

City Planning Department



Memo

To: Cranston City Plan Commission
From: Joshua Berry, AICP - Senior Planner / Administrative Officer
Date: May 27, 2021
Re: **Dimensional Variance @ 0 Elmhurst Ave and 145 Wayland Ave**

Owner: Bryan White
Applicant: Gary White
Location: 145 Wayland Avenue & 0 Elmhurst Avenue, AP 12/5, Lots 294-299
Zone: A-6 (Single-family dwellings on lots of minimum areas of 6,000 ft²)
FLU: Single Family Residential 7.26 to 3.63 unit per

There are two docketed matters for two separate proposed lots – but as both are part of the 145 Wayland Avenue Minor Subdivision application, this memo will cover both variance applications.

USE VARIANCE REQUEST:

0 Elmhurst Ave – AP 12 Lots 294, 295 and 296

1. To allow a two-family use, a prohibited use in A-6 zoning. [Section 17.20.030 – Schedule of Uses]

DIMENSIONAL VARIANCE REQUESTS:

0 Elmhurst Ave – AP 12 Lots 294, 295 and 296

2. To allow a dwelling to be erected on a lot which does not abut a public street for the full frontage of the lot. [Section 17.20.080 – Street Access]
3. To allow a lot to be created with 46' of frontage where 60' is required in A-6 zoning. [Section 17.20.120 – Schedule of Intensity]

145 Wayland Ave – AP 12 Lots 297, 298 and 299

4. To allow an existing single-family residence to encroach 2.87-feet into a required 20-foot rear yard setback created by a proposed subdivision. [Section 17.20.120 – Schedule of Intensity]

