

# City Planning Department



## Memo

To: Cranston City Plan Commission  
From: Doug McLean, AICP – Principal Planner  
Date: August 2, 2021  
Re: **Dimensional Variances 1299 Park Avenue**

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**Owner:** Three Kids, LLC  
**Applicant:** Dwight Leigh  
**Location:** 1299 Park Avenue and 12 Old Park Avenue, AP 11, Lot 145  
**Zone:** B-1 and C-1 (split zone parcel).  
**FLU:** Neighborhood/Commercial Services

### **DIMENSIONAL VARIANCE REQUEST:**

1. To allow a two (2) lot subdivision that will leave both of the proposed lots with substandard lot area. [17.20.120- Schedule of Intensity Regulations, and 17.20.090 - Specific requirements]

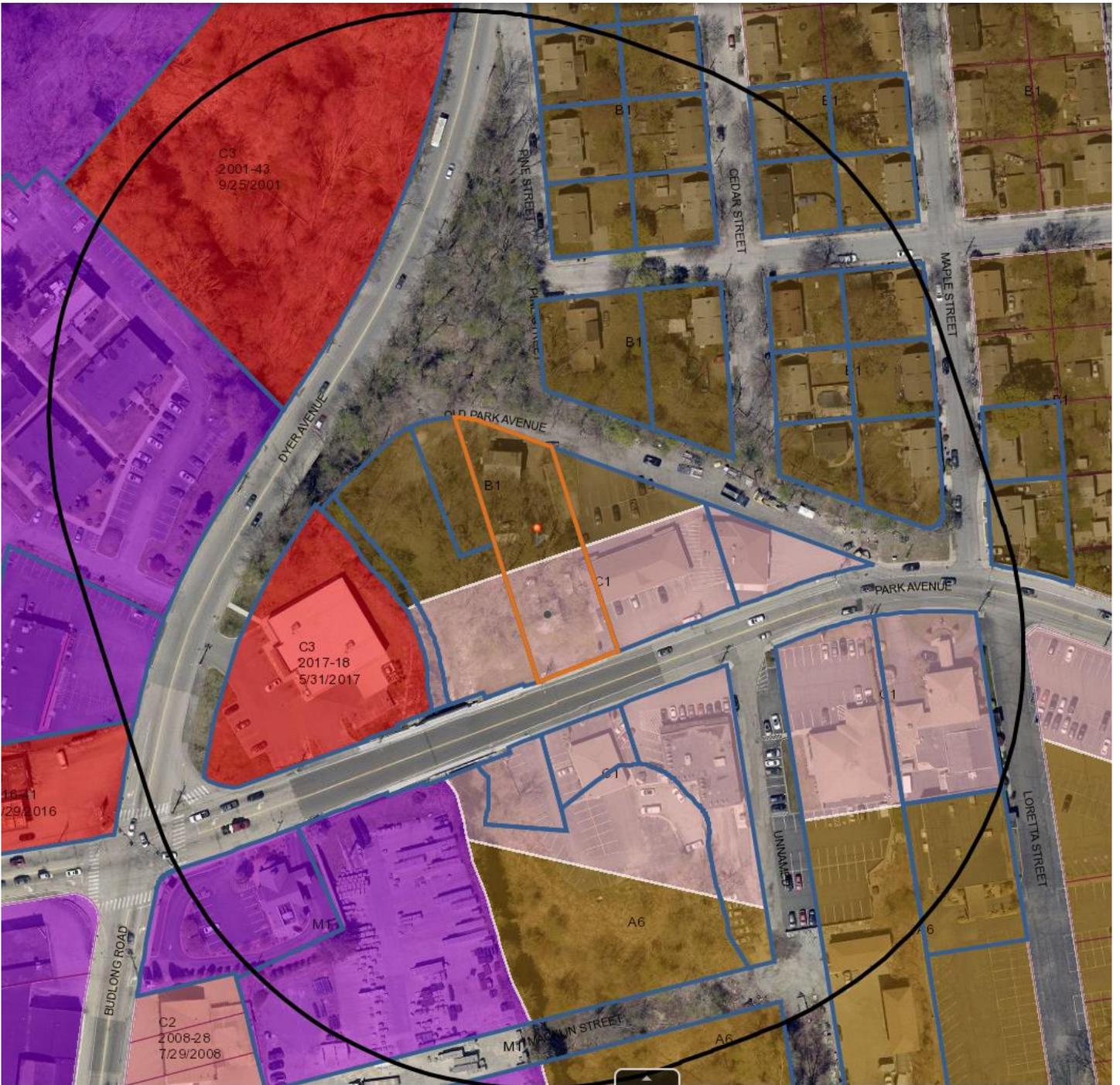
**NEIGHBORHOOD AERIAL  
(400 ft radius line shown in black)**



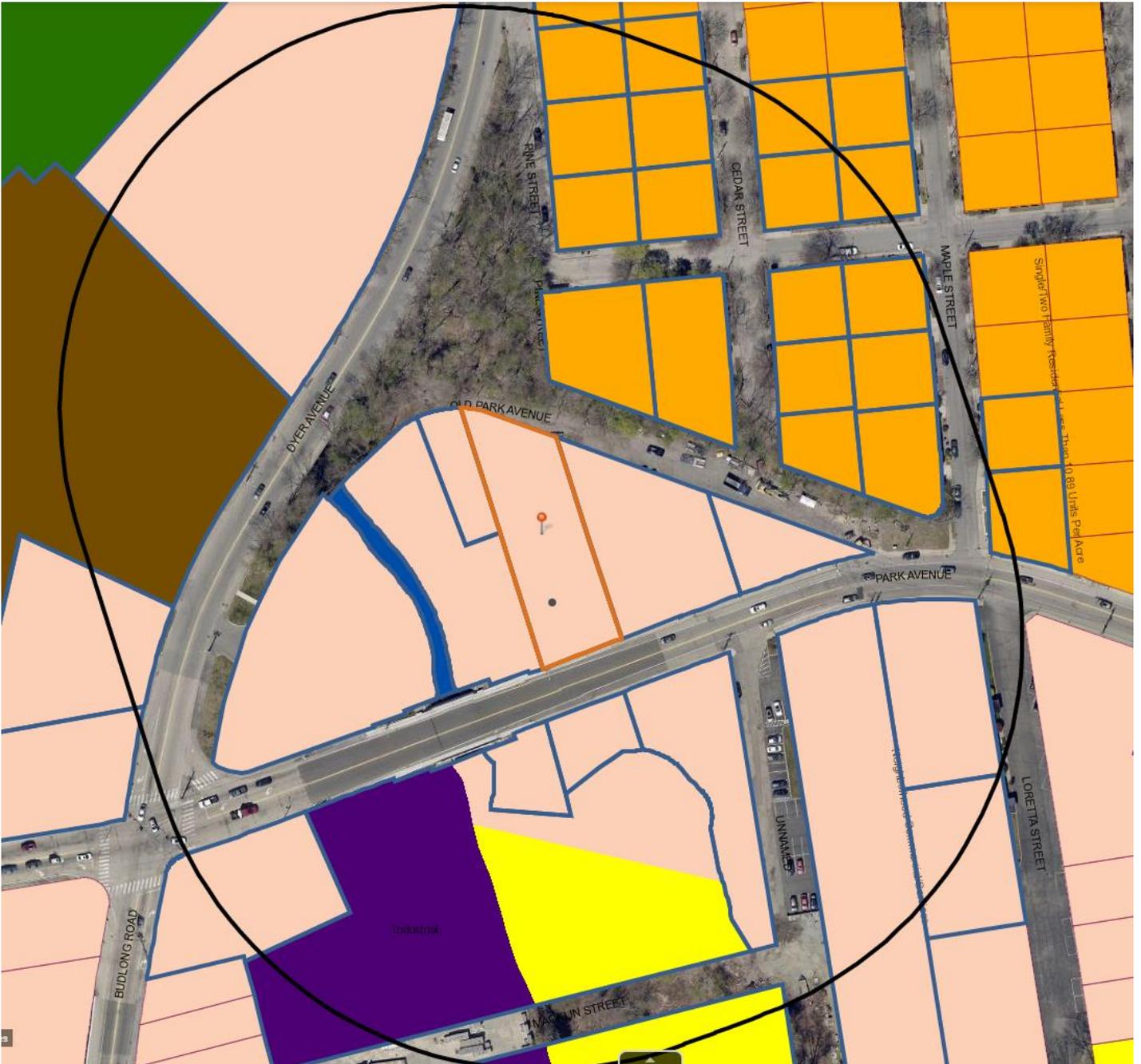
**PARCEL AERIAL**



# ZONING MAP



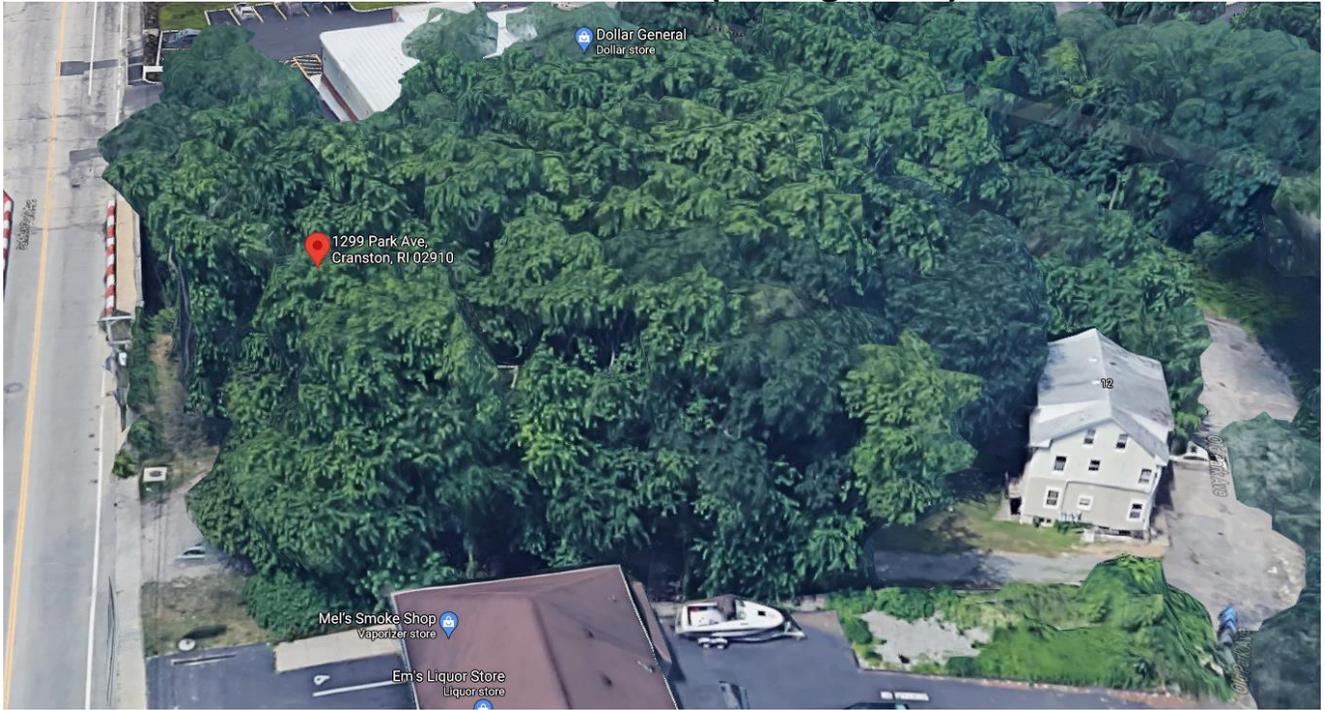
# FUTURE LAND USE MAP



### 3-D AERIAL VIEW (facing north)



### 3-D AERIAL VIEW (facing west)



### STREET VIEW





## FINDINGS OF FACT:

- The applicant is proposing to subdivide an existing 14,211 sq. ft. lot (0.33 acres) lot into two (2) lots that will each be host to an existing residential structure.
- No new vacant lots will be created as a result of this subdivision. The primary purpose of this subdivision is to divide the lots so that each of the two (2) residential structures on the property will exist on their own separate lot.
- The lot currently has a 2-family dwelling (near the Park Avenue frontage) and a three-family dwelling (near Old Park Avenue frontage).
- The subdivision serves the purpose of dividing a parcel that is currently a split zone property (containing portions of both a B-1 zone and a C-1 zone). The subdivision of the parcel will occur directly along the existing zoning boundary line so this subdivision will leave 1 new parcel solely in a B-1 zoning designation and another new parcel solely in a C-1 zoning designation.
- The 2 family dwelling nearest to Park Avenue will be left in a C-1 zone. The 3-family dwelling nearest to Old Park Avenue will be left in a B-1 Zone.
- The applicant is requesting two (2) dimensional variances for lot area for each of the proposed new lots. The following code outlines the required lot area for 2- and multi-family dwellings in B-1 and C-1 zones:

*“17.20.090 - Specific requirements.*

