

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, **15 March 2023**, 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. – **ABSENT**

Gary Pascoa

Matthew Robinson – 1st Alternate

Andrew Cotton – 2nd Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor – **ABSENT**

Dylan Conley – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

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

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

A. Swearing in of the Zoning Officer

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

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory explains to the public that **Vice Chairman Beauparlant and Mr. Croke** are both absent this evening and **Mr. Robinson and Mr. Cotton** will be participating and voting members.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **11 January 2023**, Zoning Board of Review Minutes **Motion** by **Mr. Braga** to approve the **11 January 2023** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Robinson** and **Unanimously** approved.

Chairman Saveory asks for approval of the **1 February 2023**, Zoning Board of Review Minutes **Motion** by **Mr. Braga** to approve the **1 February 2023** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Robinson** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

210 Riverside Drive, Kenneth and Melanie Twitchell, Petition No. 6916. Request for six-month continuance on approval.

•**Zoning Officer Pimentel** explains to the board that during the construction process the applicants discovered structural issues with the home and will need to come back before the board. **Zoning Officer Pimentel** suggests a 6 month continuance out of abundance of caution.

•**Motion by Mr. Robinson to grant the six month continuance, the motion is Seconded in Mr. Braga and Unanimously approved.**

Roll Call Vote

Mr. Cotton – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Mr. Robinson – Aye

Chairman Saveory – Aye

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – February 2023– Previously Submitted

VII. CONTINUED BUSINESS

1. Petition No. 6922 -FORBES STREET, LLC, request dimensional variances to retain an expanded parking area and trash storage area, associated with a mixed use residential and storage property, resulting in excessive off-street parking within the requisite front-yard, excessive off-street pavement within the requisite front-yard and vehicles exiting in a rear-fashion, for property located at **100 and 120 FORBES STREET, being MAP 411, BLOCK 5, PARCEL(S) 85 and 86, in a COMMERCIAL 4 DISTRICT.**

[Continued from 11 January 2023 – Petition was not formally discussed, no testimony was received.]

Due to changing of the docket this petition was heard 3rd.

Eric Chin, owner of the property, of Swansea, MA is properly sworn in.

Assistant Solicitor Conley explains to the board that property currently serves as one continuous mixed use and one of the two properties serves as a warehouse facility. The warehouse facility contains a cannabis grow operation, all the paperwork is in place however there is confusion on the amount of plants inside the warehouse. The city is going to request 2 specific stipulations, the 1st being a site inspection prior to the recording of the zoning decision to confirm the amount of plants. The 2nd being once per quarter the East Providence police department has the option to inspect the property without prior notice. **Assistant Solicitor Conley** explains that there is no objection to the grow operation itself, the size of the warehouse is large and wants to check in to make sure they are following regulations.

Zoning Officer Pimentel adds that there were complaints that the front yard was paved and the trash removal be done by a private company since there is about 7-8 residential units. If this petition is approved **Zoning Officer Pimentel** suggests that the trash being removed privately and some concrete being removed be a stipulation as well.

Mr. Braga inquires if there are three buildings on the property.

Zoning Officer Pimentel answers yes, a 4 unit property, a 3 unit property that is adjacent to the warehouse.

Mr. Robinson inquires what would happen if one of the properties are sold.

Zoning Officer Pimentel explains that he will record the decisions to both properties so if a title search is conducted it can be easily found.

Mr. Robinson notes that there is a recommendation for a tree warden to check out a tree on the property.

Mr. Chin explains that as **Zoning Officer Pimentel** mentioned mistakes had been made. There were issues with the parking situation and hired someone to put down concrete to make more parking, this person claimed that they did not need a permit for concrete. **Mr. Chin** just wanted to have room for additional parking and space for the dumpster. **Mr. Chin** hired a land surveyor and tried to reduce a fair amount of concrete to no longer be a zoning issue and came up

with this final plan. **Mr. Chin** adds that he doesn't foresee selling the properties anytime soon. In regards to the warehouse concerns, he knew what the warehouse was being used for when he purchased the property and that the tenant is licensed. **Mr. Chin** explains he did sign paperwork understanding there is a legal marijuana growing business and the tenant feels that the proposed stipulations from the city are imposing. The entire warehouse is not being used for growing, some is being used for storage.

Chairman Saveory notes that reading the application he knew he was dealing with the concrete in the front and had no idea about the use of the warehouse. **Chairman Saveory** inquires if it is properly zoned? If the use is incompatible to the neighborhood?

