



Updated Memo

To: Cranston City Plan Commission
From: Joshua Berry, AICP, Senior Planner
Date: August 28, 2020
Re: Variance Application for 21 Turner Avenue (AP 18, Lots 489 & 490)

Owner: Richard Cardello
Applicant: Barbara Gaglione
Location: 21 Turner Avenue (AP 18-4 Lots 489 & 490)
Zone: A-6 (Single-family dwellings on lots of minimum areas of 6,000 ft²)
FLU: Residential 7.26 to 3.64 units per acre

DIMENSIONAL VARIANCE REQUEST:

1. To allow an existing single-family residence to encroach 3.7’ into the required 8’ side yard setback from a lot line proposed as part of a concurrent by-right subdivision proposal.

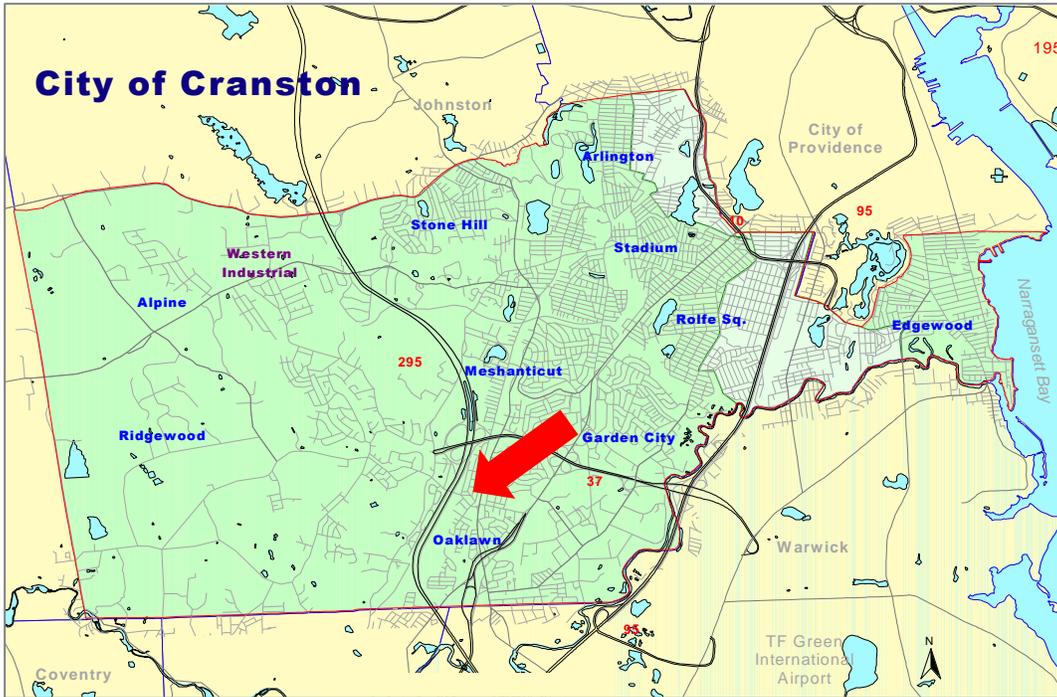
How can the City entertain this proposal when a variance request was denied at this site this past December?

There was a Preliminary Plan application to subdivide the same parcels which was granted approval by the Plan Commission on December 3rd, 2019, conditioned to the ZBR granting relief for lot area and frontage. The ZBR did NOT grant said relief, and therefore the subdivision could not move forward.

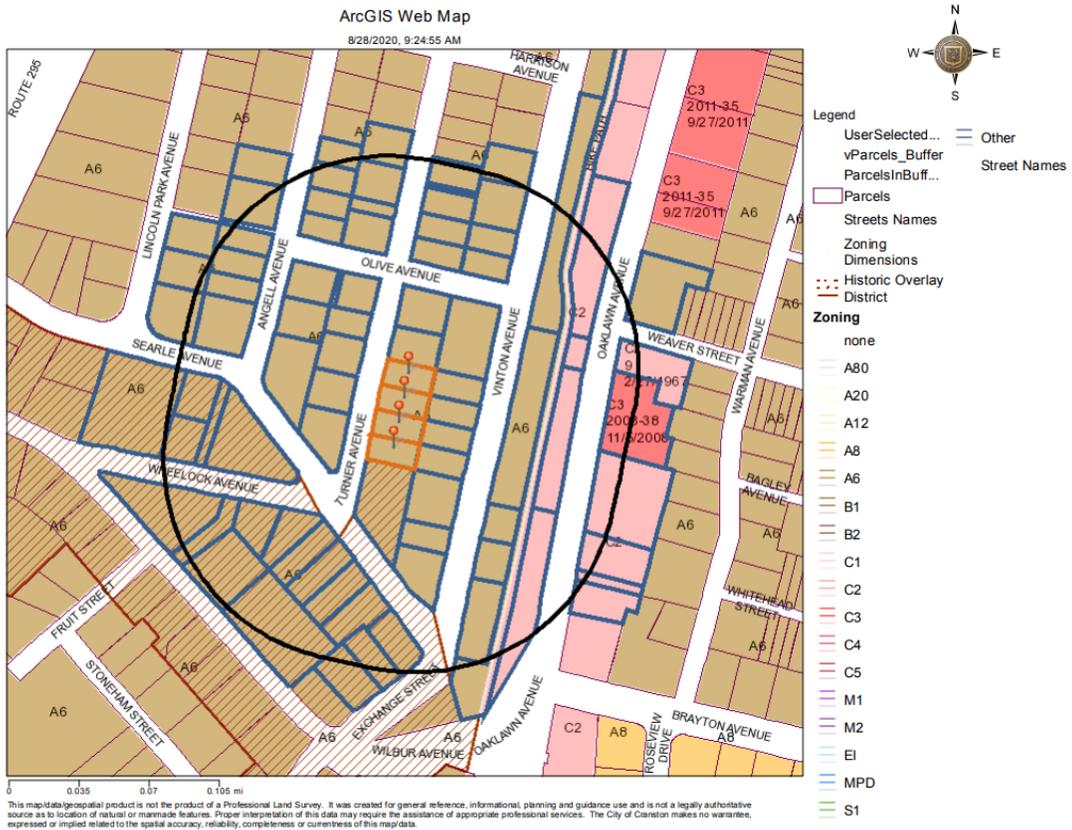
City Code Section 17.116.030 *Limitations on Successive Petitions* prevents applicants from submitting the same application within two years of a denial. **Staff believes that this application is NOT in violation with the limitation of successive petitions.**

Staff holds this position due to the facts differentiating the applications, mainly that the applicant is not asking for the same variance. The previous application requested a layout of the lots that required relief for lot area and width/frontage for Parcels B & C from the Zoning Board whereas the current lot configuration does NOT require relief for lot area or frontage. Essentially, the current lot layout meets all of the zoning requirements and is considered by-right under zoning. The current proposal does request relief, but only for the 3.7’ encroachment of the existing residence into the required 8’ side yard setback, which is not on the same lots where relief was previously requested. The language in the Code Section only applies to applications where “the same amendment, exception or variance has been denied,” so with a different variance being sought on a different lot, staff finds the restriction would not apply to this application.

LOCATION MAP



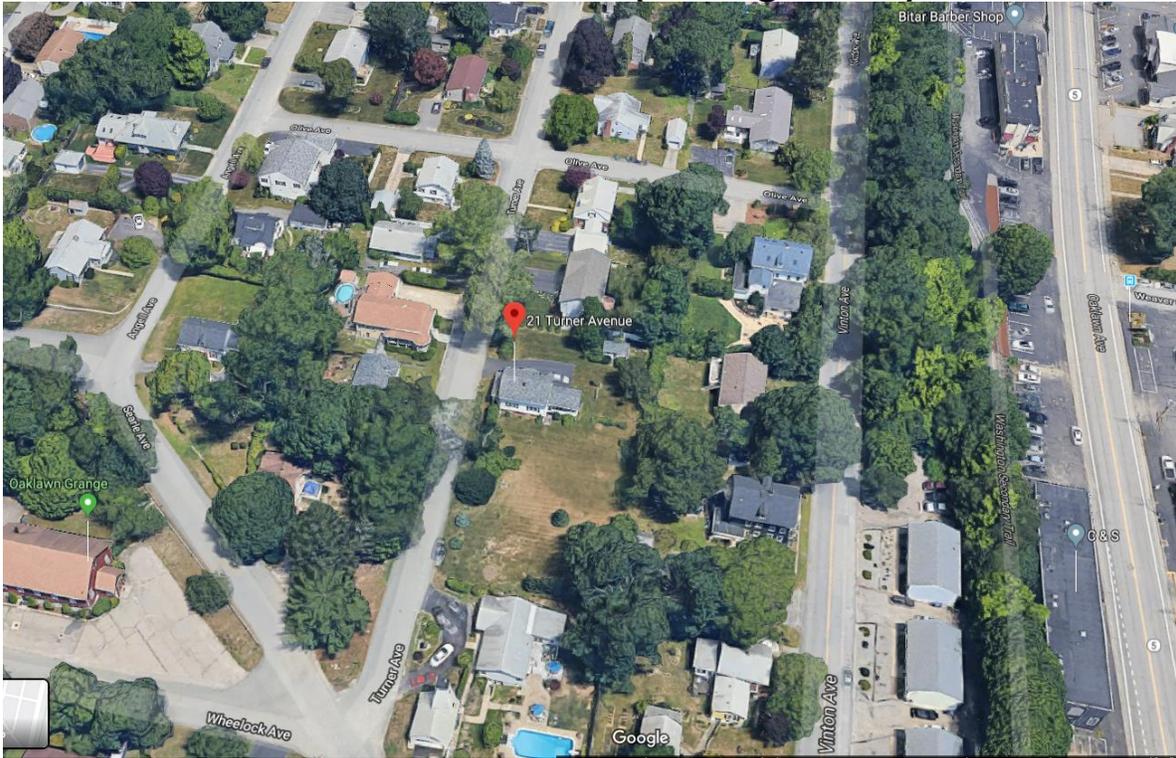
Zoning Map



NEIGHBORHOOD AERIAL (2019 Imagery)



3-D AERIAL VIEW (Facing North)



AERIAL CLOSE UP



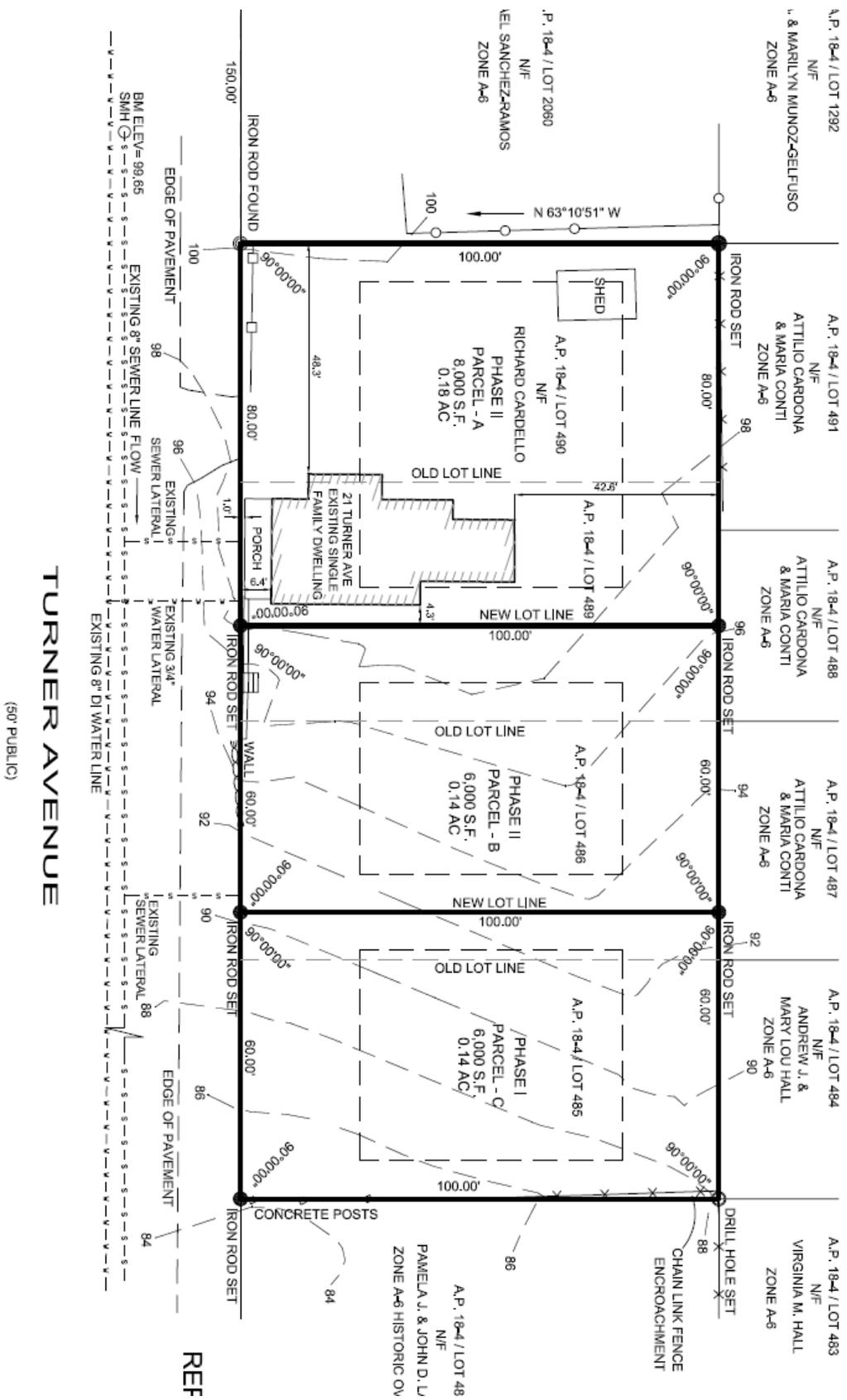
STREET VIEW (from facing SE)



STREET VIEW (Facing North)



SUBDIVISION PLAN



FINDINGS OF FACT:

1. The four existing lots were platted as 50'x100' lots prior to the adoption of zoning and have not been altered since.
2. The total site area of 20,000 ft² is sufficient for three A-6 lots (18,000 ft² required). Parcel A, the lot with the existing residence for which the relief is being sought, is proposed to be 8,000 ft² and Parcels B & C are proposed to be 6,000 ft² each.
3. The total site frontage of 200' is sufficient for three A-6 lots (180' required). Parcel A exceeds the requirement with 80' and Parcels B & C meet the requirement with 60'.
4. The building envelope for two new buildable lots is roughly 1,897 ft² after accounting for all required setbacks on the proposed lots. The proposed new single-family residences on Parcels B & C will not require dimensional relief.
5. The denial of the variance will not result in the denial of the subdivision, rather, it would result in the existing residence being demolished and rebuilt (or relocated) as to not encroach into a required setback.
6. The applicant has proposed to offset the proposed side yard encroachment on Parcel A by imposing a 12' side yard setback (4' more than the 8' required by zoning) on the adjacent side yard of Parcel B. This would prevent any impacts of houses being located closer together than the required setback would allow.
7. The subdivision proposes a density of 6.53 units/acre, which is consistent with the density allocated by the Comprehensive Plan Future Land Use Map allocation of Residential 7.26 to 3.63 units per acre.
8. Relief would be consistent with Comprehensive Plan Goal HG-5, "Conserve housing resources, especially affordable housing units, to preserve the base housing stock, as the costs of locating and constructing new housing units are significant."
9. The request is the minimum relief necessary to preserve the existing residence.

ANALYSIS:

The subdivision has been redesigned from its previous version so that all of the lots now comply with A-6 zoning requirements, therefore, the subdivision of the lots is considered a "by-right" application. The zoning request is the minimum relief necessary to preserve the existing residence. In addition, the applicant has proposed to offset the proposed side yard encroachment on Parcel A by imposing a 12' side yard setback (4' more than the 8' required by zoning) on the adjacent side yard of Parcel B. This would prevent any impacts of houses being located closer together than the required setback would allow.

The denial of the variance will not result in the denial of the subdivision, rather, it would result in the existing residence being demolished and rebuilt (or relocated) as to not encroach into a required setback. The question before the City then becomes, does the City prefer the existing residence be demolished and rebuilt (or lifted and relocated) so that it does not encroach 3.7' into the side setback, one that would be offset by the proposed increased side setback on the adjacent property? Staff believes that denial of the request outcome would:

- Amount to more than a mere inconvenience to the applicant;

- Unnecessarily displace the current tenant,
- Add unnecessarily disruption to the neighborhood,
- Be wasteful in terms of resources & materials,
- Not further the goals or policies of the Comprehensive Plan, and
- Would **not** assuage the concerns of the abutters (at least as expressed during the previous application).

The zoning request is based on a reasonable effort to realize the by-right potential of the lots consistent with A-6 zoning.

The proposal is consistent with the Comprehensive Plan in terms of both density and housing policy. The proposed density of 6.53 units/acre is consistent with the density allocated by the Comprehensive Plan Future Land Use Map allocation of Residential 7.26 to 3.63 units per acre. Furthermore, relief would be consistent with Comprehensive Plan Goal HG-5, “Conserve housing resources, especially affordable housing units, to preserve the base housing stock, as the costs of locating and constructing new housing units are significant.”

RECOMMENDATION:

Considering that the increased setback on Parcel B would offset any negative impact, that the relief requested is the minimum relief necessary, that denial would not reduce the number of proposed homes and would amount to more than an inconvenience, and that the proposal is consistent with the Comprehensive Plan in terms of density and housing policy, staff recommends that the City Plan Commission forwards a **positive recommendation** on this application to the Zoning Board of Review.