

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, **8 January 2025**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice Chairman - **ABSENT**

John Braga

Gary Pascoa – **ABSENT**

Matthew Gunnip

Ashley Rozes – 1st Alternate

Jonathan Jacobs – 2nd Alternate

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor - **ABSENT**

Joel Votolato – Assistant City Solicitor

I. OPENING STATEMENT BY CHAIRMAN

A. Swearing in of the Zoning Officer

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory explains to the public that Vice Chairman Beauparlant and Mr. Pascoa are both absent this evening and Ms. Rozes and Mr. Jacobs will both be participating and voting this evening.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **6 November 2024** Zoning Board of Review Minutes **Motion** by **Mr. Braga** to approve the **6 November 2024** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Jacobs** and **Unanimously** approved.

Chairman Saveory asks for approval of the **4 December 2024** Zoning Board of Review Minutes **Motion** by **Mr. Braga** to approve the **4 December 2024** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Jacobs** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is nothing to report.

V. CORRESPONDENCE/ DISCUSSION

Zoning Officer Pimentel explains that there is nothing to report.

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – December 2024 – Previously Submitted

VII. DOCKET ITEM ORGANIZATION

The docket will remain as is.

VIII. CONTINUED BUSINESS

1. PATRICIA MALLOZZI, seeks permission to redevelop a pre-existing single-family residence, resulting in excessive building coverage, building height and number of overall stories, failing to comply with the minimum front-yard and side-yard setbacks, in addition to retaining an accessory detached garage that fails to comply with the minimum accessory rear-yard setback requirement, for property located at **1099 BULLOCKS POINT AVENUE, being MAP 414, BLOCK 4, PARCEL 14 and 14.1, in a RESIDENTIAL 3 DISTRICT. (Dimensional Variances -Petition No. 7001)**

Zoning Officer Pimentel explains to the board that he had received another email regarding this petition and has copies to hand out to the board.

Motion by Mr. Braga to insert the email into the record, the motion is **Seconded by Mr. Jacobs**.

Attorney Matthew Landry is representing the petitioner.

Attorney Landry explains to the board that present with him is Mr. James Houle, an expert in real estate appraisal. **Attorney Landry** explains that there have been notable changes to the petition. They also have three letters in support of this petition from three abutters, the abutters from 1100 Bullocks Point Avenue, 238 Terrace Avenue, and 1093 Bullocks Point Avenue. They are improving on the dimensional non-conforming use and turning it into a conforming use. There will be no increase in dimensional non-conforming and they are not making the setback worse than what is currently existing. The most significant change to the application would be the proposed potting shed has now been eliminated, which also brings them into compliance for lot coverage and reduces the amount of relief needed. The proposed height of the building is 34ft. when 35ft. is allowed so they do not need a height variance, however, they need zoning approval to make the third-floor livable space.

James Houle, real estate appraiser, is properly sworn in.

Motion by Mr. Braga to accept Mr. Houle as an expert witness, motion is Seconded by Mr. Gunnip

Mr. Houle explains to the board that he was retained by the petitioners after the submittal of their application for 1099 Bullocks Point Avenue. He toured the area and the property and deals with the trends of the market and what's going on within the area. Mr. Houle found that there are other properties nearby that have the third floor living space and there is a trend to have that third-floor area.

Attorney Landry notes that he has supplemental information to pass out to the board.

Motion by Mr. Braga to accept the supplemental information, a chart, into the record as Exhibit A, the motion is Seconded by Ms. Rozes.

Attorney Landry adds that he has a sketch that goes along with the chart.

Motion by Mr. Braga to accept the supplemental information, a sketch, into the record as Exhibit B, the motion is Seconded by Ms. Rozes.

Mr. Houle explains that on the chart, the outer lines are defining the building area by the new proportional setbacks, the entire house is within the buildable area of the lot. This is a better situation than having two houses on two lots. The hardship is caused by the uniqueness of the land and that the code allows the space but does not allow the living space. Having this type of new construction increases property values of the area and is a positive thing. He did list the properties that have third floor living spaces and believes that the relief being sought is minimal. **Mr. Houle** notes that most of the houses adjacent to the property are non-conforming and the proposed third floor will be a deck, bedroom and exercise area and won't be intrusive to the area.

Mr. Braga inquires if the property was built without the third floor it could remain the same height by right.

Attorney Landry answers yes that is correct.

Mr. Jacobs inquires if there are any separate means of egress to the second or third floors.

Mr. Houle answers no, there is not independent means of egress to the other stories.

Ms. Rozes has no questions.

Mr. Gunnip notes that this property would be taller than others in the neighborhood.

Mr. Houle responds that yes; it would be taller than others in the area but that isn't uncommon. There are other properties nearby that are taller or exceed 35ft.

Chairman Saveory inquires how many houses within the 200 sq. ft radius have the third floor living space and the height because **Chairman Saveory** wants to be sure this fits.

Attorney Landry notes that an important issue to understand is that the height is allowed by the ordinance.

Chairman Saveory requests a recess at 7:13pm.

The board reconvenes at 7:31pm

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.

Christine M. Wall of 1096 Bullocks Pt Avenue is properly sworn in.

Ms. Wall explains to the board that she is against the property being built. Ms. Wall believes this will impact the area in a negative way and the construction will impact her directly. Ms. Wall adds that she did write a letter to the board as well.

Michelle Aguilar of 8 Murray Avenue is properly sworn in.

Ms. Aguilar notes that her and the petitioner's homes are only 10ft. apart with a 6ft. privacy fence. **Ms. Aguilar** believes that the proposed home is too large and has concerns about the third floor violating her privacy. **Ms. Aguilar** is happy to hear that the potting shed is no longer going to happen. **Ms. Aguilar** believes that there is no hardship and that it doesn't fit into the area. The house is currently being left as a construction zone and has concerns about that going forward.

Kara Larson of 233 Terrace Avenue is properly sworn in.

Ms. Larson objects to the property changes and believes that this property will be too large and out of character for the area. This area has modest homes and doesn't believe that there are many homes with livable third floors in the area.

Stuart Weeman of 20 Ocean Avenue is properly sworn in.

Mr. Weeman objects to the shape of the house and the height of the house. **Mr. Weeman** explains if it was a peak roof, it may not be such an eye sore to the abutters. **Mr. Weeman** built his own house and could have gone a lot bigger and taller with his house but went in line with the area instead. **Mr. Weeman** also expresses concerns about water run off since it is a flat roof.

Susanna Arruda of 245 Terrace Avenue is properly sworn in.

Ms. Arruda has concerns with the height of the home and believes it will not fit in the neighborhood.

Mr. Braga notes that the height is by right and they do not need the board's permission for the height. **Mr. Braga** inquires to **Attorney Landry** about the total of 9 windows facing 8 Murray Avenue and if there is something someone can do about the number of windows.

Attorney Landry explains that windows are a non-issue, and the abutters will still object no matter what changes they propose.

Chairman Saveory queries the Board for a motion.

Motion by Mr. Braga,

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

groundsfor relief.

Chairman Saveory asks **Attorney Landry** 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 Landry** responds that he fully understands and acceptthe conditions just stipulated.

Motionis Seconded by**Ms. Rozes**,

Roll Call Vote

**The majority of the board feels that this is
an unnecessary intensification.**

Mr. Jacobs– Nay

Ms. Rozes –Aye

Mr. Gunnip- Nay

Mr.Braga – Aye

ChairmanSaveory – Nay

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

IX.NEW BUSINESS

X. PROCEDURES

a. Discussion on MotionForms.

b. Discussion on theZoning Application Instructional Package.

c. Discussion on Rulesand Procedures.

Zoning Officer Pimentel explains that he has passed out binders to the board membersand asks them to go through the binders and see if anything needs to bechanged.

XI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday, 5 February 2025 at 6:00**

PM, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XII. ADJOURNMENT

Motiontoadjourn by **Mr. Braga**. The motion is **Seconded**by **Mr. Jacobs** and **Unanimously** voted to adjourn.

Meeting is adjourned at 8:54pm.

EdwardPimentel, AICP

ZoningOfficer / Clerk

Secretary