ZONING MAP

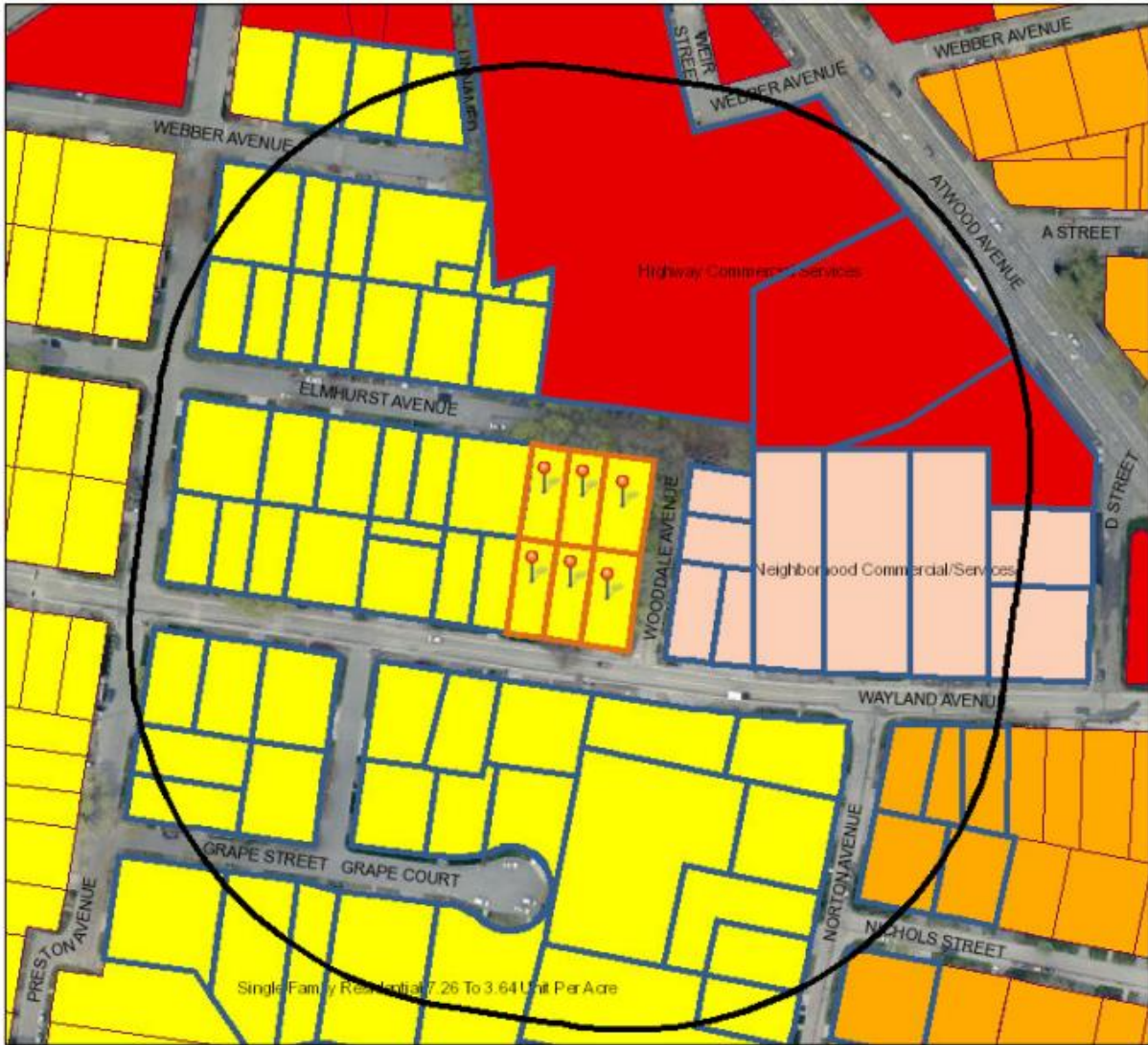


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FUTURE LAND USE MAP



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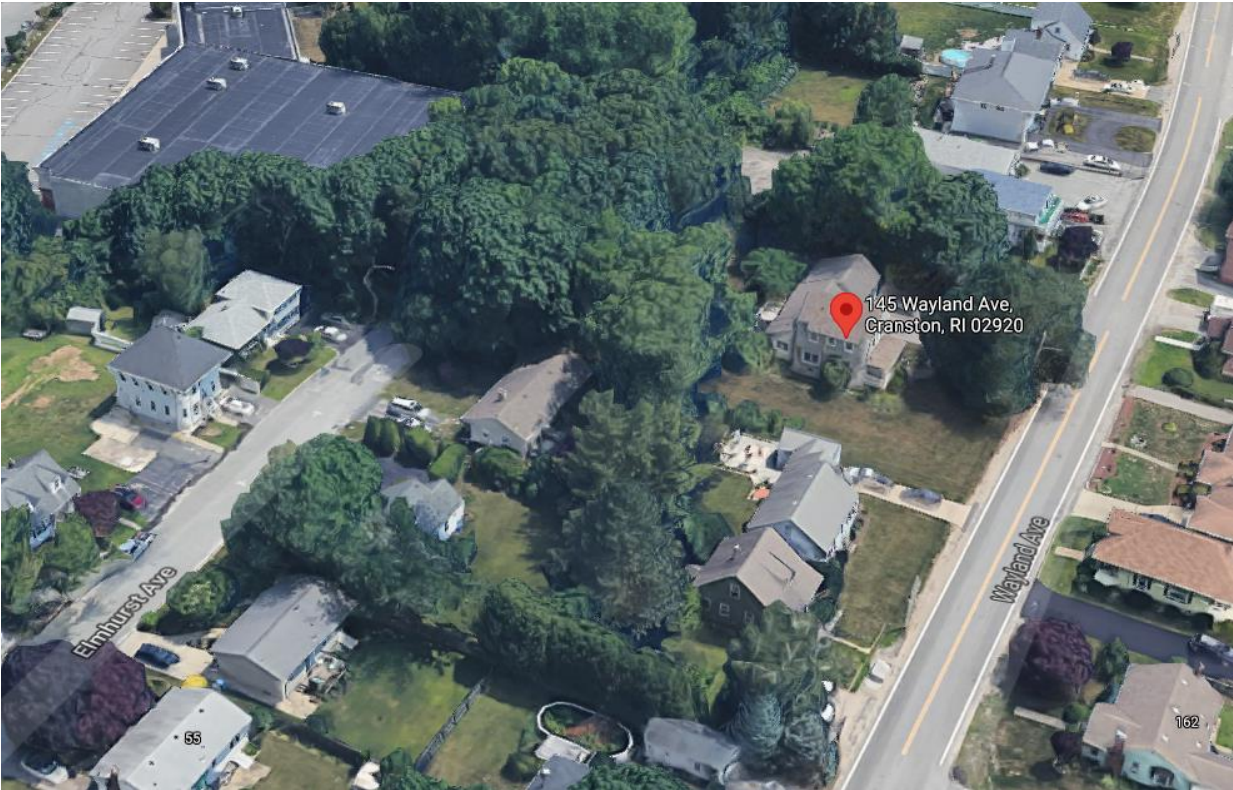


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AERIAL VIEW



3-D AERIAL VIEW (facing east)



STREET VIEW
(Wayland Ave facing north)

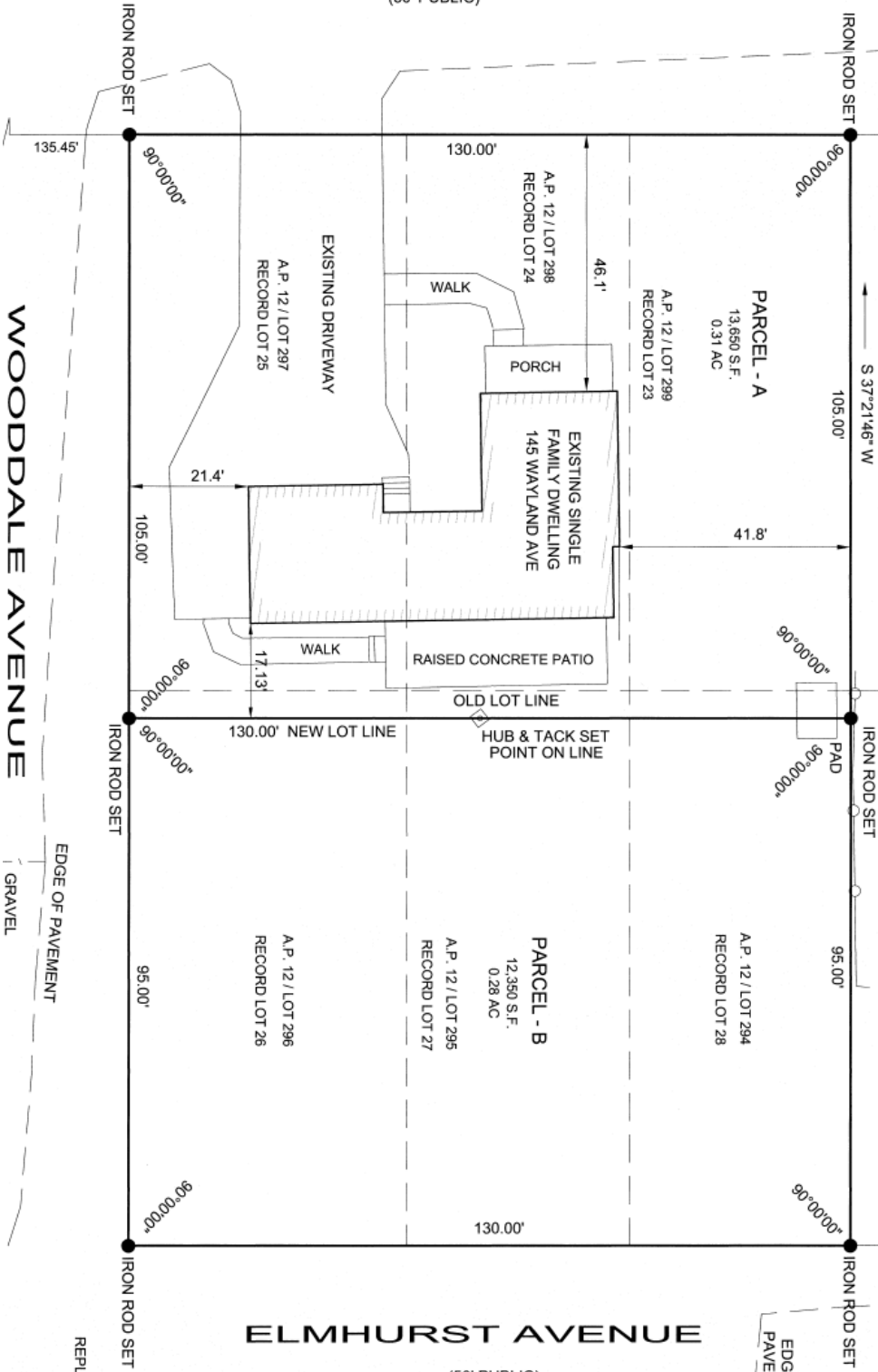


STREET VIEW
(Elmhurst Ave facing east)



WAYLAND AVENUE

(50' PUBLIC)



SUBDIVISION PLAN

3D RENDERING (facing southeast)



3D RENDERING (facing northwest)



FINDINGS OF FACT

1. The subject property is the last/only undeveloped portion of Elmhurst Ave between Preston Ave and Wooddale Ave. Elmhurst Ave and Wooddale Ave are not improved streets so proposed Parcel B currently has restricted vehicular access and frontage.
2. The owner/applicant proposes to replat/subdivide six existing lots into two lots for the purpose of creating one new buildable lot intended for two-family development under A-6 zoning.
3. The six subject lots have enough area (26,000 ft²) to yield four dwelling units while only three units are proposed.
4. Proposed Parcel A, where the existing single-family residence is located, will be a conforming lot with 13,650 ft² but requires relief for a 2.87' encroachment into the 20' rear yard setback for the existing dwelling. However, the applicant was told by the City during the pre-application phase that the northern property line for Parcel A was a side yard with an 8' setback, not a rear yard with a 20' setback. The City changed its interpretation of the setbacks at the time the applicant filed their variance application.
5. Proposed Parcel B will need relief for lot frontage, and the proposed duplex will require relief for restricted vehicle access. Parcel B has 130' of frontage on Elmhurst Avenue and 95' of frontage on Wooddale Avenue, but neither of these portions of said roads are improved and thereby only the portions to be improved qualify towards street frontage.
6. The City of Cranston's Technical Review Committee met with the applicant for a pre-application on more than one occasion and advised the applicant to design the project with minimal street extension. This review involved the Fire Department, Bureau of Traffic Safety, Planning and Engineering Departments.
7. The Department of Public Works has voiced support of the subdivision design as to avoid the extension of Elmhurst Avenue and Wooddale Avenue, thereby minimizing the city's responsibility to maintain and plow the roads, manage the drainage, as well as to avoid the extension of sewer and water utilities.
8. The visual impacts to the abutting neighbors of the proposed duplex would be less than developing the remainder of Elmhurst Avenue and developing two single family homes, particularly as the vegetation in the unimproved right-of-way buffers the view to the rear of the Job Lot on Atwood Avenue.
9. The neighborhood analysis provided by the applicant finds that there are 9 other two-family homes, 1 three-family home, 1 "multi house" (multifamily home) and numerous business uses within a 400' radius. Therefore, the duplex would not be completely out of character with the surrounding area. The nearest duplex on Elmhurst Avenue is roughly 90' due northwest of the subject property.
10. The subdivision is consistent with the density allocation prescribed by the Comprehensive Plan Future Land Use Map allocation of Single Family Residential 7.26 to 3.63 units/acre with a proposed density of 5.03 units per acre.

11. The proposed subdivision design offers desired attributes that normally associated with conservation subdivisions which are identified in the Comprehensive Plan Housing Element such as encouraging more efficient development that is less sprawling, minimizing the disturbance to existing topography and vegetation in the unimproved right-of-way, and programming the extension of utilities and road improvements. The Comprehensive Plan states that “subdivision design should be based on its resource quality and livability, and should also **allow flexibility in the dimensional standards and building types** (emphasis added).” (p. 67)

PLANNING ANALYSIS

The 145 Wayland Ave Subdivision could be a by-right application if the applicant proposed to extend Elmhurst Avenue and Wooddale Avenue to create two single-family lots with adequate street frontage and thereby complying with the dead-end streets and cul-de-sacs requirements in the City. The possibility that the subdivision *could* be redesigned to comply may leave one questioning whether it *should* be redesigned, or whether there are other elements that should be considered in determining whether the request is warranted.

The total area of the six existing lots is 26,000 ft². This means that:

- This land can yield **4 lots** in A-6 zoning with 2,000 ft² to spare (only 3 are proposed); and
- The proposed density is 5.03 units/acre, **well under the maximum density established by the Future Land Use Map** designation of 7.26 to 3.63 units/acre.

The Technical Review Committee met on this project on more than one occasion in 2020, which **advised the applicant to design the project as to *not* extend Elmhurst Ave and Wooddale Ave beyond the minimum required for vehicular access.** This review involved the Fire Department, Bureau of Traffic Safety, Planning and Engineering Departments.

Corroborating the position of the Technical Review Committee, the Department of Public Works has conveyed that **it is better for the City that the public roads *NOT* be extended**, and have indicated support for the proposed design as the preferred path to develop the subject property. The motivation for DPW’s support for the proposed layout is to save the City money and resources. If the roads were built, DPW would be responsible to plow and maintain the roads and would also be responsible for the maintenance of any extension of the public sewer and water mains.

The applicant has taken the advice of the Technical Review Committee and proposes to extend Elmhurst Avenue by 46’ as to provide adequate vehicle access to the newly proposed duplex. The applicant proposes a duplex instead of two single-family lots as it may be more efficient and because vehicular access to the eastern lot would be problematic. A 4’-6” redi-rock gravity block retaining wall is proposed along the northern and western property lines to allow for the units to enjoy a space that would function as a rear yard, host an underground a stormwater infiltration system, and host underground the sewage pipes and pump station. The proposed layout allows Parcel B, which has enough land to yield two dwelling units, to do just that in a way that minimizes the necessary infrastructure improvements.

Whether there are negative impacts to the neighborhood beyond what could be built by-right is a matter of subjective opinion, but staff does not find the impacts specific to the variance and waiver

requests to raise to the level to justify a denial of the application. There may be a very slight difference that the abutting neighbor to the west would see two garage doors and two doorways (although please note that nothing in the City Code would prevent a single-family home from having two of either or orienting the house in this way), but beyond this, staff does not find any real aesthetic difference between a single and two-family home. If the neighbor voices concern, staff is confident that a fence or other mitigation could resolve any aesthetic issues. Furthermore, it should be considered that **the development of the road would likely cause more visual impact** than the duplex as the construction of the roads would involve removing the existing visual buffer preventing the view to the rear of the Job Lot to the northeast.

Specifically speaking to encroachment into the rear-yard setback created by the subdivision, staff finds that this is a technicality that is not the fault of the applicant. During the pre-application phase of the project, the applicant provided a plan showing an 8-foot side yard setback adjacent to the northern property line for Proposed Parcel A. The City has interpreted that corner lots have two front yards and two side yards for the past several years. Planning staff forwarded the plan to the Building & Inspections Department to confirm the setbacks were accurate – which was confirmed in an email on 3/1/21. As is evident in the application materials, the plans were submitted showing 8-foot side yard setbacks adjacent to the proposed lot line between Parcels A and B. The Building & Inspections Department, upon receipt of the zoning application, *changed their interpretation* of the setbacks and required that the applicant request relief from a 20-foot rear yard setback. This is not the fault of the applicant, who should not be penalized for the changing of the interpretation. The Planning Department will soon be working with the Building & Inspections Department on a zoning code amendment to clarify how building setback apply to corner lots so that this does not happen again.

Staff does not believe that approval would undermine the intent of zoning. Approval of the application would not set a precedent for future two-families in the neighborhood as this development is the last undeveloped land in the neighborhood. There is a two-family on Elmhurst Avenue just northwest of the subject property, and staff finds 8 two-families (the applicant's analysis states there is 9) within 400' of the project. Furthermore, staff believes that **there is no benefit to requiring the roads beyond that which is required for vehicular access**. The City Code is intended to create good outcomes in the built environment. It is not meant to be complied with merely for the sake of compliance, but for the sake of the outcome. The question therefore becomes, would compliance with the Zoning Ordinance result in a better outcome? Staff believes that it would not result in a better outcome.

Regarding consistency with the Comprehensive Plan, in addition to consistency with the density allocation of the Future Land Use Map, staff finds that the proposal is also consistent with the policies found in the Housing Element. The proposed subdivision design offers beneficial and desired attributes of conservation subdivisions that are specifically identified on page 66:

- Encourage a more efficient form of development that is less sprawling and consumes less open land;
- Minimize the total amount of disturbance on a site which preserves the natural topography of a site;
- Allow for the construction and maintenance of roadways, utilities, and services in a more economical and efficient manner.

Admittedly, the proposal is not technically a conservation subdivision, but staff holds that the

above-listed benefits offered by the design are relevant are consistent with the Comprehensive Plan, which states that “subdivision design should be based on its resource quality and livability, **and should also allow flexibility in the dimensional standards and building types** (emphasis added). . . the Planning Department should work with developers to create successful plans by using flexible standards” (p. 67). Staff urges the Plan Commission to support the requests for relief to allow flexibility in the dimensional standards to minimize the disturbance to the environment, neighborhood, and public utilities & resources.

Recommendation

Due to the fact that the application is consistent with the Cranston Comprehensive Plan and the design minimizes the impacts of the subdivision, staff recommends the Plan Commission forward a **positive recommendation** on the application to the Zoning Board of Review.