

STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE

COUNTY OF PROVIDENCE

ZONING BOARD OF REVIEW

MINUTES

A meeting of the East Providence Zoning Board of Review was held at 6:00 P.M., on Wednesday, **12 July 2023**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice Chairman

John Braga – **ABSENT**

Richard Croke, Sr.

Gary Pascoa

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

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

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor – **ABSENT**

Dylan Conley – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

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

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

A. Swearing in of the Zoning Officer

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

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory explains to the public that there is no seating of alternate members this evening since there is a quorum.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **7 June 2023**, Zoning Board of Review Minutes **Motion** by **Vice Chairman Beauparlant** to approve the **7 June 2023** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Pascoa** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

ZBR Mandatory Training

VI. STAFF REPORTS

1. Planning Department Staff Report -
Previously Submitted

2. Zoning Complaint List – June 2023

VII. DOCKET ITEM ORGANIZATION

Chairman Saveory explains that the docket will be left as listed.

VIII. CONTINUED BUSINESS

Chairman Saveory explains that there is no continued business.

IX. NEW BUSINESS

1. **Petition No. 6942 - JOSHUA GEORGE, seeks dimensional variances** to permit construction of a single-family dwelling without complying with both side-yard setback requirements, for property located at **0 MAIN STREET, being MAP 412, BLOCK 20, PARCEL 3, in a RESIDENTIAL 3 DISTRICT.**

Attorney Timothy Chapman is representing the petitioner

Attorney Chapman explains to the board that the petitioner, **Mr. George**, is looking for dimensional relief to build a single family dwelling. **Mr. George's** family has been living in Riverside for over 70 years and **Mr. George** also has a business here in East Providence and currently living in Riverside. The lot in question is only 5,000 sq. ft. and needs 4ft. of relief on each side to have the bigger home.

Mr. Croke has no questions at this time and notes that the lot was plotted prior to zoning and there is hardship in the location of the lot.

Vice Chairman Beauparlant agrees that there is a hardship and believe that the side yard relief is minimum.

Mr. Pascoa has no questions.

Chairman Saveory notes that this will be an improvement to the area and has no concerns.

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.

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa – Aye

Mr. Croke – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board recognizes that the hardship is due to the land, since it pre-dates zoning. The board also notes that this is a reasonable request.

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

2A. Petition No. 6943- BENTHOUSE LLC, seeks a special use permit to raze and relocate a pre-existing single-family residence on a parcel that is presently improved with two (2) distinct and separate residences, 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 4 DISTRICT.**

Erik Dento, owner of the property, is properly sworn in.

Mr. Dento explains to that board that he was here previously and did receive the board's permission to tear down and rebuild a 2nd floor on one of the houses. Since these are older beach homes more work needs to be done and

Mr. Dento did not ask for enough relief. The other home still standing needs to be knocked down and rebuilt. With the foundation moved over slightly, this then giving the front yard some relief.

Mr. Croke believes that the property that was already torn down is too close to the street.

Mr. Dento explains that he did bring the property back due to the nearby intersection.

Vice Chairman Beauparlant notes that the new house being built has provided some relief for River Street.

Mr. Pascoa has no questions.

Chairman Saveory confirms that the existing home will be torn down, the new foundation will be moved back, and the new home will be the same dimensions.

Mr. Dento answers yes, that is correct. The new home will be in line with the other new home being built.

Chairman Saveory notes that this is an upgrade to what was already approved.

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

Motion by Mr. Croke, based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

1. That the use is compatible with neighboring land uses.
2. The use does not create a nuisance in the neighborhood.
3. That the use does not hinder the future development of the City.
4. That the use conforms to all applicable sections of the special use requested.
5. That the use is in conformance with the purpose and intent of the East Providence Comprehensive Plan and applicable standards of this Chapter.

Mr. Croke moves that the special use permit be granted,

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

The board believes this is more compatible

Mr.Croke – Aye

and improves the situation in the area.

Mr.Pascoa – Aye

Vice ChairmanBeauparlant - Aye

Chairman Saveory –Aye

Special Use Permit is unanimously granted 4-0, subject to the aforementioned condition(s).

2B. Petition No. 6944 - BENTHOUSE LLC, seeks a dimensional variance to raze and rebuild a pre-existing single-family residence, without complying with the minimum front-yard setback requirement, for property located at **22– 24 RIVER STREET, being MAP 312, BLOCK 67, PARCEL 1, in a RESIDENTIAL 4 DISTRICT.**

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.

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

The board recognizes that the hardship is due to the land and that there is two houses on one lot.

Mr. Pascoa – Aye

Mr. Croke –Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

3A. Petition No. 6945 - EAST PROVIDENCE CLUB PROPERTIES, LLC, seeks a use variance to introduce a child daycare center, in conjunction with a fitness club, the child daycare center being a prohibited land use in the Commercial 5 District, for property located at **15 CATAMORE BOULEVARD, being MAP 607, BLOCK 19, PARCEL 1, in a COMMERCIAL 5 DISTRICT.**

Attorney Anthony Desisto is representing the petitioner.

Attorney Desisto explains that with him tonight are two witnesses that need to be sworn in. The petitioners are looking to have a daycare center inside the HealthTrax building. The unit has been vacant for some time and has received funds from both the city and the state of Rhode Island to open a daycare. The property is located in a commercial area so it is better for drop off and pick up. In order to proceed with the process with the state of Rhode Island, the petitioners need the zoning board approval and then approval from the state fire marshal.

Kyle Robinson, architect for the project, is properly sworn in.

Mr. Robinson explains to the board that within the HealthTrax building there is a common lobby area but the unit is isolated from the rest of the gym. There will be a playground added behind the building that will be completely fenced in and will be able to get to the playground from the side entrance. The unit is staying within the same footprint of the unit for the most part, but they will be adding some restrooms. The unit will be closed off from the gym.

Mr. Pascoa inquires how many employees will be working at the daycare.

Deb Gidley, Vice President of Operations for HealthTrax is properly sworn in.

Ms. Gidley answers there will be 8 employees.

Mr. Croke inquires if the swimming pool still exists.

Ms. Gidley answers yes but the area with the pool is to the far right and the daycare will not have access to the pool.

Mr. Croke inquires how the entrances will be secured.

Ms. Gidley answers that the doors will be locked.

Mr. Croke notes that the playground area will be located at the southerly side of the building, but the west side has grass.

Mr. Robinson answers that the southerly side is closer to the daycare and did not want children walking around.

Attorney Desisto adds that the state will be asking the same questions and this is just step one in obtaining the license.

Mr. Croke inquires if the petitioners believe that there is enough parking for the drop off and pick up area.

Ms. Gidley answers yes, they are confident that there is enough parking and there will be a designated area for drop off and pick up.

Vice Chairman Beauparlant inquires about the number of students.

Ms. Gidley explains that they do have approved plans with DHS and have the capacity for 75 kids but DHS advised it maybe only at 60%.

Vice Chairman Beauparlant inquires about the size of the playground space and the hours of operation.

Ms. Gidley answers the playground will be 2,400 sq. ft. and Monday-Friday 7am-5pm. The reception area will be staffed.

Chairman Saveory inquires if there will be zero contact with gym employees and patrons.

Ms. Gidley answers yes that is correct.

Chairman Saveory inquires if the playground will be fenced with secured gate.

Ms. Gidley answers yes, they take safety very seriously.

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.

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

Motion is Seconded by Vice Chairman Beauparlant

RollCall Vote

Mr. Pascoa - Aye **Theboard believes this property is a good**

Mr.Croke – Aye locationfor a daycare facility.

ViceChairman Beauparlant - Aye

Chairman Saveory – Aye

Use variance is unanimously granted 4-0, subject to theaforementioned condition(s)

3B. Petition No. 6946 - EAST PROVIDENCE CLUB PROPERTIES, LLC, seeks a dimensional variance to introduce a child daycare center, in conjunction with a fitness club, without complying with the minimum off-street parking requirement, for property located at 15 CATAMORE BOULEVARD, being MAP 607, BLOCK 19, PARCEL 1, in a COMMERCIAL 5 DISTRICT.