Assistant Solicitor Conley answers that this is a zoning issue and that they need to stay within the amount of plants allowed. This is basically a home-grow permit designed for a single family home and there is no reason to believe that they are going above and beyond with the number of plants. **Assistant Solicitor Conley** adds that this is trying to manage a zoning issue and police should be the ones to monitor.

Mr. Braga explains he would like to hear from the tenant.

Joshua Dupret, tenant of the warehouse, of East Providence, RI is properly sworn in.

Mr. Dupret explains to the board that he isn't using the whole warehouse for growing, he stores vehicles, motorcycles, appliances and has a small area for the growing. **Mr. Dupret** explains that he has no problem with city employees coming into the warehouse but does not want unannounced police visits. **Mr. Dupret** explains that the police contact the state for inspections and has been at the warehouse for 10 years and had no issues. **Mr. Dupret** adds that the police can contact the Department of Business Regulation for an inspection and he takes the program from the Department of Business Regulation seriously and would never jeopardize his permits.

Mr. Braga inquires to **Mr. Chin** if he has ever been inside the warehouse and if so is that an accurate description of the inside.

Mr. Chin answers yes to both.

Mr. Braga inquires if it is true in regarding to the DBR.

Assistant Solicitor Conley answers that he has spoken with the DBR and they are not enforcing.

Mr. Braga believes that unannounced quarterly police visits is intrusive but we do need to come up with some way of inspecting.

Mr. Dupret explains that it what the DBR is for and believes that police visits will draw attention and put him and the business in danger.

Mr. Braga inquires if the dumpster providing private trash removal is for 100 and 120 Forbes Street.

Mr. Chin answers yes.

Zoning Officer Pimentel adds if approved and stipulated he will create a deed restriction to maintain the dumpster and puts all parties on notice if the properties we ever sold separately.

Mr. Braga inquires how many parking spaces there currently.

Mr. Chin answers about 11-12 spaces.

Mr. Braga explains that since there will be removal of some concrete, private trash removal, the opportunity for the city to inspect the warehouse prior to the recording of zoning decision he is okay with this petition.

Mr. Robinson has no questions.

Mr. Cotton inquires the size of the electrical service for the warehouse.

Mr. Dupret answers 200 amps.

Mr. Cotton inquires about the ceiling height of the warehouse.

Mr. Dupret answers the ceiling is 9ft in height and currently has 24X24ft. of grow

Mr. Cotton notes that the state law does have flaws and 50 plants is a lot. **Mr. Cotton** would like to see the authorities keep an eye on things and someone should be watching this operation in his opinion.

Mr. Pascoa has no questions.

Chairman Saveory notes that there are no curb cuts to be concerned about and does have an issue with the police

enforcement, it should be more of a protective situation.

Mr. Cotton inquires if the warehouse is wood or steel frame and if the fire department has been through the warehouse.

Chairman Saveory answers it is steel frame.

Mr. Dupret answers yes the fire department has been through.

Mr. Braga notes he is not comfortable making the quarterly stipulation.

Mr. Pascoa agrees with **Mr. Braga**

Mr. Robinson inquires what if there were a 24 hour notice.

Assistant Solicitor Conley answers that it is up to the board.

Mr. Cotton is trying to understand where this came up and inquires if the police department bring this to the city's attention.

Assistant Solicitor Conley answers that there have been talks with the police and the DBR, it is a legal use if it is in conformity.

Mr. Dupret adds that there are others in the city doing the same thing and they should be held to the same stipulations.

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.
3. There is a site inspection completed prior to the recording of the zoning decision.
4. Twice a year the zoning officer may visit the facility with 72 hour notice.
5. Private trash storage and removal located on 100 Forbes Street will service both 100 and 120 Forbes Street.

Chairman Beauparlant asks **Mr. Chin** 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. Chin** responds that he fully

understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Cotton – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Mr. Robinson – Aye

Chairman Saveory – Nay

The board believes the removal of some cement and private trash service will be good for the property. Chairman Saveory doesn't like the parking situation.

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

2. Petition No. 6927 - JOSEPH RUGGIERO and ORCHID MONTESSORI SCHOOL, request dimensional

variances to introduce a child daycare center operation, without complying with the respective side-yard and rear-yard landscaping buffer setback requirements, minimum separation from a potential hazard requirement, minimum off-street parking student drop-off requirement, stall dimension and aisle width dimensional requirements, and trash storage location, for property located at **877 BROADWAY, being MAP 206, BLOCK 11, PARCEL 31, in a COMMERCIAL 1 DISTRICT.**

Zoning Officer Pimentel explains to the board that the petitioners got a late start on their neighborhood meeting.

