

# City Planning Department



## Memo

To: Cranston City Plan Commission  
From: Joshua Berry, AICP - Senior Planner / Administrative Officer  
Date: January 28, 2022  
Re: **Dimensional Variances @ 15 Usher Avenue & 0 Midvale Avenue**

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**Owner/App:** Donald B. Coletti  
**Location:** 15 Usher Ave (AP 11 Lot 2524) and 0 Midvale Avenue (AP 11 Lot 2523)  
**Zone:** A-6 (Single-family dwellings on 6,000 ft<sup>2</sup> minimum lots)  
**FLU:** Single Family Residential 7.26 to 3.64 units/acre

### **DIMENSIONAL VARIANCE REQUESTS:**

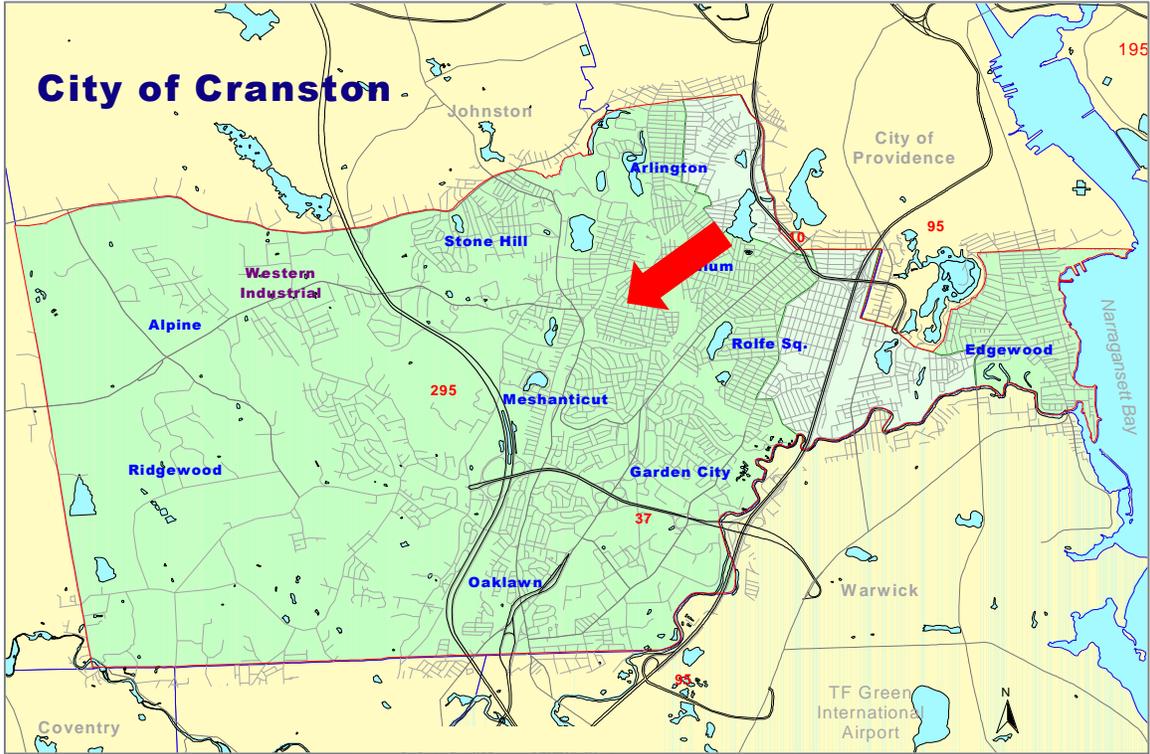
#### **15 Usher Ave AP 11 Lot 2524**

1. Relief from the merger clause to allow the two abutting nonconforming lots to be unmerged. [17.88.010 *Substandard Lots of Record and Lot Mergers*]
2. Relief for substandard lot area (AP Lot 2524 is 4,000 ft<sup>2</sup> where 6,000 ft<sup>2</sup> is required). [17.20.120 – *Schedule of Intensity*]
3. Relief for substandard lot width and frontage (AP Lot 2524 has 40' of width and frontage where 60' is required). [17.20.120 – *Schedule of Intensity*]

#### **0 Midvale Ave AP 11 Lot 2524**

1. Relief from the merger clause to allow the two abutting nonconforming lots to be unmerged. [17.88.010 *Substandard Lots of Record and Lot Mergers*]
2. Relief for substandard lot area (AP Lot 2523 is 4,618 ft<sup>2</sup> where 6,000 ft<sup>2</sup> is required). [17.20.120 – *Schedule of Intensity*]
3. Relief to allow the construction of a single-family residence to encroach 17' into the required 25' front setback. [17.20.120 – *Schedule of Intensity*]

# LOCATION MAP



# AERIAL VIEW



# ZONING MAP



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# FUTURE LAND USE MAP



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## **STREET VIEW**

(from intersection of Usher Ave & Midvale Ave facing west)



## **STREET VIEW**

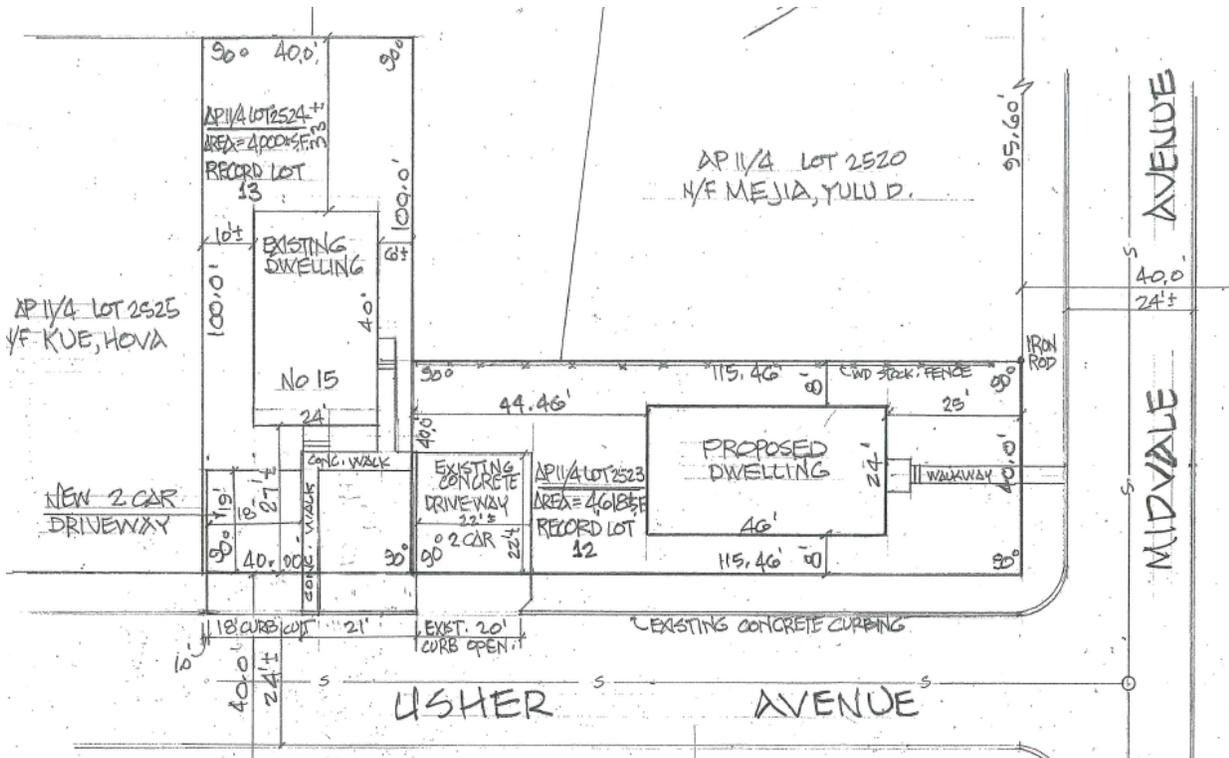
(from intersection of Usher Ave & Midvale Ave facing south)



