

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, **11 May 2022**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice Chairman – **ABSENT**

John Braga

Richard Croke, Sr.

Gary Pascoa

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

Andrew Cotton – 2nd Alternate

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 **Solicitor Marcello** to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory informs the public that **Vice Chairman Beauparlant** and 1st Alternate, **Mr. Robinson**, are absent so **Mr. Cotton** will be a participating and voting member this evening.

III. APPROVAL OF ZONING BOARD MINUTES

Zoning Officer Pimentel explains to the board that the **13 April 2022** minutes were not completed in time due to not receiving the recording in a timely manner.

Motion by Mr. Braga to move the approval of the **zoning board minutes of 13 April 2022 to 1 June 2022**, the motion is **Seconded in Mr. Croke** and **Unanimously approved**.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

A. 65 Willow Street. Requesting a two-month continuance to 13 July 2022, to attain the requisite Class I Surveyed site plan. Formal request submitted.

Zoning Officer Pimentel explains to the board that the petitioner has retained a surveyor however, they

arebacklogged several weeks and would like a continuance until 13 July 2022 tohave time to get the property surveyed.

Motion by Mr. Pascoa to continue this petition from 11 May 2022 to 13 July2022, the motion is **Seconded in Mr. Braga** and **Unanimously approved**.

B. 1 Sabin Street – Richard Link –Petition 6878 - Requesting a six-month approval extension. Formal requestsubmitted.

Mr. Link explainsthat he was here before the board back in November 2021 and had issues liningup a contractor to do the job and just recently just started the permittingprocess.

Motion by Mr. Braga to grant the six monthapproval extension, the motion is**Seconded in Mr. Croke** and **Unanimously approved**.

VI. STAFF REPORTS

1.Planning Department Staff Report- Previously Submitted

2. Zoning Complaint List – April 2022 –Previously Submitted

Zoning Officer Pimenteladmitshe did not submit copies of the zoning complaint list.

Motion by Mr. Braga to move the review ofthe **April 2022 Zoning Complaint List** to**1 June 2022**, the motion is **Seconded in Mr. Croke** and **Unanimously approved**.

VII.CONTINUED BUSINESS

1A. Petition No. 6893 - ROBIN L.CADY and FREDERICK J. HARRIS, seek a ‘Waiver’ of the submission of a ClassI Surveyed Site Plan, for property located at **65 WILLOW STREET, being MAP 312, BLOCK 46, PARCEL 1, in a RESIDENTIAL 4DISTRICT**. [Continued from 2 March 2022. Requesting two-month extension to 13July 2022.]

This petition previously failed at the 2 March 2022meeting.

1B. Petition No. 6893 - ROBIN L.CADY and FREDERICK J. HARRIS, request a **dimensional** variance to retain a rear-yard porch that fails tocomply with the minimum rear-yard setback requirement, for property located at **65 WILLOW STREET, being MAP 312, BLOCK 46,PARCEL 1, in a RESIDENTIAL 4 DISTRICT**. [Continued from 2 March 2022. Requestingtwo-month extension to 13 July 2022.]

Motion by Mr. Pascoa to continue this petition from 11 May 2022 to 13 July2022, the motion is **Seconded in Mr. Braga** and **Unanimously approved**.

2. Petition 6891 - DAVIID M. SISSONand ITOHAN I. OSAYIMWESE, request a **dimensional variance** to subdivide the subject parcel into two (2)distinct lots, both of which will fail to comply with the minimum lot area andlot width requirement, and the existing house lot will fail to provide theappropriate off-street parking stall dimensions, for property located at **56 OXFORD STREET, being MAP 306, BLOCK 11,PARCEL 4, in a RESIDENTIAL 4 DISTRICT**. [Continued from 2 February 2022, and 13April 2022]

Daviid Sisson, owner of the property, isproperly sworn in.

Mr. Sisson explains to the board that currently the lot is9,000 sq. ft and has a single family located on it. **Mr. Sisson** is looking to divide this lot into two 4,500 sq. ft.lots and to have a single family house built on the new lot. These plans werebrought before the Planning Board on Monday and he did receive approval. **Mr. Sisson** apologizes for the severalcontinuances but he was required to supply a soil test and engineered plans to thePlanning Board, which took some time. When the property was originally plattedaround 1903 they were all narrow lots and notes that by right there can be a 2family unit on the lot. **Mr. Sisson**feels that two single family homes would be more in line with the neighborhoodand adds that if the subdivision is granted the existing driveway will be 2inches too narrow and needs approval for that as well.

Mr. Croke inquires if the proposed house will be forsale or rented out.

Mr. Sisson responds that he may sell the proposed houseor may actually live in it.

Mr. Croke inquires if the original house will remain asingle family and if **Mr. Sisson**would agree to a stipulation that would have the original house remain a singlefamily

Mr. Sisson answers yes to both questions.

Mr. Braga inquires if off-street parking for both properties.

Mr. Sisson answers yes.

Mr. Braga believes this is the better way to go.

Mr. Cotton has no questions, he believes that this makes sense and is the best use of the land.

Mr. Pascoa has no questions at this time.

Chairman Saveory notes that the property is in an old conservative neighborhood and is glad that it will be a single family and not a multifamily.

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. **Mr. Croke** includes the stipulations that both properties must remain single families and the petitioner will supply off street parking for each property.

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

Motion is Seconded by Mr. Braga

Roll Call Vote

Mr. Pascoa - Aye

Mr. Cotton - Aye

Mr. Croke - Aye

Mr. Braga - Aye

The board feels that this will be in character with the area and the driveway deviation is small and there are plenty of 4,500 sq. ft. lots in that neighborhood.

Chairman Saveory – Aye

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

3. Petition No. 6899 - COSMOPROPERTIES, LLC, requests **dimensional variances** to subdivide a property presently improved with a legal nonconforming two-unit residence, into three (3) distinct parcels (Minor Subdivision approval having already been granted), resulting in extinguishing the referenced nonconformity by reducing to a single-family residence, and introducing two (2) additional single-family residences, all parcels failing to comply with the minimum lot area and lot width requirement, both proposed residences failing to comply with requisite side-yard setbacks, and present residence maintaining pre-existing front-yard and side-yard setback deficiencies, for property located at **160 VINCENT AVENUE, being MAP 208, BLOCK 15, PARCEL 7, in the RESIDENTIAL 3 DISTRICT.**

[Continued from 13 April 2022]

Attorney John Shekarchi is representing the petitioner.

Attorney Shekarchi explains to the board that present with him tonight is **Douglas Mclean**, who has been before the board before, and would like **Mr. Mclean** to be considered an expert in land use.

Motion by Mr. Braga to continue to accept **Mr. Mclean as an expert in land use, the motion is Seconded in Mr. Pascoa** and **Unanimously approved.**

Attorney Shekarchi explains that the petitioner was looking to convert the existing 2 family house into a single family and subdivide the property to have 2 additional lots, one on Vincent Avenue and one on Hazard Avenue. The abutters were in support as long as there was privacy and didn't want large two-story homes. The petitioner has agreed to install fencing and the abutters are happy with the proposed 2 raised ranches that will be under 20ft. in height.

Attorney Shekarchi passes out a copy of the site plan with the fencing drawn in by him and a draft of the raised ranch style proposed to be built.

Motion by Mr. Braga to accept Petitioner's exhibit A, the drawing of the fencing, **the motion is Seconded in Mr. Pascoa** and **Unanimously approved.**

Motion by Mr. Pascoa to accept Petitioner's exhibit B, the draft of the proposed raised ranches, **the motion is Seconded in Mr. Croke** and **Unanimously approved.**

Douglas Mclean, expert in land use, is properly sworn in.

