

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, **7 May 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

Matthew Gunnip

Jonathan Jacobs – 1ST Alternate – **ABSENT**

Ashley Rozes – 2ND Alternate – **ABSENT**

Edward Pimentel – Zoning Officer / Clerk

Michael Marcello – City Solicitor – **ABSENT**

Joel Votolato – Assistant City Solicitor – **ABSENT**

Sydney Kirsch - 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 there is no seating of alternate members.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **5 March 2025** Zoning Board of Review Minutes **Motion** by **Mr. Gunnip** to approve the **5 March 2025** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Braga** and **Unanimously** approved.

Chairman Saveory asks for approval of the **2 April 2025** Zoning Board of Review Minutes **Motion** by **Mr. Braga** to approve the **2 April 2025** Zoning Board of Review Minutes. The motion is **Seconded** by **Mr. Pascoa** and **Unanimously** approved.

IV. ZONING OFFICER'S REPORT

Zoning Officer Pimentel explains that there is nothing to report.

V. CORRESPONDENCE/ DISCUSSION

Request for six-month extension by Lauren Beriont, 130 Lindy Avenue

Motion by **Mr. Braga** to approve the six-month extension, the motion is **Seconded** by **Mr. Gunnip** and **Unanimously** approved.

VI. STAFF REPORTS

1. Planning Department Staff Report - Previously Submitted

2. Zoning Complaint List – April 2025 – Previously Submitted

VII. DOCKET ITEM ORGANIZATION

The docket will remain as is.

VIII. CONTINUED BUSINESS

1. JOSHUA AUDETTE, seeks permission to retain a basement entrance associated with a single-family residence, that resulted in excessive building coverage, in addition to documenting a pre-existing front-yard setback deficiency, for property located at **56 IRVING AVENUE, being MAP 305, BLOCK 16, PARCEL 16, in a RESIDENTIAL 4 DISTRICT.**

(Dimensional Variances - Petition No. 7005)

Attorney Mary Shekarchi representing the petitioner.

Attorney Shekarchi explains to the board that they are seeking a variance for excessive building coverage. The property is currently at 29% coverage when the zone allows for only 25%, however the property does meet other setbacks. The bulkhead was already existing but the structure around it is new, the applicant didn't realize he was exceeding coverage. **Attorney Shekarchi** adds for the record that there has been a complaint from a neighbor regarding the basement being rented out as a 2nd unit. This is not the case, and the applicant has stripped the kitchen that was in the basement.

Mr. Gunnip has no questions at this time.

Mr. Braga inquires if the board is also granting relief for the front yard setback.

Zoning Officer Pimentel explains that the front yard setback is a pre-existing condition and that it was added on the petition just for documentation purposes. The zone requires 15ft for a front yard setback, but the property only has 10ft.

Mr. Braga has no concerns regarding this petition.

Mr. Pascoa has no questions at this time.

Chairman Saveory explains that he only questions were about the basement but those have been answered.

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. 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, 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 **Attorney Shekarchi** 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. **Attorney Shekarchi** responds that she fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Gunnip,

Roll Call Vote

Mr. Pascoa – Aye

Mr. Gunnip – Aye

Mr. Braga – Aye

The board feels that this is a minor deviation since the relief being sought is only 4%.

Chairman Saveory - Aye

Dimensional variance is granted 4-0, subject to the aforementioned condition(s).

IX. NEW BUSINESS

1. OWNER: NUVOLA PROPERTY MANAGEMENT LLC, and LESSEE: YOUR PROFILE DENTAL LLC, seek permission to construct an ADA ramp that will fail to comply with the requisite front-yard setback on Baker Street and resulting in exceeding the maximum impervious lot coverage; in addition detailing out of an abundance of caution several pre-existing dimensional nonconformities, to include deficient lot area and lot width, deficient front-yard setback on both Broadway and Baker Streets, deficient side and rear-yard setbacks, excessive building and impervious lot coverages, and finally, deficient off-street parking, for property located at **888 BROADWAY, being MAP 206, BLOCK 21, PARCEL 1, in a COMMERCIAL 1 DISTRICT. (Dimensional Variances - Petition No. 7009)**

Attorney Christine Engustian is representing the petitioner.

