East Providence Zoning Board of Review

Use Variance Form (Ref. 19-47)

This form must be completed in full prior to being considered by the Zoning Board of Review.

File #
Date of Filing
Received By
Date of Hearing
Action
RecordedBkPg

1.	MAP _206	BLOCK	PARC	7811 AVENUE EL <u>14815</u>		NUE/STREET
2.	ADDRESS _ DATE OF PU PROPOSED ADDRESS _ ATTORNEY . ADDRESS .	LESSEE/PURCH	E. CMVEN	& ASSOCIATES		
3.	DIMENSION	S OF SITE	dth	Depth	Area (Sq.	.Ft.)
	(-)	SULVEY	ght	Area (Sq. Ft.) (Building Footprint)	Type of	Construction
4.	Use (1)	POSED CONST No. of Height Stories	Basement Yes/No UMRLATIVE	Area (Sq. Ft.) (Bldg Footprint)		Type of Construction
	(3)					



ROBERT E. CRAVEN & ASSOCIATES

ATTORNEYS AT LAW

September 5, 2025

City of East Providence
Zoning Department
145 Taunton Ave
East Providence, RI 02914

Re: Property Owner:

English Gardens Realty, LLC

Address:

210 Taunton Ave, East Providence, RI

Map Lot Parcel:

Plat 206, Block 2, Parcel 14 & 15

Zoning District:

Taunton Avenue Overlay District

Modification:

Modification of Zoning Board Decision issued August 27, 2008

To Whom It May Concern,

Please accept this correspondence as an application for the modification of a zoning decision issued on August 27, 2008 ("zoning decision"), regarding the property located at 210 Taunton Avenue, East Providence Rhode Island.

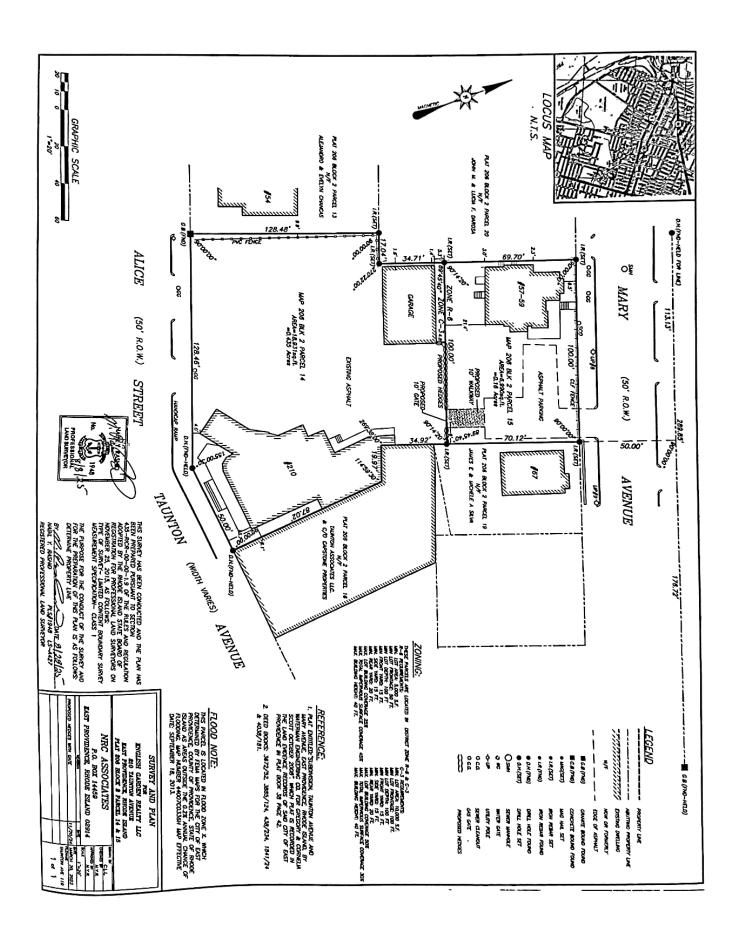
This application is submitted in response to notices of violation issued by the City. The City has alleged applicant could not, consistent with the zoning decision, remove fencing and grassed surface separating the two (2) subject lots. While the applicant contests these notices of violation, taking the position that it has not violated the decision, in the spirit of resolving this dispute, this application is submitted to modify the zoning decision to specifically allow a modification consistent with the attached plan, including the installation of hedges and a gate to separate the two (2) lots.

We are looking forward to presenting this application to the Board.

Very truly yours,

Robert E. Craven

Enc.



DOC # 00005989 Bk: 3005 Ps: 27

CITY OF EAST PROVIDENCE ZONING BOARD OF REVIEW DECISION

Date: September 12, 2008

This is to certify that at the East Providence Zoning Board of Review meeting held on August 27, 2008, the Board considered the following request:

Applicant: Gregory A. and Cornelia Scott

Owner of Property: Gregory A. and Cornelia Scott

Subject Premises: 210 Taunton Avenue and 50 Mary Street Map: 206 Block: 02 Parcel(s): 014.00 and 016.00

Case Number: 6294

Zoning District: Residential 6 District and Commercial 3 District

Requested Action: Seeks a <u>use variance</u> to subdivide the subject property into two-lots (Preliminary Subdivision approval having already been granted), resulting in retention of a two-unit dwelling on designated Lot No. 1, said lot failing to comply with the minimum lot density requirement pursuant to Section 19-98 'Schedule of use regulations.

Zoning Board of Review Members Voting on Application in Question: Eugene Saveory, Michael Beauparlant, Donald Turner, Christopher Smith, and Mikel Perry.

Documents and other material submitted in regard to the subject petition: Completed application and attached project description; Minor Subdivision Plan, consisting of three-sheets, entitled 'Scott Minor Subdivision – Taunton Avenue & Mary Avenue, East Providence, Rhode Island', prepared by Waterman Engineering Company, and dated May, 2008; 200-foot Radius Map entitled 'AP 206 – Block 2 Parcels 14 & 15 – Zone R-6 & C-3, 210 Taunton Avenue & 59 Mary Avenue, East Providence, Rhode Island', prepared by Waterman Engineering, Co., and dated October 17, 2005; Notice of Decision on Preliminary Plan – File No. 07-23 Minor, approved June 9, 2008, documenting formal approval; Copy of Planning Department Staff Report; Abutters List; Copy of Legal Advertisement; Certified return receipts (dated July 18, 2008) acknowledging abutters within 200' of the subject property were appropriately notified; and all written and recorded minutes of the August 27, 2008, Zoning Board of Review Meeting.

The Zoning Board of Review hereby grants in a unanimous decision to grant the abovedescribed relief in accordance with the submitted application subject to the following conditions of approval:

Obtainment of all necessary permits.

The aforementioned relief is valid for six (6) months during which the applicant shall exercise the right granted by the decision; otherwise said relief shall expire on March 12, 2009. The Zoning Board of Review may upon application within the six-month period and for good cause shown, extend the limitation for one additional six-month period.

Stated relief has been granted by the Zoning Board of Review as the application has entered evidence to the satisfaction of "Section 19-47 Application process", "Section 19-45(a)(1-4) Variances – Findings required", and "Section 19-45(b)(1) Additional Standards".

Gregory A. and Cornelia Scott

BR # 3005 Ps # 28 Page 2 of 2

Zoning Board of Review - August 27, 2008

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The Zoning Board of Review hereby Issues the following findings of fact:

- 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 beyond a mere inconvenience. The proposed subdivision reflected
 existing neighborhood conditions.
- 2. The Board concluded that the proposed subdivision would result in rectifying pre-existing nonconforming land uses commercial and residential on their own respective parcel within the appropriate zoning designation.
- Finally, the Board members unanimously concluded that the proposed improvements would have a beneficial impact on the character of the surrounding neighborhood, by averting both pedestrian and vehicular from utilizing the subject property to access either Mary and/or Taunton Avenues.

Any party aggrieved by this decision may file an appeal in accordance with Title 45, Chapter 24, Section 69 of the Rhode Island General Laws and the City of East Providence Zoning Ordinance, Chapter 19, Section 38(b), within twenty (20) days from the date of the

ZONING BOARD	OF REVIEW	
EUGENE SAVEO	DRY - CHAIRMAN	<u> </u>
Recorded in the C	ity of East Providence I	and Evidence Records
Book:	Page:	

CITY OF EAST PROVIDENCE ZONING BOARD OF REVIEW

DECISIONS

A meeting of the East Providence Zoning Board of Review was held at 7:00 P.M., on Wednesday, August 27, 2008, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman Michael Beauparlant - Vice-Chairman Christopher Smith - Secretary Donald Turner John Braga Mikel Perry - 1st Alternate Richard Croke - ABSENT Edward Pimentel - Zoning Officer / Clerk Timothy Chapman - Assistant City Solicitor

Chairman Saveory commences the meeting by praising the services of Mr. Richard Croke, who passed away unexpectedly, while being an active member of the Zoning Board of Review. Mr. Beauparlant concurs and adds his own sentiment. As a final act he requests an affirmative motion by the Board on behalf of their friend Richard Croke. All members, including Zoning Office and Counsel issue an ave vote on behalf of Mr. Richard Croke.

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. He also notes that it is the policy of the Board that no new agenda item will be heard after 10:30 PM.

A. Swearing in of the Zoning Officer

Chairman Saveory asks Assistant City Solicitor Chapman to swear in the Zoning Officer, Mr. Pimentel.

II. SEATING OF ALTERNATE MEMBERS

Chairman Saveory announces that all Board members are present.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory requests a Motion to approve the Minutes of February 27g2008. Acres Approve the M

that the imposed conditions will provide neighborhood protection.

Chairman Saveory - Aye

Special use permit granted 5 – 0 subject to the aforementioned condition(s).

Chairman Saveory reminds the petitioner that he must proceed onto the City Council for a 'live entertainment' license.

2A. Petition No. 6294: Gregory A. and Cornelia Scott, seek a Use Variance, to permit subdivision of the subject property into two-lots (Preliminary Subdivision approval having already been granted), resulting in the pre-existing two-unit dwelling situated on designated Lot No. '1' failing to comply with the minimum lot density requirement pursuant to Section 19-98 'Schedule of use regulations', for property located at 210 Taunton Avenue and 50 Mary Street, being Map 206, Block 02, Parcel(s) 014.00 and 016.00, and located in a split-zoned Residential 6 District and Commercial 3 District.

[NOTE: The subject petition was continued from July 30, 2008, for failing to have a quorum. No testimony was received.]

[NOTE: Mr. Braga recuses himself for being located within the 200-foot radius notification area. Mr. Perry will be a seated member.]

Attorney Bruce H. Cox, with law offices at 1481 Wampanoag Trail, East Providence, RI, informs the Board that he represents the subject petitioners.

Attorney Cox informs the Board that both properties are already improved with a funeral home and two-unit dwelling. No further improvements or intensification of the property is proposed. The purpose for the referenced subdivision is to correct a long-standing series of nonconforming land uses all of which are situated on a single parcel. Furthermore, the property is split-zoned, thereby logically supporting the proposed subdivision, maintaining the residential component in the residentially zoned portion and funeral home within the commercially zoned portion. He continues by noting that individuals use the property as a cut through onto both Mary as well as Taunton Avenues, resulting in unsafe vehicular and pedestrian conditions within the respective neighborhood. The two-unit dwelling is presently occupied by the petitioner's son, who will be purchasing the subject property should they be successful in subdividing it.

Richard Lipsitz, PLS, Waterman Engineering, 46 Sutton Avenue, East Providence, RI, is properly sworn in.

Mr. Lipsitz provides the following information in response to questions from legal counsel.

Mr. Lipsitz informs the Board that the two-unit dwelling will be maintained on its own respective lot and the funeral home with accessory concrete garage and sufficient off-street parking will be maintained on its own respective lot. A new parking to serve the needs of the two-unit dwelling will be provided. The Board should be advised that the subdivision will result in an overall reduction in impervious surface for the two-unit dwelling. The property is presently almost all hard surface. He concludes by noting that the majority of the requested variances result from pre-existing conditions, inclusive of the front-yard setback deviation.

Attorney Cox informs the Board that there were a number of conditions of approval pursuant to the Minor Subdivision, and the petitioners are willing to forward said conditions onto any approvals issued by this Board.

Zoning Officer informs the Board that it has been the policy of the City to deem pre-existing conditions acceptable, and therefore not necessitating dimensional relief. The front-yard deviation is therefore a moot point that need not be addressed by this Board.

Chairman Saveory queries the Board, beginning with Mr. Perry.

Mr. Perry notes for the record that he finds the subject proposal quite reasonable. The petitioners are simply rectifying a pre-existing situation. They have already received subdivision approval, and therefore he has no objection.

Mr. Smith believes the subject proposal will render the referenced neighborhood much safer from both a vehicular as well as pedestrian perspective.

Mr. Beauparlant notes for the record that he too finds it a reasonable proposal considering the pre-existing status of the two (2) land uses, each of which will be situated on their own respective parcel should they be successful in obtaining the requisite relief. This will improve neighborhood conditions, and is therefore fully supportive of the petitioners' proposal.

Mr. Turner inquires as to the new lot depth? Attorney Cox responds that it will be 70-feet.

Chairman Saveory concurs with the Board members in regard to both improving neighborhood conditions as well as rectifying a long-standing pre-existing nonconforming situation.

Chairman Saveory inquires if there is anyone who would like to speak on behalf of the subject petition.

Michelle Silva, 67 Mary Avenue, East Providence, RI, requests permission to speak on behalf of the subject petition. Ms. Silva is properly sworn in.

Ms. Silva informs the Board that she resides directly adjacent to the subject property and that she has noticed an increase in both foot as well as vehicular traffic through the respective property. She believes approving the petition will render the neighborhood safer, especially her property.

Chairman Saveory then inquires if there is anyone who would like to speak on behalf 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. Perry, 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. That the use is compatible with neighborhood and surrounding land uses.
- 2. That the use will not create a nuisance in the subject neighborhood.
- 3. That the use will not hinder the future development of the Cityle use will not hinder the later- developme

- 4. That the use does conform to applicable section(s) of the use requested.
- 5. That the applicant would be deprived of all beneficial use of the subject property if the petitioner is required to comply with the Ordinance.

Mr. Perry moves that the use variance be Granted subject to the petitioner fulfilling the following conditions:

Obtainment of all necessary permits.

The motion is Seconded by Mr. Smith.

Roll Call Vote:

Mr. Perry - Aye Mr. Smith

Mr. Beauparlant - Aye Will render the present land uses more so

conforming to present regulations. It will also render it more consistent with the

surrounding character.

Mr. Turner - Aye

Chairman Saveory - Aye Concurs that it will correct long-standing

nonconforming land uses.

Use variance granted 5 – 0 subject to the aforementioned condition(s).

2B. Petition No. 6298: Gregory A. and Cornelia Scott, seek dimensional relief to permit subdivision of the subject property into two-lots (Preliminary Subdivision approval having already been granted), for property located at 210 Taunton Avenue and 50 Mary Street, being Map 206, Block 02, Parcel(s) 014.00 and 016.00, and located in a split-zoned Residential 6 District and Commercial 3 District.

- A. Dimensional variance to permit the referenced subdivision, resulting in designated Lot No. 1 failing to comply with the minimum lot depth requirement pursuant to <u>Section 19-145</u>—Thirty (30) foot variance, said lot depth to be approximately seventy (70) feet.
- B. Dimensional variance to permit the referenced subdivision, resulting in designated Lot No. 2 exceeding the maximum impervious lot coverage requirement pursuant to <u>Section 19-145 Seven (7) percent variance</u>, said impervious coverage to approach approximately eighty-seven (87) percent variance.
- C. Dimensional variance to permit the referenced subdivision, resulting in designated Lot No. 2 failing to comply with the minimum off-street parking requirement pursuant to <u>Section 19-284(a)(14) Thirteen (13) off-street parking space variance</u>, said off-street parking area to contain a total of twenty-six (26) spaces.

[NOTE: The subject petition was continued from July 30, 2008, for failing to have a quorum. No testimony was received.]

. ...it of the City.

[NOTE: Mr. Braga recuses himself for being located within the 200-foot radius notification area. Mr. Perry will be a seated member.]

Attorney Bruce H. Cox, with law offices at 1481 Wampanoag Trail, East Providence, RI, informs the Board that he represents the subject petitioners.

[NOTE: For specific testimony, refer above under Petition No. 6294.]

Chairman Saveory inquires if there is anyone who would like to speak on behalf of the subject petition.

Michelle Silva, 67 Mary Avenue, East Providence, RI, requests permission to speak on behalf of the subject petition. Ms. Silva is properly sworn in.

Ms. Silva informs the Board that she resides directly adjacent to the subject property and that she has noticed an increase in both foot as well as vehicular traffic through the respective property. She believes approving the petition will render the neighborhood safer, especially her property.

Chairman Saveory then inquires if there is anyone who would like to speak on behalf 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. Perry, 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. That the hardship from which the applicant seeks relief is due to the unique character of the subject land and not the general character of the surrounding area.
- 2. That the hardship is not the result of any prior action of the applicant.
- 3. That the granting of the requested dimensional variances will not alter the general character of the surrounding area or impair the intent of the City's Comprehensive Plan.
- 4. That the relief to be granted is the least relief necessary.
- That the applicant would suffer hardship to the standard of more than a mere inconvenience unless the dimensional variances are granted.

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

1. Obtainment of any, and all, necessary permits.

The motion is Seconded by Mr. Smith.

Roll Call Vote:

Mr. Perry - Aye Mr. Perry Aye

ZONING BOARD OF REVIEW August 27, 2008

Mr. Smith - Aye
Mr. Beauparlant - Aye
Mr. Turner - Aye
Chairman Saveory - Aye

Dimensional variances granted 5 – 0 subject to the aforementioned condition(s).

- 3. Petition No. 6293: <u>Dalila Correia</u>, seeks permission to retain an accessory shed without complying with the accessory side and rear-yard setback requirements as well as construct a deck associated with an above-ground swimming pool without complying with the minimum rear-yard setback requirement, for property located at <u>27 Angell Drive</u>, being <u>Map 308</u>, <u>Block 05</u>, <u>Parcel 008.00</u>, and located in a <u>Residential 4 District</u>.
- A. Dimensional variance to permit retention of the referenced accessory shed without complying with the minimum accessory rear-yard setback requirement pursuant to <u>Section 19-144(b) Two-foot and four-inch (2', 4") dimensional variance</u>, said shed being situated approximately two-feet and eight-inches (2', 8") from the rear (easterly) property boundary.
- B. Dimensional variance to permit retention of the referenced accessory shed without complying with the minimum accessory side-yard setback requirement pursuant to <u>Section 19-144(b) Five (5) foot dimensional variance</u>, said shed being situated directly upon the northerly property boundary.
- C. Dimensional variance to permit the referenced deck addition without complying with the minimum rear-yard setback requirement pursuant to <u>Section 19-145 Six-feet and six-inch (6', 6") dimensional variance</u>, said decking to be situated approximately thirteen-feet and six-inches (13'. 6") from the rear (easterly) property boundary.

[NOTE: The subject petition was continued from July 30, 2008, for failing to have a quorum. No testimony was received.]

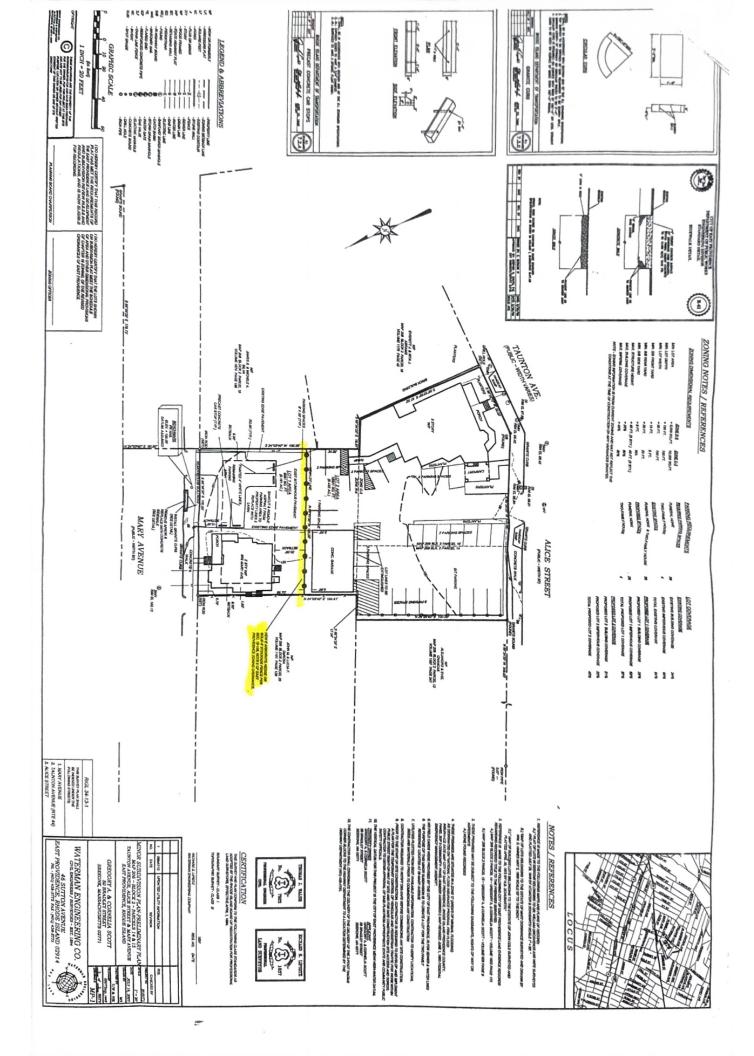
[NOTE: Mr. Braga is once again seated as a voting member.]

Joseph Cabral, 100 Mayflower Drive, Seekonk, MA 02771, informs the Board that he prepared the submission package. Mr. Cabral is properly sworn in.

Mr. Cabral informs the Board that he has informed the petitioner that she should have obtained legal counsel, however she has requested that he present the petition. He commences his presentation by noting that the Zoning Officer brought to his attention that there were some minor errors with the initial submission, and he has therefore prepared an amended site plan package. He proceeds to distribute the amended site plan package to the Board, and requests that it be entered into the record.

Motion by Mr. Smith to accept the submitted amended site plan package, designated Exhibit 'A', and render it a full exhibit. The motion is seconded by Mr. Beauparlant, and unanimously approved.

Dalila V. Correia, 27 Angell Drive, East Providence, RI, is properly sworn in.



ABUTTERS LIST 210 Taunton Ave and 57-59 Mary Ave 206-2-1 and 206-2-15

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ABUTTERS LIST 210 Taunton Ave and 57-59 Mary Ave 206-2-1 and 206-2-15

206-04-017.00	206-04-015.00	206-04-014.00	206-04-013.00	206-04-012.00	206-04-011.00	206-04-010.10	206-04-010.00	206-04-006.00	206-04-005.00	206-04-004.00	206-04-002.00
206-04-017.00 SILPAC PROPERTIES LLC 206-04-018.00 PDK PROPERTIES LLC	206-04-015.00 SOARES, MARGARIDA AKA LEITAO, MARGARIDA	206-04-014.00 SOARES, MARGARIDA AKA LEITAO, MARGARIDA	206-04-013.00 SOARES, MARGARIDA AKA LEITAO, MARGARIDA	206-04-012.00 LEITAO, ANA MARGAREDA	206-04-011.00 CHENG, CHUNG C	206-04-010.10 LEITAO, ANA MARGAREDA	206-04-010.00 J & N PROPERTIES LLC	206-04-006.00 GOULART, RAYMOND-TR GOULART IRREVOCABLE TRUST	206-04-005.00 ESTRELLA, EDWARD L & ESTRELLA, JOANNE C	206-04-004.00 PEREIRA, MANUEL L & PEREIRA, HELENA	206-04-002.00 PDK PROPERTIES LLC
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