

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 December 8, 2021 at 6:33 pm**. Also present were Dean Perdikakis, Paula McFarland, Carlos Zambrano 1st Alternate Craig Norcliffe, 2nd alternate Doug Fredette, and 4th alternate Jason Jodoin.

The Board Heard the following applications:

OLD BUSINESS

VASQUEZ PROPERTIES, LLC (OWN) and MARISELA VASQUEZ have filed an application to allow signage installed without benefit of a permit exceeding the allowable square footage to remain at **455 Reservoir Avenue** A.P. 6, lot 1011 zoned C4.

WILLIAMS I. PENEFIEL and LESBIA SANTOS (OWN/APP) Have filed an application to legalize a third living unit in an existing two family dwelling at **234 Garden Street**, A.P. 5, Lot 345; area 5,000 s.f. zone B1.

ALBERT CASALI and THE ALBERT CASALI REVOCABLE LIVING TRUST (OWN/APP) have filed an application to construct an addition encroaching into the required rear yard setback at **1776 Cranston Street**, A.P. 11, lots 275, 276; area 14,962 s.f.; zoned C5.

NEW BUSINESS

VEREIT REAL ESTATE L.P (OWN) and VOLTA CHARGING, LLC (APP) have applied to install electronic sign kiosks at 2 proposed electric vehicle charging stations at **275 Warwick Avenue**, A.P. 4, lot 2659; 7.46 ac. Area; zoned C5

VINCENT AND CHRISTINE CAPRARELLI (ON/APP) have applied to sub-divide six lots into two, leaving an existing 3 family residence on an under-sized lot at **156 Yeoman Avenue**, A.P. 12, lots 2184-2189; 8,238 s.f.; zoned A8.

VINCENT AND CHRISTINE CAPRARELLI (ON/APP) have applied to sub-divide six lots into two, to construct a single family house with reduced lot frontage at **0 Harmony Street**, A.P. 12, lots 2184-2186; 8,484 s.f. area; zoned A8

EDWARD PELLI (OWN) and UNIVERSAL REALTY, LLC (APP) have applied to sub-divide an existing lot into two; leaving an existing single family residential house on a new lot with a reduced front yard corner setbacks from a proposed future road at **1365 New London Avenue**, A.P. 18, lot 1026; 124,488 s.f.; zoned A8.

This application was continued to the January 8, 2022 meeting as requested by the applicant.

EDWARD PELLI (OWN) and UNIVERSAL REALTY, LLC (APP) have applied to sub-divide an existing lot into two; creating a new lot with less than the required frontage at **1365 New London Avenue**, A.P. 18, lot 1026; 124,488 s.f.; zoned A8

This application was continued to the January 8, 2022 meeting as requested by the applicant.

APPEAL OF THE DECISION OF THE ZONING OFFICIAL IN ACCORDANCE WITH SECTION 17.116.010.

Ward 3

KAIMANES HOME IMPROVEMENT, LLC. has filed an appeal of the decision of the Zoning Official on the legal use of two lots located at **0 Union Ave.** A.P. 7, lots 416 and 3456 area 8,000 s.f. zoned B1. Appellant disputes Zoning Certificates issued on two sub-standard lots considered to be merged under Sections 17.88.010 (B) - Contiguous Substandard Lots of Record and 17.20.090 (A)- Specific Requirements.

This application was withdrawn by the applicant.

OLD BUSINESS

Ward 2

VASQUEZ PROPERTIES, LLC (OWN) and MARISELA VASQUEZ have filed an application to allow signage installed without benefit of a permit exceeding the allowable square footage to remain at **455 Reservoir Avenue** A.P. 6, lot 1011 zoned C4. Applicant seeks relief per Sections; 17.92.010 Variance, Section 17.72.010 (C) (4) Table 17.72.010 (5) Signs. Application filed 8/11/2021 Nicholas Hemond, Esq.

On a motion made by Ms. McFarland and seconded by Mr. Perdakakis, the Board voted unanimously to **Approve** this application as presented at the meeting.

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

FINDING OF FACT:

1. The applicant installed, without permits, two (2) new internally illuminated wall signs for a real estate office that exceed the 30 ft² maximum in C-4 zoning. The sign facing Reservoir Avenue is 56 ft (28' x 2') and the sign facing Pleasant Street is 43 ft² (16' x 2'-8"). Both signs were installed without benefit of a permit.
2. A freestanding sign was also installed on an existing sign pole without benefit of a permit. The sign is 30 ft² (3' x 5' per side) which complies with zoning. However, the sign hangs over the sidewalk/right-of-way and this issue is yet to be resolved, but is not part of this variance application.
3. The wall sign facing Reservoir Avenue extends for 28' of the 30' wide building and therefore is disproportionate / oversized in relationship to the building.
4. The wall sign facing Pleasant Street has a backing with the height of 2'-8" extending several inches above and below the lettering. The backing material is dark and generally blends into the building materials (aluminum siding), but is technically part of the sign area calculation. The height of the letters appears to be less than 2'. If the backing were not included in the calculation, the sign may comply with the 30 ft² area maximum. Additionally, this side of the building facing Pleasant Street is 63' and therefore the sign is not disproportionate / oversized in relationship to the building.
5. The applicant has stated that they believe the signs are an important component of their business plan to ensure the signs are visible to pedestrians and drivers. There is no reason to believe that compliant signage would not accomplish the desired result.
6. The Comprehensive Plan calls for guidelines for signage and streetscape improvements, but does not provide detail or clear direction on what the guidelines would regulate or prohibit. In the absence of such, there are no significant inconsistencies in the proposal with the Comprehensive Plan.
7. The applicant testified about her business and there were no objectors to the application.

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, and is the least relief necessary. In granting a variance the subject land the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010, and Section 17.72.010-Signs

Ward 2

WILLIAMS I. PENEFIEL and LESBIA SANTOS (OWN/APP) Have filed an application to legalize a third living unit in an existing two family dwelling at **234 Garden Street**, A.P. 5, Lot 345; area 5,000 s.f. zone B1. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.090(A) Specific Requirements; 17.20.120 Schedule of Intensity Regulations. Application filed 9/2/21. John S. DiBona Esq.

On a motion made by Mr. Norcliffe and seconded by Ms. McFarland, the Board voted unanimously to **Approve** this application as presented at the meeting.

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

FINDINGS OF FACT:

1. City records indicate that the subject property was a legal nonconforming two-family residence as of 3/16/2009. The property was converted to a three-family dwelling sometime between that date and 7/20/2010, when city records assess the property as a three-family. There are no records of a building permit or zoning relief for the conversion.
2. The City's records show that the owner/applicant purchased the property in 2020, well after the two-family was illegally converted into a three-family.
3. The subject property is 5,000 ft². The Code requires a minimum lot area 8,000 ft² for two-family dwelling and, if three-family dwellings were an allowed use in B-1 zones, would require 14,000 ft² of lot area for the third dwelling unit.
4. The Survey Plan provided by the applicant demonstrates that there is more than sufficient existing off-street parking on-site (6 spaces are required).
5. The Comprehensive Plan Future Land Use Map (FLUM) designates the property as single/Two-Family Residential Less Than 10.89 Units/Acre. The proposed density is 26.14 units/acre. The proposed use and the proposed density are inconsistent with the FLUM.
6. There are 5 three-family, 19 two-family and 52 single-family dwellings within a 400' radius. The average lot area of the 5 three-family homes is 5,165 ft² although 4 of the 5 are 5,000 ft². The legalization of a third dwelling unit would not be out of character with the surrounding area.
7. The Cranston Comprehensive Plan's Housing Element supports the development of housing stock in Eastern Cranston. This proposal does not create sprawl and requires no environmental disturbance or extension of roadways or utilities and is therefore generally consistent with smart growth policies.
8. The proposal is consistent with several policies in the Comprehensive Plan, including but not limited to HG-4, HP-4.1, HP-4.6 and other excerpts addressing the inconsistency between zoning and existing lots of record. Specifically, the Comprehensive Plan HA-5 on page 70 recommends the city "Enable existing nonconforming two and three-family unit dwellings to be modified, maintained and improved within the existing neighborhoods."
9. There is no reason to suggest that the third dwelling unit has been or would have a negative impact on the neighborhood.
10. The applicant testified about the application and there were no objectors to the application

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, and is the least relief necessary. In granting a variance the subject land the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010, and Sections 17.20.120-Schedule of Intensity Regulations, Sections 17.20.090(A) Specific Requirements.

Ward 5

ALBERT CASALI and THE ALBERT CASALI REVOCABLE LIVING TRUST (OWN/APP) have filed an application to construct an addition encroaching into the required rear yard setback at **1776 Cranston Street**, A.P. 11, lots 275, 276; area 14,962 s.f.; zoned C5. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations; Application filed 10/12/2021. John S. DiBona, Esq.

Chairman Buonanno recused himself from this matter citing a conflict as an abutter's representative. Ms. McFarland chaired this application.

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

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

FINDINGS OF FACT:

1. The applicant is proposing to construct a 25 ft X40 ft (total 1,000 sqft) single-story addition to the rear of an existing 2,750 sqft commercial building in a C-5 zone. The proposed addition encroaches 10 feet into the 20 foot setback.
2. The existing use of the building (retail liquor store) is consistent with the zoning provision of C-5 zone and the Comprehensive Plan Future Land Use Map designation of Neighborhood Commercial/Services.
3. The property to the rear of the subject property is owned by the State of Rhode Island and is utilized as an existing bike path. It should be noted that the edge of the actual paved bike path is approximately 40 feet from the edge of the subject property (with existing vegetation between the path and property line) and approximately 50 feet from the proposed addition. The proposed addition does not appear to create an aesthetic or massing concern from the perspective of users of the bike path.
4. The private property nearest to the proposed addition is directly to the south and is occupied by a non-conforming, multi-family residential structure within a C-5 zone (Highway Commercial).
5. The applicant has revised their site plan to remove all proposed parking spaces from the abutting state property. All proposed improvements and required parking spaces are being maintained on the subject property owned by the liquor store.
6. The existing building plus proposed additions totals 3,760 sqft of building area, which results in a requirement of 13 parking spaces.
The total amount of required parking spaces for this proposal is 13 space. The applicant is showing a total of 18 parking spaces located entirely on the subject property, therefore the applicant has provided more parking than required by code.
7. The Cranston Comprehensive Plan's Future Land Use Map designates the subject parcels as "Neighborhood Commercial/Services". The proposed use and density of the proposed addition is in conformance with the Future Land Use Map.
8. The applicant testified about the proposal and there were no objections to the application.

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, and is the least relief necessary. In granting a variance the subject land the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010, and Sections 17.20.120-Schedule of Intensity Regulations

Ward 1

VEREIT REAL ESTATE L.P (OWN) and VOLTA CHARGING, LLC (APP) have applied to install electronic sign kiosks at 2 proposed electric vehicle charging stations at **275 Warwick Avenue**, A.P. 4, lot 2659; 7.46 ac. Area; zoned C5. Applicant seeks relief per Section 17.92.010-Variance; 17.72.010 (6) - Signs. Application filed 10/26/2021. Edward D. Pare, Jr., Esq.

On a motion made by Ms. McFarland and seconded by Mr. Perdakakis, the Board voted unanimously to **Approve** this application **with conditions** as presented at the meeting.

CONDITIONS:

1. Screens shall have a minimum of 15 second change rate.
2. No animation / static display only
3. Lighting to dim at dusk
4. Display and charging operable only during store hours.

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

FINDINGS OF FACT:

1. The applicant proposes to install two new monument-style electric vehicle charging stations in the Stop & Shop parking lot which trigger relief from use requirements within Section 17.20

(Permitted Uses) of the zoning code as well as dimensional requirements within Section 17.72 (Signs) of the zoning code.

2. The applicant itemized specific relief requests in their application form, namely the following elements:
 - Permitted Uses (Sections 17.20.010 and 17.20.030)
 - Electric vehicle charging stations are not named as a permitted use in the Schedule of Uses for the C-5 zone. The applicant argues that the charging stations should be considered full-service fuel stations, which is a permitted use in the C-5 zone.
 - Signs (Sections 17.72.010 and 17.72.010(6))
 - The charging units, by virtue of their built-in LED screen to be used for advertising, also function as monument signs; the height of the units (7 feet) exceeds the 4-foot maximum height allowed for monument signs in a C-5 zone. Additionally, animated LED signs are not explicitly allowed under the zoning code.
3. The applicant clarified that the animated LED signage component of the charging units would display static images. The LED screens would be backlit, similarly to flat-screen televisions.
4. The Board reviewed the written documentation submitted by the applicant.

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, and is the least relief necessary. In granting a variance the subject land the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010, and Section 17.72.010 (6) -Signs

Ward 5

VINCENT AND CHRISTINE CAPRARELLI (ON/APP) have applied to sub-divide six lots into two, leaving an existing 3 family residence on an under-sized lot at **156 Yeoman Avenue**, A.P. 12, lots 2184-2189; 8,238 s.f.; zoned A8. Applicant seeks relief per Section 17.92.010- Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.20.090 (A) - Specific Requirements. Application filed 10/28/2021. Joseph A. Sciacca, Esq

On a motion made by Mr. Norcliffe and seconded by Mr. Perdakakis, the Board voted unanimously to **Approve** this application as presented at the meeting.

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

FINDINGS OF FACT:

1. The property has an existing legal nonconforming three-family residence, consistent with a Zoning Certificate issued by the City on 11/5/21.
2. The total area of the 6 subject lots is 16,722 ft². The Code requires a minimum lot area 8,000 ft² in A-8 zoning. Proposed Lot A is 8,238 ft² and Lot B is 8,484 ft², however, because Lot A is host to an existing three-family dwelling it requires a minimum of 14,000 ft².
3. The new proposed lot line dividing Lot A from Lot B creates a 10' encroachment of the existing residence into the 20' rear yard setback on Lot A. However, the "rear" of the dwelling acts more as a side yard to Lot B, and side yards only require a 10' setback in A-8 zones.
4. Relief for the existing three-family use is not required, despite relief being required for the reduction of lot area. The three-family is a legal nonconforming use and there is no proposed change to the use as part of the application.
5. The new single family residence would be consistent with the character of the neighborhood which consists of single and two-family residences.
6. The east side of proposed Lot B abuts an unimproved right-of-way, Woodside Street. It is unlikely that this right-of way will be built to public street standards based on the anticipated cost

of extending the roads and utilities to the unimproved parcels. If it does get built, it would add street frontage and thereby bring the parcel into conformity.

7. The Cranston Comprehensive Plan's Housing Element supports the development of housing stock in Eastern Cranston. This proposal does not create sprawl, requires very minimal disturbance with only a minor extension of water utilities.
8. The Comprehensive Plan Future Land Use Map (FLUM) designates the property as Single-Family Residential 7.26 to 3.64 Units/Acre. The proposed density is 10.42 units/acre. The proposed density is inconsistent with the FLUM. However, it is the existing three-family dwelling that causes the inconsistency. The proposed new lot has a proposed density of 5.13 units/acre, which is consistent with the FLUM.
9. Relief would have a positive impact in the City. Cranston has a significant housing shortage and this unit would be consistent with the Comprehensive Plan goals of creating housing stock and housing choices in the city, specifically infill units in Eastern Cranston.
10. The proposal is consistent with several policies in the Comprehensive Plan, including but not limited to HG-4, HP-4.1, HP-4.6 and other excerpts addressing the inconsistency between zoning and existing lots of record. HA-5 on page 70 recommends the city "Enable existing nonconforming two and three-family unit dwellings to be modified, maintained and improved within the existing neighborhoods."
11. There is no reason to suggest that the reduced land area for the three-family dwelling would have a negative impact on the neighborhood. The land that would become Lot B is currently vegetated and appears largely unused by the current residents, except for some additional parking and a very small garden area, so the conveyance of this area to create a new lot does not significantly impact the existing conditions on Lot A.
12. The Code requires 6 parking spaces and also requires parking for multifamily uses to allow vehicles to enter and exit in a forward motion. The plan shows 6 spaces are provided.
13. The applicant testified about the application and the legal standards for granting a variance.
14. There were no objectors to this application

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, and is the least relief necessary. In granting a variance the subject land the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010, and Sections 17.20.120-Schedule of Intensity Regulations, Sections 17.20.090(A) Specific Requirements.