Zoning Officer Pimentel explains to the board that if the board seeks to approve this petition, it will be a conditional approval pending the petitioners receive approval from the City Council. Zoning Officer Pimentel notes that the city engineer gave his comment since the proposed ramp will be on the city right of way and needed his professional opinion.

Motion by Mr. Braga to accept the City Engineer's memo dated 1 May 2025 as Exhibit A. The motion is Seconded by Mr. Gunnip.

Attorney Engustian explains to the board that the parcel itself has existing deficiencies with no off-street parking available for the building. **Dr. Garber** would like to have an ADA compliant ramp installed for his patients. The proposed ramp would be on the Baker Street side of the property, since if the ADA ramp was on Broadway, it could cause a hinderance to pedestrians. Putting the ramp on Baker Street is believed to be the safest proposal for the ramp, but it adds to the existing non-conforming lot coverage. **Attorney Engustian** adds that they believe this is a reasonable and safe proposal and meets ADA requirements. Additionally, the city engineer recommended the approval of the ramp in his memo.

Dr. Graham Garber is properly sworn in.

Dr. Garber explains to the board that he is a general practicing dentist and has been located at 888 Broadway since 2019. **Dr. Garber** has noticed that about 5-10% of his patients have disabilities and would like them to have a ramp to get into the building. There currently is signage at the Broadway entrance to tell patients to go to the Baker Street entrance. The property was built in the 1940s and pre-dates zoning. The hours of operation at the dentist's office are Monday-Friday 9am-5pm. **Dr. Garber** notes that they have never had parking and only have on-street parking. **Dr. Garber** explains that the ramp wouldn't affect patient volume or further impact the current parking situation. **Dr. Garber** adds that he has spoken with the abutters personally and they have no objections or concerns about the ramp.

Mr. Braga inquires why they didn't move the stairs.

Louis Gentile, engineer for the project, is properly sworn in.

Mr. Gentile explains that to meet all ADA requirements they are leaving the stairs for the other patients that can use them.

Mr. Braga has no concerns.

Mr. Pascoa has no questions.

Mr. Gunnip has no concerns.

Chairman Saveory notes that due to the age of the building a deviation like this is considered to be minor in order to accommodate those with disabilities. **Chairman Saveory** also believes the proposed location for the ramp is the best place for it.

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. Hearingand seeing none,
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:

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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 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, the hardship that will be suffered by theowner of the subject property if the dimensional variance is not granted shallamount to more than a mere inconvenience, meaning that relief sought is minimalto 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.
- 2.The approval of this board is conditional subject to the petitioners obtainingCity Council approval.

Chairman Saveory asks **Dr. Garber** ifhe accepts the conditions of approval just stipulated, understanding thatstrict compliance means that any deviation will necessitate revisiting theZoning Board of Review; said revisit may be requested by either the ZoningOfficer or any member of the Zoning Board of Review. **Dr. Garber** respondsthat he fully understands and accept the conditions just stipulated.

Motionis Seconded byMr. Gunnip,

Roll Call Vote	The board feels that this is a minor deviation
Mr. Pascoa– Aye	since theapplicants are simply trying to make
Mr. Gunnip– Aye	theproperty ADA compliant. There is also hardship
Mr. Braga –Aye	inthe fact that the property pre-dates zoning.
ChairmanSaveory - Aye	

Dimensional variance is granted 4-0,subject to the aforementioned condition(s).

X. PROCEDURES

- a. Discussion on MotionForms.
- b. Discussion on theZoning Application Instructional Package.
- c. Discussion on Rulesand Procedures.

XI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday, 4 June 2025 at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

ZoningOfficer Pimentelnotes that there haven’t been any petitions submitted yet for the June meetingbut suggests that perhaps the board meets anyways for a workshop due to the newzoning regulations.

XII. ADJOURNMENT

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

Meeting is adjourned at 7:07pm.

