

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, 7 February 2024, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman - **ABSENT**

Michael Beauparlant – Vice Chairman – **ABSENT**

John Braga – **Acting Chairman**

Richard Croke, Sr.

Gary Pascoa

Matthew Robinson – 1st Alternate

Jon Jacobs – 2nd Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor - **ABSENT**

Dylan Conley – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

Acting Chairman Braga 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. Acting Chairman Braga 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

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

II. SEATING OF ALTERNATE MEMBERS

Acting Chairman Braga explains to the public that **Chairman Saveory** and **Vice Chairman Beauparlant** are both absent this evening, so **Mr. Robinson** and **Mr. Jacobs** will be participating and voting members this evening.

III. APPROVAL OF ZONING BOARD MINUTES

Acting Chairman Braga asks for approval of the **1 November 2023**, Zoning Board of Review Minutes.

Motion by **Mr. Robinson** to continue the **1 November 2023** Zoning Board of Review Minutes due to the Chairman and Vice Chairman being absent this evening. The motion is **Seconded** by **Mr. Croke** and **Unanimously** approved.

Acting Chairman Braga asks for approval of the **13 December 2023**, Zoning Board of Review Minutes.

Motion by **Mr. Robinson** to continue the **13 December 2023** Zoning Board of Review Minutes due to the Chairman and Vice Chairman being absent this evening. The motion is **Seconded** by **Mr. Croke** and **Unanimously** approved.

III. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none this month.

V. CORRESPONDENCE/ DISCUSSION

Zoning Officer Pimentel explains that he recently received a letter of support for the petition regarding 1002

Pawtucket Avenue and will distribute that letter when that petition is heard.

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – January 2024 – Previously Submitted

VII. DOCKET ITEM ORGANIZATION

The docket will remain in the order that it has been posted.

VIII. CONTINUED BUSINESS

There is no continued business this evening.

IX. NEW BUSINESS

1. AHEARN REALTY GROUP LLC – JEREMY AHEARN, seeks permission to introduce additional wall-mounted signage, thereby exceeding the maximum permitted by the zoning ordinance, for property located at **1100 WARREN AVENUE**, being **MAP 607, BLOCK 14, PARCEL 3**, in a **COMMERCIAL 4 DISTRICT**. (**Dimensional Variance - Petition No. 6970**)

David Canarole of Lisbon, Connecticut is properly sworn in.

Mr. Canarole explains to the board that they are requesting additional signage on the building on the corner of Warren Avenue and Waterman Avenue. The graphics on the sign will be for the products that they represent.

Mr. Croke notes that there is already signage for the property and why do they want more.

Mr. Canarole explains that the sign is on Warren Avenue, and they are looking for signage facing Waterman Avenue.

Mr. Croke inquires how long has the business been there.

Mr. Canarole answers that they have been there for three months and just want the building to be presentable.

Mr. Croke notes that the property is already presentable.

Mr. Robinson notes that the existing sign is at the intersection and is in a perfect location. **Mr. Robinson** isn't sure why they are looking for additional signage.

Mr. Canarole explains that the proposed sign will be facing Waterman Avenue.

Mr. Jacobs confirms that this sign is just to bring awareness to the business.

Mr. Canarole answers yes.

Mr. Pascoa has no concerns.

Acting Chairman Braga inquires the total square feet of sign that is being requested.

Mr. Canarole answered 220 square feet.

Acting Chairman Braga explains that he has no problem with the signage since it will be on the building itself. He can see how the existing sign can be seen from all three directions, but this is a minimal deviation.

Mr. Robinson notes that the signage looks tasteful in the picture and believes that wrapping buildings in signage will set a precedence for other businesses to do the same. **Mr. Robinson** believes that this could be cluttering and lead to a bigger problem down the road.

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

Acting Chairman Braga 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 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. Such hardship is not the result of any prior action of the applicant.

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 comprehensive plan upon which this chapter is based.

