

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, **1 May 2024**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice Chairman

John Braga

Richard Croke, Sr.

Gary Pascoa - **ABSENT**

Matthew Robinson – 1st Alternate

Jonathan Jacobs – 2nd Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor - **ABSENT**

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 **Mr. Pascoa** is absent this evening so **Mr. Robinson** will be participating and voting member this evening. **Mr. Jacobs** will be participating but not voting.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **3 April 2024** Zoning Board of Review Minutes **Motion** by **Mr. Croke** to approve the **3 April 2024** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

III. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none this month.

V. CORRESPONDENCE/ DISCUSSION

A. **HERMANO FORTES**- 109 WILSON AVENUE - Petition No. 6976 – Requesting the petition be withdrawn without prejudice.

B. **TOUCHDOWN REALTY GROUP, LLC** - 1320 PAWTUCKET AVENUE, - Petition No. 6974 - Requesting the petition be withdrawn without prejudice.

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – April 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 they have been continuing this petition in hopes to mesh the schedules for the board, expert witnesses, and **Attorneys Romano and Cox**.

Zoning Officer Pimentel wants to try and set up a special meeting with a few dates, June 10th or 17th which are Mondays or Thursdays June 6, 13th, or 20th.

Mr. Braga notes he cannot do the 20th of June.

Mr. Jacobs notes that he cannot do the 13th of June.

Zoning Officer Pimentel will present the 6th, 10th, and 17th to everyone and see when chambers are available as well.

2. TOUCHDOWN REALTY GROUP, LLC, seeks permission to modify an approved multi-unit residential development that was approved by the Zoning Board of Review on 2 March 2022, Petition No. 6895, specifically seeking permission to relocate the approved trash storage location, for property located at **1320 PAWTUCKET AVENUE, being MAP 503, BLOCK 23, PARCEL 9, in a RESIDENTIAL 3 DISTRICT. (Dimensional Variance - Petition No. 6974)**

Zoning Officer Pimentel explains that the petitioner had originally put the dumpster and dumpster pad in a different location than what was previously approved. They have since moved and gated the dumpster to the approved area and the previous pad was removed. Everything has been done and they are now in compliance. The petitioners are asking for the petition to be withdrawn without prejudice.

Motion by **Vice Chairman Beauparlant** to withdraw the petition without prejudice. The motion is **Seconded** by **Mr. Robinson** and **Unanimously** approved.

3. HERMANO FORTES, seeks permission to introduce an accessory detached garage that will fail to comply with the minimum accessory side and rear-yard setbacks, contribute to exceeding the maximum building coverage, in addition

to exceeding the maximum ratio of accessory massing to principal residential massing floor area, for property located at **109 WILSON AVENUE, being MAP 303, BLOCK 11, PARCEL 84, in a RESIDENTIAL 3 DISTRICT. (Dimensional Variance(s) - Petition No. 6976)**

Zoning Officer Pimentel explains that the petitioner's architect has reached out and will be completely re-doing the project and would like to withdraw this petition without prejudice.

Motion by Vice Chairman Beauparlant to withdraw the petition without prejudice. The motion is Seconded by Mr. Robinson and Unanimously approved.

IX. NEW BUSINESS

1. JANINE COONEY, seeks permission to construct an addition onto a single-family residence without complying with the minimum side-yard setback requirement, for property located at **244 WILSON AVENUE, being MAP 403, BLOCK 16, PARCEL 7, in a RESIDENTIAL 3 DISTRICT. (Dimensional Variance(s) – Petition No. 6980)**

Attorney Timothy Chapman is representing the petitioner.

Janine Cooney of 244 Wilson Avenue is properly sworn in.

Attorney Chapman explains that he has the homeowner with him this evening, the homeowner is looking to build an addition where the deck is now. **Ms. Cooney's** family is growing and is looking for more room, the variance being requested is 4.24 ft. The addition will hold just one bedroom.

Vice Chairman Beauparlant confirms that the side-yard and rear-yard setbacks are not extending.

Attorney Chapman answers that is correct.

Vice Chairman Beauparlant inquires when the house was built.

Ms. Cooney answers in the 1930's.

Mr. Croke has no questions.

Mr. Braga confirms that there will be no construction on the second floor.

Ms. Cooney answers no, there won't be construction on the second floor.

Mr. Robinson notes that there are two sets of stairs coming off the back and inquires if **Ms. Cooney** will be building another deck.

Ms. Cooney answers no if anything there will be a patio.

Mr. Jacobs has no questions.

Chairman Saveory notes this is a minor deviation and is conducive with the area.

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,

Acting Chairman Braga queries the Board for a motion.

Motion by Vice Chairman Beauparlant,

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.

Chairman Saveory asks **Ms. Cooney** if she accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. **Ms. Cooney** responds that she fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Robinson,

Roll Call Vote

Mr. Robinson – Aye

Mr. Braga – Aye

Mr. Croke – Aye

Acting Chairman Braga – Aye

The board recognizes that the house pre-dates zoning and believes that this will not impact the surrounding area.

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.

XI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday, 5 June 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 **Vice Chairman Beauparlant** and **Unanimously** voted to adjourn. **Meeting is adjourned at 6:32pm.**

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary