

City Planning Department



Memo

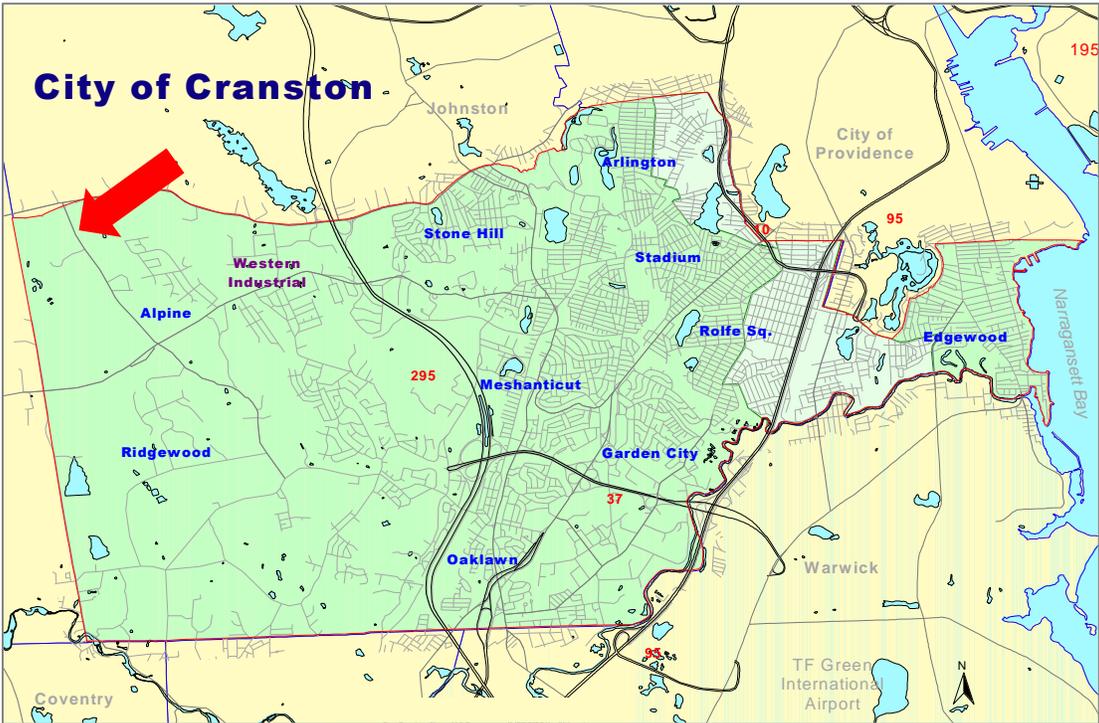
To: Cranston City Plan Commission
From: Joshua Berry, AICP, Senior Planner
Date: October 2, 2020
Re: Variance Application for 156 Pippin Orchard Rd (AP 33, Lot 51)

Owner/App: Deborah & Jeffrey Andrade
Location: 156 Pippin Orchard Rd (AP 33 Lot 51)
Zone: A-80 (Single-family dwellings on lots of minimum areas of 80,000 ft²)
FLU: Single Family Residential Less Than 1 unit per acre

DIMENSIONAL VARIANCE REQUEST:

1. To allow an addition to the existing residence to encroach 35.9' into the required 100' rear yard setback.
2. To allow the 480ft² (24' x 20') attached accessory dwelling unit, 56 ft² (7'-1" x 7'-11") deck and extended mud room entrance additions to the existing residence to exceed the 10% maximum lot coverage by 7.3%.

