

STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE

COUNTY OF PROVIDENCE MINUTES

ZONING BOARD OF REVIEW

A meeting of the East Providence Zoning Board of Review was held at 6:00 P.M., on Wednesday, **6 September 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 - **ABSENT**

Richard Croke, Sr.

Gary Pascoa

Matthew Robinson – 1st Alternate

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

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor - **ABSENT**

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 the stenographer to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory explains to the public that

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **2 August 2023**, Zoning Board of Review Minutes **Motion** by **Mr.**

Robinson to continue approving the **2 August 2023** Zoning Board of Review Minutes to the next regular meeting. The motion is **Seconded** by **Mr. Croke** and **Unanimously** approved.

Chairman Saveory asks for approval of the **9 August 2023**, Zoning Board of Review Minutes **Motion** by **Mr.**

Robinson to continue approving the **9 August 2023** Zoning Board of Review Minutes to the next regular meeting. The motion is **Seconded** by **Mr. Croke** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – August 2023

VII. DOCKET ITEM ORGANIZATION

Chairman Saveory explains to the public that

VIII. CONTINUED BUSINESS

There is no continued business this evening.

IX. NEW BUSINESS

1. WILSON and DEVON CAMPOS, seek dimensional relief to retain six-foot high fencing within the requisite front-yard setback and corner-lot setback (intersection of Shore Road and Pine Street), for property located at **26 CEDAR AVENUE, being MAP 312, BLOCK 42, PARCEL 12, in a RESIDENTIAL 4 DISTRICT. (Dimensional Variance(s) - Petition No. 6953)**

Wilson and Devon Campos of 26 Cedar Avenue are properly sworn in.

Mrs. Campos explains to the board that they put up the fence since their property faces two main roads and wanted more privacy.

Mr. Robinson explains that he went to the property and there is a clear view of Shore Road. This is a unique piece of property and understands the need for privacy. **Mr. Robinson** inquires if the city engineer has gone out to the property.

Zoning Officer Pimentel answers yes he has and he has no concerns.

Mr. Campos explains that he installed the 6ft. fence since there is a level three sex offender within the immediate area and they have a daughter. **Mr. Campos** adds that they are first time homeowners and wasn't aware of setbacks.

Mr. Pascoa has no concerns.

Mr. Croke understands the hardship since the property is a triangle shape. As long as the city engineer says it's okay then he has no issues with the petition.

Chairman Saveory notes that he is familiar with the area and there is a hardship with the property having three front yards. **Chairman Saveory** questions the mentioning of a commercial operation on the property.

Mr. Campos notes that he owned his own landscaping business and would sometimes leave the equipment at the house which some people believed he was running a business out of the home. Since he realized this he has removed the trailers and everything.

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

Gabriel Sullivan of 1 Holly Street is properly sworn in

Mr. Sullivan explains to the board that he loves the fence and has nothing bad to say about it. There is also no visual impediment when backing out of his driveway.

James Michaud of 53 Cedar Avenue is properly sworn in.

Mr. Michaud explains that he also has no issues with visibility.

Roxanne Mahoney of 4 Avenue A is properly sworn in.

Ms. Mahoney explains to the board that **Mr. and Mrs. Campos** have done a great job with the property and the fence and everything looks fantastic.

Robert Maisano of 16 Shore Road is properly sworn in.

Mr. Maisano explains that **Mr. and Mrs. Campos** have done a great job of the property and has no visibility issues.

Joan Chianese of 9 Cedar Avenue is properly sworn in.

Ms. Chianese tells the board that the property is beautiful.

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

John Peters of 14 Shore Road is properly sworn in.

Mr. Peters explains that he is against the fence for safety reasons and there were 3 accidents in the area without the fence being there. **Mr. Peters** has his own map to show the board and wants a stop sign installed on the corner.

Motion by Mr. Robinson to enter in **Mr. Peters’ map as Opponent’s Exhibit A**, the motion is **Seconded** by **Mr. Pascoa** and **Unanimously** approved.

Mr. Croke explains to **Mr. Peters** that a stop sign would need to be approved by the City Council, not this board.

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. and Mrs. Campos** if they accept the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Mr. and Mrs. Campos** respond that they fully understand and accept the conditions just stipulated.

Motion is Seconded by **Mr. Pascoa**

Roll Call Vote

Mr. Croke – Aye

Mr. Pascoa – Aye

Mr. Robinson – Aye

Chairman Saveory – Aye

The board recognizes the hardship due to multiple front yards and the need for privacy for the petitioners to enjoy their property.