Additionally new materials needed to be submitted in advance and new materials on both sides, the applicants and neighbors, need to be distributed to the board. **Zoning Officer Pimentel** adds that no testimony has been taken regarding this petition.

Motion by Mr. Cotton to continue this petition from 15 March 2023 to 5 April 2023, the motion is **Seconded in Mr. Robinson and Unanimously approved.**

1. Petition No. 6928 - MULBERRY PLACE LLC, request 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 number of stories requirement, for property located at **297 TERRACE AVENUE, being MAP 413, BLOCK 8, PARCEL 2, in a RESIDENTIAL 3 DISTRICT.**

Due to changing of the docket this petition was heard 2nd.

Attorney John Shekarchi is representing the petitioner.

Attorney John Shekarchi explains to the board that the owners intend to add an addition, continue to rent in the short term and once the additions are completed make this property their primary residence. **Attorney John Shekarchi** passes out the resume of Joshua Berry, their expert in planning.

Joshua Berry, expert in Planning, of Barrington, RI is properly sworn in.

Motion by Mr. Braga to enter in **Joshua Berry's resume as Exhibit 1**, the motion is **Seconded by Mr. Robinson and Unanimously approved.**

Mr. Berry explains that he was born and raised in Rhode Island and has his masters in planning and was a senior planner in Cranston, RI and now the planner in Lincoln, RI. **Mr. Berry** believes this is a reasonable addition, they will be squaring off the existing structure and the hardship is the structure itself since there is no way to expand the building footprint without needing zoning approval. This lot has a reduced lot width of only 50ft. when 75ft. is required and after an analysis of the neighborhood this lot is smaller than 32% of the average lot width of the area. The decision to go up and adding a 3rd floor make more sense and this is not the applicant's fault. **Mr. Berry** explains that this is not the applicant's fault and that it would be more than a mere inconvenience to deny.

Attorney Shekarchi inquires if it is **Mr. Berry's** belief that this petition will alter the character of the surrounding area. **Mr. Berry** answers absolutely not.

Scott Rabideau, biologist, of Harrisville, RI is properly sworn in.

Mr. Rabideau explains that if the variance is granted this evening by the board the petitioners would need to get CRMC approval. **Mr. Rabideau** explains that he is a wetland biologist and has been doing coastal permits for over 30 years. **Mr. Rabideau** notes that this property is in an old neighborhood and that CRMC will regulate their own setback

and this property would need to meet CRMC requirements to get their approval.

Attorney Shekarchi inquires if the petition will negatively affect the environment.

Mr. Rabideau answers no it will not.

Jason Moon, architect for the project, of Riverside, RI is properly sworn in.

Mr. Moon explains to the board that the property is already on a tight existing footprint and the owners have a large family and wanted space for them when they come over. **Mr. Moon** explains to create the master suite that they needed to up.

Mr. Braga has no questions at this time.

Mr. Robinson has no questions at this time.

Mr. Cotton has no questions at this time.

Mr. Pasoca has no concerns regarding this petition.

Chairman Saveory inquires if the property is only one unit and is currently being used as an Airbnb.

Attorney Shekarchi responds that maybe it was previously but the property is currently being rented with a 3 month lease.

Chairman Saveory notes that this is nothing new and about 70% of the homes in that area look different now.

Chairman Saveory adds that these homes were built prior to zoning and is a more unique area. **Chairman Saveory** inquires if the 3rd level is built that there is no intention of making an additional unit and will remain a single family.

Attorney Shekarchi responds that once the additions are completed it won't be a rental anymore.

Mr. Braga explains she can understand the project with the exception of the third floor addition.

Mr. Moon inquires what exactly **Mr. Braga** means.

Mr. Braga notes that the request is to go up significantly.

Mr. Moon explains that the existing house is about 27.9ft. and asking for 35ft. Some houses in the area are over 35ft. and have finished 3rd levels.

Mr. Braga inquires if he has the addresses for those properties.

Mr. Moon answers no but he can get them.

Mr. Braga notes that the squaring off is fine but going up isn't in character with the area and believes it will be imposing and stick out.

Mr. Moon notes he did take everything into account.

Mr. Berry explains that he heard the concerns and would like to enter into the record photos of google views of the area.

Motion by Mr. Braga to enter in the google view photos as Exhibit 2, the motion is **Seconded** by **Mr. Robinson** and **Unanimously** approved.

Mr. Berry notes that there is a 3 story home in the photos that looks like a 4 story and in this case there is no 4th floor, only going to 3 floors. **Mr. Berry** explains that they can go up to 35ft. but there is a 2 story max. **Mr. Berry** believes that there is a hardship and there is justification to go up instead of out.

Chairman Saveory inquires if the roof can be lowered.

Mr. Moon explains that if they did it would mess with the code requirements for staircases and head heights.

Mr. Robinson explains that he would like to hear from application themselves.

Randy Dantuono and Donald Asprinio of 17 Bluff Street Riverside, RI are properly sworn.

Mr. Robinson inquires how many bedrooms will there be and how many people will be living there.

Mr. Dantuono answers 4 bedrooms and just them.

Mr. Robinson explains that he has some reservations and inquires how long they've owned the property.

Mr. Dantuono answers about 4 years.

Mr. Robinson explains that there has been a lot of complaints and the owners have not been good neighbors. There have been issues with the Airbnb and the clientele and that is a big house on a small lot.

Mr. Asprinio assures that the issues have been taken care of.

Mr. Dantuono responds that it will become owner occupied.

Attorney Shekarchi confirms that there will be no renting or renting a room.

Mr. Dantuono answers yes that is correct.

Mr. Robinson explains that he did meet with some neighbors.

Mr. Asprinio explains that there are only 4-5 neighbors who complain.

Mr. Dantuono adds that those neighbors are repetitive and slanderous.

Mr. Robinson inquires if they met with any neighbors.

Mr. Dantuono answers that they met with the Slepows, a neighbor across the street.

Mr. Robinson inquires if there are any letters in favor or anyone present in support.

Mr. Dantuono answers no they don't.

Mr. Cotton notes that over 4,000 sq. ft. is a massive house but does feel that it's your house and is willing to give relief. **Mr. Cotton** adds he doesn't believe the petitioners would be taking on this expense just for an Airbnb and that it is not grossly out of tune. **Mr. Cotton** believes other houses will be following suit, but this isn't the way he would do it.

Chairman Saveory explains that he brought up the Airbnb issue since the owners assured that it was no longer being used that way and understands that the hardship is where the property is located but is uncomfortable with the height.

Mr. Robinson notes that the property is still being used as an Airbnb.

Mr. Dantuono explains that yes but it is a 3 month rental.

Zoning Officer Pimentel explains that he has 3 pieces of correspondence to read into the record but one of the authors is present tonight.

Letter by Alan Litwin of 281 Terrace Avenue Riverside, RI is read into the record.

Mr. Litwin explains that he is opposed to the height of the project and the home is not owner occupied and is a nuisance.

Letter by Howard McVay of 273 Terrace Avenue Riverside, RI is read into the record.

Mr. McVay explains that he is opposed to the variance and has lived on the Terrace for 60+ years. **Mr. McVay** wanted to build a larger home and spoke with his neighbors and instead these applicants hired an attorney who is politically connected. The applicant's property is not owner occupied and they have large parties and cause parking issues.

Attorney Shekarchi explains that he has spoken with his clients and they are happy to agree to no longer having short term rentals, which is 28 days or less, as a stipulation.

Chairman Saveory explains that he doesn't necessarily want to do that.

Mr. Asprinio adds that 60% of the time that the police were called it was when their own families were over and those letters shouldn't count since these neighbors have a prejudice.

Mr. Cotton explains that our job is to interpret the letters and keep out the personal issues.

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

Helen MacDonald of 305 Terrace Ave Riverside, RI is properly sworn in.

Ms. MacDonald explains to the board that she wrote a letter to Zoning Officer Pimentel back in January 2023. Ms. MacDonald explains that she would like construction materials brought in and not on her property.

Attorney Shekarchi explains that the applications will gladly meet that condition.

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.
3. No short term rentals upon completion of the renovation.
4. All building/construction materials be brought in after use.

Chairman Beauparlant 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 accept the conditions just stipulated.

Mr. Asprinio announces he has changed his mind and does not accept the stipulations.

Mr. Braga rescinds his motion and the petition is now back open to the public, the motion is 2nd by Mr. Pascoa and Mr. Robinson.

Mr. Asprinio wants to know why his limited on what he can do with his house and believes it is dangerous for the board to say what people can and cannot do with their property.

Attorney Shekarchi explains that under their ordinance the board can impose petitions but he can come back before the board to see if the stipulations could be lifted.

Mr. Cotton agrees with **Mr. Asprinio** and notes that the city could just not give the permit for operating an Airbnb and not have this board force that stipulation.

Assistant Solicitor Conley explains that the city can take away short term rentals for any reason, but it is within the board's authority to put that condition in place but **Attorney Shekarchi** is correct that the petitioners can always come back before the board to change things. **Assistant Solicitor Conley** notes that he was in charge of prosecution for violations and this property has been in compliance for years in regards to the short term rentals.

Zoning Officer Pimentel adds that the permit can be revoked and there are no complaints that he is aware of.

Mr. Asprinio believes she is being pre-penalized but will agree to the stipulations.

Mr. Robinson disagrees with the idea of being pre-penalized and if the circumstances change they can always come back before this board.

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:

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

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

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

- 1.Petitioner(s) obtaining any, and all, necessary permits - said permits necessary to exercise (execute) the relief granted. Failure to obtain requisite permit(s), if needed, within the six-month approval period (one-year, if extended by the Zoning Board of Review), will result in expiration of said approval.
- 2.Strict compliance, to include: Submitted site plan (or amended site plan, as it may be applicable) and site plan package; all exhibits; entire testimony of applicant and/or property owner; presentation of legal counsel (if applicable); and, testimony of all expert(s), if applicable.
3. No short term rentals upon completion of the renovation.
4. All building/construction materials be brought in after use.

Chairman Beauparlant 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 accept the conditions just stipulated.

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Cotton – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Mr. Robinson – Aye

Chairman Saveory – Nay

Some board members are torn in regards to the stipulations. 35ft. in height is allowed by right.

Chairman Saveory believes there indecisiveness going on.

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

Chairman Saveory calls for a 10 minute recess, the motion is 2nd by Mr. Robinson and the board reconvenes at 7:55pm.

2. Petition No. 6929 -S&D REALTY, requests a use variance to convert a three-unit apartment facility to a prohibited four-unit apartment facility, by introducing a fourth one-bedroom unit, for property located at **9 – 11 OXFORD STREET, being MAP 306, BLOCK 12, PARCEL 7, in a RESIDENTIAL 4 DISTRICT.**

Zoning Officer Pimentel explains to the board that the petitioners have additional materials that need to be submitted and the attorney had a conflict, **Zoning Officer Pimentel** adds that no testimony has been taken regarding this petition.

Motion by Mr. Braga to continue this petition from **15 March 2023 to 5 April 2023, the motion is Seconded in Mr. Robinson and Unanimously approved**

3A. Petition No. 6930 -BENTHOUSE LLC, request a special use permit to rehabilitate two (2) pre-existing single-family residences on a singular parcel, otherwise identified as an expansion of a pre-existing legal nonconforming land use, for property located at **22 – 24 RIVER STREET, being MAP 312, BLOCK 67, PARCEL 1, in a RESIDENTIAL**

4DISTRICT.

Zoning Officer Pimentel explainsto the board that the petitioners have additional materials that need to besubmitted and the attorney had a conflict, **ZoningOfficer Pimentel** adds that no testimony has been taken regarding thispetition. **Motion by Mr. Braga** to continuethis petition from 15 March 2023 to 5April 2023, the motion is **Seconded in Mr. Robinson and Unanimously approved.**

3B. Petition No. 6931 -BENTHOUSE LLC, request dimensional variances to rehabilitate two (2) pre-existingsingle-family residences on a singular parcel, without complying with minimumfront-yard setback requirements, exceeding maximum impervious lot coveragerequirement, and failing to provide sufficient off-street parking, for propertylocated at **22 – 24 RIVER STREET, beingMAP 312, BLOCK 67, PARCEL 1, in a RESIDENTIAL 4 DISTRICT.**

Zoning Officer Pimentel explainsto the board that the petitioners have additional materials that need to besubmitted and the attorney had a conflict, **ZoningOfficer Pimentel** adds that no testimony has been taken regarding thispetition. **Motion by Mr. Braga** to continuethis petition from 15 March 2023 to 5April 2023, the motion is **Seconded in Mr. Robinson and Unanimously approved.**

VIII. NEW BUSINESS

1. Petition No. 6932 - AGCONSTRUCTION, INC., requests a dimensional variance to retaina foundation associated with construction of a single-family residence, withoutcomplying with the minimum side-yard setback requirement, for property located at **176 FORBES STREET, being MAP 511, BLOCK1, PARCEL 4.1, in a RESIDENTIAL 3 DISTRICT.**

Chairman Saveory explainshe will be switching up the docket and will be hearing this petition first dueto the other petitions on the docket being heavier.

Attorney John Shekarchi isrepresenting the petitioner.

Attorney Shekarchi explains to the boardthat his client purchased the vacant lot on Forbes Street and applied for theirpermits and hired land surveyors. It came to the attention of city officialsthat the foundation was poured incorrectly with a slight deviation. The ownersreached out to the abutters, especially the neighbor to the right of theproperty who is present tonight and believes this petition meets all theburdens.

Chairman Saveory notes that his main concernwas in regards to the abutting neighbor.

Mr. Braga explains he wouldlike to hear from the neighbor.

WilliamConnors of 174 Forbes Street Riverside, RI is properly sworn in.

Mr. Connors explains to the board that heis the abutter who will be affected the most. **Mr. Connors** is in support of the variance, although he wasn't happythat the lot is buildable in the first place but that is not the owners fault.

Mr. Braga believes that this is a smallvariance.

Mr. Robinson has no questions at thistime.

Mr. Cotton believes this is a reasonablerequest.

Mr. Pascoa has no questions.

Chairman Saveory knows that the lot wassubdivided a while back and believes this is a minor issue.

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

Cheryl Lethbridge of 319 Willett Avenue Riverside, RI isproperly sworn in.

Ms.Lethbridgeexplains that she just has a question, how can a contractor be off by 1.3 feet?

ChairmanSaveoryexplains that the surveyor can be to blame or the form layers could be atfault.

Ms.Lethbridgenotes that when she had work done for her garage she had to be exactly so manyfeet from property lines.

ChairmanSaveoryexplains that it is exactly why they are here tonight and have to take on this

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

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

Motion by Mr. Braga,

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

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

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

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

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

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

Chairman Saveory asks **Attorney 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 accept the conditions just stipulated.

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Cotton – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Mr. Robinson – Aye

Chairman Saveory – Aye

The board believes this is a minor deviation and understands that mistakes can happen.

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

2. Petition No. 6933 - PKLRIVERSIDE, LLC, request dimensional variances to construct a six-unit residential facility, without complying with both minimum front-yard setbacks, off-street parking provision, and impervious lot coverage (this condition is pre-existing and being reduced), for property located at **0 WILLETT AVENUE, being MAP 512, BLOCK 11, PARCEL 38, in a COMMERCIAL 1 DISTRICT.**

Zoning Officer Pimentel explains to the board that the attorney for the petitioners wants to set up a neighborhood meeting to address concerns from abutters. **Zoning Officer Pimentel** adds that no testimony has been taken regarding this petition.

Motion by Mr. Braga to continue this petition from **15 March 2023 to 5 April 2023**, the motion is **Seconded in Mr. Robinson and Unanimously approved.**

IX. PROCEDURES

- a. Discussion on Motion Forms.
- b. Discussion on the Zoning Application Instructional Package.
- c. Discussion on Rules and Procedures.

Zoning Officer Pimentel explainsto the board that they are experiencing issues with easy petitions being stuckbehind more difficult petitions. **ZoningOfficer Pimentel** explains that Pawtucket does it by finding out whatpetitions will have the most opposition by inquiring to the audience,petitioner, attorneys, experts, etc. in the beginning of the meeting andorganizing the docket from there.

Chairman Saveory notes thatthis could help the easier petitions and petitioners that don't have attorneys,expert witnesses, and opposition from abutters.

Mr. Cotton expresses concerns inregards to the same petition being bumped.

Zoning Officer Pimentel explainsthat they would be able to work something out or if the petition was verycontroversial they could always hold a special meeting.

Motion by Mr. Cotton to amendthe rules and procedures, **the motion isSeconded in Mr. Braga and Unanimously approved.**

X. ANNOUNCEMENTS

The next meeting of the Zoning Board of Review is scheduled for **Wednesday 5 April 2023, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XI. ADJOURNMENT

Motiontoadjourn by **Mr. Braga**. The motion is **Seconded**by **Mr. Pascoa** and **Unanimously** voted to adjourn. Meeting is adjourned.

EdwardPimentel, AICP
ZoningOfficer / Clerk

Secretary