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,

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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. 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 Beauparlant asks **Attorney Desisto** 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 Desisto** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa – Aye

Mr. Croke – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

X. PROCEDURES

a. Discussion on Motion Forms.

b. Discussion on the Zoning Application Instructional Package.

Zoning Officer Pimentel explains that he realized his instructional package was a bit lengthy and possibly confusing for potential petitioners and will give out new copies to the board members.

c. Discussion on Rules and Procedures.

Zoning Officer Pimentel and Assistant Solicitor Conley go over new changes to state zoning regulations.

XI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday 2 August 2023, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XII. ADJOURNMENT

Motion to adjourn by Vice Chairman Beauparlant. The motion is **Seconded by Mr. Pascoa** and **Unanimously** voted to adjourn. **Meeting is adjourned at 7:22pm.**

Edward Pimentel, AICP

Zoning Officer / Clerk

STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE

COUNTY OF PROVIDENCE

ZONING BOARD OF REVIEW

MINUTES

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The following members were present:

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John Braga – **ABSENT**

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Gary Pascoa

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

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IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

ZBR Mandatory Training

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

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business here in East Providence and currently living in Riverside. The lot in question is only 5,000 sq. ft. and needs 4ft. of relief on each side to have the bigger home.

Mr. Croke has no questions at this time and notes that the lot was plotted prior to zoning and there is hardship in the location of the lot.

Vice Chairman Beauparlant agrees that there is a hardship and believe that the side yard relief is minimum.

Mr. Pascoa has no questions.

Chairman Saveory notes that this will be an improvement to the area and has no concerns.

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.

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Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa – Aye

Mr. Croke – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board recognizes that the hardship is due to the land, since it pre-dates zoning. The board also notes that this is a reasonable request.

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

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2. The use does not create a nuisance in the neighborhood.
3. That the use does not hinder the future development of the City.
4. That the use conforms to all applicable sections of the special use requested.
5. That the use is in conformance with the purpose and intent of the East Providence Comprehensive Plan and applicable standards of this Chapter.

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Roll Call Vote

The board believes this is more compatible

Mr. Croke – Aye

and improves the situation in the area.

Mr. Pascoa – Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

Special Use Permit is unanimously granted 4-0, subject to the aforementioned condition(s).

2B. Petition No. 6944 - BENTHOUSE LLC, seeks a dimensional variance to raze and rebuild a pre-existing single-family residence, without complying with the minimum front-yard setback requirement, for property located at **22– 24 RIVER STREET, being MAP 312, BLOCK 67, PARCEL 1, in a RESIDENTIAL 4 DISTRICT.**

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.

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa – Aye

Mr. Croke – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board recognizes that the hardship is due to the land and that there is two houses on one lot.

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

3A. Petition No. 6945 - EAST PROVIDENCE CLUB PROPERTIES, LLC, seeks a use variance to introduce a child daycare center, in conjunction with a fitness club, the child daycare center being a prohibited land use in the Commercial 5 District, for property located at **15 CATAMORE BOULEVARD, being MAP 607, BLOCK 19, PARCEL 1, in a COMMERCIAL 5 DISTRICT.**

Attorney Anthony Desisto is representing the petitioner.

Attorney Desisto explains that with him tonight are two witnesses that need to be sworn in. The petitioners are looking to have a daycare center inside the HealthTrax building. The unit has been vacant for some time and has received funds from both the city and the state of Rhode Island to open a daycare. The property is located in a commercial area so it is better for drop off and pick up. In order to proceed with the process with the state of Rhode Island, the petitioners need the zoning board approval and then approval from the state fire marshal.

Kyle Robinson, architect for the project, is properly sworn in.

Mr. Robinson explains to the board that within the HealthTrax building there is a common lobby area but the unit is isolated from the rest of the gym. There will be a playground added behind the building that will be completely fenced in and will be able to get to the playground from the side entrance. The unit is staying within the same footprint of the unit for the most part, but they will be adding some restrooms. The unit will be closed off from the gym.

Mr. Pascoa inquires how many employees will be working at the daycare.

Deb Gidley, VicePresident of Operations for HealthTrax is properly sworn in.

Ms. Gidley answers there will be 8 employees.

Mr. Croke inquires if the swimming pool still exists.

