

## **MINUTES**

**A meeting of the East Providence Zoning Board of Review was held at 7:00 P.M., on Wednesday, 4 June 2014, in the City Council Chambers, East Providence City Hall.**

**The following members were present:**

**Eugene Saveory – Chairman**

**Michael Beauparlant – Vice-Chairman - ABSENT**

**John Braga**

**Pier-Mari Toledo**

**Antonio H. Cunha**

**Richard Croke, Sr. – 1st Alternate**

**Gary Pascoa – 2nd Alternate**

**Edward Pimentel – Zoning Officer / Clerk**

**Gregory Dias – Assistant City Solicitor**

**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 City Solicitor Dias to swear in the Zoning Officer, Mr. Pimentel.

## **II. SEATING OF ALTERNATE MEMBERS**

Chairman Saveory informs the public that Mr. Beauparlant is absent, and therefore Mr. Croke, 1st Alternate, will be both a participating as well as voting member on all of tonight's agenda items.

## **III. APPROVAL OF ZONING BOARD MINUTES**

**Chairman Saveory announces that there are no minutes to be approved.**

#### **IV. ZONING OFFICER'S REPORT**

**Chairman Saveory announces that there is no report this month.**

#### **V. CORRESPONDENCE / DISCUSSION**

**Chairman Saveory announces that there are neither correspondence nor discussion items to be discussed this month.**

#### **VI. STAFF REPORTS**

**A. Planning Department Staff Report – Previously Submitted.**

**B. Fire Department Comments – Previously Submitted.**

**C. Complaint List – May 2014**

**Chairman Saveory informs the public that the referenced documents are automatically rendered part of the official record.**

## **VII. CONTINUED BUSINESS**

**1. Petition No. 6546: Pine Crest Partners, LLC, seeks Dimensional Relief, to subdivide the subject lot into two (2) distinct parcels, resulting in the following dimensional deficiencies: Proposed Lot No. 1 failing to comply with the requisite lot depth, as well as excessive parking in the front-yard; and Proposed Lot No. 2 failing to comply with the requisite lot area, lot depth, lot width, as well as exceeding the maximum building coverage and impervious lot coverage requirements. The subject property being located at 47 Pine Crest Drive, being Map 513, Block 02, Parcel 001.00, in a Residential 4 District.**

**Zoning Officer explains that the subject petition is brand new. The previous proposal resulted in a configuration that was unacceptable to the Board, and the applicant was therefore directed to return to the Planning Board for a more palatable configuration. They thought they would have already completed that process, but have not done so. They are scheduled next week for the Planning Board. The application must therefore automatically be continued, because as a matter of law they cannot be heard by the Zoning Board of Review until achieving the first stage of approval.**

**Zoning Officer explains that the next regularly scheduled meeting of**

**the Zoning Board of Review is during the week of 4 July 2014. He inquires if there will be sufficient members present to comprise a quorum, or should the meeting be forwarded to the following week – 9 July 2014. After some discussion, the Board agrees to move the hearing to 9 July 2014. Zoning Officer asks for a formal motion to move the subject petitioner to the next ‘recently amended’ regularly scheduled meeting of the ZBR.**

**Motion by Ms. Toledo to continue the petition of Pine Crest Partners, LLC, to 9 July 2014. The motion is Seconded by Mr. Cunha, and Unanimously approved.**

**2A. Petition No. 6547 (Use Variance): Amrish Patel, requests permission to waive the eighteen-month repetitive petition rule due to a substantial change in circumstances – minor reduction in proposed building addition, relocation of trash storage area, reduction in overall off-street parking deviation, and increase in interior travel aisle width, for property located at 1015 South Broadway, being Map 207, Block 02, Parcel 009.10, in a split-zoned Commercial 2 District and Residential 6 District.**

**2B. Petition No. 6548 (Dimensional Variance): Amrish Patel, requests permission to waive the eighteen-month repetitive petition rule due to a substantial change in circumstances – minor reduction in proposed building addition, relocation of trash storage area, reduction in overall off-street parking deviation, and increase in interior travel**

aisle width, for property located at 1015 South Broadway, being Map 207, Block 02, Parcel 009.10, in a split-zoned Commercial 2 District and Residential 6 District.

**3A. Petition No. 6547: Amrish Patel, seeks a Use Variance to permit conversion of a former professional office establishment to a retail (liquor sales) operation on a property split-zoned Commercial 2 District in the front and Residential 6 District in the rear, resulting in accessory customer and employee off-street parking being situated within the residentially zoned portion of the property, for property located at 1015 South Broadway, being Map 207, Block 02, Parcel 009.10, in a split-zoned Commercial 2 District and Residential 6 District**

**3B. Petition No. 6548: Amrish Patel, seeks Dimensional Variances, permit conversion of a former professional office establishment to a retail (liquor sales) operation on a property split-zoned Commercial 2 District in the front and Residential 6 District in the rear, without complying with the minimum rear-yard setback associated with the proposed retail expansion, minimum travel aisle width, parking within the front-yard setback (Ingraham Street), front-yard off-street parking landscape buffer, provision of off-street parking and off-street loading, for property located at 1015 South Broadway, being Map 207, Block 02, Parcel 009.10, in a split-zoned Commercial 2 District and Residential 6 District.**

**Zoning Officer reads a formal request from the applicant's legal counsel, Attorney William Maaia, to continue the subject petition to the next regularly scheduled hearing of the Zoning Board of Review. The reason for the continuance is two-fold: the project surveyor who is much-needed to evidence a substantial change, could not be in attendance; and secondly and more importantly, they literally just received the staff report from the Planning Department and want to make sure they are adequately addressing all of their concerns, if at all possible.**

**Motion by Mr. Braga to continue the subject petitions to the 9 July 2014, regularly scheduled meeting of the Zoning Board of Review. The motion is Seconded by Ms. Toledo, and Unanimously approved.**

**Zoning Officer informs the public that no further advertising or noticing will be prepared on behalf of either the Pine Crest Partners or Amrish Patel applications, because they were formally continued to a date certain.**

**Chairman Saveory also informs those individuals having an interest in the Pine Crest Partners petition, that the associated Master Plan hearing before the Planning Board will take place on 9 June 2014, and they should similarly express their concerns at that venue because that is where land is subdivided.**

**4. Petition Nos. 6520 and 6521: New England Support Services, Inc.**

**and City of East Providence Fire Department, request permission to retain 'Temporary off-street parking' – parking to be extinguished and property returned to its originally grassed state upon completion of fire station rehabilitation, otherwise defined as a prohibited land use, for property located at 236 Orchard Street, being Map 206, Block 10, Parcel 021.00, in a Residential 6 District.**

**Zoning Officer informs the Board that the Fire Department has confirmed that the improvements are on schedule to be completed at the outset by the end of July 2014. He has had a personal conversation with the Mr. Rebello, inquiring as to how he wishes to proceed, and he responded that due to the lack of neighborhood support he will be returning the property to its original state. The matter is scheduled for court, and therefore once the fire department project is completed, if the violation is not corrected, he will proceed with the prosecution.**

**The Zoning Officer now asks for a formal withdrawal of the petition.**

**Motion by Mr. Braga to withdraw the subject petition without prejudice. The motion is Seconded by Mr. Cunha, and Unanimously approved.**

**5. Petition No. 6514: Patricio Pinto dba Valley Auto Service, seeks Dimensional Relief, to permit modification to a prior zoning decision – to permit greater automobile storage and off-street parking,**

necessitating the below described relief, for property located 517 Warren Avenue, being Map 307, Block 09, Parcel 001.00.

**A. Dimensional Variance, to permit the stated modification without provision of adequately dimensioned off-street parking stalls pursuant to Section 19-282(a) – Thirty-six (36) square foot off-street parking stall variance, resulting in the vast majority of parking stalls having dimensions of eight-feet wide by eighteen-feet in depth, or 144 square feet in total stall area.**

**B. Dimensional Variance, to permit retention of the off-street parking along the southwesterly corner, without provision of the requisite setback off of a residential property pursuant to Section 19-283(d) – Five-foot landscaping buffer variance, resulting in the referenced parking area being situated directly upon the southwesterly property boundary – resulting in a zero-foot setback.**

**C. Dimensional Variance, to permit parking within the required off-street parking front-yard setback requirement pursuant to Section 19-283(f) – Five-foot landscaping buffer variance, resulting in stall No. 17 to be retained fronting directly upon Warren Avenue, situated at the far northwesterly corner of the property – resulting in a zero-foot setback**

**D. Dimensional Variance, to permit the stated modification without provision of adequate off-street parking pursuant to Section**

**19-284(a)(33) – Five (5) off-street parking space variance, resulting in the subject property being improved with a total of eleven (11) spaces.**

**[NOTE: The approved plan illustrates provision of seventeen (17) spaces, however six (6) of the referenced spaces are stacked two-vehicle in depth, thereby being technically uncountable. However, the Board concurred that they would primarily be used for storage purposes – serving the needs of customers awaiting repairs – and therefore, acceptable, albeit necessitating dimensional regardless.]**

**E. Dimensional Variance, to permit the stated modification without provision for a dedicated off-street loading space pursuant to Section 19-285 – One (1) off-street loading space variance, resulting in the subject property not being furnished with any dedicated off-street loading space(s).**

**[NOTE: The applicant argued, and Board agreed, that stall spaces numbered 11 and 12, could be used interchangeably for either customer parking and/or storage of the company's flatbed truck. Regardless, failure to provide a dedicated space to accommodate the flatbed necessitated a dimensional variance.]**

**F. Dimensional Variance, to permit the stated expansion, without complying with the requisite off-street loading requirement pursuant**

**to Section 19-289(c) – Two (2) off-street loading space dimensional variance, resulting in the subject property being improved without provision of any dedicated off-street loading spaces. Deliveries are either by van or typically sized vehicles.**

**Attorney Mark Fay, Murphy and Fay, with law offices at 127 Dorrance Street, Providence, RI, remind the Board that he represents the subject petitioner. As the Board well knows that has been on-going for over a year now, and the sole purpose of rectifying several violations and evidencing to the Board's satisfaction that he can in fact operate in a manner consistent with the submitted site plan. Many vehicles have been removed, including those behind the building, and he has limited on-site storage. He has also instituted a program for removing vehicles, when and if, they are left for an extended period of time. They are in the process of re-striping the parking spaces. Although, he gave out his phone number, he has not received any further complaints. It is also his understanding that the Zoning Officer has not received any additional complaints. It is his personal opinion that the matter is prepared to be decided upon.**

**Chairman Saveory queries the Board, beginning with Mr. Braga.**

**Mr. Braga concurs that he too has conducted repeated site inspections, and the petitioner has not only gone to great lengths to rectify the violations, but has maintained a rather acceptable operation for almost a year now.**

**Mr. Cunha likewise concurs that the petitioner has improved the situation. However, he would like to make it known for the record, that he was the sole source of his own problems. He created his own dilemma by maintaining excessive vehicles both on and off-site. His sole wish is to avert any future dilemmas – several months from now the whole process repeating itself. He is prepared to approve.**

**Mr. Pascoa notes for the record that he does not have any questions and/or comments at this time. He too believes that the petitioner has done an admirable job.**

**Mr. Croke wants assurance that the tow-truck will not be parked all over the neighborhood, upwards of several blocks away.**

**Patricio Pinto, 517 Warren Avenue, East Providence, RI, subject petitioner, is properly sworn in.**

**Mr. Pinto responds to Mr. Croke's question, by noting that he has informed the owner of the tow-truck in question that he is to avoid parking on any City street. However, the owner responds that he is within his legal right to do so, and will do as he pleases. He simply has no control over him.**

**Mr. Croke notes that provided he continues to maintain the property in the manner he has operated for a year, he too is prepared to**

**approve.**

**Ms. Toledo concurs that she too, is ready to approve. She likewise had conducted several site inspections, and believes that he has done an admirable job.**

**Chairman Saveory acknowledges that this is a vast improvement over their experience in regard to the former location on North Broadway. As for the tow-truck driver, he too can decide not to use that individual's services. He must remember that the Board can easily call him back if the matter reverts back to the way it was originally operated.**

**Chairman Saveory inquires if there is anyone present who would like to 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.**

**Anthony J. Ferreira, 44 Brightridge Avenue, East Providence, RI, is properly sworn in. Mr. Ferreira acknowledges that he is not against the petition, but still has concerns.**

**Mr. Ferreira acknowledges that the petitioner has done an admirable job, however he personally has been maintaining a log of the number of vehicles stored within a 24-hour period, and it appears unlikely that he will be able to limit the number of on-site vehicles to the spaces**

**illustrated on the submitted site plan.**

**Mr. Ferreira proceeds to submit the referenced log book to the attention of the Board, and requests that it be accepted into the record.**

**Motion by Mr. Braga to accept the log book, designated Opponent's Exhibit 'A'. The motion is Seconded by Ms. Toledo, and Unanimously approved.**

**Zoning Officer acknowledges that enforcement is quite difficult, and to believe that vehicles will always be maintained exactly within the designated spaces is somewhat impractical. There will be no further zoning intervention, if the petitioner reverts back to his old ways, he will proceed with full prosecution. However, he must rely on the neighbors, there is simply too much activity, for then Zoning Officer to spend all energy on a singular property.**

**Chairman Saveory concurs, noting that the City has a singular zoning officer, minimum housing inspector, etc. The residents have to assist in some degree.**

**Mr. Cunha recommends advancing a total number of vehicles that can be maintained on-site during a set period of time, such as a total of 25-vehicles. Chairman Saveory acknowledges that he had the same thought.**

**Chairman Saveory then inquires if there is anyone else 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 the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:**

**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. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**

**3. The granting of the requested variances will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.**

**4. That the relief to be granted is the least relief necessary.**

**Mr. Braga hereby further finds pursuant to Section 19-45(b) of the City of East Providence Zoning Ordinance:**

**5. In granting the dimensional variances, that the hardship that will be suffered by the owner of the subject property if the dimensional variances are not granted shall amount to more than a mere inconvenience.**

**Mr. Braga moves that the dimensional variances be Granted subject to the petitioner fulfilling the following conditions:**

**1. The applicant can never exceed on average a total of twenty-five (25) vehicles at any individual point of the day – this is to include employee parking, customer parking, customer vehicle storage and company vehicles (e.g., flatbed truck).**

**2. Petitioner(s) obtaining any, and all, necessary permits.**

**3. Strict compliance with the submitted site plan (or amended site plan as it may be applicable), all exhibits, and entire testimony provided during the respective hearing.**

**Chairman Saveory asks Mr. Pinto 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. Pinto responds that he fully understands and accepts the conditions just stipulated.**

**The motion is Seconded by Mr. Cunha.**

**The Zoning Board of Review members voting in favor of the subject petition, to include Chairman Saveory, Mr. Braga, Mr. Cunha, and Ms. Toledo, hereby issued the following Finds of Fact:**

**1. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based. The Board concluded that failure to grant the requested relief would result in hardship amounting to more than a mere inconvenience. This was based upon the manner in which the plan was modified and ability to operate for more than one-year (petition continued for periodic inspections and updates to the Board) in accordance with both the submitted plan and Board's expectations.**

**2. The Board further concluded that the relief sought resulted from both pre-existing unique property and structure conditions, and was not base on any personal prior actions of the applicant. The present building consumed much of the land area, and was improved with several bays. In addition, the operation had a fuel dispensing**

**component. The Board members in question concurred that it was virtually impossible to operate as previously approved.**

**3. The Board further concluded that the relief sought was not to realize financial gain, but to realize reasonable operational usage of the subject property and commercial facility.**

**4. The Board finally concluded that any past resulting neighborhood impact, had been severely reduced, if not altogether extinguished, as evidenced by the imposed one-year moratorium and evidenced provided by the public. The imposed conditions of approval – especially limiting to twenty-five (25) on-site vehicles at anyone point of the day – should realize adequate provision for a successful business, while affording neighborhood protection. The Board members in question acknowledged that any violation would be a pure failure on the part of the applicant, given the wide parameters afforded him via this approval.**

**Mr. Croke, the sole member voting against the subject petition, hereby issued the following Finds of Fact:**

**1. The granting of the requested variance would alter the general character of the surrounding area and impair the intent and purpose of the zoning ordinance and the comprehensive plan upon which the ordinance is based. He concluded that failure to grant the requested relief would not result in hardship amounting to more than a mere**

**inconvenience. This was based upon the extensive testimony of the public, to include the very recent submission of a notebook documenting inability to maintain on-site control of the number of permitted vehicles.**

**2. He further concluded that his recommendation to regulate customer arrival by an appointment system went unheeded, although he believed that it would control the number of on-site vehicles.**

**3. He finally concluded that the applicant's credibility was in question, because the property would only be rendered compliant just prior to a scheduled zoning hearing.**

**Dimensional variance unanimously granted, subject to the aforementioned condition(s).**

**3. MARTIN REALTY, INC., requests permission to modify a variance granted 29 October 2008 – Petition No. 6307 – said petition permitting introduction of a take-out restaurant on a property that is split-zoned Commercial 2 District in the front and Residential 4 District in the rear, with the limitation that the residentially zoned portion be solely used for employee parking. The present proposal is to expand the seating capacity from the approved eight-seats to forty-seats, and extinguishing the limitation of rear-yard parking to permit both customer and employee parking. The present seating increase will require 15 parking spaces, whereas only nine (9) can be provided, for property located at 521 BULLOCKS POINT AVENUE, being MAP 312**

