

A meeting of the Cranston Zoning Board of Review was called to order in Cranston City Hall Council Chambers by Chairperson Christopher E. Buonanno on **Wednesday June 8, 2022 at 6:33 pm**. Also present were Joy Montanaro, Dean Perdikakis, Carlos Zambrano 1st Alternate Craig Norcliffe

OLD BUSINESS:

APPEAL OF A NOTICE OF VIOLATION DATED MARCH 25, 2022 ISSUED BY THE CITY OF CRANSTON BUILDING OFFICIAL REGARDING A USE NOT PERMITTED IN A RESIDENTIAL ZONE. APPEAL TAKEN IN ACCORDANCE WITH THE CITY OF CRANSTON MUNICIPAL CODE TITLE 17, SECTION 17.116.010- APPEAL POWERS. SUBJECT PROPERTY LOCATED 1231 HOPE ROAD, A.P. 30, LOT 68, AREA 18.23 AC., ZONED A80; ADELAIDE KNIGHT TRUSTEE (OWN), GREENWICH WOOD PRODUCTS/ MIKE HENDERSHOT (APPELLANT).

ON A MOTION BY MS. MONTANARO AND SECONDED BY MR. NORCLIFFE, THE BOARD UNANIMOUSLY VOTED TO CONTINUE THE MATTER TO THE AUGUST 10, 2022 MEETING.

PARK AVENUE REALTY, INC. (OWN) and NICO BELLA CRANSTON, LLC. (APP) have applied to operate a restaurant in an industrial zone with reduced lot area at **1350 Park Avenue**, A.P. 11, lot 1768, area 14,748 s.f., zoned M1. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.030- Schedule of Uses; 17.20.120- Schedule of Intensity Regulations; 17.72.010- Signs. Application filed 4/13/2022. Stephen A. Izzi, Esq.

ON A MOTION BY MS. MONTANARO, AND SECONDED BY MR. PERDIKAKIS , THE BOARD UNANIMOUSLY VOTED TO CONTINUE THE MATTER TO THE JULY 13, 2022 MEETING.

NEW BUSINESS

Ward 1

BEAUSOLEIL REALTY, LLC (OWN) and SHAWN BEAUSOLEIL (APP) have applied to the Board to allow a recycling facility for asphalt and concrete materials at **330 Station Street**, A.P. 3, lot 1717; area 40,210 s.f; zoned M2. Applicants seek relief per Section 17.92.020-Special Use Permit. Application filed 3/17/2022. Stephen Levesque, Esq.

THIS APPLICATION WAS WITHDRAWN WITHOUT PREJUDICE BY THE APPLICANT

Ward 4

ROBIN A. LETTERLE (OWN) and GREGORY J. DiZOGGIO (APP) have filed an application to allow a garage addition built without benefit of permit and cited for violations encroaching into front and side yard setbacks at **97 Amanda Street**, A.P. 18, lot 1501; area 8,000 s.f; zoned A8. Applicants seek relief per Section 17.92.010- Variances; Section 17.20.120-Schedule of Intensity Regulations. Application filed 5/4/2022. David A. Ursillo, Esq.

On a motion made by Mr. Norcliffe and seconded by Ms. Montanaro, the Board voted 4-1 to Approve this application with conditions. Mr Zambrano voted Nay.

CONDITIONS:

Prior to the issuance of a building permit, applicant shall provide the building official with all applicable approvals from the Department of Environmental Management concerning the construction of the structure that is the subject matter of this zoning approval in proximity to the wetland buffer; or, in the alternative, a determination in writing from the Department of Environmental Management of non-jurisdiction for the project or a determination of no significant impact to the site.

The Board made their decision based on the following findings of fact:

1. The rear lot line of the subject parcel (AP 18, Lot 1501) lies approximately 5 feet from the Meshanticut Brook.
2. The applicant constructed a garage addition without securing a building permit and/or variances that encroaches 15.5 feet into the 25-foot front setback and 0.5 feet into the 5-foot side setback. The applicant was later cited for the violation and now seeks relief.
3. The garage's elongated design, intended to limit the side setback encroachment, allows for two cars to be parked in-line. As a result, however, the garage protrudes roughly 15 feet beyond the house's façade, encroaching into the front setback by a similar amount.
4. The applicant opted not to shift the garage addition further back on the property due to concerns over connecting the garage to the house, extending the driveway, and not encroaching nearer to the brook in the rear. However, several encroachments already exist in the rear of the property, which is in the floodplain as well as the floodway – most notably a shed located directly against the rear property line, but also the large amount of paved area. The applicant did not provide documentation from RIDEM regarding these improvements with its application.
5. All but one of the houses within a 400-foot radius of the subject parcel have attached single-car garages, including the house located on the subject parcel (which has been retained in addition to the recent construction of the two-car garage). Of these, only one garage is not flush with the façade of the house; it protrudes by roughly six feet and encroaches only 2 feet into the front setback.
6. The applicant testified and acknowledged that he once had a contractor's license and should have obtained a permit.
7. There was written submission both for and against the application
8. At the Hearing, The site plan showed the construction of the structure within 5 feet of a wetlands buffer and the testimony of the applicant was that he hired an expert to flag the wetlands but did not submit anything to DEM. The Board found this to be an issue which it conditioned approval upon
9. The building official stated that if a permit was issued, the applicant would have to comply with all applicable building codes including special fire rated walls because of the proximity to the property line

In this case, applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is due to the unique characteristics of the property, and is not due to a physical or economic disability of the applicant, that the hardship does not result primarily from the desire of the applicant to realize greater financial gain, will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan. In granting a variance the subject land the Applicant met the requirements of the Zoning Code relief per Section 17.92.010, Section 17.20.120- Schedule of Intensity Regulations.

Ward 5

MIN NAING (OWN/APP) has applied to the Board allow a new single-family dwelling to be constructed on an under-sized lot merged by zoning at **0 Randall Street**, A.P. 12, lot 38; area 5,000 s.f.; zoned B1. Applicants seek relief per Section 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations, 17.88.010- Substandard lots of record. Application filed 5/5/2022. Robert D. Murray, Esq.

On a motion made by Mr. Zambrano and seconded by Ms. Montanaro, the Board unanimously voted to **Approve** this application as presented to the Board.

The Board made their decision based on the following findings of fact:

1. The subject parcels (AP 12, Lots 38-39) are located on two adjacent, substandard lots (each with 50 feet of frontage and 5,000 ft² of area) which are merged to form one conforming lot of 10,000 ft² in a B-1 zone.

2. A neighborhood analysis submitted by the applicant notes that within a 400-foot radius of the subject parcels, there are 50 lots hosting single-family residential uses, and roughly half (23) of these lots are 5,000 ft² or less in size.
3. An existing single-family house located on AP 12, Lot 39 stands just over 8 feet from the front lot line and just under 6 feet from the side lot line shared between Lots 38 and 39. The house was built in 1873; it predates zoning and is a pre-existing non-conforming structure.
4. The proposed single-family house to be built on AP 12, Lot 38 would be constructed in compliance with all contemporary setbacks for the B-1 zone.
5. The Future Land Use Map (FLUM) designates the subject parcels as Single-Family Residential less than 10.89 Units/Acre. The proposed cumulative density of the proposal is 8.71 units/acre, which is consistent with the FLUM.
6. Granting relief would be generally consistent with the Comprehensive Plan Land Use Element Principle 4, which advises to “*Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life.*” (p. 34), and Housing Goal 4, to “*Promote housing opportunity for a wide range of household types and income levels.*”
7. The applicant testified about the project and there was testimony in opposition mainly concerning the proximity of the structures
8. The Board found the project to be in conformity with the neighborhood.

In this case, applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is due to the unique characteristics of the property, and is not due to a physical or economic disability of the applicant, that the hardship does not result primarily from the desire of the applicant to realize greater financial gain, will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan. In granting a variance the subject land the Applicant met the requirements of the Zoning Code relief per Section 17.92.010, Section 17.20.120- Schedule of Intensity Regulations.

Ward 5

MIN NAING (OWN/APP) has filed an application to grant relief on an existing single family dwelling encroaching into the side setback on an under-sized lot merged by zoning at **86 Randall Street**, A.P. 12, lot 39; area 5,000 s.f.; zoned B1. Applicants seek relief per Section 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations, 17.88.010- Substandard lots of record. Application filed 5/5/2022. Robert D. Murray, Esq.

On a motion made by Ms. Montanaro and seconded by Mr. Zambrano, the Board unanimously voted to **Approve** this application as presented to the Board.

The Board made their decision based on the following findings of fact:

- 1 The subject parcels (AP 12, Lots 38-39) are located on two adjacent, substandard lots (each with 50 feet of frontage and 5,000 ft² of area) which are merged to form one conforming lot of 10,000 ft² in a B-1 zone.
- 2 A neighborhood analysis submitted by the applicant notes that within a 400-foot radius of the subject parcels, there are 50 lots hosting single-family residential uses, and roughly half (23) of these lots are 5,000 ft² or less in size.
- 3 An existing single-family house located on AP 12, Lot 39 stands just over 8 feet from the front lot line and just under 6 feet from the side lot line shared between Lots 38 and 39. The house was built in 1873; it predates zoning and is a pre-existing non-conforming structure.
- 4 The proposed single-family house to be built on AP 12, Lot 38 would be constructed in compliance with all contemporary setbacks for the B-1 zone.

- 5 The Future Land Use Map (FLUM) designates the subject parcels as Single-Family Residential less than 10.89 Units/Acre. The proposed cumulative density of the proposal is 8.71 units/acre, which is consistent with the FLUM.
- 6 Granting relief would be generally consistent with the Comprehensive Plan Land Use Element Principle 4, which advises to “*Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life.*” (p. 34), and Housing Goal 4, to “*Promote housing opportunity for a wide range of household types and income levels.*”
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In this case, applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is due to the unique characteristics of the property, and is not due to a physical or economic disability of the applicant, that the hardship does not result primarily from the desire of the applicant to realize greater financial gain, will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan. In granting a variance the subject land the Applicant met the requirements of the Zoning Code relief per Section 17.92.010, Section 17.20.120- Schedule of Intensity Regulations.

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Stanley Pikul
Secretary, Zoning & Platting Boards

The meeting was adjourned at 8:45 PM