*A. The minimum lot areas in Section 17.20.120 are for a single-family dwelling in districts in which dwellings are permitted. For a two-family dwelling, the minimum lot area shall be eight thousand (8,000) square feet. For multi-family dwellings the minimum lot area shall be six thousand (6,000) square feet for the first dwelling unit, plus four thousand (4,000) square feet for each of the next nine dwelling units, plus three thousand five hundred (3,500) square feet for each dwelling unit in excess of ten (10) dwelling units; provided, however, that for the multi-family structures designed for the elderly, ninety (90) percent or more whose units are to be occupied by persons at least sixty (60) years of age, the minimum lot area shall be eight thousand (8,000) square feet for the first two dwelling units, plus one thousand (1,000) square feet for each dwelling unit in excess of the two dwelling units.”*

- Based on the code language above, the 2-family dwelling in the C-1 zone is required to have 8,000 sq.ft. The proposed lot size for the 2-family structure (Parcel B) is 7,124 sq.ft. so the lot is short of the required area by 876 sq. ft. (11% short of the standard).
- Based on the code language above, the 3-family dwelling in the B-1 zone is required to have 14,000 sq.ft. The proposed lot size for the 3-family dwelling (Parcel A) is 7,067 sq.ft. (49% short of the standard.)
- No new construction or redevelopment of the parcel is being proposed as part of this subdivision. Therefore, the density of the overall site will not change despite the need for lot area relief.
- It should be noted that the property owner has stated that they are in the process of “cleaning up” the property with regard to storage of materials and other items on the site.
- Any new construction or new uses on the 2 properties moving forward will need to comply with all standards of the zone. The minimum lot size for both a C-1 and a B-1 zone is 6,000 sq.ft. so the lot themselves will not be substandard. They are only considered substandard when taking into consideration the pre-existing non-conforming uses already on the property.

- The result of the subdivision will “cure” the existing non-conformity of having 2 primary residential structures on one lot, and also “cure” the existing split zone circumstance by dividing the lot along the existing zoning boundary line. Based on the above, staff finds this subdivision offers a benefit to the subject land and surrounding neighborhood as it will reduce non-conformities and foster orderly and predictable development moving forward.
- Due to the finding that the subdivision will not create any vacant buildable lots, the density level of the site will not increase beyond what is already there, therefore the subdivision is consistent with the Cranston Comprehensive Plan.
- Due to the finding that the subdivision will not result in any new buildings on either property, and any new development moving forward will need to comply with the code, therefore the subdivision will not result in a genitive impact to the surrounding neighborhood.

**RECOMMENDATION:**

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the application not negatively impact the character of the surrounding neighborhood, staff recommends the Plan Commission forward a **positive recommendation** on the application to the Zoning Board of Review.