

**City of Cranston
Zoning Board of Review
Application**

Application for exception or variation under the zoning ordinance "City of Cranston Zoning Code, December 1994 Edition as amended."

To: Cranston Zoning Board of Review
35 Sockanosset Crossroad Suite 6
Cranston, RI 02920

Date: December 16, 2020

THE UNDERSIGNED HEREBY APPLIES TO THE ZONING BOARD OF REVIEW FOR AN EXCEPTION OR A VARIATION IN THE APPLICATION OF THE PROVISIONS OR REGULATIONS OF THE ZONING ORDINANCE AFFECTING THE FOLLOWING DESCRIBED PREMISES IN THE MANNER AND ON THE GROUNDS HEREINAFTER SET FORTH.

OWNER: Joseph A. Cannata

ADDRESS: 122 ~~Wales~~ Street, Cranston, RI ZIP CODE: 02920

APPLICANT: Joseph A. Cannata

ADDRESS: 122 ~~Wales~~ Street, Cranston, RI ZIP CODE: 02920

LESSEE: _____

ADDRESS: _____ ZIP CODE: _____

1. ADDRESS OF PROPERTY: 27-29 Haven Avenue

2. ASSESSOR'S PLAT #: 8-1 BLOCK #: _____ ASSESSOR'S LOT #: 226 ~~288~~ WARD: 5

3. LOT FRONTAGE: 110' LOT DEPTH: 100' LOT AREA: 11,000 sq ft

4. ZONING DISTRICT IN WHICH PROPERTY IS LOCATED: B-1 8,000 sq ft 35'
(ZONE) (AREA LIMITATION) (HEIGHT LIMITATION)

5. BUILDING HEIGHT, PRESENT: n/a PROPOSED: 24'2" garage

6. LOT COVERAGE, PRESENT: 15.2 % PROPOSED: 21.3%

7. HOW LONG HAVE YOU OWNED THE ABOVE PREMISES? 7/13/19

8. ARE THERE ANY BUILDINGS ON THE PREMISES AT PRESENT? yes

9. GIVE SIZE OF EXISTING BUILDING(S): existing three family building with three floors

10. GIVE SIZE OF PROPOSED BUILDING(S): 28' x 24' garage with apartment above

11. WHAT IS THE PRESENT USE? three family

12. WHAT IS THE PROPOSED USE? New detached garage with apartment above

13. NUMBER OF FAMILIES FOR WHICH BUILDING IS TO BE ARRANGED: four

14. DESCRIBE IN DETAIL THE EXTENT OF PROPOSED ALTERATIONS: Construct detached garage with
apartment above.

15. HAVE YOU SUBMITTED PLANS TO THE BUILDING OFFICIAL? yes

16. WERE YOU REFUSED A PERMIT? yes

17. PROVISION OR REGULATION OF THE ZONING ORDINANCE OR STATE ENABLING ACT UNDER WHICH APPLICATION FOR EXCEPTION OR VARIANCE IS MADE,

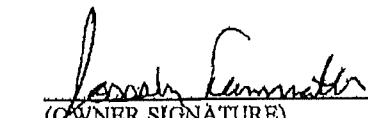
17.20.070 (More than one dwelling structure on any lot prohibited), 17.20.090
(Specific requirements); 17.20.120 (Schedule of intensity regulations);

17.88.040 (Change of Use); , 17.92.010 (Variance) and all other applicable sections
of the zoning code.

18. STATE GROUNDS FOR EXCEPTION OR VARIANCE IN THIS CASE: Applicant seeks variances to
add a dwelling unit above a proposed detached garage. The subject lot is fenced and
adequate parking can be provided for the four dwelling units on the property.
Proposed use would be consistent mixed use neighborhood.

SIGNATURE OF APPELLANT(S) AND ATTORNEY (IF APPLICABLE) IS REQUIRED AND MUST BE LEGIBLE.

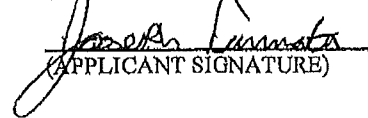
RESPECTFULLY SUBMITTED,


(OWNER SIGNATURE)

699-1637
(PHONE NUMBER)

(OWNER SIGNATURE)

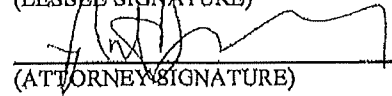
(PHONE NUMBER)


(APPLICANT SIGNATURE)

699-1637
(PHONE NUMBER)

(LESSEE SIGNATURE)

(PHONE NUMBER)


(ATTORNEY SIGNATURE)

946-3800
(PHONE NUMBER)

Robert D. Murray, Esq.
(ATTORNEY NAME-PLEASE PRINT)

ATTORNEY ADDRESS: 21 Garden City Drive, Cranston, RI 02920

PRE-ZONING APPLICATION MEETING:


(PLANNING DEPT. SIGNATURE)

1/5/21
(DATE)

JOSEPH CANNATA (“OWNER/APPLICANT”)

**27-29 Haven Avenue
Cranston, RI 02920**

PROJECT NARRATIVE

This project narrative is offered in connection with the application of Joseph Cannata for permission to construct a detached garage with an apartment above it on a lot at 27-29 Haven Avenue.

An existing three family house at 27-29 Haven Avenue presently exists as a legal non-conforming use on Lot No. 226 on AP 8/1. The property is in a B-1 zone

The proposed garage structure would be two stories and be 28' x 24'. It would accommodate two cars on the first level and the dwelling unit above it. Without the apartment, a building permit could issue for the detached garage. As a detached accessory structure, the rear and side setback would be five (5) feet in the B-1 zone. With the added dwelling unit, a rear setback of twenty feet (20) would normally be imposed.

A dimensional variance of ten (10) feet is therefore sought for the rear setback. The other B-1 zone setbacks can be met.

The subject property has a stockade fence on the rear and side that will remain and buffer the proposed garage.

The existing three family unit building requires six (6) parking spaces and they can continue to be accommodated. The two additional garage spaces will satisfy the parking requirements for the fourth unit.

The B-1 zone is a single family or two family zone under the zoning code. The title card from 1954 in the tax assessor's office shows three units that predate zoning. Therefore the fourth unit would be an expansion of a legal non-conforming use and would require a use variance.

The following variances are sought from the Zoning Board of Review

17.20.070 More than one dwelling structure on any lot prohibited

In the B-1 zone, the additional dwelling unit in the accessory building is not permitted because of the inability to subdivide the property in accordance with prudent practices.

17.20.090 (Specific requirements)

Normally for multi-family dwellings six thousand (6,000) square feet is need for the first unit and the additional three units would require four thousand (4,000) square feet for a total of eighteen thousand (18,000) square feet. The subject lot has only eleven thousand (11,000) square feet.

17.20.120 (Schedule of intensity regulations)

The proposed detached garage could be five (5) feet off the rear and side property line as provided for in Section 17.60.010 (Accessory uses). Because of the dwelling unit, the B-1 requirement applies of twenty (20) feet for the rear setback.

17.88.040 Change of Use

A nonconforming use shall not be changed to another nonconforming use.

17.92.010 Variance for use and dimensional relief

JOSEPH CANNATA (“APPLICANT AND OWNER”)

27-29 Haven Avenue
Cranston, RI 02920

NEIGHBORHOOD ANALYSIS

This analysis is compiled to review the land uses and lot sizes within the 400’ radius of the subject application for the property on 27-29 Haven Avenue designated as Lot No. 226 on Assessor’s Plat No. 8.

The property is located in a B-1 zone and is currently a three family home. It is surrounded by a mixed neighborhood of housing choices, business, religious or cemetery properties as well as some business or industrial properties. The Tax Assessor identifies the following land uses in the area.

<u>TYPES OF LAND USES</u>	<u>NUMBER OF PARCELS</u>
SINGLE FAMILY	14
TWO FAMILY	19
THREE FAMILY	3
FOUR FAMILY	1
MULTI FAMILY	1
RES UNDEVELOPED/OTHER	4
MIXED USE	5
SMALL BUSINESS	1
LARGE BUSINESS	1
INDUSTRIAL	2
RELIGIOUS	4
CEMETERIES	2
VFW NON-PROFIT	1
	58

The existing lot is 11,000 square feet. It is larger than the average lot sizes in the 400’ radius and neighborhood for residential uses or undeveloped residential properties. Those properties are an average of 6,228 square feet. The only other four family use in the radius is located on 11,111 square feet which is comparable to the subject property..

Prepared by:
Robert D. Murray, Esq.
Taft & McSally LLP
21 Garden City Drive
Cranston, RI 02920
(401) 946-3800 (O)
rdmurray@taftmcsally.com

