

# EXHIBIT A

**DUFFY & SWEENEY, LTD**  
BUSINESS LAW & LITIGATION

*Nicole J. Martucci, Esq.*  
*nmartucci@duffysweeney.com*

April 28, 2021

East Greenwich Planning Department  
125 Main Street  
PO Box 111  
East Greenwich, RI 02818

Via Hand Delivery

Re: Dimensional Variance – 431 Main Street, Patio on Main

To Whom It May Concern:

Please be advised that the undersigned is legal counsel to MMISAJK, Inc., who operate the Patio of Main, a full-service restaurant located at 431 Main Street, East Greenwich. Enclosed herein please find the following:

1. Twelve (12) copies of the Dimensional Variance Application;
2. Twelve (12) copies of a survey and site plan;
3. Twelve (12) copies of the Abutters List sorted alphabetically (x2);
4. Twelve (12) copies of the Abutters List sorted numerically by plat and lot (x2);
5. Twelve (12) copies of the Abutters List and Radius Map (200');
6. Check made payable to the Town of East Greenwich for the filing fee of \$350.00.

Please process the enclosed in the ordinary course. When available, please forward the applicable Notice to abutters directly to my attention for certified mailings to abutters. If you have any questions or require any additional information, please contact me at your convenience.

Sincerely,

*Nicole J. Martucci*



# TOWN OF EAST GREENWICH

## ZONING APPLICATION

**Planning Department**  
 125 Main Street  
 P.O. Box 111  
 East Greenwich, RI 02818

(401) 886-8645  
 Fax (401) 886-8625  
 www.eastgreenwichri.com/planning.htm

APPLICANT INFORMATION

**Property Owner** Kevin Pezzuco  
 Address: 7708 Post Road Phone \_\_\_\_\_  
North Kingstown, RI 02852 Fax \_\_\_\_\_  
 E-Mail \_\_\_\_\_

**Applicant** MMISAJK, Inc.  
 Address: 431 Main Street Phone 401-465-0391  
East Greenwich, RI 02818 Fax \_\_\_\_\_  
 E-Mail angelt85@gmail.com

**ZBR Approvals Required:** Special Use Permit \_\_\_\_\_ Dimensional Variance(s)  Use Variance \_\_\_\_\_

**Application Date:** \_\_\_\_\_

**Application Fee:** \_\_\_\_\_ **Paid:** Yes No

PROPERTY INFORMATION

**Map** 75 **Plat** 3 **Lot(s)** 97  
**Street Address** 431 Main Street  
**Current Zoning District(s):** CD1  
**How long have you owned or rented the above property?** 2019  
**Is there a building on the property at present?** yes  
**Dimensions of existing building:** 20x38  
**Existing use of the property:** restaurant  
**Proposed use of the property in Detail:** same

**Describe proposed request:** parking variance  
**Number of Families Before/After Alteration:** \_\_\_\_\_ Before \_\_\_\_\_ After \_\_\_\_\_

**IF A BUILDING PERMIT IS REQUIRED**  
**Have you submitted plans for the above building to the Building Official?**  
**If Yes, Give Date:** \_\_\_\_\_  
**If No, Explain:**  
Application is for parking relief only

**If Refused, Give Reason:** \_\_\_\_\_

**List all provisions or regulations of the East Greenwich Zoning Ordinance (or State Enabling Act) from which you are seeking relief by Section, Subsection and Title:** Chapter 260, Zoning Ord., Act VI off street parking

**State ground(s) for Special Use Permit, Use Variance or Dimensional Variance by each Section and Title referred to above.** see attached

CERTIFICATION

**Attest: The information provided on this application is true and accurate:**

**Applicant's Signature** Angel Wimpenny **Date:** 5/25/21

**Owner's Signature** [Signature] **Date:** 5/25/21

The Patio  
431 Main Street  
East Greenwich, RI 02818

#### Grounds for a Dimensional Variance

Relief is sought from Sec. 260-20, Required Off Street Parking whereas Applicant seeks to increase the restaurant capacity from 21 seats to 42 seats exclusively outdoor dining. Currently, the restaurant is temporarily approved for capacity of 42 seats outside due to applicable Covid-19 executive orders which are set to expire soon. The business has operated with these expanded seats/areas since the beginning of the pandemic. The current operation under this increased capacity permission is depicted on the attached site plan, with 42 seats outside under a tent extending into the parking area. Applicant is desirous of maintaining the current outdoor operations as are in place now on a permanent basis. As such, 100% relief from the parking requirements at Chapter 260 of the Town Code, Zoning Ordinance, Article IV, Off-Street Parking Regulations, Section 260-20 is necessary, subject to Town Council approval of the proposed increased capacity with respect to the applicable Class B (full) liquor license issued. The unique impact of Covid-19 has resulted in a significant change in the way that restaurants, including Patio on Main, can and should operate going forward, and has altered the dining experience expectations of guests and patrons. The requested relief will permit Patio on Main to continue to provide the unique outdoor dining experience to patrons in a safe and responsible manner.

The relief requested is due to the hardship caused by the existing, unique site conditions and not the general characteristics of the surrounding area or any physical or economic disability of the Applicant. Specifically, the size of the lot and massing, placement and development of the building and parking area make it impractical and impossible to provide any additional onsite parking.

The hardship is not caused by any prior action of the Applicant as the unique site and building conditions existed prior to their ownership. The request for relief does not result primarily from the desire of the applicant to realize greater financial gain. Rather, the intent is to use the existing patio and tent setup that has been in place for the last year to provide customers with an outside dining experience they have come to know and enjoy.

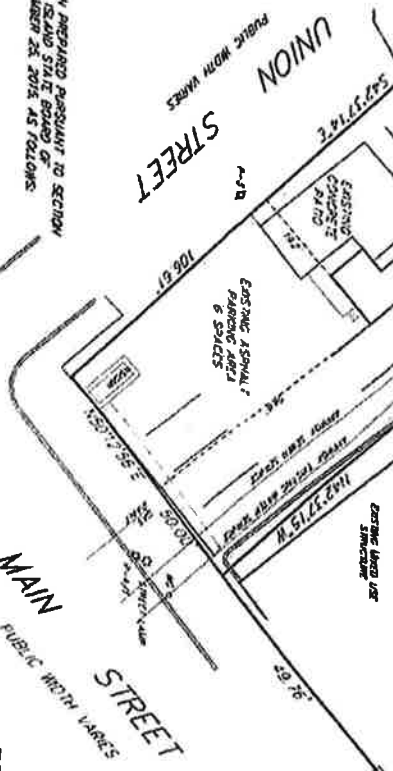
The granting of the requested variance will not alter the general character of the surrounding area nor will it impair the intent and purpose of the Ordinance and Comprehensive Plan. Outdoor dining has become a staple on Main Street and applicant has successfully and safely operated under the proposed conditions, pursuant to applicable Covid-19 related executive orders. Applicant merely seeks to maintain what has become status quo upon the expiration of the executive orders.

The Applicant requests the least relief necessary to relieve the undue hardship caused by the unique characteristics of the property. If denied, the Applicant would suffer a hardship beyond a mere inconvenience as they would not be able to use the existing outdoor space to provide their customers the outdoor dining experience they have come to know and love.

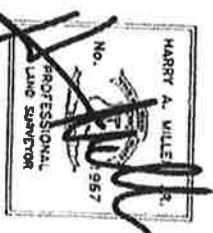
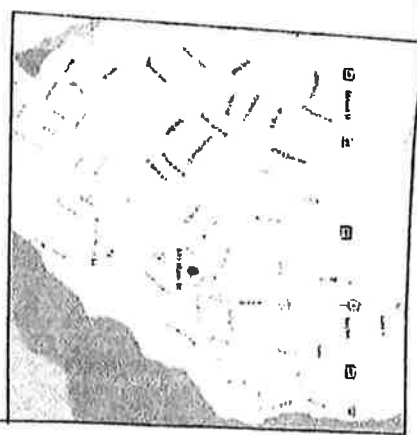
**REFERENCES:**  
 1. L.E. 976, Pg. 22 SUBJECT PROPERTY  
**PARCEL AREA**  
 5,325 S.F.

**ASSESSORS MAP 75, PLAT 3, LOT 88**  
 "HILL AND HARBOR  
 TOWNHOUSE CONDOMINIUM"

**ASSESSORS MAP 75, PLAT 3, LOT 98**  
 "BRADFORD CONDOMINIUM"



- LEGEND:**
- APPROX. UTILITY SERVICE
  - - - - - EXISTING EDGE OF PARAPET
  - EXISTING STORMWATER FENCE
  - EXISTING GRANITE CURBING
  - SET BACK ROAD
  - SET BACK MAIL
  - EXISTING GRANITE BOUND
  - EXISTING UTILITY POLE



**CERTIFICATION:**  
 THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE STATE OF CONNECTICUTS AS AMENDED BY THE PROPOSED ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 25, 2015, AS FOLLOWS:  
 LIMITED CONTROL BOUNDARY SURVEY CLASS 1  
 THIS PLAN HAS BEEN PREPARED FOR SUBMISSION TO THE TOWN OF EAST GREENWICH ZONING DEPARTMENT  
 HARRY A. WILLE, JR., No. 1987  
 CODE LS-A101

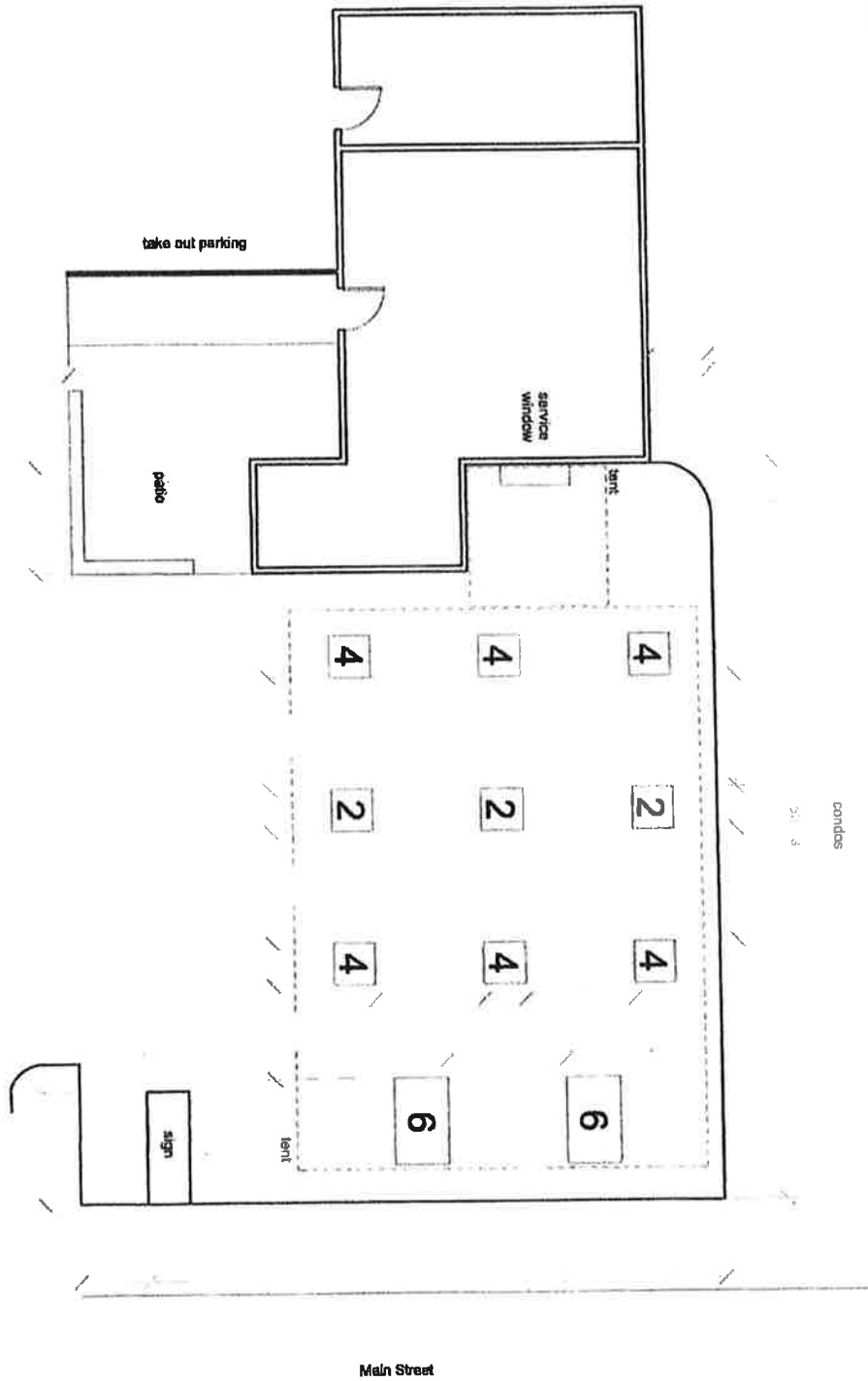


**ZONING SITE PLAN**  
 ASSESSORS MAP 75, PLAT 3, LOT 97  
 EAST GREENWICH, RHODE ISLAND  
 PREPARED FOR: KEVIN Q. PEZZUCO  
 PREPARED BY: ALPHA ASSOCIATES, LTD.  
 35 ROCKY HOLLOW ROAD  
 EAST GREENWICH, RI 02818  
 SCALE: 1"=20'  
 SHEET 1 OF 1 APRIL, 2020

**PROJECT OWNER**  
 KEVIN Q. PEZZUCO  
 7708 POST ROAD  
 NORTH WINDSTOWN, RI 02862

**PARCEL ZONING:**  
 CD-1  
 FRONT YARD 0'  
 SIDE YARD 10'  
 REAR YARD 10'

**PROJECT SURVEYOR**  
 HARRY A. WILLE, JR.  
 ALPHA ASSOCIATES, LTD.  
 35 ROCKY HOLLOW ROAD  
 EAST GREENWICH, RI 02818  
 T 401.884.8506 / F 401.884.7747  
 CODE LS-A101

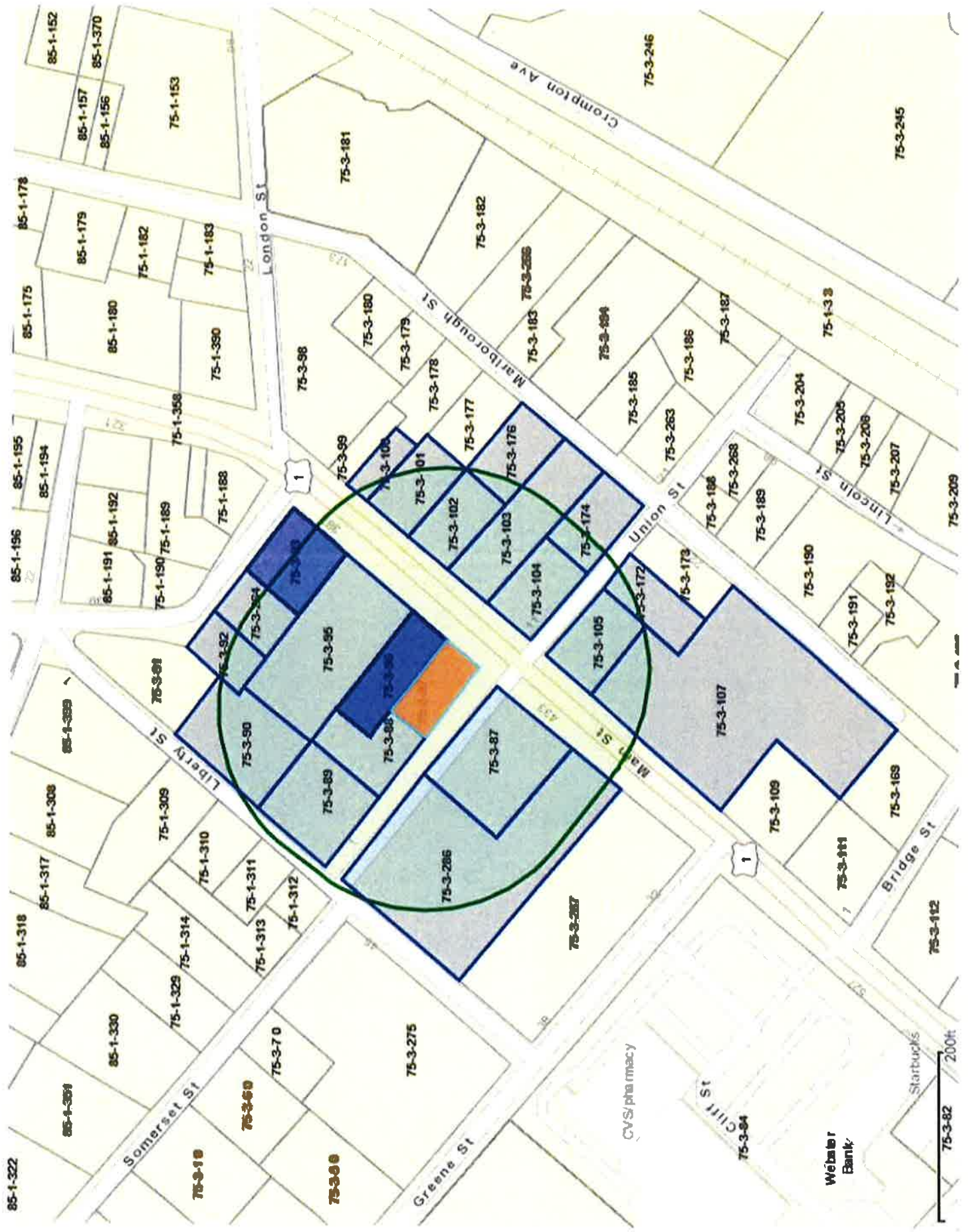


**The Patio RI**  
 431 Main Street, East Greenwich, RI

No.	Description	Date
1	Revision	07/20
2	Revision	12/20

**Seating Plan - Proposed**  
 Project number: 000000.00  
 Date: 12/07/2020  
 Drawn by: NJT  
 Checked by: NJT  
 Scale: 1/8" = 1'-0"

**SK-3**



Sorted by Map-Plat-Lot

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75 3 105	450 MAIN STREET	AUD WAR REALTY CO INC	217 CEDAR AVENUE	EAST GREENWICH, RI 02818
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75 3 176	MARLBOROUGH STREET	FINN WARREN B JR REV TRUST; SHERRY L INTEGLIA TRUSTEE	240 RIVER ROAD	STERLING, CT 06377
75 3 264	173 PEIRCE STREET	SCANLON DANIEL T JR/HEATHER AN	173 PEIRCE STREET	EAST GREENWICH, RI 02818
75 3 286	461 MAIN STREET	EAST GREENWICH PARTNERS LLC	PO BOX 722	EAST GREENWICH, RI 02818
75 3 87	455 MAIN STREET	RICHARD REALTY INC	1375 WARWICK AVE	WARWICK, RI 02888
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75 3 88 0001	9 UNION STREET	MORRIS JOHN F SO	9 UNION STREET	EAST GREENWICH, RI 02818
75 3 93	387 MAIN STREET	PERRETTA ANTHONY A SO	387 MAIN ST UNIT 3	EAST GREENWICH, RI 02818
75 3 97	431 MAIN STREET	PEZZUCO KEVIN O	7708 POST ROAD	NORTH KINGSTOWN, RI 02852
75 3 93	387 MAIN STREET	POTTS DEANNA L SO	43 KING ST UNIT 5	EAST GREENWICH, RI 02818
75 3 95	413 MAIN STREET	RESPRO REALTY LLC	140 WICKENDEN ST 2ND FL	PROVIDENCE, RI 02903
75 3 87	455 MAIN STREET	RICHARD REALTY INC	1375 WARWICK AVE	WARWICK, RI 02888
75 3 92	167 PEIRCE STREET	SANFORD DAVID F/DEBORAH L	167 PEIRCE STREET	EAST GREENWICH, RI 02818
75 3 264	173 PEIRCE STREET	SCANLON DANIEL T JR/HEATHER AN	173 PEIRCE STREET	EAST GREENWICH, RI 02818