Dimensional variance is granted 4-0, subject to the aforementioned condition(s).

2. MICHAELA REGINO, seeks dimensional relief to permit construction of an addition onto a single-family residence, which will result in failing to meet the minimum front-yard and side-yard setback requirements, in addition to exceeding the maximum building coverage requirement, for property located at **56 BLISS STREET, being MAP 207, BLOCK 8, PARCEL 2, in a RESIDENTIAL 4 DISTRICT. (Dimensional Variance(s) - Petition No. 6954)**

Michaela and Victor Regino of 56 Bliss Street are properly sworn in.

Mr. Regino explains to the board that they would like to build a 16x32 extension to their home. Currently their home is only about 990sq. ft. and only have two bedrooms and 1 bathroom. They have one daughter and would like to expand

their family and be able to stay in their home.

Mr. Pascoa has no concerns.

Mr. Croke does not see a problem with this petition.

Mr. Robinson notes that this property also has two front yards and believes this is a minor deviation. **Mr. Robinson** inquires if the petitioners have spoken with the neighbor on Bliss Street.

Ms. Regino answers they have spoken with both their neighbors on Bliss Street and on Faith Street.

Mr. Regino explains that they have a good relationship with everyone in the neighborhood and the neighbors understand that they are a growing family.

Mr. Robinson notes that there is already a fence and the neighbor has a shed so they wouldn't be impacting any kid of view so he has no concerns with this petition.

Chairman Saveory recognizes the hardship is due to the property having two front yards.

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.

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

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Croke – Aye

The board recognizes the hardship is that the property

Mr. Pascoa– Aye is on a corner lot and believes that this is a minor
Mr. Robinson – Aye deviation.
Chairman Saveory – Aye

Dimensional variance is granted 4-0, subject to the aforementioned condition(s).

3. JOEL DEMELO and JANE M. ROCHA-DEMELO, seek dimensional relief to permit a two-lot subdivision, which fails to meet the minimum lot area and lot depth requirements, in addition to excessive usage of the lot frontage for off-street parking purposes, in regard to both proposed parcels, for property located at **10 SIDNEY STREET, being MAP 406, BLOCK 12, PARCEL 9, in a RESIDENTIAL 4 DISTRICT.** (Dimensional Variance(s) - Petition No. 6955)

Zoning Officer Pimentel explains to the board that the petitioner's still need to obtain the planning board's approval first before coming to this board so they are requesting a formal continuance.

Motion by Mr. Robinson to continue this petition from **6 September 2023 to 4 October 2023, the motion is Seconded in Mr. Croke and Unanimously approved.**

4. MAG VENTURES, LTD., seeks permission to introduce a second free-standing (pylon) sign along Hall Street, whereas the regulations only permit one (1) sign per street frontage, for property located at **415 TAUNTON AVENUE, being MAP 306, BLOCK 9, PARCEL(S) 5, 5.1, 6, 7, 8, 10, 11, and 12, in a COMMERCIAL 4 DISTRICT.** (Dimensional Variance - Petition No. 6956)

Zoning Officer Pimentel explains to the board that the petitioner's opted to do their own notices to abutters. However, it was discovered there were defects in the notices so there must be a continuance.

Motion by Mr. Robinson to continue this petition from **6 September 2023 to 4 October 2023 the motion is Seconded in Mr. Croke and Unanimously approved.**

5. NEWPORT HOLDINGS, LLC, and TIGER LILY MONTESSORI SCHOOL, INC., seeks permission to introduce a child daycare center, without complying with the requisite setbacks, both side and rear-yard, for property located at **331 NEWPORT AVENUE, being MAP 402, BLOCK 10, PARCEL 24, in a COMMERCIAL 2 DISTRICT.** (Dimensional Variance - Petition No. 6950)

Attorney Bruce Cox is representing the petitioner Tiger Lily Montessori School, Inc.

Attorney Cox explains to the board that with him tonight is the contingent purchaser of the property, **Emily Braunhardt** of Tiger Lily Montessori School which is currently located in Providence. Attorney Cox believes this is an ideal location for a daycare and there is plenty of parking and the children won't be exposed to Newport Avenue.

Emily Braunhardt of the Tiger Lilly School, is properly sworn in.

Ms. Braunhardt explains to the board that Tiger Lilly School wants to expand, there are currently 9 employees with only 3 of those employees having vehicles. The other employees use public transportation. If approved tonight, they will be adding on two more employees. There will be designated times for parents to do drop off so they aren't colliding. Their hours of operation will be 8am-3:30pm and will offer after hours from 3:30pm-5:30pm. They will have outside time for one hour.