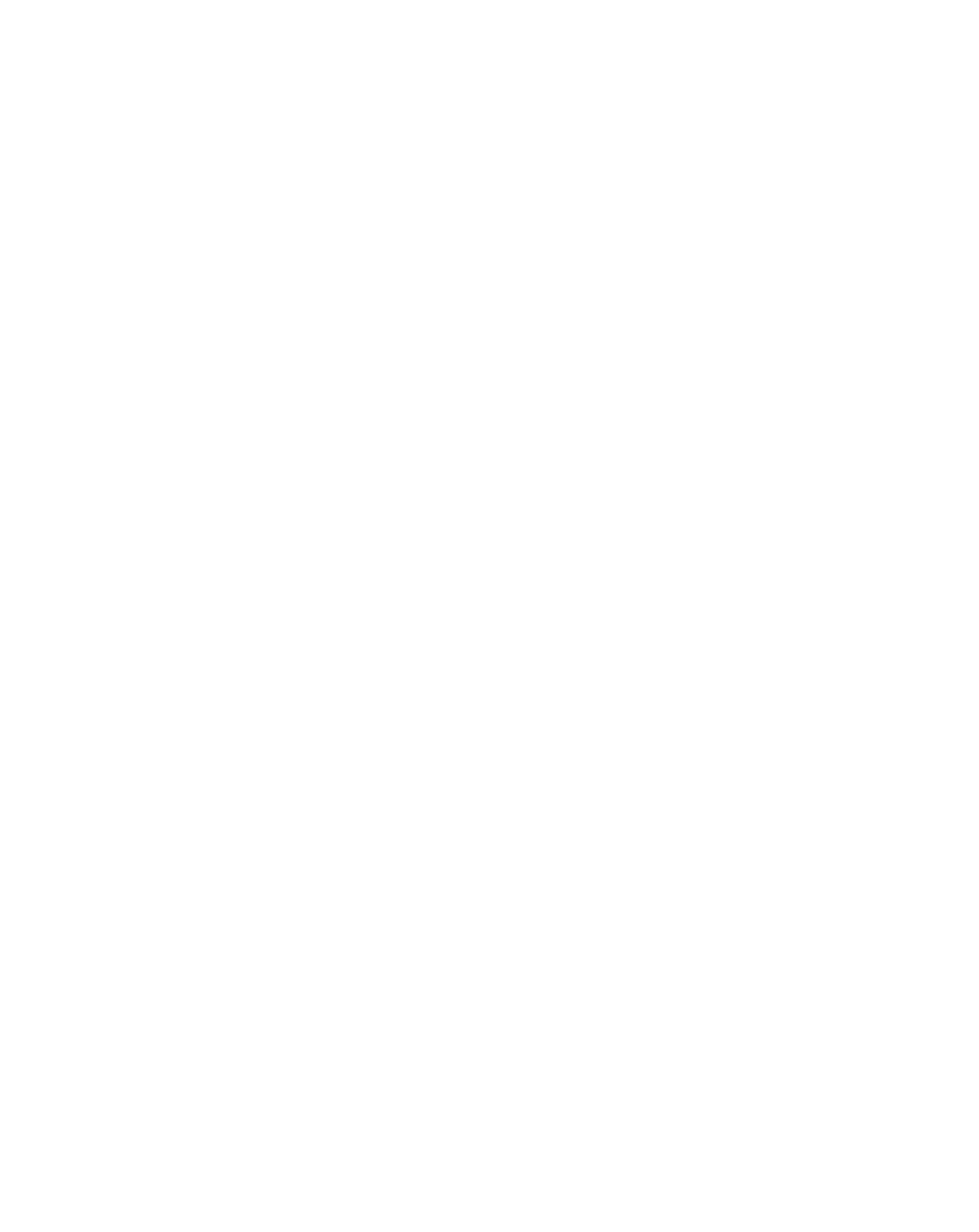
Dated: 12-18-20













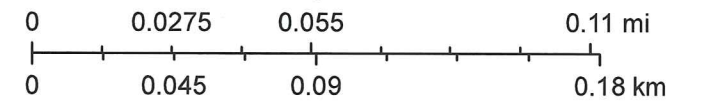
27 Haven Ave 400' Radius Plat 8 Lot 226



12/18/2020, 10:03:30 AM

1:2,386

- | | | | | | | | | | |
|--|-------------------|--|---------------------------|--|-----|--|----|--|-------|
| | Parcel Outlines | | Buildings | | A20 | | C1 | | M2 |
| | Plat Boundaries | | Zoning Dimensions | | A12 | | C2 | | EI |
| | Parcel ID Labels | | Historic Overlay District | | A8 | | C3 | | MPD |
| | Streets Names | | Zoning | | A6 | | C4 | | S1 |
| | Cranston Boundary | | none | | B1 | | C5 | | Other |
| | Parcels | | A80 | | B2 | | M1 | | |



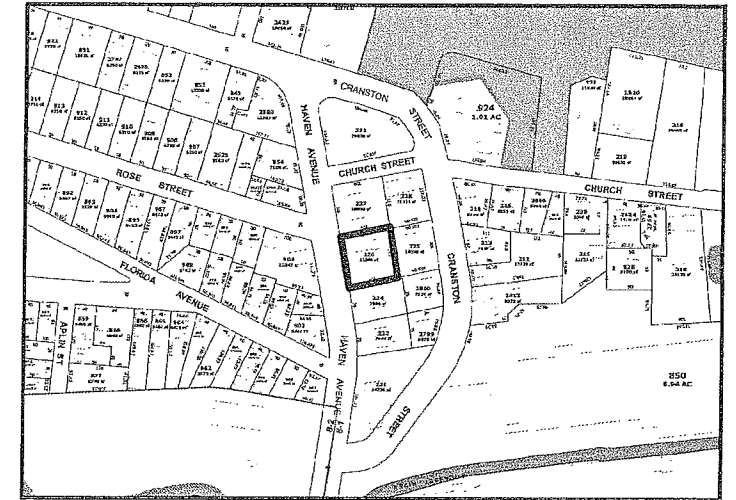
City of Cranston
City of Providence, Department of Planning and Development

REFERENCE:

1. DEED BK. 5806 / PG. 331
2. "HIGHLAND PARK No. 2 CRANSTON STREET, BELONGING TO F.L. BUDLONG BY J.A. LATHAM MARCH 1895" PLAT CARD 79

LEGEND:

- IRON ROD SET
- ⊙ DRILL HOLE SET
- GRANITE BOUND FOUND



LOCUS MAP

ZONING DISTRICT B-1

MINIMUM LOT AREA	8,000 S.F.
MINIMUM LOT FRONTAGE	60 FT.
MINIMUM SETBACKS:	
FRONT	25 FT.
SIDE	8 FT.
REAR	20 FT.
MAXIMUM LOT COVERAGE	50%
EXISTING LOT COVERAGE	14%
PROPOSED LOT COVERAGE	20%
MAXIMUM BUILDING HEIGHT	35 FT.

ZONING PLAN

A.P. 8-1 / LOT 266
27-29 HAVEN AVENUE
CRANSTON, R.I.

SCALE: 1"=20' DATE: DECEMBER 22, 2020

PREPARED FOR:

JOSEPH CANNATA

122 WALES STREET
CRANSTON, R.I. 02920

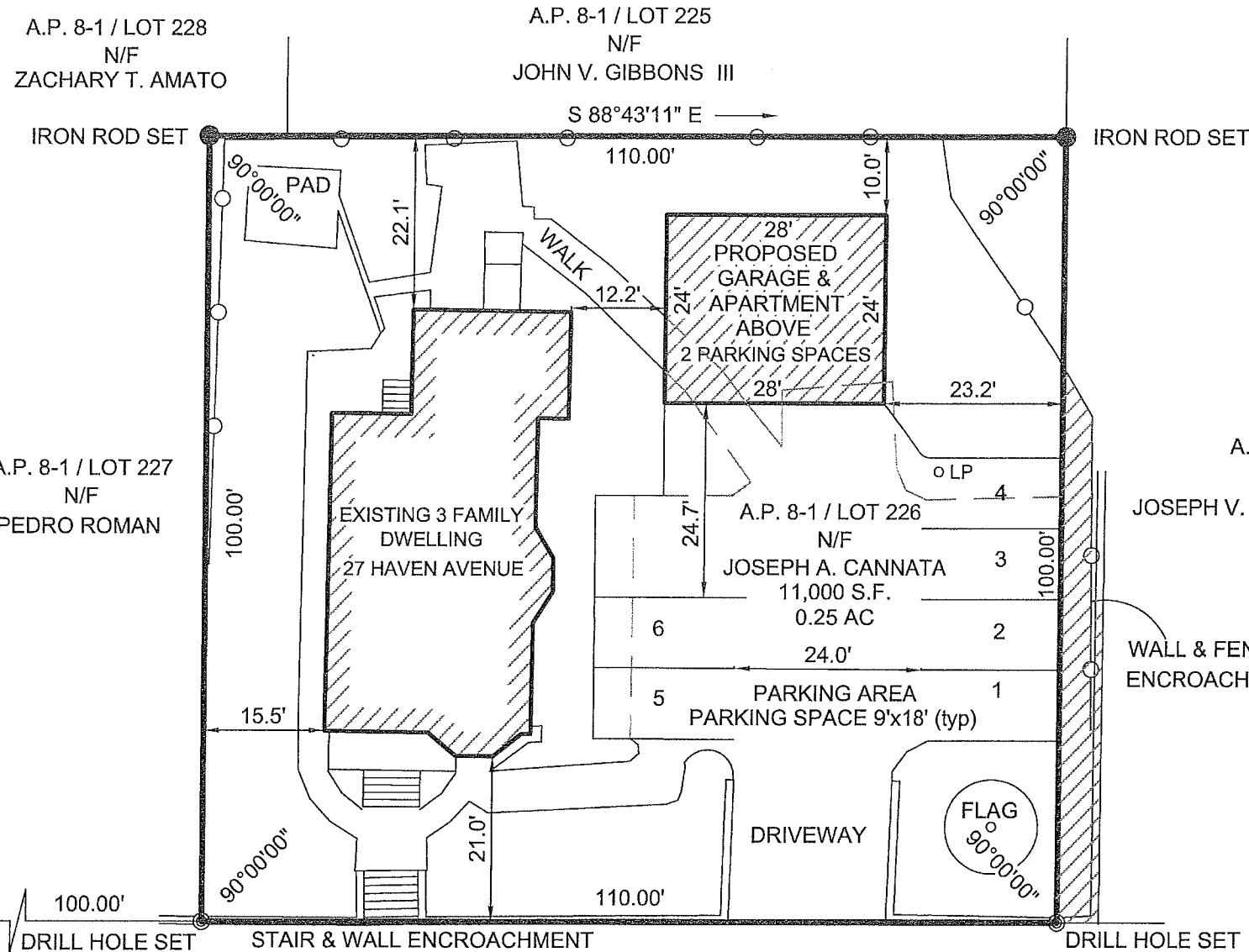
PREPARED BY:

OCEAN STATE PLANNERS, INC.

1255 OAKLAWN AVENUE, CRANSTON, RI 02920
PHONE: (401) 463-9696 info@osplanners.com

JOB NO. 9848 / DWG. NO. 9848 - (JNP)

GRAPHIC SCALE / 1" = 20'



MAGNETIC 11-04-20

HAVEN AVENUE

(60' PUBLIC)

SURVEY CLASSIFICATION:

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 25, 2015, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: MEASUREMENT SPECIFICATION:

LIMITED CONTENT BOUNDARY SURVEY CLASS I

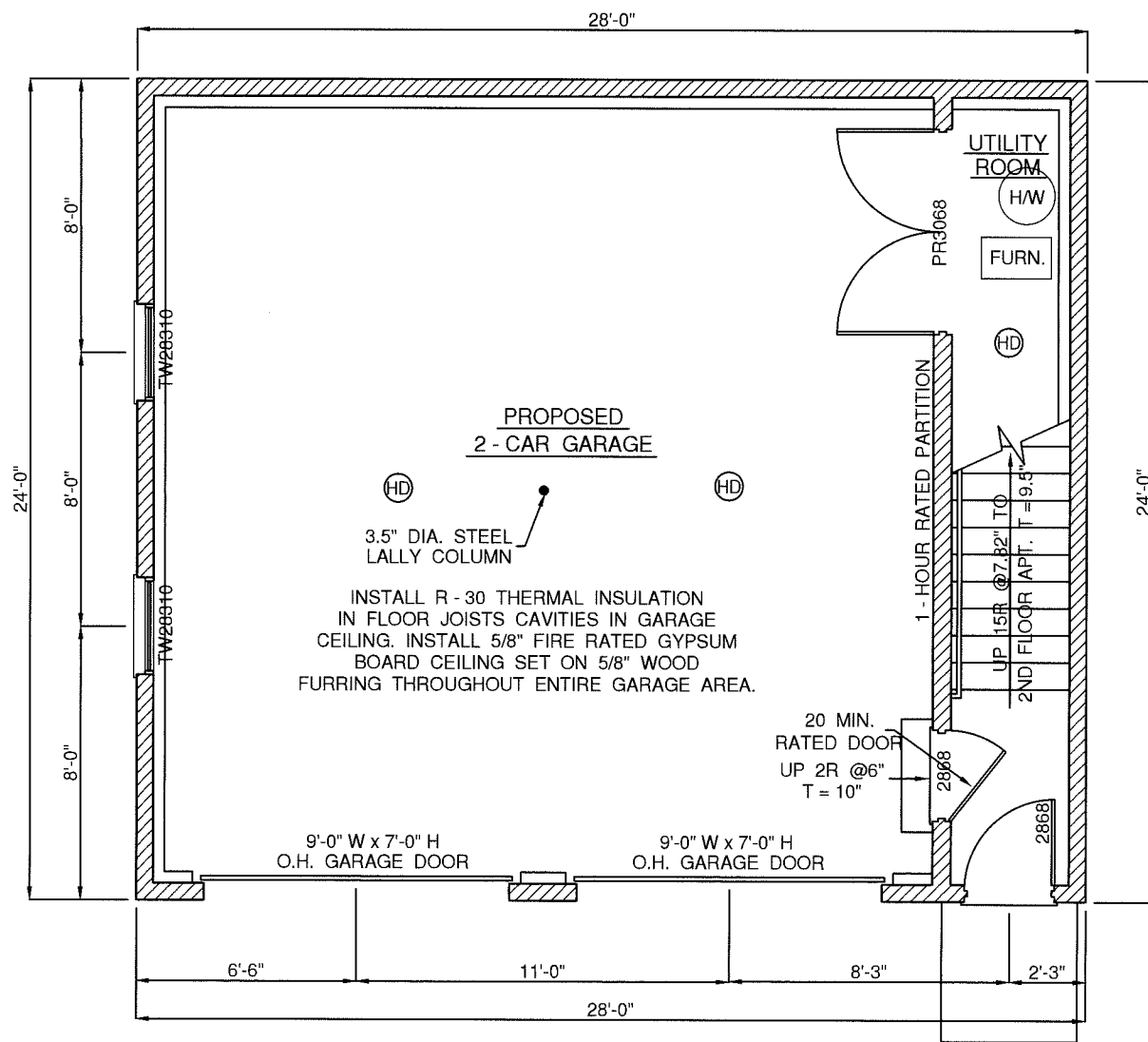
THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:

TO ESTABLISH AND STAKE RECORD BOUNDARY LINES FOR PROPOSED BUILDING.

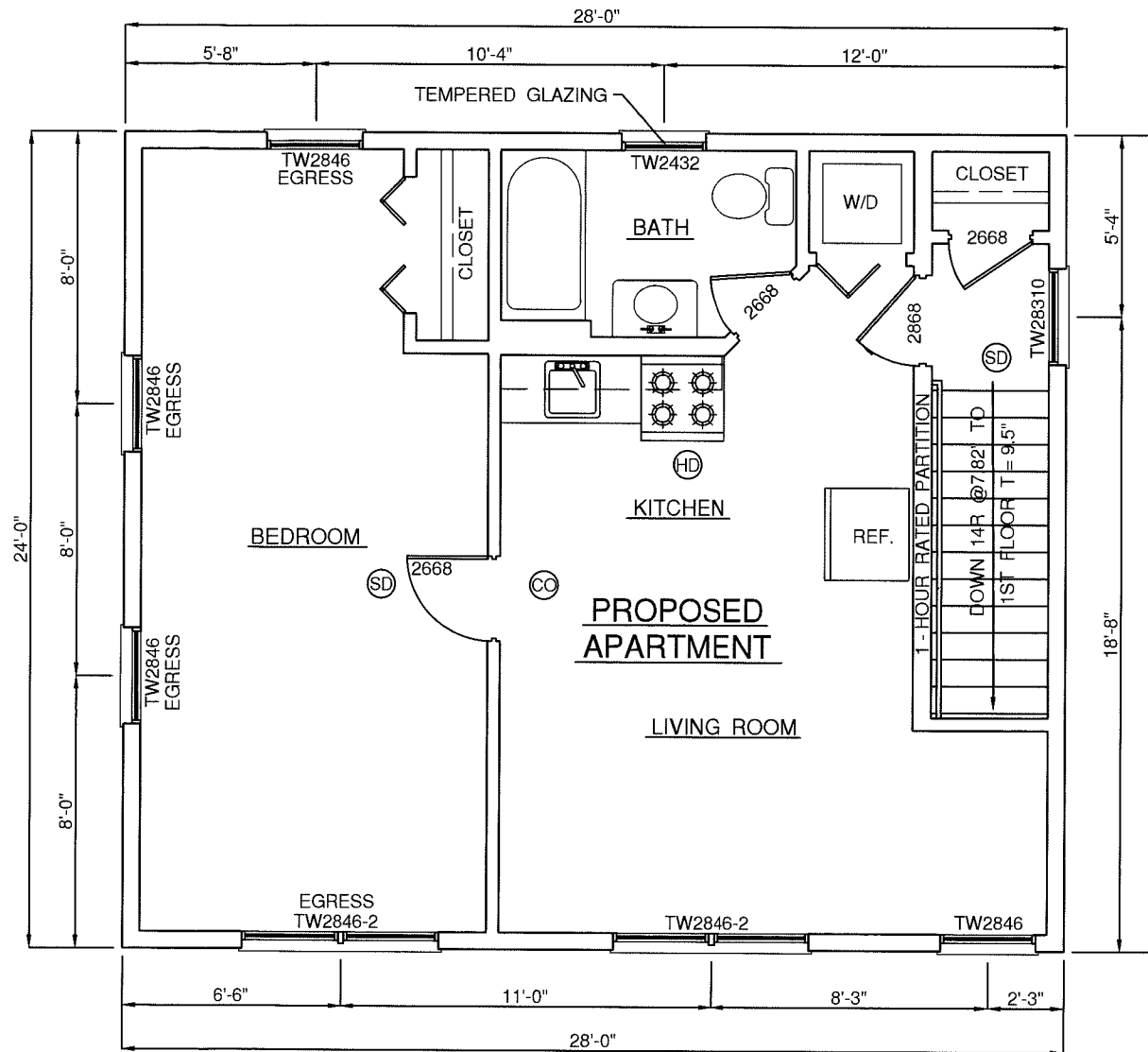
BY: *[Signature]* DATE: 12/22/20

BY: RICHARD T. BZDYRA, PLS; LICENSE #1786; COA # LS-A60

[Handwritten Signature]



PROPOSED FIRST FLOOR PLAN
SCALE : 3/16" = 1'-0"



PROPOSED SECOND FLOOR PLAN
SCALE : 3/16" = 1'-0"

Project :

PROPOSED 28' x 24' 2 - STORY FREE - STANDING
STRUCTURE w / 2 - CAR GARAGE AT GRADE LEVEL
& 1 - BEDROOM APARTMENT ABOVE

27 HAVEN AVENUE
CRANSTON, R.I.

Greg W. Bagian
(401)-464-2601

Date : 12/15/20

Scale : As Noted

Drawn by : GB

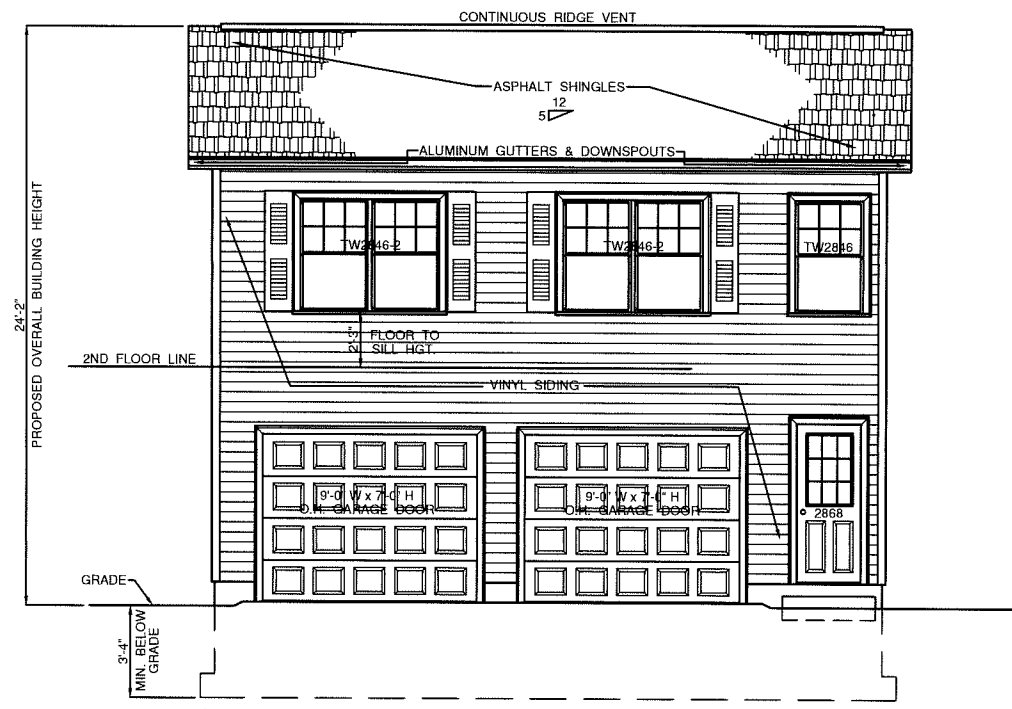
A.P. : 8-1

Lot No. : 226

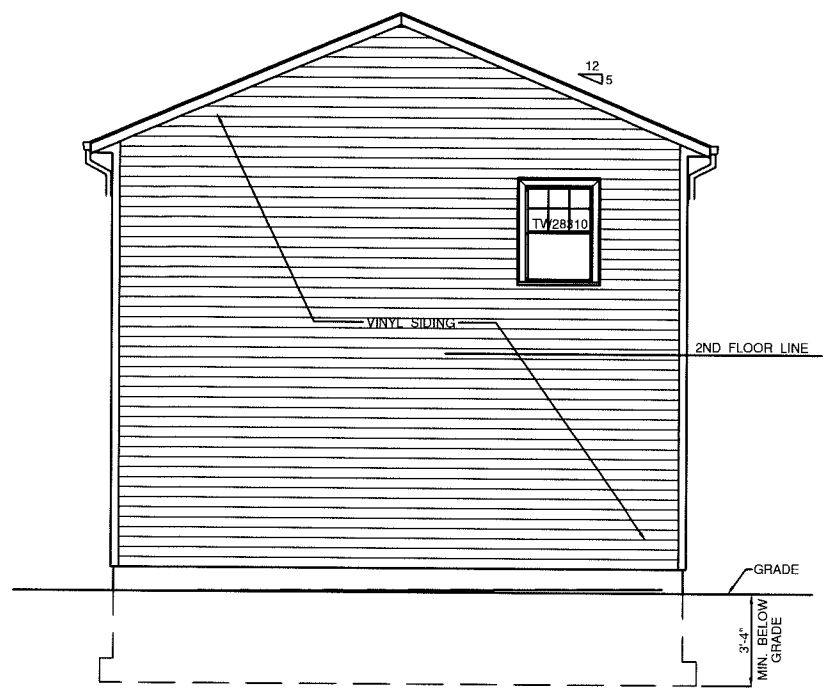
Drawing No. :

