

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, **3 April 2024**, 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

Jonathan Jacobs – 2nd Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor

Meg Bellamy – 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 Bellamy** to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

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

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **29 February 2024**, Zoning Board of Review Minutes.

Motion by **Mr. Croke** to continue the **29 February 2024** Zoning Board of Review Minutes due to a possible discrepancy. The motion is **Seconded** by **Mr. Robinson** and **Unanimously** approved.

Chairman Saveory asks for approval of the **6 March 2024**, Zoning Board of Review Minutes.

Motion by **Mr. Croke** to continue the **6 March 2024** Zoning Board of Review Minutes due to a possible discrepancy. The motion is **Seconded** by **Mr. Jacobs** 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 there is none this month.

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – March 2024 –Previously Submitted

VII. DOCKET ITEM ORGANIZATION

Chairman Saveory explains to the public that the docket will remain as is.

VIII. CONTINUED BUSINESS

1. SAFE HARBOR PROPERTIES, LLC, seeks permission to retain a residential facility that houses 13 unrelated individuals, all of whom are dealing with the disease of alcoholism and addiction using the Social Model of Recovery, for property located at **48 LINCOLN AVENUE, being MAP 312, BLOCK 14, PARCEL 2, in a RESIDENTIAL 6 DISTRICT. (Dimensional Variance - Petition No. 6973)**

Zoning Officer Pimentel explains to the board that the other **Assistant City Solicitor Todd Romano** needed more time to review the application and the transcripts and needs a continuance.

Motion by Mr. Robinson to continue this petition from **3 April 2024 to 1 May 2024**, the motion is **Seconded** in **Mr. Croke** and **Mr. Jacobs**.

IX. NEW BUSINESS

1. KENNETH S. and MELANIE J. TWITCHELL, seek permission to retain improvements associated with the construction of a single-family residence, resulting in failing to comply with both minimum side-yard setback requirements, in addition to exceeding the maximum building coverage requirement, for property located at **210 RIVERSIDE DRIVE, being MAP 414, BLOCK 20, PARCEL 2, in a RESIDENTIAL 3 DISTRICT. (Dimensional Variance(s) - Petition No. 6978)**

Neil Hingorany with Narragansett Engineering is properly sworn in.

Kenneth Twitchell of 210 Riverside Dr is properly sworn in.

Mr. Hingorany explains to the board that they are here tonight for adjustments that have been made. The petitioners have been before the board a few times already and hopefully this will be the last. There are minor site changes made to the building. The principal reason for the changes is to get the structure out of the flood zone line due to CRMC guidelines. The house has been slid toward the road, there is no extra relief needed from the northern side and there is a lot coverage variance of 1.7% for a porch that wasn't originally accounted for. This is the same house the board has seen previously; it has just been shifted. **Mr. Hingorany** also has four letters of support from abutters he would like to pass out.

Motion by Mr. Robinson to enter in the **copies of 4 letters in support of this petition as Applicant's Exhibit A**, the motion is **Seconded** by **Mr. Croke** and **Unanimously** approved.

Zoning Officer Pimentel confirms that there will still be the 5ft. for the overhang for the garage.

Mr. Hingorany answers yes.

Mr. Robinson states that the petition is straightforward and are minor alterations.

Mr. Jacobs has no questions.

Mr. Pascoa has no questions.

Mr. Croke notes that the property has been granted variance to do one thing and now there's a flood plan and the foundation is already done.

Mr. Hingorany explains that at the time they did not have CRMC permits and were maybe premature. These changes are dimensionally less than previously granted petitions and these are small deviations.

Chairman Saveory confirms that the original location of the structure must be changed due to CRMC.

Mr. Hingorany answers yes, to bring the structure out of the flood zone.

Chairman Saveory notes the previous structure was probably a summer cottage that was built prior to CRMC and that is a tight area.

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

Anthony Decrescenzo of 218 Riverside Drive is properly sworn in.

Mr. Decrescenzo explains to the board that he has known the family since they've moved in and has been in his home for over 30 years. Mr. Decrescenzo is in favor of the project and believes this is a minor change in the plan. He doesn't see any obstructions of view or any other problems. Moving the house closer to the street makes sense and could help them when there are storms or flooding.

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. 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 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. Twitchell** 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. Twitchell** responds that he fully understands and accepts 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

Chairman Saveory – Aye

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

2. WAYNE A. FORTIN, seeks permission to both expand the third-floor of a two-unit residence, in addition to constructing a new detached accessory garage, resulting in an excessive number of stories and failing to comply with respective front-yard setbacks in regard to the two-unit residence, as well as failing to comply with the front-yard setback, accessory side-yard setback, and proposed alignment forward of the principal single-family residence in regard to the detached accessory garage, for property located at **160 WORCESTER AVENUE, being MAP 413, BLOCK 4, PARCEL 7, in a RESIDENTIAL 4 DISTRICT.** (Dimensional Variance(s) - Petition No. 6979)

Attorney Beau Akers is representing the petitioner.

Wayne Fortin of 160 Worcester Avenue is properly sworn in.

Mr. Akers explains to the board that the petitioner is looking to have a fully functioning two-family dwelling. Present with him this evening is the petitioner and the contractor for the job if needed this evening. The property is existing

and nearly three stories, part of the plan would be to alter the walls where the pop outs are. For the garage, the property is on the corner of 160 Worcester Avenue and Cove Street. The garage is on Cove Street and the proposed project would be to demo the first three feet of the front of the garage and add that three feet to the rear of the garage. The purpose of this would be to make egress to and from Cove Street safer.

The garage wouldn't cause any harm since it will be staying the same dimensions but just increasing the height. The existing property is 34ft. in height which is within the zoning ordinance which is 35ft.

Mr. Robinson has no questions at this time.

Mr. Jacobs is looking for clarification of the three feet of the garage and what the existing height of the garage is.

Attorney Akers explains that instead of demolishing the garage entirely, they would just demo the first three feet and add that three feet onto the rear of the garage. The height of the garage would increase from 10ft. in height to 20ft.

Mr. Jacobs confirms that the proposed increase for the garage would be for storage.

Mr. Fortin answers yes, just storage for himself.

Mr. Pascoa has no concerns.

Mr. Croke notes that the petitioner is asking for several variances and that the property is a legal non-conforming use.

Mr. Croke wants to confirm that the petitioner is still not happy with the property.

Attorney Akers explains that not happy is a way of putting it, and that this is a reasonable request. Attorney Akers adds that as of 1 January 2024 the Rhode Island state legislature omitted the least relief necessary requirement for variances.

Mr. Robinson inquired whether or not the petitioner spoke with the neighbor at 77 Cove Street.

Mr. Fortin answers no, and he's not even sure if they are the owners of the property.

Attorney Akers assures that no one has reached out to him.

Mr. Croke inquires if there is a kitchen and bathroom on the third floor.

Mr. Fortin answers that there is a bathroom and two small bedrooms on the third floor. The kitchen and one bedroom is on the second floor. His daughter lives on the second floor so is trying to make room for her and her family.

Chairman Saveory inquires if the property is currently a single family.

Attorney Akers answers no, it is a two family.

Chairman Saveory confirms that the third floor will never be a third unit, just combined with the second floor.

Attorney Akers answers that is correct.

Chairman Saveory inquires if there are any utilities to the garage.

Mr. Fortin explains that there is only electricity in the garage and it won't be another unit.

Chairman Saveory notes he would like to see the stipulation of no utilities except for electricity and heating.

Mr. Fortin is okay with that stipulation.

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. 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:

2. 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.

3. The garage must remain a garage.

4. The second story of the garage remain for storage use.

Acting Chairman Braga asks **Attorney Akers** 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 Akers** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke,

Roll Call Vote

Mr. Jacobs – Aye

Mr. Pascoa – Aye

Mr. Robinson – Aye

Mr. Croke – Aye

Chairman Saveory – Aye

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

X. PROCEDURES

a. Discussion on Motion Forms.

b. Discussion on the Zoning Application Instructional Package.

c. Discussion on Rules and Procedures.

Zoning Officer Pimentel suggested continuing the procedures until all board members are present.

XI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday, 1 May 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 **Unanimously** voted to adjourn.

Meeting is adjourned at 6:55pm.

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary