

October 31, 2024

To: Cranston Planning Department
c/o Jonas Bruggemann

SENT VIA EMAIL ONLY

From: Conley Law & Associates

Re: 9 Colwell Street, Applicant: Scott Aceto

PROJECT NARRATIVE

This is an application for a proposed minor subdivision with zoning relief submitted under Unified Development Review. The existing residence on the subject lot is a 2-family home which was built in or around 1924. The home has been in the owner/applicant's family for many years and holds great sentimental value. The plan for the existing home is to simply maintain it in its present state. The home sits on a 10,000 square foot lot in a B-1 zone. The existing building footprint is approximately 1,075 square feet.

The project proposes to subdivide the lot in half, resulting in the creation of two (2) 5,000 square foot lots. On the proposed newly-created vacant lot, the project proposes the construction of a single-family home.

The requested zoning relief is as follows:

Lot area:

- 5,000 square feet where 6,000 square feet is required for the proposed single-family home (relief of 1,000 square feet or 17%)
- 5,000 square feet where 8,000 square feet is required for the existing two-family home (relief of 3,000 square feet or ~37%)

Frontage:

- 50 feet where 60 feet is required on both lots (relief of 10 feet or 17%) – on both proposed lots

Existing nonconformity – front yard setback:

- The existing two-family home has a front yard setback of 8.8 feet where 25 feet is required. However, no additional relief is requested as a result of this proposed subdivision and the encroachment into the setback area will not be increased by nature of the proposed project. The existing nonconformity of the front yard setback has existed for approximately 100 years, and pre-dates the relevant zoning code requirements. Accordingly would present a significant hardship to require the existing home to comply with the 25 foot setback requirement, and we would request that the existing nonconformity be converted to a dimensional variance should this application be approved.
- The proposed new home will comply with all front and side setback requirements.

The project will comply with all parking requirements, as demonstrated by the plans.

Dimensional Variance Standards:

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 is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16).
 - a. With regard to the lot area variance request, the unique characteristics of the subject land are such that the lot is well-positioned to be subdivided into two equal-sized 5,000 square foot lots, due to the positioning of the existing home at the corner of the lot. The existing home is set close to the street and the far side of the lot, which creates a layout ideal for increasing housing in an otherwise irregularly large side yard area. The proposed subdivision would help to center the existing house on its new lot, which is more aesthetically ideal.
2. The hardship is not the result of any prior action of the applicant.
 - a. The lot and existing home have existed in their current state for approximately 100 years, the existing lot has not been developed beyond the construction of the original, presently existing home.
3. 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.
 - a. The subdivision will result in two lots that are of a similar size and width as those observed in the vicinity, therefore, the resulting lots would be consistent with the general character of the surrounding area. No negative effect on the neighborhood character will result. Significantly, the proposed new residence will be built to comply with all relevant side setback requirements, so there will be no negative impact on neighboring properties.
4. The hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the proposed property is 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 is not grounds for relief.
 - a. In a B-1 zone, the Cranston Zoning code lists single-family dwellings and two-family dwellings as permitted uses by right. The surrounding area currently consists of a mix of single and two-family dwellings, in accordance with the intended zoning. If the dimensional variances are not granted, it will amount to more than a mere inconvenience because the relief sought is minimal to allow the addition of another home in the area. A single-family home on a subdivided lot will enhance the area by providing another opportunity for home ownership in a way that does not substantially increase density.


This project is consistent with the Cranston Comprehensive Plan. As noted above, the Comprehensive Plan designates the B-1 zoning district as appropriate for single and two-family residential development. The proposed continued use of the existing home as a two-family home and the proposed use of a new single-family home are consistent with the Comprehensive Plan. In addition, this project is consistent with several of the goals outlined in the Comprehensive Plan.

For example, Housing Goal 4 notes a goal to “promote housing opportunity for a wide range of household types and income levels.” The addition of a new single-family home in the neighborhood creates a new housing opportunity for a family, in an area with mixed single and multi-family residences. Housing Policy 4.1 indicates a goal to “Maintain a varied housing stock, with units of different age, size and type that are affordable to a wide range of incomes.” The addition of a new single-family dwelling next to the 1924 two-family home is a great example of incorporating a varied housing stock with units of different ages, sizes and types within a cohesive neighborhood area.

The goal of this project is to increase housing availability in a desirable neighborhood in Cranston in a way that preserves the existing 100-year-old property and fits in with the surrounding area. We look forward to presenting this application for a subdivision with the appropriate related zoning relief.

Please do not hesitate to reach out at any time if we can provide any additional information.

Sincerely,



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Submitted on behalf of Scott Aceto