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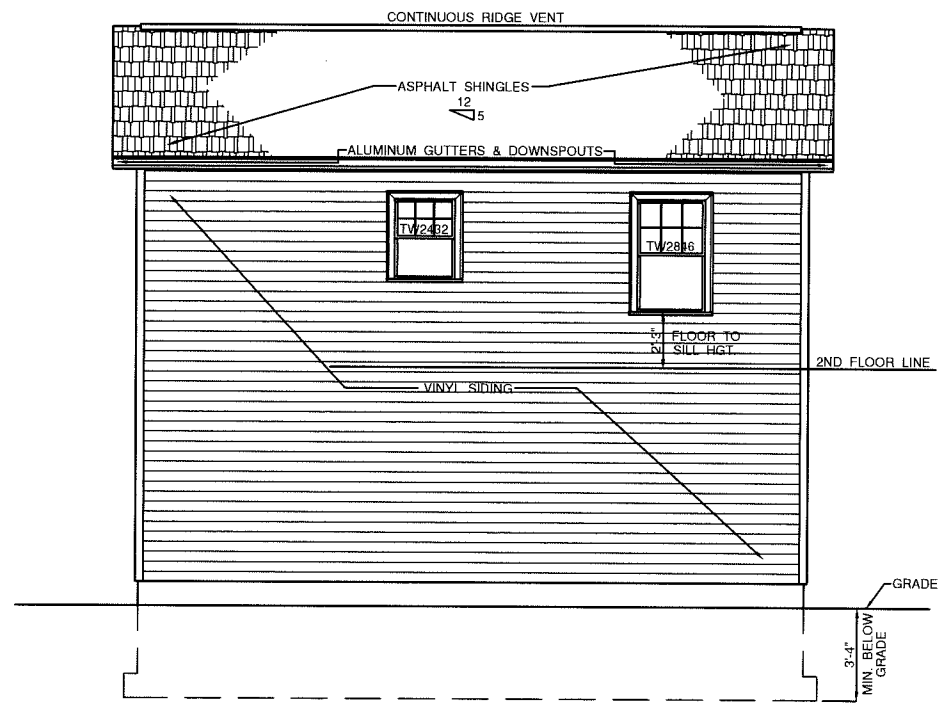
1 OF 2 DWGS.



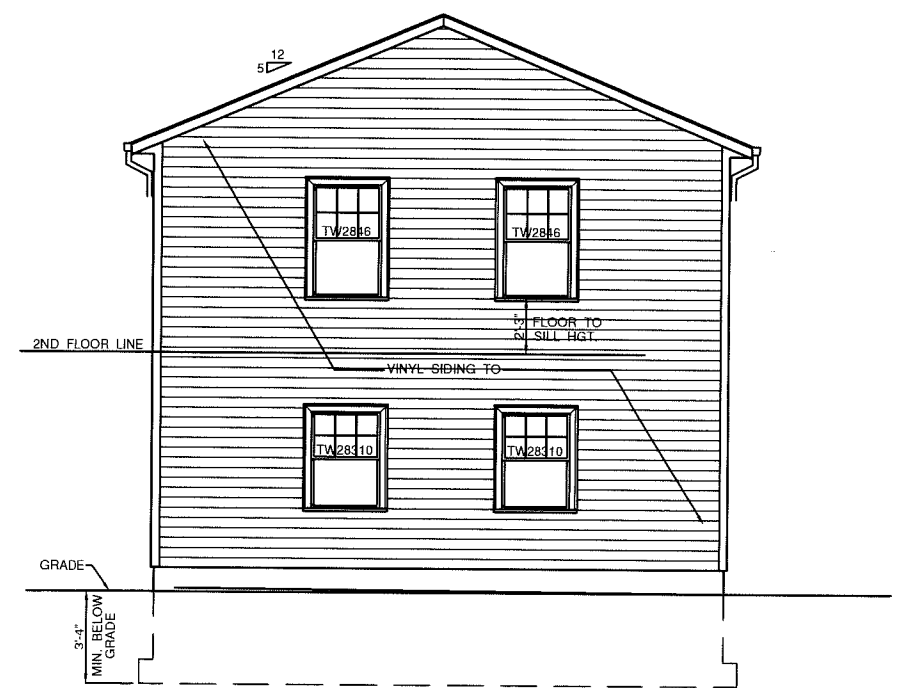
PROPOSED SOUTH (FRONT) ELEVATION
 (FACING HAVEN AVENUE)
 SCALE : 1/8" = 1'-0"



PROPOSED EAST (RIGHT SIDE) ELEVATION
 SCALE : 1/8" = 1'-0"



PROPOSED NORTH (REAR) ELEVATION
 SCALE : 1/8" = 1'-0"



PROPOSED WEST (LEFT SIDE) ELEVATION
 SCALE : 1/8" = 1'-0"

Project :

**PROPOSED 28' x 24' 2 - STORY FREE - STANDING
 STRUCTURE W / 2 - CAR GARAGE AT GRADE LEVEL
 & 1 - BEDROOM APARTMENT ABOVE**
**27 HAVEN AVENUE
 CRANSTON, R.I.**

Greg W. Bagian
 (401)-464-2601

Date : 12/15/20

Scale : As Noted

Drawn by : GB

A.P. : 8-1

Lot No. : 226

Drawing No. :

2

2 OF 2 DWGS.