

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 14, 2023 at 6:32 pm**. Also present were Joy Montanaro, Paula McFarland, Dean Perdikakis, Carlos Zambrano, 1<sup>st</sup> alternate Craig Norcliffe, and 3<sup>rd</sup> alternate Frank Corrao III

The following matters were heard before the Board:

**Election of a Chairperson** in accordance with 17.108.030. A chairperson shall be elected retro-active from March 2023 and for the ensuing year.

On a motion made by Mr. Perdikakis and seconded by Ms. McFarland, Christopher E. Buonanno was unanimously voted to remain as Chairman of the Board.

## **OLD BUSINESS**

### **Ward 3**

**GARFIELD AVE FOODS, LLC. (OWN) and LAMAR CENTRAL OUTDOOR, LLC (APP)** have filed an application for special permit to modify an existing double-sided billboard to an electronic double-sided billboard at **110 Garfield Avenue**, A.P. 7, lots 2561-62, 2593-97, and 3768, area 29,091 sf. zoned M2.

### **Ward 6**

**HASSAN HASABA (OWN/APP)** has applied for permission to subdivide a lot, leaving an existing single-family dwelling with reduced side and rear setbacks at **189 Kearney Street, Parcel B**, A.P. 10, lots 316 and 317, area 8,091 sf., zoned A8.

### **Ward 6**

**HASSAN HASABA (OWN/APP)** has applied for permission to subdivide a lot, and to build a new single-family dwelling on an under-sized lot at **0 Capuano Avenue, Parcel A, A.P.** 10, lots 223, 224, 225, and 226, area 7,869 sf., zoned A8.

## **NEW BUSINESS**

### **Ward 1**

**OLDCASTLE APG NORTHEAST INC (OWN) and LAMAR CENTRAL OUTDOOR, LLC (APP)** has applied to convert an existing electronic billboard sign to an equal-sized standard vinyl billboard at **0 Park Avenue**, A.P. 11, lot 1870; area 2.04 ac, zoned M1..

### **Ward 1**

**JOSEPH DECRISTOFARO (OWN/APP)** has applied to the Board to construct a new single-family dwelling on an under-sized lot at **0 Armington Street**, A.P. 2, lot 3268; area 5,500 sf; zoned B2

### **Ward 5**

**SCW18, LLC (OWN/APP)** has filed an application to subdivide an existing lot into two parcels allowing three existing accessory structures (not to be used for residential dwellings) to remain on lot 2 with reduced frontage, side and rear setbacks at **295 Oaklawn Avenue / 0 Dean Street**, A.P. 17, lot 1338, Parcel 2

### **Ward 1**

**RSR INVESTMENTS & CONSTRUCTION, LLC (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 **64 Westwood Avenue**, A.P. 2, lot 1386; area 4,000 sf.; zoned A6.

**Ward 1**

**RSR INVESTMENTS & CONSTRUCTION, LLC (OWN/APP)** has applied to the Board to allow a new single-family dwelling to be constructed on an undersized lot merged by zoning at **0 Westwood Ave**, A.P. 2, lot 1387; area 4,000 sf.; zoned A6.

**Ward 3****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 **38 Gordon Street**, A.P 7, lots 1381,1382, and 1383. The determination of the Building Official has been made that lot 1382 is merged with 1383 to form lot areas closest to the minimum requirements as set forth by Section 17.88.010 (2)- Substandard Lots of Record & Lot Mergers.

This application was **WITHDRAWN** by the applicant.

**Ward 5**

**CARPIONATO PROPERTIES, INC; ALFRED CARPIONATO c/o CAROL DEANGELIS; WEST BAY, LLC (OWN) and WEST BAY, LLC (APP)** have filed an application to construct a multi-structure residential complex with 90 apartment units, a club house, and pool facility; allowing the club house and pool facility as accessory to the residential development and to allow the structures to exceed the allowable heights at **320 Scituate Ave**. A.P. 20 Lots 2112, 2116; area 30,4747 sf zoned A20; **0 Scituate Ave**. A.P.20 Lot 2117; area 345,430 sf, zoned B2.

**Ward 6**

**RICA REALTY LLC (OWN) and CRANSTON MUNICIPAL EMPLOYEES CREDIT UNION (APP)** have applied to construct a financial institution with drive- thru with non-compliant driveway openings and proposed audio devices within the required setback from abutting residential properties at **1224 Oaklawn Avenue**, A.P. 15, lots 1012 and 1014; area 24,750 sf., zoned C4..

**Ward 6**

**LOUISE BOTTELLA (OWN) and MILTON KALASHIAN (APP)** have filed an application to change a business, professional office use previously approved by variance to a barber shop, beauty salon at **1030 Oaklawn Avenue**, A.P. 18, lot 1285, area 13,176 sf. Zoned A8.

**Ward 6**

**COMMONWEALTH ASSOCIATES, LLC (OWN) and J&J GASBARRO OAKLAWN LIQUORS (APP)** have applied to the Board to install a new sign exceeding the allowable area and add a new LED message center at **985 Oaklawn Avenue**, A.P. 18, lot 1232, area 66, 646 sf. zoned C2.

**OLD BUSINESS****Ward 6**

**HASSAN HASABA (OWN/APP)** has applied for permission to subdivide a lot, leaving an existing single-family dwelling with reduced side and rear setbacks at **189 Kearney Street, Parcel B**, A.P. 10, lots 316 and 317, area 8,091 sf., zoned A8. Applicant seeks relief per 17.92.010- Variances; Section 17.20.120- Schedule of Intensity Regulations. Application filed 1/24/23. Robert D. Murray, Esq.

On a motion made by Mr. Perdikakis and seconded by Ms. McFarland, this variance was **approved** by a 4-1 vote as presented to the Board on June 14, 2023. Mr. Zambrano voted nay on this application.

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

**FINDINGS OF FACT:**

1. The applicant is proposing to construct a single-family home on the back lots of an existing single-family residence, fronting on Capuano Avenue.
  - a. The property is located in an A-8 zone (Single-family dwellings on lots of minimum areas of eight thousand (8,000) square feet).
2. The applicant has proposed dimensional relief from the following;
  - a. The existing one family house at 189 Kearney Street is 23.5 feet for the front setback (25 feet required – difference of 1.5 feet) and 6.6 feet from the side yard on the north side (8 feet required – difference of 1.4 feet).
  - b. The proposed rear setback in the minor subdivision will be (4 feet) for a portion of the existing house where (20 feet) is required in the A-8 zone.
  - c. The proposed single-family house would be constructed on (7,869) square feet where (8,000) square feet is required.
  - d. Based on the new property line being established, the proposed house will be 16'5" for a portion of the rear setback where 20 feet is required in the A-8 zone.
3. The Comprehensive Plan - Future Land Use Map designates the property as Single Family Residential 7.26 to 3.64 units per acre. The zoning is **A-8** (Single-family dwellings on lots of minimum areas of eight thousand (8,000) square feet).
  - a. The parcels immediately abutting the property, as well as an extensive portion of the surrounding neighborhood along both Capuano Avenue and Kearney Street in a north and south direction contains single-family residential homes.
4. The new single-family house lot is **consistent** with the land use and density prescribed by the Comprehensive Plan Future Land Use Map allocation of Single Family Residential 7.26 to 3.64 units per acre.
  - a. The applicant's proposed density is **5.46** units per acre, which is consistent with the prescribed density of the Future Land Use Map.
5. The Comprehensive Plan supports the preservation of existing residential neighborhoods through Land Use Element Principle 4, which seeks to "Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life" and Housing Action 14, to "Preserve the quality and character of the built environment in selected areas throughout Cranston".
  - a. Staff finds that this application does not detract from the surrounding residential area and is not inherently destabilizing to the neighborhood.
6. The Board heard from both the applicant about the project and abutters who objected to the application. The Board found that the applicant addressed all of the concerns of the Board and that the structure is preexisting and would expand.
7. The applicant agreed to remove the ramp in the back of the house subject to the approval of both applications.

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, 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 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 6**

**HASSAN HASABA (OWN/APP)** has applied for permission to subdivide a lot, leaving an existing single-family dwelling with reduced side and rear setbacks at **189 Kearney Street**,

**Parcel B**, A.P. 10, lots 316 and 317, area 8,091 sf., zoned A8. Applicant seeks relief per 17.92.010- Variances; Section 17.20.120- Schedule of Intensity Regulations. Application filed 1/24/23. Robert D. Murray, Esq.

On a motion made by Ms. McFarland and seconded by Mr. Perdikakis, this variance was unanimously **approved** with condition as presented to the Board on June 14, 2023.

**CONDITION:**

**The new house shall be shifted to allow at least 20 feet from either side yard property line.**

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

**FINDINGS OF FACT:**

1. The applicant is proposing to construct a single-family home on the back lots of an existing single-family residence, fronting on Capuano Avenue.
  - a. The property is located in an A-8 zone (Single-family dwellings on lots of minimum areas of eight thousand (8,000) square feet).
2. The applicant has proposed dimensional relief from the following;
  - a. The existing one family house at 189 Kearney Street is 23.5 feet for the front setback (25 feet required – difference of 1.5 feet) and 6.6 feet from the side yard on the north side (8 feet required – difference of 1.4 feet).
  - b. The proposed rear setback in the minor subdivision will be (4 feet) for a portion of the existing house where (20 feet) is required in the A-8 zone.
  - c. The proposed single-family house would be constructed on (7,869) square feet where (8,000) square feet is required.
  - d. Based on the new property line being established, the proposed house will be 16'5" for a portion of the rear setback where 20 feet is required in the A-8 zone.
3. The Comprehensive Plan - Future Land Use Map designates the property as Single Family Residential 7.26 to 3.64 units per acre. The zoning is **A-8** (Single-family dwellings on lots of minimum areas of eight thousand (8,000) square feet).
  - a. The parcels immediately abutting the property, as well as an extensive portion of the surrounding neighborhood along both Capuano Avenue and Kearney Street in a north and south direction contains single-family residential homes.
4. The new single-family house lot is **consistent** with the land use and density prescribed by the Comprehensive Plan Future Land Use Map allocation of Single Family Residential 7.26 to 3.64 units per acre.
  - a. The applicant's proposed density is **5.46** units per acre, which is consistent with the prescribed density of the Future Land Use Map.
5. The Comprehensive Plan supports the preservation of existing residential neighborhoods through Land Use Element Principle 4, which seeks to "Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life" and Housing Action 14, to "Preserve the quality and character of the built environment in selected areas throughout Cranston".
  - a. Staff finds that this application does not detract from the surrounding residential area and is not inherently destabilizing to the neighborhood.
6. The Board found that the existing pool, fence, bocce court will be removed to allow for construction of the new residence.
7. The Board heard from both the applicant about the project and abutters who objected to the application. The Board found that the applicant addressed all of the concerns of the Board

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, 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 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 3**

**GARFIELD AVE FOODS, LLC. (OWN) and LAMAR CENTRAL OUTDOOR, LLC (APP)** have filed an application for special permit to modify an existing double-sided billboard to an electronic double-sided billboard at **110 Garfield Avenue**, A.P. 7, lots 2561-62, 2593-97, and 3768, area 29,091 sf. zoned M2. Applicant seeks relief per Sections 17.92.010 Variance; 17.72.010 (7) Signs. 17.92.020 Special Permit; 17.20.120 Schedule of Intensity Regulations; Application filed 2/8/2023. Dylan Conley, Esq.

**On a motion made by Mr. Zambrano and seconded by Ms. McFarland, this variance was unanimously **approved** as presented to the Board on June 14, 2023.**

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

#### **FINDINGS OF FACT:**

- The applicant proposes to convert an existing static billboard (Billboard A) into a digital, LED billboard while retaining existing dimensions (14' x 48') of the billboard itself.
- Electronic LED message signs of any type are not permitted in the zoning code in any zone. Per Zoning Sect 17.72.010.G. [Signs Prohibited Under This Section]: *"All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the previous section are prohibited in the city."*
- Billboard A is located between Garfield Avenue and the Southbound side of Route 10.
- Billboard A can be seen from the Northbound travel lanes on Route 10.
- The applicant itemized specific relief requests in their application form, namely the following elements:
- Permitted Uses (Section 17.20.130 – Modifications (A))
  - "A modification may be requested for adjustments or deviations not exceeding twenty-five (25) percent of any of the requirements of dimensional or quantitative requirements of parking, signs, landscaping and other similar requirements of this section, yet excluding the moving of lot lines and lot area and density which are subject to the requirements of this section."
- The applicant, Garfield Ave Foods, LLC, proposes to convert an existing static billboard into a digital, LED billboard while retaining existing dimensions (14' x 48') of the billboard itself.
- Other LED billboards have been approved and installed in the City of Cranston and another LED billboard is already located approximately ½ a mile south of proposed Billboard A, located on a property abutting the Southbound travel lanes of Route 10.
- The applicant has provided a detailed narrative summarizing the grounds for the requested relief per Zoning Section 17.92.010. The grounds for relief listed therein pertain to the specific requirements set forth and to be followed by the Zoning Board of Review per Rhode Island General Law and the City's Code of Ordinances.
- There was no testimony in opposition 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 not due to a physical or economic disability of the applicant, that the subject structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance, 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 Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Sections

17.20.120- Schedule of Intensity Regulations, 17.72.010 (7) Signs, and 17.92.020- Special Use Permit.

### Ward 1

**OLDCASTLE APG NORTHEAST INC (OWN) and LAMAR CENTRAL OUTDOOR, LLC (APP)** has applied to convert an existing electronic billboard sign to an equal-sized standard vinyl billboard at **0 Park Avenue**, A.P. 11, lot 1870; area 2.04 ac, zoned M1. Applicant seeks relief per Sections 17.92.010 Variance; 17.72.010 (7) Signs. 17.92.020 Special Permit; 17.20.120 Schedule of Intensity Regulations; Application filed 2/27/2023. Dylan Conley, Esq.

**On a motion made by Ms. Montanaro and seconded by Mr. Buonanno, this variance was Denied by a 3-2 vote as presented to the Board on June 14, 2023. Ms. McFarland and Mr. Zambrano voted nay against the motion to deny this application.**

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

#### **FINDINGS OF FACT:**

- The applicant proposes to convert an existing static billboard (Billboard A) into a digital, LED billboard while retaining existing dimensions (14' x 48') of the billboard itself.
- Electronic LED message signs of any type are not permitted in the zoning code in any zone. Per Zoning Sect 17.72.010.G. [Signs Prohibited Under This Section]: *"All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the previous section are prohibited in the city."*
- Billboard A is located between Garfield Avenue and the Southbound side of Route 10.
- Billboard A can be seen from the Northbound travel lanes on Route 10.
- The applicant itemized specific relief requests in their application form, namely the following elements:
  - Permitted Uses (Section 17.20.130 – Modifications (A))
    - "A modification may be requested for adjustments or deviations not exceeding twenty-five (25) percent of any of the requirements of dimensional or quantitative requirements of parking, signs, landscaping and other similar requirements of this section, yet excluding the moving of lot lines and lot area and density which are subject to the requirements of this section."
  - The applicant, Garfield Ave Foods, LLC, proposes to convert an existing static billboard into a digital, LED billboard while retaining existing dimensions (14' x 48') of the billboard itself.
  - Other LED billboards have been approved and installed in the City of Cranston and another LED billboard is already located approximately ½ a mile south of proposed Billboard A, located on a property abutting the Southbound travel lanes of Route 10.
  - The applicant has provided a detailed narrative summarizing the grounds for the requested relief per Zoning Section 17.92.010. The grounds for relief listed therein pertain to the specific requirements set forth and to be followed by the Zoning Board of Review per Rhode Island General Law and the City's Code of Ordinances. As a reminder, staff's analysis and subsequent recommendation are based on the applications consistency with the Cranston Comprehensive Plan and its compatibility with the surrounding neighborhood.

The reason for the denial of the request was that the Board found that it was unnecessary to remove the LED billboard from this property as a condition of approval of the other companion application. The decision in no way prohibits the applicant from doing so but does not require it to do so as a condition of approval of Garfield Avenue.

### Ward 5

**CARPIONATO PROPERTIES, INC; ALFRED CARPIONATO c/o CAROL DEANGELIS; WEST BAY, LLC (OWN) and WEST BAY, LLC (APP)** have filed an application to construct a multi-structure residential complex with 90 apartment units, a club house, and pool facility; allowing the club house and pool facility as accessory to the residential development and to allow the structures to exceed the allowable heights at **320 Scituate Ave.** A.P. 20 Lots 2112, 2116; area 30,4747 sf zoned A20; **0 Scituate Ave.** A.P.20 Lot 2117; area 345,430 sf, zoned B2. Applicant

seeks relief per 17.92.010- Variances, sections 17.20.030- Schedule of Permitted Uses, 17.20.120- Schedule of Intensity Regulations. Application filed 4/3/2023. Moses Ryan, Ltd.

On a motion made by Mr. Norcliffe and seconded by Mr. Zambrano, this variance was unanimously **approved** as presented to the Board on June 14, 2023. Ms. Montanaro recused herself from participating in this matter.

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

**FINDINGS OF FACT:**

**I. Dimensional relief request (height)**

**FINDINGS OF FACT:**

1. The applicant requires relief for total building height from the maximum allowed 35' ft. to 63' ft for the development of a 4-story residential building with an accessory clubhouse.
2. The building closest to Scituate Avenue, the smaller of the two, will have three stories and a peaked roof and will be 50' at its highest. The building in the rear will house twice as many units, have four floors, and rise to a maximum height of 63' at the peak of the roof. This proposal concerns the accessory clubhouse building, a smaller building on-site with 18 units, requesting a 63' ft. height allowance.
3. This use is complementary to other residential uses within the vicinity, as this project is entirely surrounded by other multi-family development with additional height in the surrounding area. The Comprehensive Plan Future Land Use Map designates this area for higher density and multi-family uses in this area.
  1. The multi-family residences are allowed by-right within the B-2 zoning district, thus an addition of another story to the existing three-story buildings shall not impact the property's use or zoning designation.
4. The applicant has proposed extended building height due to an existing wetland tracing the outskirts of the residential units which prevents any additional residential buildings from being constructed.
5. Planning Board found that the request for dimensional relief for total building height is necessary to accommodate the existing area and wetlands that exist on-site. Staff finds that this proposal is also consistent with the Comprehensive Plan Future Land Use Map and the surrounding area of neighboring multi-family complexes, thus staff recommends that the Plan Commission forward a **positive recommendation** on this application to the Zoning Board of Review.
6. The applicant put forth its experts who testified to the criteria necessary to receive the legal relief requested and there was no opposition 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 not due to a physical or economic disability of the applicant, that the subject structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance, 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 Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Section 17.20.030- Schedule of Uses, 17.20.120- Schedule of Intensity Regulations.

**Ward 1**

**JOSEPH DECRISTOFARO (OWN/APP)** has applied to the Board to construct a new single-family dwelling on an under-sized lot at **0 Armington Street**, A.P. 2, lot 3268; area 5,500 sf; zoned B2. Applicant seeks relief per Section 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations, Application filed 02/09/2023. Robert D. Murray, Esq.

On a motion made by Ms. McFarland and seconded by Mr. Perdikakis, this variance was unanimously **approved** with condition as presented to the Board on June 14, 2023. Mr. Perdikakis recused himself from participating in this matter.

**CONDITION:**

**If the retaining wall adjacent to the abutter at # 91 is to be removed, a pre-construction and post construction evaluation of the house must be conducted by an independent structural engineer at the cost of the developer.**