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, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

Acting Chairman Braga asks **Mr. Canarole** 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. Canarole** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Robinson and Mr. Jacobs,

Roll Call Vote

Mr. Jacobs – Aye

Mr. Pascoa – Aye

Mr. Robinson – Nay

Mr. Croke – Nay

Acting Chairman Braga – Aye

Majority of the board believes that this is a minor deviation. Other board members feel that this is overkill and they already have adequate signage.

Dimensional variance is granted 3-2, subject to the aforementioned condition(s).

2A. SFD HOLDINGS, LLC, seeks permission to convert a single-family residence with accessory home occupation (dental office) to a principal dental office operation with accessory residence, otherwise defined as a prohibited land use, for property located at **1002 PAWTUCKET AVENUE, being MAP 502, BLOCK 10, PARCEL 1, in a RESIDENTIAL 4 DISTRICT. (Use Variance - Petition No. 6971)**

Attorney Anthony Desisto with offices in East Providence is representing the petitioner.

Katherine Shaghalian, manager of SFD Holdings LLC, is properly sworn in.

Attorney Desisto explains to the board that this is an overall unfortunate situation, the property in question has been a dentist office for many years. **Ms. Shaghalian's** husband was the dentist at the property, however he has since passed away. The primary use of the property is a dental office, the residence portion is a secondary use. However, the property is listed with the city as the dental office being an accessory use. This petition isn't for expanding the use or change the property's structure, they are simply seeking confirmation from the city for the existing use.

Ms. Shaghalian explains to the board that she is currently the manager of SFD Holdings and that her husband, Justin Shaghalian, was a third-generation dentist. The property was originally purchased by Justin's grandparents in the 1950's and the dental practice has been a fixture in Rumford. **Ms. Shaghalian** explains that she was left with the dental practice after Justin's passing and discovered that the property is zoned for a single residential unit as the primary use when the primary use is the dental office. **Ms. Shaghalian** would like the zoning changed so that this doesn't become an issue in the future. The practice has been a good neighbor and there are no complaints that she is aware of. **Ms. Shaghalian** reiterates that this is not an application for expansion or intensification.

Mr. Robinson confirms that the property will remain a dentist's office.

Ms. Shaghalian answers yes.

Mr. Jacobs confirms that the petitioner is looking to change the primary use of the property to be a dentist's office with a secondary use of the residential dwelling.

Attorney Desisto explains that there was a zoning decision from 1972 that he couldn't find, possibly due to the fire that happened at city hall. **Attorney Desisto** also notes that this could present to be an issue for title examining reasons.

Mr. Jacobs inquires if there are any plans to sell the property.

Ms. Shaghalian answers no but she would like to keep her options open.

Mr. Pascoa has no concerns at this time.

Mr. Croke notes that this is currently a non-conforming use and that there is an expansion listed on the plans. **Mr.**

Croke further explains that he has concerns with on-street parking.

Attorney Desisto explains that in doing his research for this application, in March 1972 the planning board notes there was an expansion, but he couldn't find the zoning board's decision. There has always been 468 square feet, and they are not here to ask for additional space, equipment, or parking.

Mr. Croke notes that they are still asking for an expansion on the non-conforming use.

Attorney Desisto answers no, they are just looking for confirmation from the city.

Assistant Solicitor Conley adds that this is not an expansion of a non-conforming use.

Zoning Officer Pimentel notes that he has the minutes from the 1970's meeting and the first floor, which is the dental office, is larger than what was listed in the 1970's.

Acting Chairman Braga inquires about the current number of dental chairs, and if there are plans to increase that number.

Ms. Shaghalian answers that there are four chairs and there are no plans to increase that number.

Acting Chairman Braga inquires how long has the business had the four chairs.

Ms. Shaghalian answers since at least the early 2000's.

Acting Chairman Braga inquires if the residential portion of the property is being used.

Ms. Shaghalian answers that it is currently not being used, there is no kitchen but there are bedrooms and a bathroom.

Acting Chairman Braga reviews the floor plans and inquires how does the business operate in regards to parking.

Ms. Shaghalian explains that the driveway accommodates the staff and the one dentist and people will parking on either Weeden Avenue or Don Avenue.

Acting Chairman Braga expresses concerns about the next owner and would like to see some stipulations. **Acting Chairman Braga** inquires to **Zoning Officer Pimentel** if the board could have the property's use to be strictly a dentist's office.

Zoning Officer Pimentel explains that condition would have to be up to the board and would need to be approved by the petitioner.

Attorney Desisto responds by saying that would be acceptable to his client as well as limiting the number of chairs.

Zoning Officer Pimentel explains that there is a letter of support that he previously mentioned that he needs to read into the record,

Keith Blackwell of 990 Pawtucket Avenue East Providence, RI explains in his letter that he has lived at the property for 40 years and knows the Shaghalian family. **Mr. Blackwell** further explains that changing the use of the property is not significant since there has been no issues at the property. **Mr. Blackwell** adds that having a local dentist in the area is a benefit to the community.

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

Tom Kizirian of 20 Weeden Avenue East Providence, RI is properly sworn in.

Mr. Kizirian explains to the board that he has lived in his home for about 46 years and has never experienced issues with parking. **Mr. Kizirian** notes that the Shaghalian family have been a great family and great neighbors and cannot say enough good things.

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

Mr. Robinson adds that in the Fire Department's report that the fire and safety codes need to be updated if there are any changes and the applicant must submit to those code updates.

Zoning Officer Pimentel explains that the applicant has been proactive with reaching out to city officials.

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 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. Such hardship is not the result of any prior action of the applicant.
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 comprehensive plan upon which this chapter is based.

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 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 lands or structures in an adjacent district shall not be considered in granting a use variance
2. There will be a maximum of four dental chairs.
3. The use of the property will be strictly limited to dental office use.
4. Must conform to any updates deemed required by Zoning
5. Must conform to any updates deemed required by the Fire Department

Acting Chairman Braga 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. Jacobs,

Roll Call Vote

Mr. Jacobs – Aye

Mr. Pascoa – Aye

Mr. Robinson – Aye

Mr. Croke – Aye

Acting Chairman Braga – Aye

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

2B.SFD HOLDINGS, LLC, seeks permission to convert a single-family residence with accessory home occupation (dental office) to a principal dental office operation with accessory residence, without complying with the requisite off-street parking requirements, for property located at **1002 PAWTUCKET AVENUE, being MAP 502, BLOCK 10, PARCEL 1, in a RESIDENTIAL 4 DISTRICT. (Dimensional Variance -Petition No. 6972)**

Acting Chairman Braga 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 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. Such hardship is not the result of any prior action of the applicant.
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 comprehensive plan upon which this chapter is based.

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1. In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

2. There will be a maximum of four dental chairs.

3. The use of the property will be strictly limited to dental office use.

4. Must conform to any updates deemed required by Zoning

5. Must conform to any updates deemed required by the Fire Department

Acting Chairman Braga 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. Jacobs,

Roll Call Vote

Mr. Jacobs – Aye

Mr. Pascoa – Aye

Mr. Robinson – Aye

Mr. Croke – Aye

Acting Chairman Braga – Aye

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

X. PROCEDURES

a. Discussion on New Statewide Regulations

b. Discussion on Motion Forms.

c. Discussion on the Zoning Application Instructional Package.

d. Discussion on Rules and Procedures.

Zoning Officer Pimentel explains that he has been working to have a joint workshop to go over the new laws and regulations. There is a potential date of 29 February 2024 at either 5pm or 6pm, he will confirm and let the board know.

Assistant Solicitor Conley explains that he will also be giving a presentation.

XI. ANNOUNCEMENTS

A special meeting of the Zoning Board of Review is scheduled for **Wednesday, 21 February 2024, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday 6 March 2024, at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XII. ADJOURNMENT

Motion to adjourn by Mr. Robinson The motion is **Seconded by Mr. Pascoa and Mr. Jacobs** and **Unanimously** voted to adjourn. **Meeting is adjourned at 7:04pm.**

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary