not labeled, and another door is labeled #6. **Mr. Robinson** inquires how many units are really on the 2nd floor and was there ever 6 units.

Mr. Leonard answered that there is only 4 units, there is a 2nd means of egress for one unit and the other was used as a working space for a woman who did banking.

Mr. Robinson notes that the pictures do not include all of the units and inquires if permits were pulled for the work that was done.

Mr. Leonard replies that he did not need permits since all that was done was flooring, caulking, and painting.

Mr. Robinson inquires to **Zoning Officer Pimentel** if a site inspection can be done.

Zoning Officer Pimentel answers yes.

Vice Chairman Beauparlant has no problem with the proposal as is since mixed use is being built up in the area. He notes that he saw the 6 mailboxes as well, **Vice Chairman Beauparlant** inquires since there was a previous variance and the owner did not keep their variance does the property go back to what it was before.

Solicitor Marcello answers no.

Zoning Officer Pimentel notes that the decision pre-dates the requirement of recording zoning decisions.

Chairman Saveory mentions concerns about the rubbish from the abutters.

Mr. Leonard explains that he spoke with that abutter regarding the rubbish and city gave him trash barrels for the apartments only and received permission from the neighbor to use the easement for storing a dumpster for the commercial units, even made sure that the trash company would collect the dumpster trash the same day as normal trash pickup.

Chairman Saveory notes that **Mr. Leonard** needs to come up with something regarding the parking, especially during the winter months due to snow bans.

Attorney Brennan responds that on the corner of Lyon Avenue and Warren Avenue, the old liquor store, the petitioner has been working with the owner about using their lot for parking however, the owner does not want to have a deed restriction but there is a licensing agreement with him.

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

Motion by Mr. 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.

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. Croke 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. A site inspection by the zoning officer must be completed to confirm that there are (4) 1 bedroom residential units.

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

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Pascoa - Aye	The board sees that this is not the fault of
Mr. Croke – Aye	applicant and that there are no other options
Mr. Robinson – Aye	of what can be done.
Vice Chairman Beauparlant - Aye	
Chairman Saveory – Aye	

Dimensional variance is unanimously granted 5-0, subject to the aforementioned condition(s).

VIII. NEW BUSINESS

1. Petition No. 6875 - JOHNSON COMPANY, LLC, requests a dimensional variance to introduce a mandatory handicap ramp, without complying with the minimum front-yard setback requirement, for property located at **3705 PAWTUCKET AVENUE, being MAP 312, BLOCK 9, PARCEL 3, in a COMMERCIAL3 DISTRICT.**

Robert Brierley, contractor working on the project, is properly sworn in.
Mr. Brierley explains to the board that he pulled a permit for replacing the front door and stairs to the building however, the building inspector said that the property needed a handicap ramp installed. In order to meet code for the ramp the applicant needs relief for 4 inches on one corner and 1.5ft. on the other corner.
Chairman Saveory inquires if the ramp has already been built.
Mr. Brierley answers yes, that is correct.
Mr. Robinson has no questions.

Vice Chairman Beauparlant has no questions.

Mr. Pascoa has no questions.

Mr. Croke expresses concerns about people parking on the sidewalk at this location and inquires why is the ramp needed.

Mr. Brierley responds that the ramp was requested by the building inspector.

Mr. Croke inquires if the size of the ramp could be changed.

Mr. Brierley answers no, it must be a certain size to meet the code, Mr. Brierley admits he would have rather not built the ramp at all but it was required.

Mr. Croke notes that there is equipment and asphalt outside.

Mr. Brierley responds that the asphalt is being removed to add landscaping to beautify the property and the equipment has been moved.

Chairman Saveory explains that he has no concerns and notes that the building looks great now.

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

Motion by Mr. Robinson,

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

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

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

Motion is Seconded by Vice Chairman Beauparlant

Mr. Croke adds he would like a stipulation for no parking on the sidewalk.

Solicitor Marcello explains that is an issue for the police department and not for this board.

Roll Call Vote

Mr. Pascoa - Aye

Mr. Croke – Nay

Mr. Robinson – Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

The board sees that this is not the fault of

applicant and notices that there is hardship.

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

2A. Petition No. 6876 - RACHEL H. ROSE, requests a use variance to subdivide the existing property into two (2) separate and distinct parcels via a Minor Subdivision, resulting in retention of a non-conforming mixed-use (commercial first-floor) and two residential units on the second-floor on Parcel 'A', and a single-family residence on Parcel B, for property located at the intersection of **430 NORTH BROADWAY and 1 ROSEMERE DRIVE, being MAP 305, BLOCK 7, PARCEL 25, in a RESIDENTIAL 4 DISTRICT.**

Curt Nunes, land surveyor for the project, is properly sworn in.

Rachel Rose, owner of 430 N. Broadway and 1 Rosemere Drive Rumford, RI is properly sworn in.

Mr. Nunes explains to the board that this is a pre-existing non-conforming lot with 2 structures, Parcel A is a salon with 2 residential units upstairs and Parcel B is a single family residence. The proposal is to subdivide this lot into two separate lots.

Chairman Saveory notes that the planning board has asked to continue this case because they have not heard it yet but is scheduled to be heard on **15 November 2021.**

Solicitor Marcello suggests that the board can conditionally approve the petition if the board wishes to continue.

Mr. Nunes adds that they would like to do that if possible.

Chairman Saveory inquires if both structures have the same address.

Mr. Nunes answers no they have separate addresses.

Ms. Rose adds that the single family has the address of 1 Rosemere Drive.

Zoning Officer Pimentel adds that this subdivision is going towards conformance, the city feels that this is going in the right direction but needs the variance.

Vice Chairman Beauparlant inquires why this variance is needed.

Zoning Officer Pimentel responds that it is a technicality, everyone wants a clean bill associated with this property and the use for the salon since it is a mixed-use property and there isn't a overlay in this area, but nothing is changing with the property.

Vice Chairman Beauparlant inquires if the salon is currently being used.

Ms. Rose answers no, she was the owner/hairdresser but due to covid and health concerns she shut down the salon.

Mr. Pascoa has no questions.

Mr. Croke inquires if **Ms. Rose** will sell the properties if the variances pass.

Ms. Rose answers that she will be selling one of the properties, it is just her health problems are making it too difficult to maintain. Ms. Rose adds she cannot have the close contact like you would have in a salon anymore since she is high risk.

Zoning Officer Pimentel notes that the parking is pre-existing.

Mr. Robinson has no questions.

Chairman Saveory explains that he has no concerns since it is a simple subdivision and easier for everyone involved.

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

Lucy Rose-Correia is properly sworn in.

Ms. Rose-Correia explains to the board that she is the sister of **Ms. Rose** and they grew up in East Providence and

that this was not an easy choice for **Ms. Rose** to make. She is wellknown in the neighborhood and knows that **Ms. Rose**wants to stay in East Providence and try to keepthings as stable as possible.

Chairman Saveory inquires if there is anyone present whowould like to speak against the subject petition.

Zoning Officer Pimentel reads into the recorda letter from Luz Ospina of 436 N. Broadway Rumford, RI.

Ms. Ospina is against this petition due to concernsabout parking on the street and increased traffic, she would like the board toreject this petition.

ChairmanSaveoryqueries the Board for a motion.

Motion by Vice Chairman Beauparlant,

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

- 1.The hardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not due to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 45-24-30(16).
- 2.The hardship is not the result of any prior action of the applicant and doesnot result primarily from the desire of the applicant to realize greaterfinancial gain.
- 3.The granting of the requested variance will not alter the general character ofthe surrounding area or impair the intent or purpose of this chapter or thecity’s comprehensive plan upon which this chapter is based.
- 4.The relief to be granted is the least relief necessary.

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

1. In granting a use variance thesubject land or structure cannot yield any beneficial use if it is required toconform to the provisions of this chapter. Nonconforming use of neighboringland or structures in the same district and permitted use of land or structuresin an adjacent district shall not be considered in granting a use variance.
2. Subjectto the petitioners receiving approval from the planning board, understandingthat depending on the planning board’s ruling the petitioner could returnbefore this board.

ChairmanSaveory asks**Mr. Nunes** if he accepts the conditions ofapproval just stipulated, understanding that strict compliance means that anydeviation will necessitate revisiting the Zoning Board of Review; said revisitmay be requested by either the Zoning Officer or any member of the Zoning Boardof Review. **Mr.Nunes** responds that he fully understands and accept the conditionsjust stipulated.

Motionis Seconded byVice Chairman Beauparlant

RollCall Vote

Mr. Pascoa - Aye	Theboard recognizes the already existing uses
Mr.Croke – Aye	and thatthere another commercial properties
Mr. Robinson – Aye	on N. Broadway and that granting thisvariance
ViceChairman Beauparlant - Aye	will make the properties moreconforming.
Chairman Saveory – Aye	

Use variance isunanimously granted 5-0, subject to the aforementioned condition(s).

2B. Petition No. 6877 - RACHEL H. ROSE, requestsa dimensional variance to subdividethe existing property into two (2) separate and distinct parcels via a MinorSubdivision, resulting in the following dimensional deviations: both parcelsfailing to comply with the minimum lot area requirement; both parcels failingto comply with the minimum lot width requirement; both parcels failing tocomply with the minimum lot depth requirement; Parcel B exceeding the maximumbuilding coverage requirement; and Parcel A failing to meet the minimumoff-street parking requirement; for property located at the intersection of **430 NORTH BROADWAY and 1 ROSEMER DRIVE,being MAP 305, BLOCK 7, PARCEL 25, in a RESIDENTIAL 4**

DISTRICT.

Chairman Saveory queries the Board for a motion.

Motion by Vice Chairman Beauparlant,

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

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

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

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

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

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

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

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa - Aye

Mr. Croke - Aye

Mr. Robinson - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Dimensional variance is unanimously granted 5-0, subject to the aforementioned condition(s).

3. Petition No. 6878 - RICHARD LINK, requests a dimensional variance to expand an existing accessory garage, without complying with the minimum front-yard setback requirement, for property located at **1 SABIN STREET, being MAP 212, BLOCK 2, PARCEL 1, in a RESIDENTIAL 4 DISTRICT.**

Richard Link of 1 Sabin Street Riverside, RI is properly sworn in.

Mr. Link explains to the board that he purchased the property a few years ago and is currently renovating it, he is about 75% complete. The existing garage is not up to code and needs to be rebuilt and would like to

expand it to make it a 24x24 garage.

Mr. Robinson explains that he met with Mr. Link today and everything looks great and has no questions.

Mr. Pascoa has no questions.

Vice Chairman Beauparlant has no questions.

Mr. Croke has no questions.

Chairman Saveory has no concerns regarding the project.

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

Motion by Mr. Robinson,

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

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

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

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa - Aye

Mr. Croke - Aye

Mr. Robinson - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Dimensional variance is unanimously granted 5-0, subject to the aforementioned condition(s).

4. Petition No. 6879 - EDWIN and ADAHERNANDEZ, requests a dimensional variance to retain

conversion of a portion of an attached accessory garage to principal living space, without complying with the minimum side-yard setback requirement, for property located at **19 PLAZA DRIVE, being MAP 613, BLOCK 2, PARCEL 22, in a RESIDENTIAL 3 DISTRICT.**

Edwin Hernandez of 19 Plaza Dr. is properly sworn in

Mr. Hernandez explains to the board that he would like to retain the living space, this is his first home that he purchased recently and did not know that this work was done without permits and not meeting setbacks.

Mr. Robinson notes that he visited the property and spoke with the applicant to see the new room that was created before the purchase. There is only about 6-8ft before you hit a wall since $\frac{3}{4}$ of the garage was turned into living space and believes that the applicant was wronged by the realtor and the inspector since they did not bring it up. **Mr. Robinson** believes this is a genuine hardship and all of his questions were answered today. **Mr. Robinson** even spoke with the neighbor abutting the setback and they are currently in the process of foreclosure and will be leaving soon. The applicant wanted to do renovations and obtained permits then the situation was realized.

Vice Chairman Beauparlant has no concerns.

Mr. Croke inquires that the applicant purchased the home and no one informed him about the garage.

Mr. Hernandez answers no, no one told him, and he was so excited since it was his first home.

Chairman Saveory notes that he is familiar with the house and has no concerns and commends the applicant for trying to obtain permits.

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

Motion by Mr. Robinson,

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

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

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa - Aye

The board sees that the relief is minimum

Mr. Croke – Aye

and the work isn't even visible from the

Mr. Robinson – Aye

outside.

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

Dimensional variance is unanimously granted 5-0, subject to the aforementioned condition(s).

5. Petition No. 6880 - KEVIN and TAMMY IRVING, request a dimensional variance to introduce a front-yard deck, without complying with the minimum front-yard setback requirement and exceeding the maximum building coverage requirement, for property located at **134 WATERVIEW AVENUE, being MAP 210, BLOCK 1, PARCEL 7, in a RESIDENTIAL 3 DISTRICT.**

Kevin Irving of 134 Waterview Avenue is properly sworn in.

Mr. Irving explains to the board that he enjoys the water views and due to his own ignorance he did not pull a permit. The deck will be 18x8 in size, off the center of the bedroom and without stairs.

Mr. Robinson inquires who owns the grassy area.

Mr. Irving responds that it depends on who you ask, some say the City owns it and others say the neighborhood owns it.

Zoning Officer Pimentel adds that according to the survey it is part of a public right of way.

Vice Chairman Beauparlant believes that the setback relief is minor and has no questions.

Mr. Pascoa has no questions at this time.

Mr. Croke inquires if the deck is completed.

Mr. Irving answers that it is just framed at this time.

Mr. Croke believes there is hardship since the lot is on the corner and has no issues with the deck.

Mr. Irving adds that he has a note from the adjacent property on their left, this neighbor tried to be present tonight but had to leave.

Chairman Saveory inquires if there will be anything on top of the deck or if the deck will be enclosed.

Mr. Irving answers no.

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

Chairman Saveory reads the note from Jaydee Moniz, they have no objection to the deck and thanks the board for accepting their note.

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

Motion is Seconded by **Vice Chairman Beauparlant**

Roll Call Vote

Mr. Pascoa - Aye

The board sees that the relief is minimum.

Mr. Croke - Aye

Mr. Robinson - Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Dimensional variance is unanimously granted 5-0, subject to the aforementioned condition(s).

6A. Petition No. 6881 - BEN and TING CHAN, requests a use variance to convert a commercial facility to two (2) residential units, otherwise defined as a prohibited land use, for property located at **9 – 11 TURNER AVENUE, being MAP 312, BLOCK 12, PARCEL 14, in a COMMERCIAL 3 DISTRICT.**

[NOTE: To be automatically continued to 1 December 2021.]

6B. Petition No. 6882 - BEN and TING CHAN, requests a dimensional variance to convert a commercial facility to two (2) residential units, without complying with the minimum off-street parking aisle width requirement, for property located at **9 – 11 TURNER AVENUE, being MAP 312, BLOCK 12, PARCEL 14, in a COMMERCIAL 3 DISTRICT.**

[NOTE: To be automatically continued to 1 December 2021.]

IX. PROCEDURES

Zoning Officer Pimentel explains there are none.

X. ANNOUNCEMENTS

The next meeting of the Zoning Board of Review is scheduled for **Wednesday 1 December 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. Robinson** and **Unanimously** voted to adjourn. Meeting is adjourned.

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary