

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 February 14, 2024, at 6:35 pm**. Also present were Joy Montanaro, Dean Perdikakis, Ivy Swinski, Carlos Zambrano, and 3<sup>rd</sup> alternate Frank Corrao III

The following matters were heard before the Board:

### OLD BUSINESS

#### Ward 6

**DOMAIN REALTY, LLC (OWN/APP)** has applied to the Board to construct a new free-standing sign within the required setbacks from the street(s) and within the area required as to not impede corner visibility; and to waive the required Development Review Process for the site at **846 Oaklawn Avenue**, A.P. 15, lot 361; area 15,490 s.f. zoned C3. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.100(A)- Corner Visibility; 17.72.010- Signs; 17.84, et seq- Development Plan Review. Application filed 7/06/2023. Joseph P. Carnevale, Esq.

On a motion made by Mr. Perdikakis and seconded by Mr. Zambrano, this matter was unanimously voted on to be continued to the April 10, 2024 meeting at the request of the applicant.

### APPEAL OF THE DECISION OF THE BUILDING OFFICIAL

AN APPEAL HAS BEEN TAKEN IN ACCORDANCE WITH THE CITY OF CRANSTON MUNICIPAL CODE TITLE 17, SECTION 17.116.010- APPEAL POWERS FOR THE SUBJECT PROPERTY LOCATED AT **846 Oaklawn Avenue**, A.P 15, lot 361. The Building Official has determined that a proposed sign does not meet the required setbacks, height, or area for the C3 zone as required by 17.72.010 (4)- Signs. The sign base constructed without benefit of permit has been determined to encroach into the required corner visibility area and impede vision as indicated in 17.20.100 (A)- Corner visibility Application filed 9/13/2023. Joseph P. Carneval, Esq.

On a motion made by Mr. Zambrano and seconded by Mr. Perdikakis, this matter was unanimously voted on to be continued to the April 10, 2024 meeting at the request of the applicant.

### NEW BUSINESS

### NEW BUSINESS

#### Ward 1

**DEVIN BELIVEAU (OWN/APP)** has filed an application to request permission to unmerge two lots and to leaving an existing single-family home on an under-sized lot with reduced front and side setbacks at **15 Piedmont Street**, A.P. 4, lot 1415 (A.K.A. Parcel B), area 4,500 sf, zoned A6. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations. Application filed 2/5/2024. Joseph Brennan, Esq.

On a motion made by Mr. Perdikakis and seconded by Ms. Swinski, this matter was unanimously approved as presented to the Board on March 13, 2024.

The Board made the following findings of fact:

- The property and the surrounding area are residential in nature and the request does not propose or encourage incompatible uses that would be disruptive to the surrounding area.
- The proposed use (single-family residential) is consistent with the Comprehensive Plan.
- That although the proposed density (9.68 units/acre) is greater than the Future Land Use Map density designation of *Single Family Residential 7.26 to 3.64 Units/Acre*, the surrounding neighborhood is built at a density that exceeds the current designation and predates the adoption of zoning.
  - 200' radius = 24 lots | 19 are ≤6,000 sq. ft.
  - 400' radius = 74 lots | 52 are ≤6,000 sq. ft.

- The Board finds that although the Application's proposed density is not directly consistent with the Future Land Use Map designation, the overall existing conditions and use compatibility give the Application an overall favorable standing.
- The applicant's attorney gave a presentation about the application and there was no public comment either for or against the project.

In this case, the Board voted to accept the staffs finding of fact and applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is not due to a physical or economic disability of the applicant, and the applicant would suffer more than a mere inconvenience if the variance were denied. The relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted and 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 Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Section 17.20.120 - Schedule of Intensity Regulations.

### Ward 1

**WALTER MARTI (OWN/APP)** has applied to the Board to request permission to unmerge two lots and to leaving an under-sized vacant lot with reduced frontage to construct a new single-family dwelling at **0 Piedmont Street**, A.P. 4, lot 1416 (A.K.A. Parcel A), area 4,500 sf, zoned A6. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations. Application filed 2/5/2024. Joseph Brennan, Esq.

On a motion made by Mr. Perdikakis and seconded by Ms. Swinski, this matter was unanimously approved **with conditions** as presented to the Board on March 13, 2024

#### CONDITION:

1. **New Single-Family Dwelling shall be a minimum 11.1ft from the right-side lot line.**

The Board made the following findings of fact:

- The property and the surrounding area are residential in nature and the request does not propose or encourage incompatible uses that would be disruptive to the surrounding area.
- The proposed use (single-family residential) is consistent with the Comprehensive Plan.
- That although the proposed density (9.68 units/acre) is greater than the Future Land Use Map density designation of *Single Family Residential 7.26 to 3.64 Units/Acre*, the surrounding neighborhood is built at a density that exceeds the current designation and predates the adoption of zoning.
  - 200' radius = 24 lots | 19 are ≤6,000 sq. ft.
  - 400' radius = 74 lots | 52 are ≤6,000 sq. ft.
- The Board finds that although the Application's proposed density is not directly consistent with the Future Land Use Map designation, the overall existing conditions and use compatibility give the Application an overall favorable standing.
- The applicant's attorney gave a presentation about the application and there was no public comment either for or against the project.
- The applicant suggested and agreed to the additional side setback condition.

In this case, the Board voted to accept the staff finding of fact and applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is not due to a physical or economic disability of the applicant, and the applicant would suffer more than a mere inconvenience if the variance were denied. The relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted and 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 Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Section 17.20.120 - Schedule of Intensity Regulations.

**Ward 5**

**KNIGHTSVILLE ENTERPRISES, LLC (OWN) and CAFFE KNIGHTSVILLE, LLC** have filed an application to construct an addition to an existing tavern / pub / neighborhood bar in the required side yard setback with reduced parking at **1669 Cranston Street**, A.P. 8, lot 391; area 6,962 sf, zoned C2. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations; 17.64.010 – Off-street parking. Application filed 2/6/2024. Christopher Maselli, Esq.

On a motion made by Mr. Perdikakis and seconded by Ms. Swinski, this matter was unanimously approved as presented to the Board on March 13, 2024

In making the decision, the Board found the following findings of fact:

**Findings of Fact:**

- The Applicant has requested specific relief in their application, namely:
  - 17.20.120 – Schedule of Intensity Regulations
  - 17.64.010 – Off-Street Parking
  - 17.88.010 – Substandard Lots of Record
  - 17.88.050 – Structural Alterations to Nonconforming Uses & Structures
  - 17.92.010 – Variances (Dimensional)
- That Off-street parking relief is sought, and an off-site parking agreement between the Applicant and a neighboring property for use as “overflow” parking. The use has (and proposes to continue as) a neighborhood pub / tavern with no known parking concerns. Staff sees no issues with this request.
- That Frontage and front yard setback requests are sought, no changes are being made to these pre-existing, non-conforming dimensions and has no issues with these requests.
- That Application is combatable with the character of the surrounding area and the request does not impose undue nuisances and is not out of character beyond any other uses on this site or within the surrounding area.
  - The property and the immediate surrounding area along Cranston Street are light and small (neighborhood) commercial in nature and the request does not propose or encourage incompatible uses that would be disruptive to the surrounding area.
  - Parking
  - The proposed use (neighborhood pub / tavern) is consistent with the Comprehensive Plan.
  - Staff finds that the Application is generally consistent with the Future Land Use Map designation.
- The Future Land Use Map (FLUM) designates the subject property as “*Neighborhood Commercial / Services.*”
  - Per the Comprehensive Plan, the C-2 zoning district is an appropriate zoning classification for neighborhood pub / tavern development.
  - Neighborhood commercial / services can be classified as small or “localized” commercial uses or establishments that serve the needs of the immediate surrounding area, rather than “destinations” with a widespread appeal.
  - The Proposal is a redevelopment / reinvestment of an existing neighborhood pub / tavern, whose development long predates zoning.
  - A neighborhood pub has long-been illustrative of catering to a small, close populace, i.e., the term “local watering hole.”
  - The Applicants attorney presented a comprehensive overview of the project and addressed all the concerns of the Board.

There was no public comment either for or against the project.

In this case, the Board voted to accept the staff finding of fact and applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is not due to a physical or economic disability of the applicant, and the applicant would suffer more than a mere inconvenience if the variance were denied. The relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted and 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 Applicant met the requirements of the Zoning Code and relief per Sections 17.92.010 Variance; Section 17.20.120 - Schedule of Intensity Regulations, 17.64.010 – Off-Street Parking.

**Ward 1**

**SOKHENG RITHY (OWN/APP)** has applied to the Board for permission to construct a new two-family dwelling on an under-sized lot and with reduced front and rear setbacks at **0 Narragansett Street**, A.P. 2, lot 672; area 6,450 sf; zoned B2. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations. Application filed 2/12/2024. John J. Garrahy, Esq.

*Due to the findings that the requests for dimensional relief are inconsistent with the goals and purposes of the Comprehensive Plan; and due to the findings that the requests would be incompatible with the character of the surrounding area; upon motion made by Mr. Frias, and seconded by Mr. Exter, the City Plan Commission voted unanimously, (8-0, Vice-President Coupe absent) to forward a **negative recommendation** on this Application to the Zoning Board of Review.*

On a motion made by Mr. Perdikakis and seconded by Ms. Swinski, this matter was unanimously approved as presented to the Board on March 13, 2024

In making the decision, the Board found the following:

**Findings of Fact:**

- The Applicant has requested specific relief in their application, namely:
  - 17.20.120 – Schedule of Intensity Regulations
  - 17.92.010 – Variances
- The Board found the application compatible with the character of the surrounding area and the request does not impose undue nuisances and is not out of character beyond any other uses on this site or within the surrounding area.
  - The property and the surrounding area are residential in nature and the request does not propose or encourage incompatible uses that would be disruptive to the surrounding area.
  - The proposed use (two-family residential) is consistent with the Comprehensive Plan.
  - The Board finds that although the proposed density (13.50 units/acre) is greater than the Future Land Use Map density designation of *Residential Less than 10.89 Units/Acre*, the surrounding neighborhood is built at a density that greatly exceeds the current designation and predates the adoption of zoning.
  - The Board finds that the Application is generally consistent with the Future Land Use Map designation.
  - The Applicants attorney and a witness presented a comprehensive overview of the project and addressed all the concerns of the Board.

There was no public comment either for or against the project.

In this case, the Board voted to accept the staff finding of fact and applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is not due to a physical or economic disability of the applicant, and the applicant would suffer more than a mere inconvenience if the variance were denied. The relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted and 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 Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Section 17.20.120 - Schedule of Intensity Regulations.

**Ward 5**

**495 INVESTMENTS, LLC (OWN/APP)** has filed an application to request permission to allow barber shop, beauty salon / body art / day spa use in an existing building zoned industrial at **495 Atwood Avenue**, A.P. 12, lot 3116; area 13,300 sf. zoned M1. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.030- Schedule of Uses. Application filed 2/14/2024. Joseph Shekarchi, Esq.

On a motion made by Mr. Zambrano and seconded by Mr. Perdikakis, this matter was unanimously voted on to be continued to the April 10, 2024 meeting at the request of the applicant

**Ward 2**

**EARLY FOUNDATION ACADAMY, LLC (OWN) and MARTHA LIMA (OWN)** have applied to the Board to expand an existing commercial day care use allowed by previous variance at **181 Princess Avenue**, A.P. 8, lot 1552; area 25,600 sf; zoned B1. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.030- Schedule of Uses; 17.88.030- Extension. Application filed 2/14/2024. Joseph Manera Jr, Esq.

On a motion made by Mr. Perdikakis and seconded by Ms. Swinski, this matter was unanimously approved as presented to the Board on March 13, 2024

In making the decision, the Board found the following:

- The Applicant has requested specific relief in their application, namely:
  - 17.20.030 – Schedule of Uses
  - 17.92.010 – Variances (Dimensional)
  - 17.20.090 – Specific Requirements
- The Board found the application compatible with the character of the surrounding area and the request does not impose undue nuisances and is not out of character beyond any other uses on this site or within the surrounding area.
  - The property and the surrounding area are residential in nature and the request does not propose or encourage incompatible uses that would be disruptive to the surrounding area.
  - The pre-school / daycare (institutional use category) is a use by-right in the B-1 zone.
  - The property is located across the street from Arlington Elementary School.
  - The Board found notes that relief is sought under §17.20.030, (Schedule of Uses), in the Application, the use, (pre-school / daycare) is by-right under said Section.
  - The Board found that relief is sought under §17.20.090, (Specific Requirements), in the Application, though there is no specific detail on the actual relief sought under said Section. Staff's review finds that the likely applicable subsections are (C) and (D), both regarding corner lots, and Staff notes that those requirements are addressed by the dimensions of this Proposal.
- The Future Land Use Map (FLUM) designates the subject property as "*Single/Two Family Residential.*"
  - Staff finds that although the Application is neither directly consistent nor inconsistent with the Future Land Use Map designation, the existing conditions and use compatibility give the Application an overall favorable standing.
  - The applicant's attorney and architect gave a presentation about the project.
  - The applicant presented a traffic engineer, Paul Bannon, who testified about the impact of the increase of the student population.
  - There was no public comment either for or against the project.

In this case, the Board voted to accept the staff finding of fact and applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is not due to a physical or economic disability of the applicant, and the applicant would suffer more than a mere inconvenience if the variance were denied. The relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted and 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 Applicant met the requirements of the Zoning Code and relief per Sections 17.92.010 Variance; 17.20.030- Schedule of Uses; Section 17.20.120 - Schedule of Intensity Regulations, 17.88.030- Extension.

**Stanley Pikul**  
**Secretary, Zoning Boards**

**The meeting was adjourned at 9:10 PM**

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