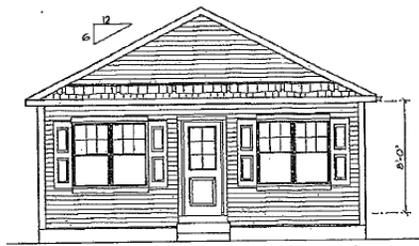
### 3-D AERIAL VIEW (facing southwest)



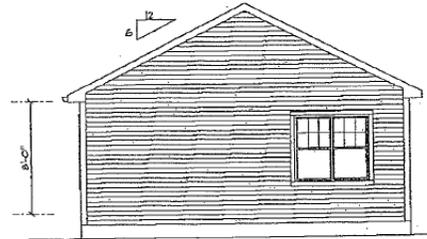
### SITE PLAN



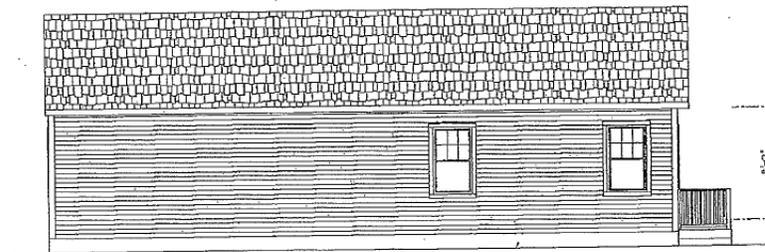
# ELEVATIONS



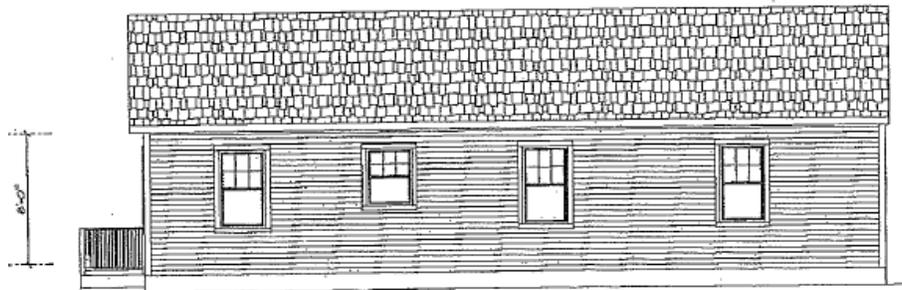
FRONT ELEVATION 1/4"=1'-0"



BACK ELEVATION 1/4"=1'-0"



LEFT SIDE ELEVATION 1/4"=1'-0"



RIGHT SIDE ELEVATION 1/4"=1'-0"

## PLANNING STAFF FINDINGS

1. AP 11 Lot 2523 is a corner lot measuring 115.46' x 40'. City Code Section 17.20.090 (F) states that the side yard setback for nonconforming lots with frontage less than 50' shall be 5' (reduced from the 8' side setback established in 17.20.120 *Schedule of Intensity*). After observing the 25' front setback from Usher Ave and the 5' side yard setback, the width of the buildable area is 10'.
2. There are three other substandard lots on Usher Avenue. Two are merged to form a conforming lot and developed in compliance with A-6 zoning requirements (AP 11 Lots 2525 & 2526). The other (AP 11 Lot 2534) is a 4,000 ft<sup>2</sup> substandard lot of record that is developable under Section 17.20.040 (B)(1). Therefore, the proposed substandard lots are inconsistent with the *current* built environment on Usher Ave, but are not inconsistent with what *could be built by-right* under zoning.

