

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, **5 June 2024**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman **-ABSENT**

Michael Beauparlant – Acting Chairman

John Braga

Richard Croke, Sr.

Gary Pascoa

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

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

II. SEATING OF ALTERNATE MEMBERS

Acting Chairman Beauparlant explains to the public that Chairman Saveory is absent this evening so he will be Acting Chairman. Also **Mr. Robinson** will be a participating and voting member this evening. **Mr. Jacobs** will be participating but not voting.

III. APPROVAL OF ZONING BOARD MINUTES

Acting Chairman Beauparlant asks for approval of the **1 May 2024** Zoning Board of Review Minutes **Motion** by **Mr. Croke** to approve the **1 May 2024** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

III. ZONING OFFICER'S REPORT

Zoning Officer Pimentel notes that he would like to take this opportunity to talk about upcoming meeting dates. Due to quorum issues with the currently scheduled July meeting, he inquires if postponing the meeting to 24 July 2024 works out better for everyone.

Motion by **Mr. Braga** to postpone the July meeting from 10 July 2024 to 24 July 2024, the motion is **Seconded**

by **Mr. Croke** and **Unanimously** approved.

Zoning Officer Pimentel notes that only leaves two weeks between the July and August meetings and sees if postponing the August meeting would work better for the board.

Motion by Mr. Braga to postpone the August meeting from 7 August 2024 to 14 August 2024, the motion is

Seconded by Mr. Pascoa and **Unanimously** approved.

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 – May 2024 –Previously Submitted

VII. DOCKET ITEM ORGANIZATION

Zoning Officer Pimentel suggests that the docket goes in this order:

118 Waterview Ave

115 Terrace Ave

64 Ivy St

142 Waterman Ave

VIII. CONTINUED BUSINESS

Acting Chairman Beauparlant explains to the public that there is no continued business.

IX. NEW BUSINESS

1. EDWARD B. and CAROL A. MACRAE, seek permission to construct an addition (farmer's porch) onto a single-family residence without complying with the minimum side-yard setback requirement, for property located at **118 WATERVIEW AVENUE**, being **MAP 210, BLOCK 1, PARCEL 5**, in a **RESIDENTIAL 3 DISTRICT**. (Dimensional Variance - Petition No. 6982)

Edward Macrae of 118 Waterview Ave is properly sworn in.

Mr. Macrae explains to the board that he's been in this home for 56 years and the house was built in the 1940's. **Mr. Macrae** would like a farmer's porch to help his wife access the home easier. The house was built prior to zoning and **Mr. Macrae** spoke with all his neighbors and they have no objection to the porch.

Mr. Pascoa has no questions.

Mr. Croke has no questions.

Mr. Braga has no questions but notes that the house already exists in that setback and the **Macrae's** brought the porch one foot in.

Mr. Robinson believes that this is a reasonable request and more in conformance than the house itself.

Mr. Jacobs has no questions.

Acting Chairman Beauparlant believes this is a minor deviation and the relief is minimum.

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

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

Motion is Seconded by Mr. Robinson,

Roll Call Vote

Mr. Robinson – Aye

Mr. Braga – Aye

Mr. Croke – Aye

Mr. Pascoa – Aye

Acting Chairman Beauparlant – Aye

The board recognizes that the house pre-dates zoning and believes that the location of the house is argument for hardship.

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

2. JOSEPH O. ANDRADE, JR., seeks permission to retain a deck that fails to comply with the minimum side yard setback and contributes to excessive impervious lot coverage, for property located at **64 IVY STREET, being MAP 106, BLOCK 6, PARCEL 25, in a RESIDENTIAL 6 DISTRICT. (Dimensional Variance(s) - Petition No. 6983)**

Joseph Andrade Jr of 64 Ivy St is properly sworn in.

Mr. Andrade passes out folders of photos to the board members.

Motion by Mr. Croke to enter in the photos as Applicant's Exhibit A, the motion is **Seconded by Mr. Robinson** and **Unanimously** approved.

Mr. Andrade explains that he apologizes and made a costly mistake by building a deck without a permit. **Mr. Andrade** started building a deck three years ago and didn't know how close you could be. **Mr. Andrade** learned his lesson and once the situation was brought to his attention, he did everything **Zoning Officer Pimentel** asked him to do. **Mr. Andrade's** neighbors are here tonight, and they have no issues with the deck. **Mr. Andrade** just wanted to have a nice deck for entertainment.

Mr. Croke inquires if the neighbor's garage screens the deck.

Mr. Andrade answers yes as shown in the photos.

Mr. Croke has no objections.

Mr. Braga explains that he grew up in that area and knows how tight those lots are and how hard it is to find privacy. The fact that the garage screens it makes it better. The house already exists 4ft from the property line but only 3 inches is a large deviation.

Mr. Robinson notes that the planning board recommended denying the application, but **Mr. Andrade** cannot view into his neighbor's property and other properties are similar on the same street. **Mr. Robinson** notes that there are no plans on how the deck was built.

