

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 September 13, 2023 at 6:32 pm.** Also present were Joy Montanaro, Dean Perdikakis, 1st alternate Craig Norcliffe, and 3rd alternate Frank Corrao III

The following matters were heard before the Board:

PLATTING BOARD OF APPEALS:

APPEAL OF THE DECISION OF THE CITY OF CRANSTON PLAN COMMISSION DATED JUNE 6, 2023 DENYING MASTER PLAN APPROVAL TO THE CITY OF CRANSTON ZONING BOARD OF REVIEW SITTING AS THE PLATTING BOARD OF REVIEW PURSUANT TO §45-23-66 OF THE RHODE ISLAND GENERAL LAWS, AS AMENDED AND SECTION XI ENTITLED “APPEALS” OF THE CITY OF CRANSTON’S SUBDIVISION AND LAND DEVELOPMENT REGULATIONS FOR NATICK AVE SOLAR ARRAY, 0 NATICK AVENUE, A.P. 22, LOTS 108 & 119

This matter was continued from the September 13, 2023 meeting for decision only. No additional testimony will be presented.

OLD BUSINESS

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 s.f. 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.

On a motion made by Mr. Norcliffe and seconded by Mr. Perdikakis, this matter was unanimously voted on to be continued to the November 8, 2023 meeting at the request of the applicant.

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. Norcliffe and seconded by Mr. Perdikakis, this matter was unanimously voted on to be continued to the October 11, 2023 meeting at the request of the applicant.

NEW BUSINESS

Ward 1

JO-ANN GORMAN (OWN/APP) has filed an application to allow a pool deck to be constructed in a required front yard setback of a corner lot at **45 Fairlawn Street**, A.P. 4, lots 1447 & 1448; area 8,350 s.f.; zoned A6. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.120 – Schedule of Intensity Regulations; 17.60.010- Accessory uses. Application filed 7/19/2023. No Attorney.

On a motion made by Ms. Montanaro and seconded by Mr. Perdikakis, the Board voted 4-1 to approve the application as submitted. Mr. Buonanno voted nay on this matter.

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

Findings of Fact:

- The Applicant has requested specific relief in their Application, namely:
 - 17.20.120 – Schedule of Intensity Regulations
 - 17.60.010 – Accessory Uses
- This Application is sought for an existing pool deck that was constructed without permits and was issued a notice of violation by the Department of Building Inspections & Zoning Enforcement.
- The Board finds this Application relative to the general concepts of planning and zoning. Section 17.04.010 of the Zoning Ordinance enumerates “general purposes” for which the Ordinance was adopted:
 - To promote public health, safety, morals, and general welfare.
 - Since a notice of violation was issued for illegal construction which is now seeking relief, it is impossible to say that illegal construction without the benefit of construction inspections promotes the City’s public health, safety, morals, and general welfare.
 - To provide for orderly growth and development which recognizes:
 - The goals and patterns of land use contained in the Comprehensive Plan.
 - Under State law, zoning shall be consistent with the Comprehensive Plan. Illegal construction, done without a consistency analysis with the Comprehensive Plan’s overarching goals and patterns of land use cannot be said to provide for orderly growth and development in the City.

The Board finds this application consistent with the Comprehensive Plan.

The applicant testified about the deck and there was no opposition to 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, 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, Sections 17.60.010- - Accessory uses.

Ward 3

CRANSTON BVT ASSOCIATES LP (OWN) and FIVE BELOW (APP) have applied to the Board to request permission to install signs greater than which is allowed by regulations at **252 Garfield Avenue**, A.P.7, lot 3649; area 27.46 ac, zoned C4. Applicants seek relief per Section 17.92.010- Variances; Section 17.72.010- Signs. Application filed 8/08/2023. Robert D. Murray, Esq.

On a motion made by Mr. Perdikakis and seconded by Mr Corrao, the Board voted 4-1 to approve the application as submitted. Ms. Montanaro voted nay on this matter.

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

PLANNING STAFF FINDINGS

1. The subject parcel (AP 7, Lot 3649) is located within a series of five connecting buildings of commercial retail use in the C-4 zone on Garfield Avenue.
2. The applicant is retrofitting a commercial retail business on-site and seeks to install two permanent signs of which would be a roof wall sign and an under canopy sign to be located on the building.

3. The applicant requires relief for total sign area of a roof wall sign and an under canopy sign [17.72.010 – Signs].
 - a. To install a roof wall sign of approximately 134 sq. ft. where a maximum of 35 sq. ft. is allowed [17.72.010 – Signs].
 - b. To install an under canopy sign of 5 sq. ft. [17.72.010 – Signs].
 - i. It is salient to note that an “under canopy sign”, or a projecting sign that customers would walk beneath, is not explicitly defined, restricted, nor prohibited within the zoning code. According to Section 17.72.010 – Signs, projecting signs in the C-4 zone are allowed to measure a maximum of 20 square feet. Staff appreciates the addition of the under canopy sign as a dimensional request, but believes that relief is not necessary due to the fact that the proposed under canopy sign would be of an insignificant size, measuring below the maximum area (in square footage) of 10 out of 11 sign types defined in the zoning code.
4. Although roof wall and canopy signs specifically are less common within the Cranston Parkade plaza, abutting retail businesses (i.e., T-Mobile, Expressions, Rainbow, The Shoe Dept., etc.) all display similarly proportional signage on the front-facing façade.
5. The proposed retail store and signage would be located on a building set back more than 400 feet from the road on a site fronting on Garfield Avenue, which is highway-commercial in character.
6. The expert for the applicant testified about the signage and branding for the retailer
7. There was not testimony in opposition to 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, 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 17.72.010- Signs.

Ward 2

FORCE REALTY, LLC (OWN) and A.L. EVENTS, LLC (APP) have filed an application to allow a banquet facility to operate at **56 Rolfe Square**, A.P. 5, lot 595, area 14,199 s.f., zoned C3. Applicants seek relief per Section 17.92.010- Variances, Section 17.20.030- Schedule of Uses. Application filed 8/08/2023. Robert D. Murray, Esq.

On a motion made by Mr. Norcliffe and seconded by Mr. Perdikakis, the Board unanimously voted to approve the application as submitted.

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

Findings of Fact:

- The Applicant has requested specific relief in their Application, namely:
 - 17.92.010 – Variances (Use)
 - 17.20.030 – Schedule of Uses
- The Board found this Application compatible with the surrounding area that the proposed use does not appear to impose undue nuisances beyond any other by-right use on this site and the immediate surrounding area.
 - The Zoning Ordinance doesn't specifically define “event space” but does define a “banquet facility” which is relegated to heavier commercial zones, (C-4 and C-5). The Application describes a smaller such use for less-intense activities, (birthday parties, baby showers, and small gatherings) which may fit a technical definition, but clearly demonstrate a less-intense and scaled-down version of said definition.
 - Given the typical hours of operation for the proposed use is complementary to the typical daytime uses, Staff finds that parking would be sufficient, even though certain spaces

shown on the Existing Conditions Plan submitted with the Application are no longer present.

- Staff also notes that the proposed use would add additional nighttime uses to the neighborhood, which would create a local destination spot for the neighborhood.
- The Future Land Use Map (FLUM) designates the subject property as “*Neighborhood Commercial Services*.”
 - Per the Comprehensive Plan, “C-1, C-2, & C-3 are appropriate zoning classifications for Neighborhood Commercial Service,” which is oriented towards providing services to local neighborhoods.
 - The Zoning Ordinance doesn’t specifically define “event space” but does define a “banquet facility” which is relegated to heavier commercial zones, (C-4 and C-5). If the Ordinance recognizes different definitions as “sliding scales” of a particular or similar use, Staff views the Application for “event space” as a less-intense version of a “banquet facility” that the Ordinance did not originally account for.
- The Comprehensive Plan outlines goals and policies pertaining to Rolfe Square which Staff find to support the approval of this Application, specifically:
 - Economic Development Goal 6: Target development sites for Smart Growth projects.
 - Economic Development Policy 6.4: Encourage redevelopment opportunities at locations near Garden City Center, **Rolfe Square**, Knightsville, and along I-295
 - Economic Development Goal 7: Improve/build neighborhood commercial areas at various sites through formulating and implementing revitalization projects.
 - Economic Development Policy 7.1 Promote the development or redevelopment of neighborhood commercial centers to service local market areas to reduce cross-town traffic...Redevelopment of neighborhood centers should continue to occur at Pawtuxet Village, Knightsville, and **Rolfe Square**.
 - Economic Development Goal 11: Target sites for industrial and commercial projects.
 - Economic Development Policy 11.3: Promote leisure and/or entertainment-related businesses to compliment the Park Theater redevelopment in **Rolfe Square**.

The applicant testified about the project and the multiple uses for the property.

There was one opponent to the project and his concerns were considered by the Board.

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

Ward 4

BENJAMIN and COLLEEN HANSON (OWN/ APP) have applied to the Board to allow a new single-family home to be constructed in a C4 zone with reduced front yard setbacks at **195 Main Street**, A.P. 30, lots 4,5, 124, and 125; area 36,986 s.f.; zoned C4. Applicants seek relief per Section 17.92.010- Variances, Sections 17.20.030- Schedule of Uses; 17.20.120- Schedule of Intensity Regulations. Application filed 8/08/2023. Robert D. Murray, Esq.

On a motion made by Ms. Montanaro and seconded by Mr. Perdikakis, the Board unanimously voted to approve the application as submitted.

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

FINDINGS OF FACT:

1. The applicant seeks to rebuild an existing single-family residential dwelling for single-family residential use in the C-4 (Highway business) zone, thus the immediate request amounts to a Use Variance due to zoning restrictions.
 - a) The existing home and foundation will be removed.
- 2) According to the City’s records, the original dwelling was built in 1841, therefore predating zoning and having been of a residential use prior to both the existing zoning designation (Highway business) and the Future Land Use Map zoning designation (Highway/Commercial services).
- 3) The property exists within a neighborhood zoned C-4 dominated by non-conforming single and two-family homes (see radius map on pg. 3).
- 4) The subject parcel directly abuts a residential zone (A-20, Single-family dwellings on lots of minimum areas of (20,000) square feet).
- 5) The applicant seeks relief for front setback [Section 17.20.120 – Schedule of intensity regulations].
 - a) The applicant seeks to construct a single-family residential dwelling with a front setback of 21.9 ft. where a minimum of 40 ft. is required [Section 17.20.120 – Schedule of intensity regulations].
 - (i) All other dimensional requirements will be met by the applicant in conformance with City standards.
- 6) The applicant spoke about the need for a new home and how the old foundations needed to be removed.
- 7) There was no testimony in opposition to 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, 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 17.20.030- Schedule of Uses; Section 17.20.120 - Schedule of Intensity Regulations.

Stanley Pikul
Secretary, Zoning & Platting Boards

The meeting was adjourned at 10:10 PM