Attorney Cox adds the only real issue is not being able to comply with the 10ft. of landscaping requires and the potential for hazard is small. The property is already zoned for a child daycare and is structured in such a way to protect the children.

Mr. Robinson notes the proposed outdoor play area is currently asphalt, will that remain?

Ms. Braunhardt explains that they would be having 6 inches of wood chip in the play area.

Mr. Robinson inquires where the children will be able to access the play area, from the building directly or would they have to go on the sidewalk.

Ms. Braunhardt answers they would access the play area right from the building.

Mr. Pascoa has no concerns.

Mr. Croke expresses concerns about the property being on a main road and a heavily travelled one at that. **Mr. Croke** believes that this is not a good location and will cause traffic issues with people getting in and out of the site.

Chairman Saveory inquires how many students will be attending.

Ms. Braunhardt answersthat currently they have (8) infants and (12) toddlers, they are looking to addan additional (18) 3-6 year olds.

Chairman Saveory inquiresabout the days of operation, will there be weekend hours.

Ms. Braunhardt answersno, just Monday-Friday and adds that they are actually off 8 weeks during theyear to give the teachers a break.

Chairman Saveory inquireshow many adults will be supervising the play area.

Ms. Braunhardt answersthat they always have at least two adults.

Chairman Saveory inquiresif there will be any buses transporting children to and from the site.

Ms. Braunhardt answersno, it would be up to the parents to transport the children.

Chairman Saveory inquiresabout if there will be any signage.

Ms. Braunhardt answersyes that there will be a banner on the building.

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

Michael and MarianTwohig of 5 Farrell Place are properly sworn in.

Mr.Twohigexplains to the board that they directly behind the property in question, andthey understand that the property is in a C2 zone. Which means that there couldbe so many different businesses that could go into the site, and they believethis is the best option. They have pine trees in the backyard so they would seeanything and are fine with the hours of operation.

Mrs.Twohigbelieves this is a great location for the daycare.

Mr.Twohigadds that the other neighbors of Farrell Place are okay with this as well, theyjust couldn't make it this evening.

Chairman Saveory inquires if there is anyone present who wouldlike to speak against the subject petition. Hearing and seeing none,

Chairman Saveory queries the Board for a motion.

Motion by Mr. Robinson,

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 the city'scomprehensive plan upon which this chapter is based.
- 4.The relief to be granted is the least relief necessary.

TheZoning Board of Review hereby further finds pursuant to Section 19-45(b) of theCity of East Providence Zoning Ordinance

- 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. Robinson moves that thedimensional variances be **Granted** subjectto 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.

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

Motion is Seconded by Mr. Pascoa

Roll Call Vote

Mr. Croke – Nay

The majority of the board sees this as in regards to

Mr. Pascoa – Aye

the setbacks as minor and the property is unique.

Mr. Robinson – Aye

The board also recognizes the need for daycare

Chairman Saveory – Aye

facilities in East Providence.

Dimensional variance is granted 3-1, subject to the aforementioned condition(s).

6A. JACOB HARPOOTIAN TRUST and ROSALEE HARPOOTIAN, seek permission to introduce a child daycare center, for which a portion of the exterior play area and off-street parking will be located within the residentially zoned portion of the subject property, both of which are otherwise deemed prohibited, for property located at 2823 PAWTUCKET AVENUE, being MAP 308, BLOCK 21, PARCEL 11, in a COMMERCIAL 1 DISTRICT. (Use Variance - Petition No. 6957)

Attorney John McCoy is representing the potential tenant.

Dr. Amina Guangchun Mi, the potential tenant for the property, is properly sworn in

Attorney McCoy notes that they just received a copy of a letter from the abutter. **Attorney McCoy** adds that **Dr. Mi** would be the tenant at the property and child daycare must be 300ft. away from gas pumps and Cumberland Farms is directly across the street. The use variance request is needed since the property is in a split zone. They will be keeping the same building and the same parking lot but they are stuck due to this quirk in the zoning code. **Attorney McCoy** adds that **Dr. Mi** has been operating a daycare in Barrington but has outgrown that location and is looking to expand. There is plenty of parking at this site and there is 35 children proposed, which is the maximum, but depends on state approval.

Mr. Pascoa has no questions at the moment.

Mr. Croke notes that there isn't greenery proposed.

Attorney McCoy answers yes that is correct, no new greenery is proposed.