Ms. Gidley answers yes but the area with the pool is to the far right and the daycare will not have access to the pool.

Mr. Croke inquires how the entrances will be secured.

Ms. Gidley answers that the doors will be locked.

Mr. Croke notes that the playground area will be located at the southerly side of the building, but the west side has grass.

Mr. Robinson answers that the southerly side is closer to the daycare and did not want children walking around.

Attorney Desisto adds that the state will be asking the same questions and this is just step one in obtaining the license.

Mr. Croke inquires if the petitioners believe that there is enough parking for the drop off and pick up area.

Ms. Gidley answers yes, they are confident that there is enough parking and there will be a designated area for drop off and pick up.

Vice Chairman Beauparlant inquires about the number of students.

Ms. Gidley explains that they do have approved plans with DHS and have the capacity for 75 kids but DHS advised it may be only at 60%.

Vice Chairman Beauparlant inquires about the size of the playground space and the hours of operation.

Ms. Gidley answers the playground will be 2,400 sq. ft. and Monday-Friday 7am-5pm. The reception area will be staffed.

Chairman Saveory inquires if there will be zero contact with gym employees and patrons.

Ms. Gidley answers yes that is correct.

Chairman Saveory inquires if the playground will be fenced with secured gate.

Ms. Gidley answers yes, they take safety very seriously.

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.

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa - Aye

The board believes this property is a good

Mr. Croke - Aye

location for a daycare facility.

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Use variance is unanimously granted 4-0, subject to the aforementioned condition(s)

3B. Petition No. 6946 - EAST PROVIDENCE CLUB PROPERTIES, LLC, seeks a dimensional variance to introduce a child daycare center, in conjunction with a fitness club, without complying with the minimum off-street parking requirement, for property located at **15 CATAMORE BOULEVARD, being MAP 607, BLOCK 19, PARCEL 1, in a COMMERCIAL 5 DISTRICT.**

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).
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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 Beauparlant asks **Attorney Desisto** 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 Desisto** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa – Aye

Mr. Croke –Aye

ViceChairman Beauparlant – Aye

ChairmanSaveory – Aye

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

X. PROCEDURES

a. Discussion on MotionForms.

b. Discussion on theZoning Application Instructional Package.

ZoningOfficer Pimentel explains that he realized his instructional package was abit lengthy and possibly confusing for potential petitioners and will give outnew copies to the board members.

c. Discussion on Rulesand Procedures.

ZoningOfficer Pimentel and Assistant Solicitor Conley go over new changes tostate zoning regulations.

XI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday 2 August 2023, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XII. ADJOURNMENT

Motiontoadjourn by **Vice Chairman Beauparlant**.The motion is **Seconded** by **Mr.Pascoa** and **Unanimously** voted toadjourn. **Meeting is adjourned at 7:22pm.**

EdwardPimentel, AICP

ZoningOfficer / Clerk

STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE

COUNTYOF PROVIDENCE

ZONING BOARD OF REVIEW

MINUTES

A meeting of the East Providence Zoning Board of Review was held at6:00 P.M., on Wednesday, **12 July 2023**,in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

MichaelBeauparlant – Vice Chairman

JohnBraga – **ABSENT**

RichardCroke, Sr.

GaryPascoa

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

AndrewCotton – 2nd Alternate –**ABSENT**

EdwardPimentel – Zoning Officer / Clerk

MichaelMarcello – City Solicitor – **ABSENT**

DylanConley – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

Chairman Saveory announces that it is the policy of the Zoning Board ofReview to caution all petitioners that they have the right to counsel beforethe Board and failure to do so at this time does not constitute sufficientgrounds for a change in circumstances under the eighteen-month repetitivepetition clause. All petitioners arealso cautioned that if the petition is approved, all construction must be donein compliance with the submitted plan(s), application and testimony presentedto the Zoning Board of Review. A changeof 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 **Assistant Solicitor Conley** to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory explains to the public that there is no seating of alternate members this evening since there is a quorum.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **7 June 2023**, Zoning Board of Review Minutes **Motion** by **Vice Chairman Beauparlant** to approve the **7 June 2023** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Pascoa** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

ZBR Mandatory Training

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – June 2023

VII. DOCKET ITEM ORGANIZATION

Chairman Saveory explains that the docket will be left as listed.