Mr. Mclean explains to the board that zoning ordinance 19-45 is the required standards for a variance. The size of this lot is significantly larger, but the shape is unique with different widths. Due to the shape of the parcel to make any subdivision will not meet the code. The existing 2 family dwelling is not allowed in the R3 zone and there is not a high volume of two family properties in the neighborhood. This is not due to any prior action taken by the applicant and this is not for financial gain. **Mr. Mclean** adds that the proposed design will bring the property and the use in more conformity and will not alter or impair the surrounding area. There was a neighborhood analysis done around the block and out of 16 parcels 15 parcels are occupied and single family dwellings, most of those parcels are smaller than the proposed lot sizes. **Mr. Mclean** notes that in section 19-2, the purpose of the zoning code is to promote the health, safety and welfare of the community and he believes this proposed project will not negatively impact any of those. **Mr. Mclean** believes that the hardship has been met, the proposal will not negatively impact the surrounding area or the comprehensive plan. The petitioners are willing to provide screening/buffering and the downspouts will be connected to drywells. Mclean ends with believing that this is the least relief necessary and is a reasonable use of the property.

Attorney Shekarchi adds that the existing garage will be demolished.

Mr. Pascoa wants to confirm per the Planning Board the petitioner is willing to agree to demolishing the garage, install fencing, two proposed single families that will be replicated as shown in Petitioner's Exhibit B.

Attorney Shekarchi answers yes that is correct.

Mr. Croke inquires if **Mr. Mclean** is being remunerated for his testimony.

Attorney Shekarchi answers that he believes so.

Mr. Croke expressed concerns with the lot on Vincent Avenue since it looks smaller than the other.

Mr. Mclean responds that yes the others are slightly bigger.

Mr. Croke inquires if the existing home was at first a single family then turned into a two family.

Attorney Shekarchi answers that according to the zoning certificate it is a non-conforming two family.

Mr. Croke inquires why there is only one gas meter.

Attorney Shekarchi explains that the existing home will be turned into a single family and give up the rights to have it be a two family.

Mr. Bragha has no questions at this time, commends petitioners working with the neighbors.

Chairman Saveory was surprised to learn that the property was a two family and notes that the lot is an unusual size.

Mr. Cotton inquires if the less than 20ft was asked of them by the Planning Board.

Attorney Shekarchi answers no, the abutters just didn't want large two story homes.

Mr. Cotton wants to be sure that the petitioners would be able to comply and not run into any issues during the building process.

Eric Borrelli, contractor for the proposed job, is properly sworn in.

Mr. Borrelli explains that the job can be done with the homes not exceeding 25ft from the peak.

Attorney Shekarchi requests to amend Petitioner's Exhibit B to not exceed 25ft.

Mr. Cotton inquires if there is a ledge that would prohibit the petitioners from a full foundation.

Mr. Borrelli answers that there is no ledge.

Roll Call

Cotton - aye

Pascoa - aye

Croke - aye - like the idea of existing home converted to single family

Braga - aye - thanks for working with the neighbors - average lot size in the area is 4500 lots will be conforming to the neighborhood

Saveory - aye

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. Pascoa,

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

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

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

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

Mr. Pascoa moves that the dimensional variances be **Granted** subject to the petitioner fulfilling the following

conditions:

1. Petitioner(s) obtaining any, and all, necessary permits - said permits necessary to exercise (execute) the relief granted. Failure to obtain requisite permit(s), if needed, within the six-month approval period (one-year, if extended by the Zoning Board of Review), will result in expiration of said approval.
2. Strict compliance, to include: Submitted site plan (or amended site plan, as it may be applicable) and site plan package; all exhibits; entire testimony of applicant and/or property owner; presentation of legal counsel (if applicable); and, testimony of all expert(s), if applicable.
3. All stipulations recommended by the Planning Board
4. Fences on both sides of the property.
5. Amended Petitioner's Exhibit B, the homes will not exceed 25ft. up to the peak.

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

Motion is Seconded by Mr. Croke & Mr. Cotton

Roll Call Vote

The board thanks the petitioners for working

Mr. Pascoa - Aye

with the neighbors and the average lot size

Mr. Cotton - Aye

will be conforming to the neighborhood.

Mr. Croke - Aye

Additionally, the two family will be converted

Mr. Braga - Aye

to a single family.

Chairman Saveory - Aye

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

VIII. NEW BUSINESS

1. Petition No. 6900 - AMANDA MEDINA, requests dimensional variances to construct an addition onto a single-family residence, without complying with the minimum side-yard setback requirement, as well as exceeding the maximum impervious lot coverage requirement, for property located at **99 CIRCUIT DRIVE, being MAP 512, BLOCK 11, PARCEL 66, in a RESIDENTIAL 3 DISTRICT.**

Amanda Resendes of 99 Circuit Drive Riverside, RI is properly sworn in.

Ms. Resendes explains that she bought the home about 10 years ago and they have a daughter and their family is growing so they need more room in order to stay in the neighborhood.

Gary Resendes of 99 Circuit Drive Riverside, RI is properly sworn in.

Mr. Resendes explains that they need side yard and impervious coverage relief and want to add to the 1st floor of the home.

Mr. Braga inquires the side yard setback is already existing and that the other is a deviation of .8

Mr. Resendes answers yes to both, the pavers will be removed and the stairs will be removed and at the time he didn't realize that most of the pavers had to be removed since the builders have to dig so much.

Mr. Cotton inquires the "strict compliance" when it comes to materials for the roof of the proposed addition.

Solicitor Marcello explains that the "strict compliance" is in reference to setbacks, not materials.

Mr. Cotton has no further questions, the plans make sense.

Mr. Pascoa has no questions.

Mr. Croke has no questions but notes that the lot is 6,500 sq. ft. which is larger than most.

Chairman Saveory believes this is conducive with the neighborhood.

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. 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 **Ms. Resendes** 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. Resendes** responds that she fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa - Aye

Mr. Cotton - Aye

Mr. Croke - Aye

Mr. Braga - Aye

Chairman Saveory - Aye

The board feels that this will be in character with the area and it is just a family investing in their home. The side-yard setback is already existing and that is not the fault of the petitioner.

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

2. Petition No. 6901 - JAMES and PAMELA LOMBARDO, request dimensional variances to remove two (2) dimensionally non-conforming accessory sheds and a small patio area, and in turn construct a new accessory shed, resulting in exceeding the maximum building and impervious lot coverage requirements, for property located at **73 FENNER AVENUE, being MAP 412, BLOCK 10, PARCEL 8.1, in a RESIDENTIAL 3 DISTRICT.**

James Lombardo of 73 Fenner Avenue Riverside, RI is properly sworn in.

Mr. Lombardo explains to the board that he wants to put in a new shed and will be removing 2 sheds and some pavers to make room for the new shed.

Mr. Braga inquires on the plans it says the impervious coverage will be brought down to 48.6% and if **Mr. Lombardo** knows what he is at currently.

Mr. Lombardo responds that he is not sure.

Zoning Officer Pimentel adds that the proposed shed is larger than the 2 existing ones.

Mr. Cottonnotes that it is a big shed but doesn't have any concerns.

Mr. Pascoahas no questions at this time.

Mr. Crokenotes that the property has had some zoning history, and believes that the sizeof the shed is a concern.

Mr. Crokeinquires what the use of the shed will be.

Mr. Lombardo responds that the shed will be used to store yard tools andmotorcycles.

Chairman Saveory believes the one shed will be better than what is there now andwill neaten up the property.

Mr. Crokeinquires if any motorcycle repair will be done.

Mr. Lombardo responds no, just storage.

Chairman Saveory inquires if **Mr. Lombardo**will store motorcycles for other people.

Mr. Lombardo answers no.

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

Paul Hendricks of 66Fenner Avenue Riverside, RI is properly sworn in.

Mr.Hendricks isin favor of this petition since **Mr.Lombardo** has one of the bestmaintained properties in the neighborhood.

Chairman Saveory inquires if there is anyone present whowould like to speak against the subject petition. Hearing and seeing none, **Chairman Saveory** queries the Board fora motion.

Motion by Mr. Braga,

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

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

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

ChairmanSaveory asks**Mr.Lombardo** ifhe accepts the conditions of approval just stipulated, understanding thatstrict compliance means that any deviation will necessitate revisiting theZoning Board of Review; said revisit may be requested by either the ZoningOfficer or any member of the Zoning Board of Review. **Mr. Lombardo** responds that he fully understands and acceptthe conditions just stipulated.

Motionis Seconded byMr. Croke

RollCall Vote

The board notes that theimpervious coverage

Mr. Pascoa - Aye

will decrease and the new structure won't

Mr. Cotton – Aye

encroach on setbacks.

Mr. Croke – Aye

Mr. Braga – Aye

Chairman Saveory – Aye

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

3. Petition No. 6902 - LUIS LUBO, requests a dimensional variance to retain a six-foot high fence that was installed within the restricted front-yard setback (maximum four-feet permitted), for property located at **103 ARNOLD STREET, being MAP 412, BLOCK 7, PARCEL 12, in a RESIDENTIAL 3 DISTRICT.**

Luis Lubo of 103 Arnold Street Riverside, RI is properly sworn in.

Mr. Lubo explains to the board that he would like to keep the 6ft. fence that was installed in the front yard.

Mr. Braga notes that the property is unique and the way the fence was installed it doesn't seem to block traffic.

Mr. Cotton has no concerns.

Mr. Pascoa has no concerns.

Mr. Croke inquires if **Mr. Lubo** is the owner of a black GMC.

Mr. Lubo answers that the car belongs to his tenant.

Mr. Croke notes that the car was parked on the sidewalk.

Mr. Lubo explains that he will speak to the tenant and see if she can park over on Dorr Street instead.

Mr. Croke inquires if **Mr. Lubo** called the city to ask permission or if he just bought the fence.

Mr. Lubo admits that he just bought it and doesn't believe it is obstructing anyone's view. **Mr. Lubo** adds that his tenant was having domestic issues so the fence gives her privacy and peace of mind.

Chairman Saveory notes that the house was previously a disaster under the previous owners and believes the fence is where it should be.

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.

Paul Hendricks of 66 Fenner Avenue Riverside, RI is properly sworn in.

Mr. Hendricks explains to the board that he lives around the corner and is against this petition because it is a safety issue. Mr. Hendricks believes that the neighbor at 107 Arnold Street cannot see coming out of their driveway and that it is difficult to see at the intersection. If the fence started at 4ft. then it would be fine but the 6ft does not conform to the neighborhood.

Chairman Saveory queries the Board for a motion.

Motion by Mr. Braga,

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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.

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

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

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

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

Motion is Seconded by Mr. Pascoa

Roll Call Vote

Mr. Pascoa - Aye

Mr. Cotton - Aye

Mr. Croke - Nay

Mr. Braga - Aye

Chairman Saveory - Aye

Mr. Croke feels that the fence obstructs vision and is right on the property line. The rest of the board feels that if the fence obstructed the neighbor's vision they would have expressed their concerns.

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

IX. PROCEDURES

A. Amending Zoning Board of Review 'Rules and Procedures' to formally mandate that all motions be rendered in an affirmative manner, prior to being discussed and then voted on.

Motion by Mr. Braga to mandate that all motions be rendered in an affirmative manner, the motion is Seconded by Mr. Pascoa.

Roll Call Vote

Mr. Pascoa - Aye

Mr. Cotton - Aye

Mr. Croke - Nay

Mr. Braga - Aye

Chairman Saveory - Aye

B. Proof of residency submission to the attention of the Chairman, as required by law. This is a mandatory annual obligation.

Zoning Officer Pimentel explains that this is a reminder to submit proof of residency.

C. Discussion on the prepared Zoning Application Instructional Package.

Zoning Officer Pimentel explains that this will be continued.

X. ANNOUNCEMENTS

The next meeting of the Zoning Board of Review is scheduled for **Wednesday 1 June 2022, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XI. ADJOURNMENT

Motion to adjourn by Mr. Braga. The motion is **Seconded by Mr. Cotton** and **Unanimously** voted to adjourn. Meeting is adjourned at **7:51pm**

Edward Pimentel, AICP

Zoning Officer / Clerk