Mr. Croke notes that he doesn't like the idea of a daycare on a main road. There are better locations not on a main road. The proposed exercise area is right next to the dumpster so that can potentially be an issue. There are also concerns of the noise level and being across the street from the gas station.

Attorney McCoy notes on the application a proposed fence will be around the exterior of the building and is required by state law.

Mr. Robinson shares similar concerns but this is a more secure spot than others proposed to this board.

Dr. Mi adds that there will be wood chips on one playground and the other will have turf/fake grass. There will also be a 4ft. tall chain link fence around the playground areas per state regulations.

Mr. Pascoa inquires about the proposed hours of operation.

Dr. Mi explains that currently she is open 7:30am-6pm so it will be similar to that. The parents don't drop off and pick up at the same time, it's staggered so she doesn't see an issue of parents showing up all at once.

Chairman Saveory confirm that there will be a 4ft. chain link fence surrounding.

Dr. Mi answers yes.

Chairman Saveory confirms that the door facing Norton Street is the only entrance.

Dr. Mi answers yes and there will be a key pad lock.

Chairman Saveory confirms that **Dr. Mi** is asking for 35 students.

Dr. Mi notes that currently they are measuring for 35 students but the state could reduce that number.

Chairman Saveory notes how many full time instructors.

Dr. Mi explains that currently she has 6 full time teachers, 1 head administrator which is herself, and one floater teacher. There is always 2 teachers on site no matter what and they will be open 5 days a week, Monday-Friday and reflect federal holidays.

Chairman Saveory inquires if the parents when dropping off will be walking the children inside.

Dr. Mi answers yes.

Chairman Saveory inquires if there will be any buses transporting children to and from the site.

Dr. Mi answers no, she only has services for infants and pre-school aged children. She also won't be providing transportation.

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.

Donna McMahon of 233 Norton Street is properly sworn in.

Ms. McMahon explains that she has concerns regarding the upkeep of the property, currently there is high grass and wants to know who will be responsible for the maintenance.

Attorney McCoy responds that currently they are in negotiations with the owner and his client will be in charge of maintenance and up keep of the property.

Chairman Saveory inquires if there will be signage.

Attorney McCoy answers yes, one freestanding sign in the front and one on the building itself but both are within the zoning code.

Mr. Croke notes that the property owner doesn't take care of their properties and understands the neighbors' concerns.

Ms. McMahon adds that there is a neighbor on Norton Street that is concerned with the new location of the dumpster.

Chairman Saveory believes that this use will have less traffic than the bank did.

Ms. McMahon inquires about the playtime hours.

Dr. Mi explains that currently the kids go out once for 30 minutes around 10:30am and then another 30 minutes in the afternoon around 3:30pm.

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.

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

1. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered in granting a use variance.

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

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Pascoa - Aye	Majority of the board believes this property is a
Mr. Croke – Nay	good location for a daycare facility. Mr. Croke
Mr. Robinson - Aye	believes this is an unsafe location due to being
Chairman Saveory – Aye	on such a busy road.

Use variance is granted 3-1, subject to the aforementioned condition(s)

6B. JACOB HARPOOTIAN TRUST and ROSALEE HARPOOTIAN, seek permission to introduce a child daycare center, resulting in the referenced daycare being located within 300-feet of a fuel dispensing operation (located directly across Norton Street), for property located at **2823 PAWTUCKET AVENUE, being MAP 308, BLOCK 21, PARCEL 11, in a COMMERCIAL 1 DISTRICT. (Dimensional Variance- Petition No. 6958)**

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.

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

Motion is Seconded by Mr. Robinson

Roll Call Vote

Mr. Croke – Nay	The majority of the board believes due to the set up
Mr. Pascoa – Aye	will be safe for children. Mr. Croke vote nay due to

Mr.Robinson – Aye the property being within 300ft. of agas station.

ChairmanSaveory – Aye

Dimensionalvariance is granted 3-1, subject to the aforementioned condition(s).

X. PROCEDURES

- a. Discussion on MotionForms.
- b. Discussion on theZoning Application Instructional Package.
- c. Discussion on Rulesand Procedures.

Zoning Officer Pimentel suggest postponingthis due to several members not being present this evening.

XI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday 4 October 2023, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XII. ADJOURNMENT

Motiontoadjourn by **Mr. Robinson**. The motionis **Seconded** by **Mr. Pascoa** and**Unanimously** voted to adjourn.

Meeting is adjourned at 8:11pm.

EdwardPimentel, AICP
ZoningOfficer / Clerk

Secretary