VIII. CONTINUED BUSINESS

Chairman Saveory explains that there is no continued business.

IX. NEW BUSINESS

1. Petition No. 6942 - JOSHUA GEORGE, seeks dimensional variances to permit construction of a single-family dwelling without complying with both side-yard setback requirements, for property located at **0 MAIN STREET, being MAP 412, BLOCK 20, PARCEL 3, in a RESIDENTIAL 3 DISTRICT.**

Attorney Timothy Chapman is representing the petitioner

Attorney Chapman explains to the board that the petitioner, **Mr. George**, is looking for dimensional relief to build a single family dwelling. **Mr. George's** family has been living in Riverside for over 70 years and **Mr. George** also has a business here in East Providence and currently living in Riverside. The lot in question is only 5,000 sq. ft. and needs 4ft. of relief on each side to have the bigger home.

Mr. Croke has no questions at this time and notes that the lot was plotted prior to zoning and there is hardship in the location of the lot.

Vice Chairman Beauparlant agrees that there is a hardship and believe that the side yard relief is minimum.

Mr. Pascoa has no questions.

Chairman Saveory notes that this will be an improvement to the area and has no concerns.

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.

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa – Aye

Mr. Croke – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

The board recognizes that the hardship is due to the land, since it pre-dates zoning. The board also notes that this is a reasonable request.

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

2A. Petition No. 6943- BENTHOUSE LLC, seeks a special use permit to raze and relocate a pre-existing single-family residence on a parcel that is presently improved with two (2) distinct and separate residences, 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 4 DISTRICT.**

Erik Dento, owner of the property, is properly sworn in.

Mr. Dento explains to that board that he was here previously and did receive the board's permission to tear down and rebuild a 2nd floor on one of the houses. Since these are older beach homes more work needs to be done and

Mr. Dento did not ask for enough relief. The other home still standing needs to be knocked down and rebuilt. With the foundation moved over slightly, this then giving the front yard some relief.

Mr. Croke believes that the property that was already torn down is too close to the street.

Mr. Dento explains that he did bring the property back due to the nearby intersection.

Vice Chairman Beauparlant notes that the new house being built has provided some relief for River Street.

Mr. Pascoa has no questions.

Chairman Saveory confirms that the existing home will be torn down, the new foundation will be moved back, and the

new home will be the same dimensions.

Mr. Dento answers yes, that is correct. The new home will be in line with the other new home being built.

Chairman Saveory notes that this is an upgrade to what was already approved.

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

Motion by Mr. Croke, based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

1. That the use is compatible with neighboring land uses.
2. The use does not create a nuisance in the neighborhood.
3. That the use does not hinder the future development of the City.
4. That the use conforms to all applicable sections of the special use requested.
5. That the use is in conformance with the purpose and intent of the East Providence Comprehensive Plan and applicable standards of this Chapter.

Mr. Croke moves that the special use permit be granted,

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

The board believes this is more compatible

Mr. Croke – Aye

and improves the situation in the area.

Mr. Pascoa – Aye

Vice Chairman Beauparlant - Aye

Chairman Saveory – Aye

Special Use Permit is unanimously granted 4-0, subject to the aforementioned condition(s).

2B. Petition No. 6944 - BENTHOUSE LLC, seeks a dimensional variance to raze and rebuild a pre-existing single-family residence, without complying with the minimum front-yard setback requirement, for property located at **22– 24 RIVER STREET, being MAP 312, BLOCK 67, PARCEL 1, in a RESIDENTIAL 4 DISTRICT.**

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.

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

The board recognizes that the hardship is due to the land and that there is two houses on one lot.

Mr. Pascoa – Aye

Mr. Croke – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

3A. Petition No. 6945 - EAST PROVIDENCE CLUB PROPERTIES, LLC, seeks a use variance to introduce a child daycare center, in conjunction with a fitness club, the child daycare center being a prohibited land use in the Commercial 5 District, for property located at **15 CATAMORE BOULEVARD, being MAP 607, BLOCK 19, PARCEL 1, in a COMMERCIAL 5 DISTRICT.**

Attorney Anthony Desisto is representing the petitioner.