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

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

FINDINGS OF FACT:

1. The property has an existing legal nonconforming three-family residence, consistent with a Zoning Certificate issued by the City on 11/5/21.
2. The total area of the 6 subject lots is 16,722 ft². The Code requires a minimum lot area 8,000 ft² in A-8 zoning. Proposed Lot A is 8,238 ft² and Lot B is 8,484 ft², however, because Lot A is host to an existing three-family dwelling it requires a minimum of 14,000 ft².
3. The new proposed lot line dividing Lot A from Lot B creates a 10' encroachment of the existing residence into the 20' rear yard setback on Lot A. However, the "rear" of the dwelling acts more as a side yard to Lot B, and side yards only require a 10' setback in A-8 zones.
4. Relief for the existing three-family use is not required, despite relief being required for the reduction of lot area. The three-family is a legal nonconforming use and there is no proposed change to the use as part of the application.
5. The new single family residence would be consistent with the character of the neighborhood which consists of single and two-family residences.
6. The east side of proposed Lot B abuts an unimproved right-of-way, Woodside Street. It is unlikely that this right-of way will be built to public street standards based on the anticipated cost of extending the roads and utilities to the unimproved parcels. If it does get built, it would add street frontage and thereby bring the parcel into conformity.
7. The Cranston Comprehensive Plan's Housing Element supports the development of housing stock in Eastern Cranston. This proposal does not create sprawl, requires very minimal disturbance with only a minor extension of water utilities.
8. The Comprehensive Plan Future Land Use Map (FLUM) designates the property as Single-Family Residential 7.26 to 3.64 Units/Acre. The proposed density is 10.42 units/acre. The proposed density is inconsistent with the FLUM. However, it is the existing three-family dwelling that causes the inconsistency. The proposed new lot has a proposed density of 5.13 units/acre, which is consistent with the FLUM.
9. Relief would have a positive impact in the City. Cranston has a significant housing shortage and this unit would be consistent with the Comprehensive Plan goals of creating housing stock and housing choices in the city, specifically infill units in Eastern Cranston.
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11. There is no reason to suggest that the reduced land area for the three-family dwelling would have a negative impact on the neighborhood. The land that would become Lot B is currently vegetated and appears largely unused by the current residents, except for some additional parking and a very small garden area, so the conveyance of this area to create a new lot does not significantly impact the existing conditions on Lot A.
12. The applicant testified about the application and the legal standards for granting a variance.
13. There were no objectors to this application

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, and is the least relief necessary. In granting a variance the subject land the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010, and Sections 17.20.120-Schedule of Intensity Regulations

Ward 4

EDWARD PELLI (OWN) and UNIVERSAL REALTY, LLC (APP) have applied to sub-divide an existing lot into two; leaving an existing single family residential house on a new lot with a reduced front yard corner setbacks from a proposed future road at **1365 New London Avenue**, A.P. 18, lot 1026; 124,488 s.f.; zoned A8. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.20.090 - Specific Requirements Application filed 11/9/2021. Robert D. Murray, Esq

This application was continued to the January 8, 2022 meeting as requested by the applicant

Ward 4

EDWARD PELLI (OWN) and UNIVERSAL REALTY, LLC (APP) have applied to sub-divide an existing lot into two; creating a new lot with less than the required frontage at **1365 New London Avenue**, A.P. 18, lot 1026; 124,488 s.f.; zoned A8. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations; Application filed 11/9/2021. Robert D. Murray, Esq

This application was continued to the January 8, 2022 meeting as requested by the applicant

APPEAL OF THE DECISION OF THE ZONING OFFICIAL IN ACCORDANCE WITH SECTION 17.116.010.

Ward 3

KAIMANES HOME IMPROVEMENT, LLC. has filed an appeal of the decision of the Zoning Official on the legal use of two lots located at **0 Union Ave.** A.P. 7, lots 416 and 3456 area 8,000 s.f. zoned B1. Appellant disputes Zoning Certificates issued on two sub-standard lots considered to be merged under Sections 17.88.010 (B) - Contiguous Substandard Lots of Record and 17.20.090 (A)- Specific Requirements. Application filed 11/9/2021. John J. Garrahy, Esq.

This application was withdrawn by the applicant.

**Stanley Pikul
Secretary, Zoning & Platting Boards**

The meeting was adjourned at 9:30 PM