LOCATION MAP



Zoning Map



UserSelectedParcels	Zoning	B1	M1
vParcels_Buffer	none	B2	M2
ParcelsInBufferOutput	A80	C1	E1
Parcels	A20	C2	MPD
Streets Names	A12	C3	S1
Zoning Dimensions	A8	C4	Other
Historic Overlay District	A6	C5	Street Names



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City of Cranston

NEIGHBORHOOD AERIAL (2019 Imagery)



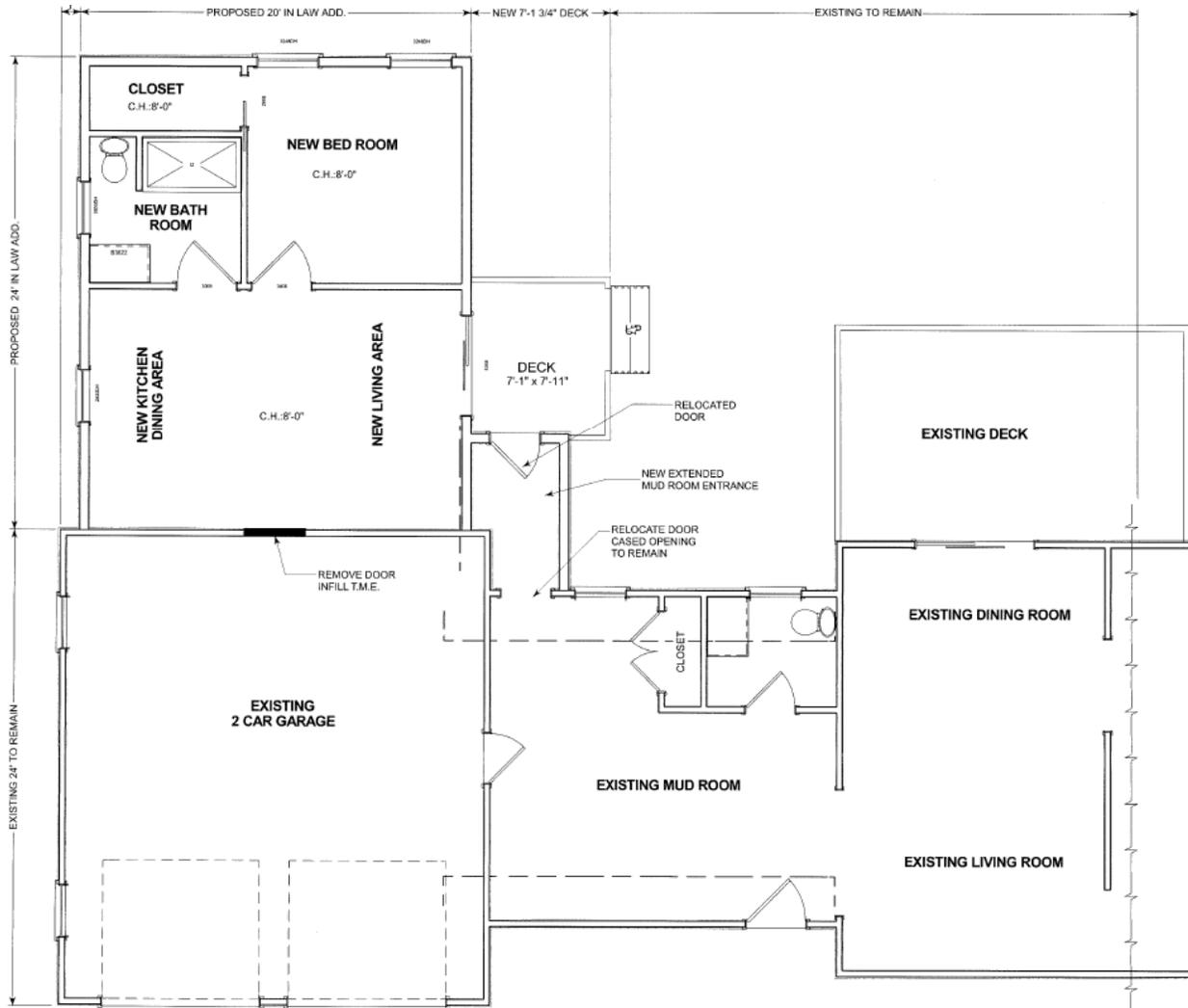
AERIAL CLOSE UP



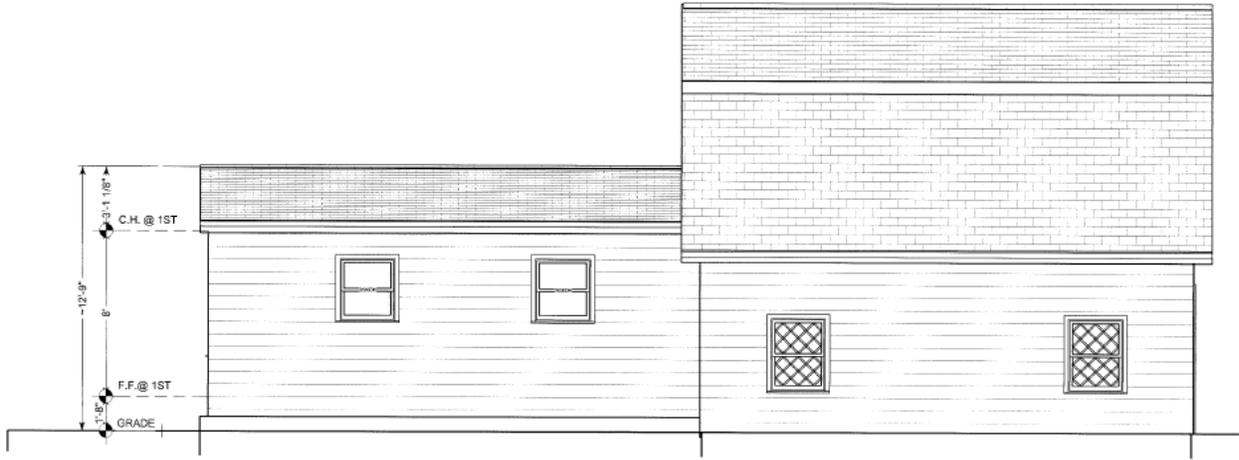
3-D AERIAL VIEW (Facing North)



FLOOR PLANS



SIDE ELEVATION



REAR ELEVATION



EXISTING CONDITIONS



FINDINGS OF FACT:

1. The owner/applicants propose an Accessory Family Apartment (aka Accessory Dwelling Unit [ADU]) at their residence at 156 Pippin Orchard Rd (AP 33 Lot 51) to take care of their mother.
2. The proposed ADU meets the area requirements in City Code Section 17.24.010(F)(1) which requires ADU's to be between 400 ft² and 600 ft², to not exceed 25% of the entire floor area of the primary dwelling, and limits the ADU to one bedroom. Only one bedroom is proposed. The City's Vision Tax Assessor card dated 7/8/20 states that the gross living area of the existing residence is 2,136 ft². The ADU is proposed to be 480 ft², which is 22.5% of the gross living area of the existing residence.
3. The proposed ADU meets the requirement that the occupant be either a parent or grandparent of the owner per City Code Section 17.24.010(F)(2).
4. The proposed ADU is compliant with City Code Section 17.24.010(F)(4) which requires the ADU to retain the appearance of a single-family dwelling and have no additional external entrance facing the street. The entire addition is to the rear and does not alter the appearance of a single-family home
5. The proposed ADU meets the sewage disposal requirements in City Code Section 17.24.010(F)(5) because the existing residence connected to public sewer utilities in 2017.
6. Although the AUD meets all of the performance standards, the addition requires relief for its 35.9' encroachment into the 100' rear setback and for exceeding the 10% lot coverage maximum by 7.3%.