Attorney Desisto explains that with him tonight are two witnesses that need to be sworn in. The petitioners are looking to have a daycare center inside the HealthTrax building. The unit has been vacant for some time and has received funds from both the city and the state of Rhode Island to open a daycare. The property is located in a commercial area so it is better for drop off and pick up. In order to proceed with the process with the state of Rhode Island, the petitioners need the zoning board approval and then approval from the state fire marshal.

Kyle Robinson, architect for the project, is properly sworn in.

Mr. Robinson explains to the board that within the HealthTrax building there is a common lobby area but the unit is isolated from the rest of the gym. There will be a playground added behind the building that will be completely fenced in and will be able to get to the playground from the side entrance. The unit is staying within the same footprint of the unit for the most part, but they will be adding some restrooms. The unit will be closed off from the gym.

Mr. Pascoa inquires how many employees will be working at the daycare.

Deb Gidley, Vice President of Operations for HealthTrax is properly sworn in.

Ms. Gidley answers there will be 8 employees.

Mr. Croke inquires if the swimming pool still exists.

Ms. Gidley answers yes but the area with the pool is to the far right and the daycare will not have access to the pool.

Mr. Croke inquires how the entrances will be secured.

Ms. Gidley answers that the doors will be locked.

Mr. Croke notes that the playground area will be located at the southerly side of the building, but the west side has grass.

Mr. Robinson answers that the southerly side is closer to the daycare and did not want children walking around.

Attorney Desisto adds that the state will be asking the same questions and this is just step one in obtaining the license.

Mr. Croke inquires if the petitioners believe that there is enough parking for the drop off and pick up area.

Ms. Gidley answers yes, they are confident that there is enough parking and there will be a designated area for drop off and pick up.

Vice Chairman Beauparlant inquires about the number of students.

Ms. Gidley explains that they do have approved plans with DHS and have the capacity for 75 kids but DHS advised it may be only at 60%.

Vice Chairman Beauparlant inquires about the size of the playground space and the hours of operation.

Ms. Gidley answers the playground will be 2,400 sq. ft. and Monday-Friday 7am-5pm. The reception area will be staffed.

Chairman Saveory inquires if there will be zero contact with gym employees and patrons.

Ms. Gidley answers yes that is correct.

Chairman Saveory inquires if the playground will be fenced with secured gate.

Ms. Gidley answers yes, they take safety very seriously.

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:

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

Motion is Seconded by Vice Chairman Beauparlant

Roll Call Vote

Mr. Pascoa - Aye

The board believes this property is a good

Mr. Croke - Aye

location for a daycare facility.

Vice Chairman Beauparlant - Aye

Chairman Saveory - Aye

Use variance is unanimously granted 4-0, subject to the aforementioned condition(s)

3B. Petition No. 6946 - EAST PROVIDENCE CLUB PROPERTIES, LLC, seeks a dimensional variance to introduce a child daycare center, in conjunction with a fitness club, without complying with the minimum off-street

parking requirement, for property located at **15 CATAMORE BOULEVARD, being MAP 607, BLOCK19, PARCEL 1, in a COMMERCIAL 5 DISTRICT.**

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.

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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 Beauparlant asks **Attorney Desisto** 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 Desisto** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Croke

Roll Call Vote

Mr. Pascoa – Aye

Mr. Croke – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

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

X. PROCEDURES

a. Discussion on Motion Forms.

b. Discussion on the Zoning Application Instructional Package.

Zoning Officer Pimentel explains that he realized his instructional package was a bit lengthy and possibly confusing for potential petitioners and will give out new copies to the board members.

c. Discussion on Rules and Procedures.

Zoning Officer Pimentel and Assistant Solicitor Conley go over new changes to state zoning regulations.

XI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday 2 August 2023, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XII. ADJOURNMENT

Motion to adjourn by **Vice Chairman Beauparlant**. The motion is **Seconded** by **Mr. Pascoa** and **Unanimously** voted to adjourn. **Meeting is adjourned at 7:22pm.**

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary

Secretary

Secretary