Zoning Officer Pimentel notes that this is just the first step, the petitioner came knowing that the building official will need to approve the deck as well.

Mr. Robinson explains that he wants a stipulation that the deck meets current structural code and is inspected by the

building official.

Mr. Jacobs notes that he had the same concerns as **Mr. Robinson**. **Mr. Jacobs** inquires when the deck was built and if **Mr. Andrade** did the work himself or had help.

Mr. Andrade answers about two years ago and he did all the work by himself.

Mr. Pascoa has no questions.

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

Maria Pacheco Garcia of 68 Ivy St is properly sworn in.

Ms. Garcia explains that she has no problem with the deck since the garage blocks it.

Anna Moniz John of 149 Anthony St is properly sworn in.

Ms. John explains to the board that **Mr. Andrade** is an upstanding guy that is active in the community and wouldn't do this intentionally.

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

Hearing and seeing none, **Acting Chairman Beauparlant** 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.

2. The deck must meet current structural building code and is inspected by the building official.

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

Motion is Seconded by Mr. Robinson,

Roll Call Vote

**The board recognizes that the deck is screened
by the abutter's garage.**

Mr. Robinson – Aye

Mr. Braga – Aye

Mr. Croke – Aye

Mr. Pascoa – Aye

Acting Chairman Beauparlant – Aye

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

3. JESSE J. ARMELL, seeks permission to convert an existing single-family residence (approved by the Zoning Board of Review) to a three-unit residence, without comporting with the requisite off-street parking that establishes

permissible residential density in the Overlay District, for property located at **142 WATERMAN AVENUE, being MAP 205, BLOCK 16, PARCEL 2, in the WATERMAN AVENUE OVERLAY DISTRICT. (Use Variance - Petition No. 6984)**

Attorney James Bridenis representing the petitioner.

Jesse Armell of 142 Waterman Avenue is properly sworn in.

Mr. Armell explains that he would like to turn the property into a 3-unit property.

Attorney Briden notes that a 3 family is a permitted use in this district and that there will be 3 parking spaces provided in the stacked driveway. Since it is in an overlay district the property needs to have 1 parking space per unit.

Mr. Armell passes out photos of the property to the board.

Motion by Mr. Croke to enter in **the photos as Applicant's Exhibit A**, the motion is **Seconded** by **Mr. Robinson** and **Unanimously** approved.

Mr. Armell explains that he did try and come up with different ideas for the property. They also tried to see if they could park in the backyard but that would take up way too much space.

Attorney Briden explains that the photos show the front of the property and the driveway.

Mr. Armell adds that the driveway can fit 4-5 cars and the width is about 13.5ft.

Attorney Briden explains that his next witness is William Coyle.

William Coyle is properly sworn in.

Mr. Coyle explains that he is a real estate appraiser and has testified to boards throughout state of Rhode Island. **Mr. Coyle** has been in the business for over 50 years and holds all necessary designations and has testified before planning boards, courts, etc. **Mr. Coyle** has copies of his resume for the board.

Motion by Mr. Croke to enter in **Mr. Coyle's resume as Applicant's Exhibit 2**, the motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Mr. Coyle explains that he has prepared a report on this particular property, the property is zoned for a three family. The house itself is larger than others in the area. There used to be a masonry business at this location. They would destroy the impervious area if they were to use the backyard for parking. The property is unique and there are multifamily properties throughout the area. The stacking of parking is a pain, but it meets the requirement of the three parking spaces.

Motion by Mr. Croke to enter in **Mr. Coyle's report as Applicant's Exhibit 3**, the motion is **Seconded** by **Mr. Robinson** and **Unanimously** approved.

Mr. Armell adds that the property is currently being used as a sober home and they haven't had any issues with parking and people discuss it amongst themselves.

Mr. Croke notes that there is a lot of zoning history with this property and does have an issue with the property going from a single family to a three family. **Mr. Croke** cannot see the hardship and believes this would be creating a hardship.

Mr. Braga notes that the planning board wanted **Zoning Officer Pimentel** to explain the exact type of relief that is needed.

Zoning Officer Pimentel notes that the situation is unique since the property is in an overlay district, there is sufficient parking, but it is stacking it. It technically doesn't meet the design standards.

Mr. Braga notes that the house is huge with several doors, and a single family is probably not the right use. **Mr. Braga** believes a multi-family use would be better, but the parking could cause a problem.

Attorney Briden adds that what is unique about the overlay district is that the three family can be permitted. We are also in a housing crisis so approving this would allow more apartments for people to rent. This situation is common in urban settings with the stacked driveway, and they have sufficient parking, but the design of the parking is why they are here tonight.

Mr. Robinson notes that there is on street parking, and when there are snowstorms there is enough room for the tenants to be off the street.