**BLOCK 72 PARCEL 13, in a split-zoned COMMERCIAL 2 DISTRICT and RESIDENTIAL 4 DISTRICT. (Dimensional Variance - Petition No. 6542)**

**Zoning Officer informs the Board that the Attorney for the abutters has been having discussion all night with both the operator of the proposed business and property owners, and I believe that are now requesting a continuance to perhaps iron out their differences. She is prepared to explain the results of that discussion.**

**Attorney Gina Petrarca, on behalf of David Vaz, informs the Board that they have been having extensive discussion, and it is her hope that a continuance will permit many of the differences to be ironed-out, perhaps resulting in some degree of support by the neighbors.**

**Zoning Officer explains that the subject request was not only to iron-out differences, but also because of a possible notice issue. The City has agreed, after discussing the matter with the City Solicitor, to incur the expense of readvertising and renoticing. This also affords an opportunity for the parties to discuss their differences.**

**Assistant City Solicitor Dias explains that he has recused himself, because the property owner is a client. The Solicitor referenced by the Zoning Officer is Mr. Chapman.**

**Zoning Officer reiterates that the petitioner could have proceeded at his own risk, however it is advised that they not do so.**

**Motion by Mr. Cunha to continue the subject petition to 9 July 2014. The motion is Seconded by Ms. Toledo, and Unanimously approved.**

**4. Petition No. 6545: Anthony T. and Kelly Obrien Iacavone, seeks Dimensional Relief, to permit construction of an addition onto a single-family residence, necessitating the below described relief, for property located 165 Norton Street, being Map 308, Block 22, Parcel 013.00, and located within a Residential 3 District.**

**A. Dimensional Variance, to permit the stated improvements, resulting in failing to comply with the minimum side-yard setback requirement off of Norton Street pursuant to Section 19-145 – Seven and eighty-three one-hundredths (7.83) foot variance, proposed addition to be situated approximately seven and seventeen one-hundredths (7.17) foot from the easterly (side) property boundary.**

**B. Dimensional Variance, to permit the stated improvements, resulting in excessive off-street parking within the front-yard setback pursuant to Section 19-281(b) – One (1) automobile dimensional variance, resulting in the present driveway accommodating a total of two (2) vehicles within the respective front-yard, fronting Norton Street and Fisher Street.**

**Anthony and Kelly Iacavone, 165 Norton Street, East Providence, RI, subject petitioners, are properly sworn in.**

**Chairman Saveory inquires if the petitioners have a formal presentation? Ms. Iacavone notes that they are simply seeking permission to add some additional living space. They have three (3) children and space is getting tight.**

**Chairman Saveory queries the Board, beginning with Ms. Toledo.**

**Ms. Toledo notes for the record that she initially had some misgivings, because it did not appear that there was sufficient area to accommodate the addition given the placement of the present shed. Ms. Iacavone apologizes, noting that it was their intent all along to relocate the shed, but failed to illustrate on the submitted site plan. They have prepared a revised plan noting the new shed location. Ms. Iacavone proceeds to distribute the revised plan, asking permission to introduce it into the record.**

**Motion by Ms. Toledo to accept the revised Class I Surveyed Site Plan, designated Exhibit 'A'. The motion is Seconded by Mr. Braga, and Unanimously approved.**

**Ms. Toledo notes that in relocating the shed, the setback actually increases in regard to the proposed addition. Ms. Iacavone responds in the affirmative, noting that the shed is approximately five-feet,**

**whereas the addition will be approximately seven-feet, thereby realizing a two-foot setback increase.**

**Mr. Braga inquires if the addition is solely one-story in height. Ms. Iacavone responds in the affirmative.**

**Mr. Braga inquires if the purpose for the addition is to accommodate a new living room? Ms. Iacavone responds in the affirmative.**

**Mr. Braga inquires if retention of the accessory shed results in any coverage deviations? Mr. Iacavone responds in the negative, noting that they are also removing a small concrete patio for that very purpose.**

**Mr. Cunha inquires if the petitioners spoke with any neighbors, in particular those most immediately impacted? Ms. Iacavone responds that her direct neighbor to the east – the side most impacted – is present tonight. She also spoke with all who have a direct line-of-sight, and no one has any concern.**

**Mr. Pascoa notes for the record that the proposal appears quite reasonable.**

**Mr. Croke inquires as to the date of construction? Ms. Iacavone responds that it was late 50s or early 60s.**

**Mr. Croke inquires if the living area is rather constrained? Ms. Iacavone responds that it is very small, and they desperately need the living space. They also enjoy the neighborhood, and wish to remain.**

**Chairman Saveory likewise believes the relief sought is very minimal and will have no negative impact on the neighborhood.**

**Mr. Cunha inquires if a full basement is proposed? Mr. Iacavone responds that it is merely a crawl-space.**

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

**Mr. Whitaker, 157 Norton Street, East Providence, RI, requests permission to speak on behalf of the subject petition. Mr. Whitaker is properly sworn in.**

**Mr. Whitaker informs the Board that he has resided at the subject residence since 1962. He has a similarly sized residence and fully understands their need for additional living space. It will be a great investment and they are great neighbors.**

**Chairman Saveory then inquires if there is anyone else present who would like to speak in favor of the subject petition.**

**Roger and Joyce Proulx, 169 Norton Street, East Providence, RI,**

**request permission to speak on behalf of the subject petition. Mr. and Ms. Whitaker are properly sworn in.**

**Ms. Proulx informs the Board that she cannot say enough nice things about the petitioners. They are an asset as neighbors and would not want to lose them.**

**Mr. Proulx informs the Board that he has reviewed the plans and finds them quite acceptable.**

**Chairman Saveory then inquires if there is anyone else 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.**

**Ms. Toledo notes that prior to rendering a motion she would simply like to note that the addition is minimal, thereby rendering the proposal quite reasonable.**

**Motion by Ms. Toledo, based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:**

**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. The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**

**3. The granting of the requested variances will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city's comprehensive plan upon which this chapter is based.**

**4. That the relief to be granted is the least relief necessary.**

**Ms. Toledo hereby further finds pursuant to Section 19-45(b) of the City of East Providence Zoning Ordinance:**

**5. In granting the dimensional variances, that the hardship that will be suffered by the owner of the subject property if the dimensional variances are not granted shall amount to more than a mere inconvenience.**

**Ms. Toledo moves that the dimensional variances be Granted subject to the petitioner fulfilling the following conditions:**

- 1. Petitioner(s) obtaining any, and all, necessary permits.**
- 2. Strict compliance with the submitted site plan (or amended site plan as it may be applicable), all exhibits, and entire testimony provided during the respective hearing.**

**Chairman Saveory asks Mr. and Ms. Iacavone, if they accept 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. and Ms. Iacavone, respond that they fully understand and accept the conditions just stipulated, on behalf of his client.**

**The motion is Seconded by both Mr. Cunha and Mr. Braga.**

**Roll Call Vote:**

**Ms. Toledo - Aye Personally believes that hardship has been evidenced,**

**and the relief sought is the least relief necessary to cure said hardship.**

**Mr. Braga - Aye Concur's with Ms. Toledo's comments.**

**Mr. Cunha - Aye Concur's that the placement of the residence and minimal**

**size results in the presence of hardship.**

**Mr. Croke - Aye** The residence is quite small and contains only two (2)

**bedrooms. They have two (2) daughters and a single son, thereby requiring a third bedroom. Had concern about the proximity of the addition, thereby invading the neighbor's privacy. However, all of the neighbor's are in support, so there is no resulting impact.**

**Chairman Saveory - Aye** Very reasonable request. Hardship results from

**both the placement and size of the residence. This will be a positive improvement in the subject neighborhood, as evidenced by neighbors' testimony.**

**Dimensional variances unanimously granted, subject to the aforementioned condition(s).**

## **IX. PROCEDURES**

**Chairman Saveory announces that there are no procedures to be discussed.**

## **X. ANNOUNCEMENTS**

**Chairman Saveory then announces that the next meeting of the Zoning Board of Review is scheduled for Wednesday, 9 July 2014, at 7:00 PM, in the City of East Providence Council Chambers, City Hall, East Providence, RI.**

## **XI. ADJOURNMENT**

**Motion to adjourn by Ms. Toledo. The motion is Seconded by Mr. Cunha and Unanimously voted to adjourn. Meeting is adjourned at 8:30 P.M.**

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**Edward Pimentel, AICP**

**Zoning Officer / Clerk**

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**Secretary**