7. The total existing lot coverage is 14.6% (3,016 ft² coverage of a 20,637 ft² lot). Permits were granted for the pool and the deck without zoning relief. The proposal would add another 552 ft² of lot coverage for a total of 3,568 ft² or 17.3% of the lot.
8. The size/area of the lot is a unique characteristic of the subject land and not the general characteristic of the surrounding area. The subject lot is a preexisting nonconforming lot in A-80 zoning. The lot is 20,637 ft², which is 59,363 ft² short of the 80,000 ft² minimum requirement. The subject property has less area than the three (3) A-20 zoned lots that it abuts (28,618 ft², 24,382 ft² and 21,553 ft² respectively) and is 78,680 ft² smaller than the abutting A-80 lot to the south (AP 33 Lot 37).
9. The Comprehensive Plan Housing Element recommends the City "Review zoning for existing residential neighborhoods to ensure the zoning matches, as closely as possible, the dimensions and unit types of what has already been built" (p.11). The area (20,637 ft²) and frontage (145') of the lot are more consistent with the standards in A-20 zoning than A-80 zoning (20,000 ft² + 125' frontage and 80,000 ft² + 200' frontage respectively). *The property should be zoned A-20, not A-80, consistent with its dimensions according to the guidance of the Comprehensive Plan.*
10. The 100' rear setback in A-80 zoning is the largest setback in any zone in the City (with the exception that S-1 Open Space zones have the same setbacks as A-80). The next largest rear setback in a residential zone is 30' in A-20 zoning. The lot 10% coverage maximum in A-80 is the most restrictive in the City (again tied with S-1, Open Space zoning). The next most restrictive is A-20 with a 20% maximum. The proposed improvement on the subject lot would comply with A-20 setbacks and lot coverage if the lot were zoned consistently with its dimensions.

11. The size of the lot is not the result of any action of the applicant.
12. The motive for the request for the ADU is to house and take care of an aging parent, not financial gain.
13. The Comprehensive Plan suggest that the City “Promote the development of special housing alternatives for the elderly and handicapped” (p. 11).
14. Granting of the request will not alter the general character of the surrounding area or impair the purpose of the zoning ordinance or comprehensive plan. The addition will not alter the front elevation of the property. The lot is mis-zoned and should be A-20, which is consistent with the Comprehensive Plan as stated in finding #8.
15. The denial of the variance may amount to more than a mere inconvenience as the applicants’ mother would have to find an alternative living arrangement.
16. The applicant supplied letters of support from three abutting neighbors, Nicholas & Shelley DiBenedetto of 21 Braeburn Circle, Richard and Kathleen Sullivan of 5 Westland Court, and Anthony R. Leone, II of 9 Westland Court.

ANALYSIS:

The crux of the issue lies within the fact that a 20,637 ft² lot is zoned A-80 instead of A-20. This imposes a 100’ rear setback instead of a 30’ rear yard setback, and a 10% maximum lot coverage instead of a 20% maximum lot coverage. The buildable envelope is only 20’ in depth after the 40’ front and 100’ rear setbacks are applied. If the subject site was properly zoned as A-20, as suggested by the Comprehensive Plan (p.11) as described in Finding of Fact # 9, this application would not require relief. The mis-zoning of the lot creates the hardship from which relief is justified.

The ADU itself complies with State law and the performance standards in City Code Section 17.24.010.(F). It proposes only 1 bedroom within the area restrictions while the elevations show how the materials and design maintain the appearance of a single family home. It appears that there is enough existing parking with the large driveway and two car garage. The house is already serviced by public sewer and the occupant meets the relationship criteria.

The Planning Department and Comprehensive Plan recognizes that finding housing for our aging community is important. Denial of the application would be more than a mere inconvenience for the applicants and their mother, as they would need to find alternative living and care arrangements, the cost (and potentially the quality) of which cannot be compared to the proposed arrangement. The Comprehensive Plan suggest that the City “Promote the development of special housing alternatives for the elderly and handicapped” (p. 11). Relief, if granted, would be consistent with the Comprehensive Plan.

Importantly, the applicant has provided letters of support from three (3) of the four (4) abutting property owners. These letters clearly indicate that the project will not negatively impact the neighbors. Staff has not received any opposition to the proposal.

RECOMMENDATION:

Considering that the Comprehensive Plan supports housing options for the elderly and supports the interpretation that the zoning should match the dimensions of the existing conditions of the lot, and considering the letters of support from three of the neighbors, staff recommends that the City Plan Commission forward a **positive recommendation** on this application to the Zoning Board of Review.