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

**PLANNING STAFF FINDINGS:**

1. The applicants seek to construct a single-family house on an undersized lot of 5,500 ft<sup>2</sup> and 55 feet of frontage that currently hosts a detached two-car garage. The minimum standards for by-right development in a B-1 zone (for single-family houses) are 6,000 ft<sup>2</sup> of area and 60 feet of frontage.
2. The proposed single-family house would be built within all required setbacks for a B-1 zone. The resulting lot coverage would be 18.9%, which also complies with the 35% coverage limit for that zone.
3. A neighborhood analysis submitted by the applicant notes that within a 400-foot radius of the subject parcel, there are 59 single-family residential lots, with an average lot size of 5,190 ft<sup>2</sup>; roughly two-thirds of them are smaller in size than the subject parcel.
4. The Future Land Use Map (FLUM) designates the subject parcel as Residential less than 10.39 Units/Acre. The density that would result from the proposal is 7.92 units/acre, which is within the FLUM's prescribed density.
5. The subject parcel was under common ownership with the abutting lot (AP 2, Lot 671) as recently as 2012, but the lots were sold to separate owners. (Lot 671 is a conforming lot of record, so the lots are not merged and the selling of each lot to separate parties did not constitute an "illegal subdivision.") It is unclear whether the subject parcel has continued to provide Lot 671's off-street parking needs after coming under separate ownership; the applicant did not mention the existence of any easements or other parking-related agreements in the application.
6. The Comprehensive Plan's Housing Goal 4 advises to *"Promote housing opportunity for a wide range of household types and income levels."*
7. The applicant spoke about the project and there were neighbors who objected to the application and the Board took their concerns into consideration with the 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, 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 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**

**SCW18, LLC (OWN/APP)** has filed an application to subdivide an existing lot into two parcels allowing three existing accessory structures (not to be used for residential dwellings) to remain on lot 2 with reduced frontage, side and rear setbacks at **295 Oaklawn Avenue / 0 Dean Street**, A.P. 17, lot 1338, Parcel 2. Applicant seeks relief per Section 17.92.010-Variations; Sections 17.60.010(A), - Accessory Uses; 17.20.120- Schedule of Intensity Regulations, Application filed 03/08/2023. Mary B. Shekarchi, Esq.

On a motion made by Ms. McFarland and seconded by Mr. Perdikakis, this variance was unanimously **approved** with conditions as presented to the Board on June 14, 2023.

**CONDITIONS:**



**Conditions:**

- 1). **No curb cut access to be allowed on Dean Street.**
- 2). **An easement shall be established in perpetuity to allow access through the 295 Oaklawn Avenue Property.**

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

**PLANNING STAFF FINDINGS:**

1. The applicant is requesting relief for an administrative subdivision to create a new lot that will be host to three pre-existing accessory structures (garages). This action will create a new lot in which accessory structures will be present, but a primary dwelling will not be present. This application will not result in an increase of building footprint or to the number of structures on the property.
2. The new lot will be recorded with the label "not a buildable lot for residential purposes" and associated deed restrictions. This ensures that an additional primary dwelling cannot be constructed on the lot unless future relief is granted. The action of separating the lots does not change the nature of the uses on the ground, whereas the accessory garages would continue to be used as they are today.
3. Dimensional relief is needed to create a new lot in which only accessory structures are present.
4. Dimensional relief is also requested for the existing structures, notably rear and side lot lines setback relief for existing accessory garages, as well as height relief for the existing primary dwelling. The specific setback relief being requested is numerous and is itemized in the application narrative.
5. The new lot will have frontage on Dean Street, although only 70 feet of frontage on Dean Street is present, whereas 80 feet of frontage is required, therefore frontage relief is also needed. There is no plan to create a new access point to the lot via Dean Street and all access will be maintained through an easement from Oaklawn Ave.
6. The Planning Board sent a negative recommendation to the Zoning Board with a 7-0 vote
7. Counsel to the Board advised the Board as to the legal standard for granting a use variance as the loss of all beneficial use.

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, 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 would result in the loss of all beneficial use. In granting a variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Sections 17.20.120 - Schedule of Intensity Regulations, 17.60.010(A), - Accessory Uses

**Ward 1**

**RSR INVESTMENTS & CONSTRUCTION, LLC (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 **64 Westwood Avenue**, A.P. 2, lot 1386; area 4,000 sf.; zoned A6. 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 2/15/2023. Jake V. D'Amico, Esq.

**On a motion made by Mr. Zambrano and seconded by Ms. McFarland, this variance was unanimously approved as presented to the Board on June 14, 2023.**

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

**PLANNING STAFF FINDINGS:**

1. The subject parcel (AP 2, Lots 1387) is located on two adjacent, substandard lots (each with 4,000 ft<sup>2</sup> of area) in an A-6 zone.
2. The surrounding neighborhood within a 400-foot radius consists of 132 single-family and two-family residential units. Within this subset, the average lot size is 3,985 s.f., with an average density designation of 10.93 units/acre.
3. Applicant’s narrative states that within a 400-foot radius of the subject parcels of the 25 lots on the same side of Westwood Avenue, 20 lots have equal or less than 4,000 square feet.
  - a. These lots also have frontage *less than or equal to* that of the proposed structure to be built.
4. The proposed single-family house to be built on AP 2, Lot 1387 would be constructed in compliance with all contemporary setbacks for the A-6 zone.
5. 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.*”
6. The applicant presented its case and there was no opposition to the matter.

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, 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 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**

**RSR INVESTMENTS & CONSTRUCTION, LLC (OWN/APP)** has applied to the Board to allow a new single-family dwelling to be constructed on an undersized lot merged by zoning at **0 Westwood Ave**, A.P. 2, lot 1387; area 4,000 sf.; zoned A6. 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 2/15/2023. Jake V. D’Amico, Esq.

**On a motion made by Mr. Zambrano and seconded by Mr. Perdikakis, this variance was unanimously approved as presented to the Board on June 14, 2023.**

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

**PLANNING STAFF FINDINGS:**

1. The subject parcel (AP 2, Lots 1387) is located on two adjacent, substandard lots (each with 4,000 ft<sup>2</sup> of area) in an A-6 zone.
2. The surrounding neighborhood within a 400-foot radius consists of 132 single-family and two-family residential units. Within this subset, the average lot size is 3,985 s.f., with an average density designation of 10.93 units/acre.
3. Applicant’s narrative states that within a 400-foot radius of the subject parcels of the 25 lots on the same side of Westwood Avenue, 20 lots have equal or less than 4,000 square feet.
  - a. These lots also have frontage *less than or equal to* that of the proposed structure to be built.

- 4. The proposed single-family house to be built on AP 2, Lot 1387 would be constructed in compliance with all contemporary setbacks for the A-6 zone.
- 5. 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.*”
- 6. The applicant presented its case and there was no opposition to the matter.

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, 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 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 3**

**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 **38 Gordon Street**, A.P 7, lots 1381,1382, and 1383. The determination of the Building Official has been made that lot 1382 is merged with 1383 to form lot areas closest to the minimum requirements as set forth by Section 17.88.010 (2)- Substandard Lots of Record & Lot Mergers. Application filed 02/28/2023. Christopher J. Zangari, Esq.

**This application was WITHDRAWN by the applicant.**

**Ward 6**

**RICA REALTY LLC (OWN) and CRANSTON MUNICIPAL EMPLOYEES CREDIT UNION (APP)** have applied to construct a financial institution with drive- thru with non-compliant driveway openings and proposed audio devices within the required setback from abutting residential properties at **1224 Oaklawn Avenue**, A.P. 15, lots 1012 and 1014; area 24,750 sf., zoned C4. Applicants seek relief per Sections 17.92.010 Variance; 17.28.010 (B) (4)- Driveway Openings, and 17.28.010 (B) (10)-Noise Abatement; Application filed 4/27/2023. Daniel P. Meyer, Esq.

**On a motion made by Ms. McFarland and seconded by Mr. Zambrano, this variance was unanimously approved as presented to the Board on June 14, 2023.**

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

**FINDINGS OF FACT:**

- 1. The applicant is proposing to construct a bank on two vacant parcels. The property is located in a C-4 zone (Highway Business).
- 2. The applicant is requesting dimensional relief for both driveway openings and the speaker system setback, specifically as follows:
  - a. Section 17.28.010.B.4 Driveway Openings: “Driveway openings for businesses including a drive-in use shall be located no closer than sixty (60) feet to an intersecting street. No driveway opening shall be located closer than twenty (20) feet to a side or rear lot line. No driveway opening shall be located within forty (40) feet of another driveway opening.”
    - i. Old Ball Hill Road is located perpendicular to the subject parcels. Due to the physical characteristics and location of the parcels, it would be impracticable for the site to place the driveway openings in any way which would be less than 60 feet to the intersecting street.
    - ii. The applicants site plan provides for a side lot setback of 14’ whereas city code calls for 20’ for side lot setback.

- iii. Due to the physical characteristics of the site, the location of abutters driveways/curb cuts, existing driveway/curb cut placements on the property and the existing utility poles located along Oaklawn Avenue there is no feasible alternative in siting driveway openings elsewhere on the site.
- iv. The applicants site plans show a driveway with a width of 24' and driveway openings of 48,' whereas city code calls for a maximum driveway width of 35,' necessitating 13' of dimensional relief.
- b. Section 17.28.010.B.10 Noise Abatement: "No loudspeakers or audio devices shall be permitted within one hundred (100) feet of a residential use."
  - i. The applicants site plan show a loudspeaker located approximately 65' from the nearest residential parcel in the rear of the subject lots.
3. The surrounding neighborhood along Oaklawn Avenue is entirely comprised of Highway Business (C-4) and single family residential (A-8).
4. The Comprehensive Plan Future Land Use Map designates the property as Highway Commercial Services.
5. DPRC members have reviewed the proposal and have no concerns with the site layout as proposed or with the aspects of the plan which necessitate zoning relief. The proposal received DPR Preliminary Plan Approval on April 5<sup>th</sup>, 2023.
6. The Board heard from the applicants attorney about the project and the legal standards to approve the application.
7. There was no opposition to the application,

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, 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 Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; 17.28.010 (B) (4)- Driveway Openings, and 17.28.010 (B) (10)-Noise Abatement; Application filed 4/27/2023.

## **Ward 6**

**LOUISE BOTTELLA (OWN) and MILTON KALASHIAN (APP)** have filed an application to change a business, professional office use previously approved by variance to a barber shop, beauty salon at **1030 Oaklawn Avenue**, A.P. 18, lot 1285, area 13,176 sf. Zoned A8. Applicants seek relief per Section 17.92.010- Variances; Sections 17.20.030 Schedule of Uses. Application filed 5/8/2023. Tammy A. Bottella, Esq.

**On a motion made by Ms. Montanaro and seconded by Mr. Zambrano, this variance was unanimously approved as presented to the Board on June 14, 2023.**

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

1. The applicant seeks a use variance to replace a professional office tenant with a hair/beauty salon tenant. The professional office use was authorized through the Zoning Board of Review's decision to grant a use variance during its December 14, 2005 meeting.
2. The change of tenant would not entail any modifications to the existing building's footprint or the subject parcel's layout/circulation patterns. The applicant provided a site plan showing it can accommodate a total of 12 parking spaces, although these do not currently appear to be striped on the pavement.
3. the applicant indicated that the proposed salon would consist of roughly six chairs for hairdressers and one chair for a nail technician. The applicant also indicated that typically, about half of a salon's workstations are in use on weekdays at any given time, while weekends are somewhat busier.
4. The subject parcel has a Zoning designation of A-8 and has a Future Land Use Map designation of Single-Family Residential 7.26 to 3.64 units/acre. The subject parcel's frontage is along Oaklawn Avenue, which bisects a largely residential, A-8 zoned swath of land with commercial uses and zones.

5. Within a 400-foot radius, all but two of the parcels on the western side of Oaklawn Avenue (including the one directly across the street from the subject parcel) are zoned C-2 and have a FLUM designation of Highway Commercial Services. On the eastern side of Oaklawn Avenue, the subject parcel's direct abutter to the south is another example of a single-family house that was granted a use variance and has accommodated a commercial use for roughly two decades.
6. The applicant spoke about the use and there was no opposition to the project

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 not due to a physical or economic disability of the applicant, that the subject structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance, 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 not granting the relief would result in the loss of all beneficial use. In granting a variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Section 17.20.030- Schedule of Uses.

### **Ward 6**

**COMMONWEALTH ASSOCIATES, LLC (OWN) and J&J GASBARRO OAKLAWN LIQUORS (APP)** have applied to the Board to install a new sign exceeding the allowable area and add a new LED message center at **985 Oaklawn Avenue**, A.P. 18, lot 1232, area 66, 646 sf. zoned C2. Applicants seek relief per Section 17.92.010- Variances; Section 17.72.010- Signs. Application filed 5/11/2023. David V. Igliazzi, Esq.

This application was CONTINUED to the July 12, 2023 meeting at the request of the applicant.

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

**The meeting was adjourned at 10:45 PM**

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