3. The lots within a 400' radius are diverse in terms of their shapes and sizes; there is no uniform development pattern that defines the area.
4. There is a 4,000 ft<sup>2</sup> corner lot with a single-family dwelling at the southwest corner of the intersection of Midvale Ave and Plaza Street, one block due west of the subject property. GIS measuring tools estimate the residence to be 8' away from the property eastern property line abutting Plaza Street, nearly identical to the relief requested for AP 11 Lot 2523. Tax Assessor records indicate that the structure was built prior to zoning.
5. The Comprehensive Plan Land Use Element; Principle 4 reads: "*Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life. Protect the natural, historic and visual resources that define the neighborhoods*" (p. 34). The side of the proposed single-family residence would encroach 17' into the required 25' front setback. It is inconclusive whether proposed encroachment would negatively impact the visual resources that define the neighborhood.
6. The Comprehensive Plan Future Land Use Map (FLUM) designates the property as Single-Family Residential 7.26 to 3.64 Units/Acre. The proposed cumulative density of the proposal is 10.12 units/acre and is therefore *inconsistent* with the FLUM.
7. The proposal is consistent with several policies in the Comprehensive Plan, including but not limited to HG-4, HP-4.1, HP-4.6.
8. Cranston has a significant housing shortage and this unit would be consistent with the Comprehensive Plan goals of creating housing stock and housing choices in the city, specifically infill units in Eastern Cranston.

## PLANNING ANALYSIS

Staff makes both positive and negative findings on this application.

There is an existing single-family structure at 15 Usher Ave that would not be altered as part of the proposal. The encroachment into the side setback is an existing condition. A new driveway is proposed to comply with off-street parking requirements. **Staff is not concerned with the aspects of the proposal related to maintaining the residence on a substandard lot at 15 Usher Ave.**

The more impactful aspect of the application is the request to allow a new single-family home to be built on AP 11 Lot 2523, a corner lot that is 40' x 115.46'. 25' front setbacks are required from Usher Avenue and Midvale Avenue. The plan shows that the proposed new residence complies with the 8' side yard setback in A-6 zones, but due to the lack of width, this pushes the side of the 24' wide house 17' into the front yard setback on Usher Ave. However, Code Section 17.20.090 (F) states that a reduced side setback of 5' shall apply when the frontage is less than 50'. In order to reduce the encroachment into the front setback to the least amount necessary, **Planning staff recommends that the applicant move the building 3' closer to the interior side lot line thereby reducing the encroachment into the front setback from 17' to 14'.**

As part of a strategic effort to address the housing shortage in the City, the Planning Department generally supports of zoning relief for substandard lot area and frontage when such relief is not anticipated to have negative impacts and/or negatively alter the character of the neighborhood.

The Comprehensive Plan Land Use Element; Principle 4 reads: “*Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life. Protect the natural, historic and visual resources that define the neighborhoods*” (p. 34). A nearly identical circumstance exists one block west of the subject site, without measurable negative affect, yet without the benefit of a public hearing and testimony from the neighbors, staff does not conclusively assert that this would not have any negative visual impacts. **Staff finds that the reduced lot area and frontage do NOT have a negative impact on the visual resources that define the neighborhood, but it remains inconclusive whether the encroachment into the front setback would negatively impact the visual resources that define the neighborhood.**

Staff makes both positive and negative findings regarding the consistency of the application with the Comprehensive Plan. The Comprehensive Plan Future Land Use Map (FLUM) designates the property as Single-Family Residential 7.26 to 3.64 Units/Acre. **The proposed cumulative density of 10.12 units/acre is inconsistent with the FLUM.**

Despite the above negative findings, the proposal is consistent with several policies in the Comprehensive Plan, including but not limited to HG-4, HP-4.1, HP-4.6:

- HG-4 Promote housing opportunity for a wide range of household types and income levels;
- HP-4.1 Maintain a varied housing stock, with units of different age, size and type;
- HP-4.6 Promote the development of new housing that is affordable to average first-time buyers living in the City;

Relief would have a positive impact in the City. Cranston has a significant housing shortage and this unit would be consistent with the Comprehensive Plan goals of creating housing stock and housing choices in the city, specifically infill units in Eastern Cranston.

After weighing the positive & negative findings, and acknowledging that information and testimony during the Zoning Board of Review’s notified public hearing on this matter will bring more clarity to the aesthetic impacts, **staff believes that the benefits and positive findings slightly outweigh the concerns and negative findings.**

**RECOMMENDATION** (this applies to both AP 11 Lot 2523 and Lot 2524)

Due to the findings that the relief would be consistent with housing policy in the Comprehensive Plan and that the substandard lot dimensions would not be out of character with the surrounding area, staff recommends the Plan Commission forward a **positive recommendation** on the applications to the Zoning Board of Review.