Mr. Jacobs notes that he doesn't see how this can be anything else and if he was voting he would approve it.

Mr. Pascoa agrees with **Mr. Jacobs**.

Acting Chairman Beauparlant confirms that there are 11 bedrooms in total.

Mr. Armell answers yes.

Attorney Briden believes that they are requesting the least relief necessary, and the three units is the minimum amount to be allowed.

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

Mark Vieira of 168 Ivy Street is properly sworn in.

Mr. Vieira explains that he has lived on that street all his life and knows that the tenants will be parking on the street. Everyday we fight to park in front of our own homes and currently fighting with the local bar. The parking is unbelievable and this will be a problem.

Mr. Vieira comes up to the board to point out his property on the map.

Jeanne Lafond of 162 Ivy Street is properly sworn in.

Ms. Lafond admits that she doesn't think it would affect the parking more than it is already.

Acting Chairman Beauparlant queries the Board for a motion.

Motion by Mr. Croke,

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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

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

Motion is Seconded by Mr. Robinson,

Roll Call Vote

Mr. Robinson – Aye

Mr. Pascoa – Aye

Mr. Braga – Aye

Mr. Croke – Nay

Acting Chairman Beauparlant – Aye

The board believes this use will be better than the current use. Mr. Croke expresses concerns with the idea of a basement apartment.

Use variance is granted 4-1, subject to the aforementioned condition(s).

4. ASHLEY L'EUROPA, seeks permission to construct several additions onto a single-family residence, to include an attached accessory garage, without complying with both side-yard setback requirements, in addition to having the

accessory garage situated between the principal residence and public right-of-way, for property located at **57 TERRACE AVENUE, being MAP 414, BLOCK 13, PARCEL 6, in a RESIDENTIAL 3 DISTRICT. (Dimensional Variance - Petition No. 6985)**

Zoning Officer Pimentel explains that the petitioner has hired legal counsel, **Attorney Bruce Cox**, last minute.

Attorney Cox requests that they continue to the special meeting date of 10 June 2024 since he will be here already and gives him some time to prepare.

Motion by Mr. Robinson to continue this petition from 5 June 2024 to 10 June 2024, the motion is **Seconded in Mr. Braga and Unanimously approved.**

5. YOAV ROSEN and ORIT ROZENBLATT-ROSEN, seek permission to enclose a portion of an open porch for purposes of converting to true living space, without complying with the minimum side-yard setback requirement, for property located at **115 TERRACE AVENUE, being MAP 414, BLOCK 15, PARCEL 1, in a RESIDENTIAL 3 DISTRICT. (Dimensional Variance - Petition No. 6986)**

Yoav Rosen of 115 Terrace Avenue is properly sworn in.

Mr. Rosen explains to the board that there is an existing bedroom in the home that is small and has a quirky shape. Due to this, the bedroom is restricted in its use so what they would like to do is push one of the walls into the porch to make more room.

Mr. Robinson notes that this is straightforward and not expanding the footprint of the house.

Mr. Jacobs has no questions.

Mr. Pascoa has no questions.

Mr. Croke notes that this is a minor deviation.

Mr. Braga has no concerns.

Acting Chairman Beauparlant believes that this makes sense and will have zero impact on the area.

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

Acting Chairman Beauparlant queries the Board for a motion.

Motion by Mr. Robinson,

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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:

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Acting Chairman Beauparlant asks **Mr. Rosen** 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. Rosen** responds that he

fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Croke,

Roll Call Vote

Mr. Robinson – Aye

Mr. Braga – Aye

Mr. Croke – Aye

Mr. Pascoa- Aye

Acting Chairman Beauparlant – Aye

The board recognizes that this is a minor deviation and should have no impact to the surrounding area since the footprint is not changing.

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

6. PATRICIO VALLY PINTO, seeks permission to introduce storage (automotive warehousing) facility in a residential district, otherwise defined as a prohibited land use, for property located at **0 COLWELL STREET, being MAP 307, BLOCK 36, PARCEL 16, in a RESIDENTIAL 6 DISTRICT. (Use Variance - Petition No. 6987)**

Zoning Officer Pimentel explains that the petitioner has hired legal counsel, **Attorney Timothy Chapman**, and they would like an extension to make some improvements to the property and would need a two-month extension.

Motion by Mr. Croke to continue this petition from 5 June 2024 to 14 August 2024, the motion is Seconded in Mr. Robinson and Unanimously approved.

X. PROCEDURES

- a. Discussion on Motion Forms.
- b. Discussion on the Zoning Application Instructional Package.
- c. Discussion on Rules and Procedures.

Zoning Officer Pimentel notes that he would like to postpone this until all board members are present.

XI. ANNOUNCEMENTS

A special meeting of the Zoning Board of Review is scheduled for **Monday, 10 June 2023, 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, 24 July 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. Braga and Unanimously voted to adjourn.

Meeting is adjourned at 7:54pm.

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary