

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, **10 September 2025**, in the City Council Chambers, East Providence City Hall.

The following members were present:

Eugene Saveory – Chairman

Michael Beauparlant – Vice Chairman

Gary Pascoa

John Braga – **ABSENT**

Matthew Gunnip – **ABSENT**

Jonathan Jacobs – 1ST Alternate

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

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 **Mr. Jacobs** will be a voting and participating member this evening.

III. APPROVAL OF ZONING BOARD MINUTES

Chairman Saveory asks for approval of the **16 July 2025** Zoning Board of Review Minutes **Motion** by **Vice Chairman Beauparlant** to approve the **16 July 2025** 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

VII. DOCKET ITEM ORGANIZATION

Zoning Officer Pimentel explains that the docket can proceed as is.

VIII. CONTINUED BUSINESS

Chairman Saveory explains to the public that there is no continued business.

IX. NEW BUSINESS

1. **STEPHEN P. and HEIDI MARTEL**, seek permission to realize several improvements, to include introduction of a stairwell and second-floor porch, all of which will fail to comply with both minimum side-yard setbacks, for property located at **55 WHITE AVENUE, being MAP 313, BLOCK 07, PARCEL 002.00, in a RESIDENTIAL 4 DISTRICT.** (Dimensional Variance(s) - Petition No. 7016)

Stephen Martell, of 55 White Avenue, Riverside, RI is properly sworn in.

Mr. Martell explains they are looking for a variance due to the setbacks in the area for the 2nd floor addition. The

addition will be in the existing footprint. They purchased the house two years ago with the intention of doing renovations.

Mr. Jacobs notes that the setback is already existing and is just under 7ft. at one point then goes to 7ft. on the south side.

Vice Chairman Beauparlant notes that the petition looks straightforward. Inquires if Mr. Martell has spoken with his neighbors.

Mr. Martell answers yes and they are on board.

Mr. Pascoa has no concerns.

Chairman Saveory has no concerns and notes that the property is well kept.

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. Jacobs,

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 **Mr. Martell** 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. Martell** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Vice Chairman Beauparlant,

Roll Call Vote

Mr. Pascoa – Aye	The argument for hardship is due to the size of
Mr. Jacobs – Aye	the parcel and the lot pre-dates zoning. The
Vice Chairman Beauparlant – Aye	board believes this will be consistent with the
Chairman Saveory – Aye	area.

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

2A. ALBERTINO and ZITA MILHO, seek permission to retain conversion of a two-unit residence (having garnered a use variance from the Zoning Board of Review) to a prohibited four-unit residence, without having attained the requisite approval of the Zoning Board of Review, for property located at **41 – 43 OAKLEY AVENUE, being MAP 206, BLOCK 25, PARCEL 004.00, in a COMMERCIAL 3 DISTRICT. (Use Variance - Petition No. 7017)**

Attorney Timothy Chapman representing the petition.

Albertino Minho, owner of the subject property, is properly sworn in.

Attorney Chapman explains to the board that they are seeking to retain a four-unit building. His client had previously received relief for a two-unit building. They need parking relief as well and believes that the four-unit fits in nicely inside the building. The footprint of the building isn't changing. His client wants to help with providing affordable housing during this housing crisis. **Attorney Chapman** adds that he disagrees with the Planning Board's memo.

Vice Chairman Beauparlant recalls this case coming before the board and notes that it was approved as a two-family but has since become a four-family. **Vice Chairman Beauparlant** explains that he struggles with the approach that was taken.

Attorney Chapman apologizes on behalf of his client for not following the rules and they are looking to clean this up. **Mr. Pascoa** has no questions.

Mr. Jacobs notes that he was reading through the Planning board's report and they mention a site plan from 2007.

Zoning Officer Pimentel explains that this property was involved in a major land development in the area. There was a package created and that site plan was part of that package.

Mr. Jacobs inquires that if the petitioner is looking to help remedy the housing crisis why doesn't he go bigger with more units.

Attorney Chapman explains that his client has no desire to.

Chairman Saveory notes he is ready to clean this up and has tried to with this particular property a few times already. Although he doesn't like how we got here, we are here and must deal with it now.

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 Vice Chairman Beauparlant,

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 use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance.

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

Motion is Seconded by Mr. Jacobs,

Roll Call Vote

Mr. Pascoa— Aye

Mr. Jacobs— Aye

ViceChairman Beauparlant – Aye

ChairmanSaveory - Aye

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

2B. ALBERTINO and ZITA MILHO, seek permission to retain conversion of a two-unit residence (having garnered a use variance from the Zoning Board of Review) to a prohibited four-unit residence, without complying with the minimum off-street parking requirement, for property located at **41 – 43 OAKLEY AVENUE, being MAP 206, BLOCK 25, PARCEL 004.00, in a COMMERCIAL 3 DISTRICT. (Dimensional Variance - Petition No. 7018)**

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 ViceChairman Beauparlant

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 **Mr. Milho** 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. Milho** responds that he fully understands and accepts the conditions just stipulated.

Motion is Seconded by Mr. Jacobs,

Roll Call Vote

Mr. Pascoa – Aye

Mr. Jacobs – Aye

ViceChairman Beauparlant – Aye

Chairman Saveory – Aye

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

3A. JOSHUA SWIFT, seeks permission to convert a third-floor into true living space and incorporate into a present second-floor residential unit of a two-unit residence, otherwise defined as an intensification of a preexisting legal nonconforming land use, necessitating a special use permit, for property located at **234 – 236 WILSON AVENUE, being MAP 403, BLOCK 16, PARCEL 009.00, in a RESIDENTIAL 3 DISTRICT. (Special Use Permit - Petition No. 7019)**

Attorney Mark Hartmann is representing the petitioner.

Joshua Swift, owner of the subject property, is properly sworn in.

Jose Siamaya, designer for the project, is properly sworn in.

Attorney Hartmann explains that this is a simple project but a complicated application. His client would like to expand the second-floor unit to include the third floor. There will be no increasing the height or the footprint of the property. The property will remain a two-family with one unit on the first floor and the second unit on the second floor with the additional third floor space incorporated. **Attorney Hartmann** believes this will not negatively impact the surrounding area since it will be the same building. The property was built in the 1930's and the owners want to be able to have full use of the property.

Zoning Officer Pimentel notes that the unit in question will be growing at 45%.

Vice Chairman Beauparlant inquires what is the current use for the third floor.

Mr. Swift answers it is just empty storage place.

Vice Chairman Beauparlant inquires if there are already stairs to the third floor.

Mr. Swift answers yes but they need to be rebuilt since they are not up to code.

Vice Chairman Beauparlant inquires if there will be a kitchen on the third floor.

Mr. Swift answers no.

Vice Chairman Beauparlant inquires if the roof line will be changing.

Mr. Swift answers no.

Mr. Pascoa has no questions.

Mr. Jacobs confirms the property will remain two units.

Attorney Hartmann answers yes that is correct.

Zoning Officer Pimentel inquires what exactly will be going in on the third floor.

Mr. Swift answers a new stairwell, a master bedroom, bathroom, open office space and a laundry-utility space.

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 Vice Chairman Beauparlant

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 19-39 of the City of East Providence Zoning Ordinance, that the special use permit shall conform to the specific criteria established in this ordinance for each type of use category, which criteria shall be in conformance with the purposes and intent of the comprehensive plan and this ordinance.

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

Motion is Seconded by Mr. Jacobs,

Roll Call Vote

Mr. Pascoa – Aye

Mr. Jacobs – Aye

Vice Chairman Beauparlant – Aye

Chairman Saveory – Aye

Special Use Permit is granted 4-0, subject to the aforementioned condition(s).

3B. JOSHUA SWIFT, seeks permission to convert a third-floor into true living space and incorporate into a present second-floor residential unit of a two-unit residence, otherwise defined as an intensification of a preexisting legal nonconforming land use, necessitating a special use permit, resulting in a exceeding the maximum allotted percentage of intensification, in addition to failing to meet both requisite front-yard setbacks (all setbacks being increased by three-feet when introducing third-floor living space), for property located at **234 – 236 WILSON AVENUE, being MAP 403, BLOCK 16, PARCEL 009.00, in a RESIDENTIAL 3 DISTRICT. (Dimensional Variance(s) -Petition No. 7020)**

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 ViceChairman Beauparlant,

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 **Mr. Swift** 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. Swift** responds that he fully understands and accept the conditions just stipulated.

Motion is Seconded by Mr. Jacobs,

Roll Call Vote

Mr. Pascoa– Aye

The board believes this is a minor modification.

Mr. Jacobs– Aye

ViceChairman Beauparlant – Aye

Chairman Saveory – Aye

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

X. PROCEDURES

Zoning Officer Pimentel explains that he is almost ready to launch the instructional package to the public.

XI. ANNOUNCEMENTS

The next regular meeting of the Zoning Board of Review is scheduled for **Wednesday, 1 October 2025 at 6:00 PM**, in the City of East Providence Council Chambers, City Hall, and East Providence, RI.

XII. ADJOURNMENT

Motion to adjourn by Mr. Jacobs. The motion is Seconded by Vice Chairman Beauparlant and Unanimously voted to adjourn. Meeting is adjourned at 7:05pm

Edward Pimentel, AICP

Zoning Officer / Clerk

Secretary