

STATE OF RHODE ISLAND CITY OF EAST PROVIDENCE

COUNTY OF PROVIDENCE

ZONING BOARD OF REVIEW

SPECIAL MEETING MINUTES

A special meeting of the East Providence Zoning Board of Review was held at 6:00 P.M., on Monday, **10 June 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

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 – **ABSENT**

Todd Romano – 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 Romano** to swear in the **Zoning Officer, Mr. Pimentel**.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory explains to the public that **Vice Chairman Beauparlant** is absent this evening so, Mr.

Robinson will be voting and participating in both petitions. **Mr. Jacobs** will be voting in the 48 Lincoln Avenue matter and just participating in the 57 Terrace Avenue matter.

III. APPROVAL OF ZONING BOARD MINUTES

Zoning Officer Pimentel explains that there is none.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is none.

III. CORRESPONDENCE/ DISCUSSION

Zoning Officer Pimentel explains that there is none.

VI. STAFF REPORTS

1. Planning Department Staff Report -
Previously Submitted

VII. DOCKET ITEM ORGANIZATION

There is only one item on this evening's docket.

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)**

[Continued from 21 February 2024, and 3 April 2024. Testimony taken. Quorum consisted of Eugene Saveory,

John Braga, Richard Croke, Matthew Robinson, and Jonathan Jacobs]

Mr. Pascoa will not be participating in or voting on this matter.

Attorney Bruce Cox is representing the petitioner.

Attorney Cox tells the board that he is looking to withdraw the petition without prejudice. There is currently pending legislation that if it is passed would make this matter moot.

Assistant Solicitor Romano explains to the board that the pending legislation is going before the general assembly. This legislation would change the number of non-related to unlimited for those properties that are NARR certified sober houses. It is expected that the legislation will pass. **Assistant Solicitor Romano** notes that if the legislation does not pass, the alternative would be that the petitioners need to apply for an occupancy permit since dimensional variance isn't the correct method regarding number of persons. With the occupancy permit, the Zoning Officer wouldn't be able to approve the permit and then the petitioners would then appeal to this board.

Mr. Braga confirms that if this legislation passes then the neighborhood has no other recourse.

Assistant Solicitor Romano answers yes, that is correct.

Attorney Cox adds that the tenants have their addictions under control while in the unit. They've been at the property for a year and there have been no calls to the police or the fire department. These are decent people with medical issues.

Chairman Saveory notes concerns about impact to the area and if it gets out of control the city has no jurisdiction to do anything.

Attorney Cox answers that the city could reach out to the state certification entity to revoke their certifications.

Motion by Mr. Braga to withdraw the petition without prejudice. The motion is Seconded by Mr. Robinson, Roll Call Vote

Mr. Robinson – Aye

Mr. Braga – Aye

Mr. Croke – Nay

Mr. Jacobs – Aye

Chairman Saveory - Aye

2. 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)**

[Continued from 5 June 2024]

Mr. Pascoa will be participating in and voting on this matter. Mr. Jacobs will just be participating.

Attorney Bruce Cox is representing the petitioner.

Greg Snider, architect for the project, is properly sworn in.

Attorney Cox explains to the board that this will make the house slightly larger than the existing house. The proposed garage will be 31 ft. back from the road and will be 24x24 which is a standard size for a two-car garage. The side yard setback is pre-existing on the north side which they are looking to retain, and they need relief for the south side for a

couple feet.

Mr. Snider explainsthat they will stay within the style of the community and that 24x24 is a basicsize for a two-car garage. The pitch of the roof will be slightly less than themain roof to keep within the requirements. Overall, trying to provide a cottagelike feel and provide three comfortable bedrooms.

Attorney Cox addsthat the planning department reviewed the application and believes that it iskeeping in line with the area and the hardship was not created by thepetitioner.

Mr. Robinson notesthat this is reasonable and likes the design and saw many houses on TerraceAvenue with garages in the front. Believes this is in character with theneighborhood.

Mr. Braga confirmsthat the existing house will be raised.

Mr. Snider respondsthat it will be down to the first-floor deck.

Mr. Jacobs has noconcerns.

Mr. Croke notesprivacy concerns for the neighbors and inquires if the shrubbery will stay.

Mr. Snider respondsthat they have no plans to remove it.

Attorney Cox explainsthat there won't be any encroachment since the deck is in the back facing thewater.

Mr. Pascoa has noquestions.

Chairman Saveory notes that **Mr. Robinson** is correct in that it isconducive with the area, and this is just doing what has already been done inthe area.

Chairman Saveoryinquiresif there is anyone present who would like to speak in favor of the subjectpetition.

Jody Underwood of 79Terrace Avenue is properly sworn in.

Ms. Underwood believes that with thehouse being upgraded that property values will go up.

ChairmanSaveory inquiresif there is anyone present who would like to speak against the subjectpetition.

Katherine Goetz of 60Terrace Avenue is properly sworn in.

Ms. Goetz expresses concernsover losing her water view.

Chairman Saveory notes unfortunatelythere is no guarantee of water view.

ChairmanSaveory queriesthe Board for a motion.

Motion by Mr.Braga,

Basedon all evidence presented to the Zoning Board of Review and personal knowledgeof the members of the Board of the land and area of the City of EastProvidence, the Zoning Board of Review hereby finds pursuant to Section19-45(a) of the City of East Providence Zoning Ordinance:

1.The hardship from which the applicant seeks relief is due to the uniquecharacteristics of the subject land or structure and not to the generalcharacteristics of the surrounding area, and not due to a physical or economicdisability of the applicant excepting those physical disabilities addressed inRIGL 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 ofthe surrounding area or impair the intent or purpose of this chapter or thecity comprehensive plan upon which this chapter is based.

TheZoning Board of Review hereby further finds pursuant to Section 19-45(b) of theCity of East Providence Zoning Ordinance:

1.In granting a dimensional variance, that the hardship that will be suffered bythe owner of the subject property if the dimensional variance is not grantedshall amount to more than a mere inconvenience, meaning that relief sought isminimal to a reasonable enjoyment of the permitted use to which the property isproposed to be devoted. The fact that a use may be more profitable or that astructure may be more valuable after the relief is granted shall not be groundsfor relief.

Chairman Saveory asks **Attorney Cox** if he accepts theconditions of approval just stipulated, understanding that strict compliancemeans that any deviation will necessitate revisiting the Zoning Board ofReview; said revisit may be requested by either the Zoning Officer or anymember of the Zoning Board of Review. **Attorney Cox** responds that he fully understands and accept theconditions just stipulated.

Motion is Seconded by Mr. Robinson,
Roll Call Vote
Mr. Robinson – Aye
Mr. Braga – Aye
Mr. Croke – Aye
Mr. Pascoa – Aye
Chairman Saveory – Aye

The board recognizes that the hardship is the uniqueness of the land and structure. The property pre-dates zoning and is on a narrow lot. The board believes this is a minor deviation on the southern side.

Dimensional variance is granted 5-0, subject to the aforementioned condition(s).
IX. NEW BUSINESS
Chairman Saveory announces there is none.

- 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 **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. Braga. The motion is **Seconded by Mr. Robinson** and **Unanimously** voted to adjourn.
Special Meeting is adjourned at 6:48pm.

Edward Pimentel, AICP
Zoning Officer / Clerk

Secretary