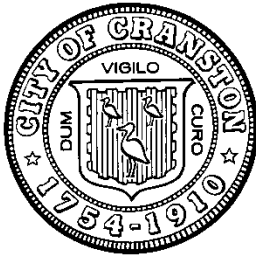


City Planning Department



Memo

To: Cranston City Plan Commission
From: Joshua Berry, AICP - Senior Planner / Administrative Officer
Date: December 3, 2021
Re: **Dimensional Variance Application @ 156 Yeoman Avenue and 0 Harmony Street**

Owner/App: Vincent and Christine Caprarelli
Location: 156 Yeoman Avenue (AP 12 Lots 2184-2189)
Zone: A-8 (Single-Family Dwellings on 8,000 ft² Lots)
FLU: Single-Family Residential 7.26 to 3.64 Units/Acre

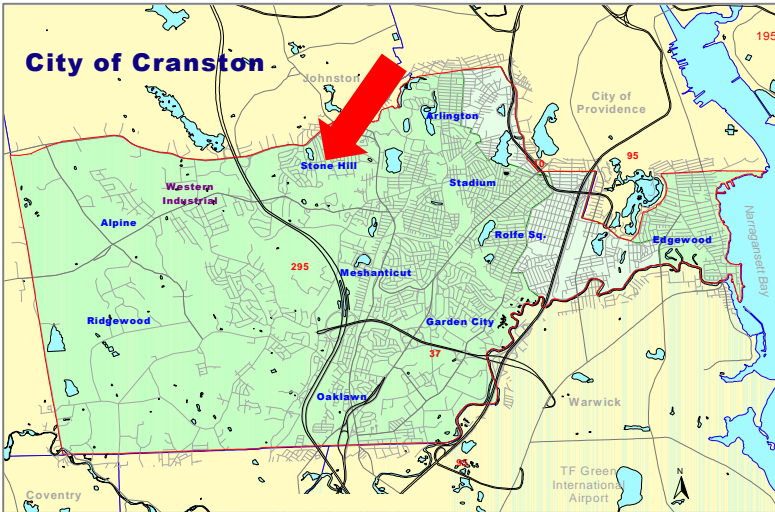
156 Yeoman Ave:

1. To combine/subdivide 6 lots into 2, leaving an existing nonconforming three-family dwelling on an undersized lot. [Section 17.20.120– Specific Requirements]
2. To combine/subdivide 6 lots into 2, creating an encroachment of the existing nonconforming three-family dwelling into the rear yard setback. [Section 17.20.120– Schedule of Intensity Regulations]
3. To allow the existing nonconforming parking configuration such that vehicles are not able to enter and leave the site in a forward motion. [17.64.010 (F)]

0 Harmony Street:

1. To combine/subdivide 6 lots into 2, allowing a new buildable lot with restricted frontage. [Section 17.20.120– Specific Requirements]

LOCATION MAP



ZONING MAP



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FUTURE LAND USE MAP



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City of Cranston

AERIAL VIEW



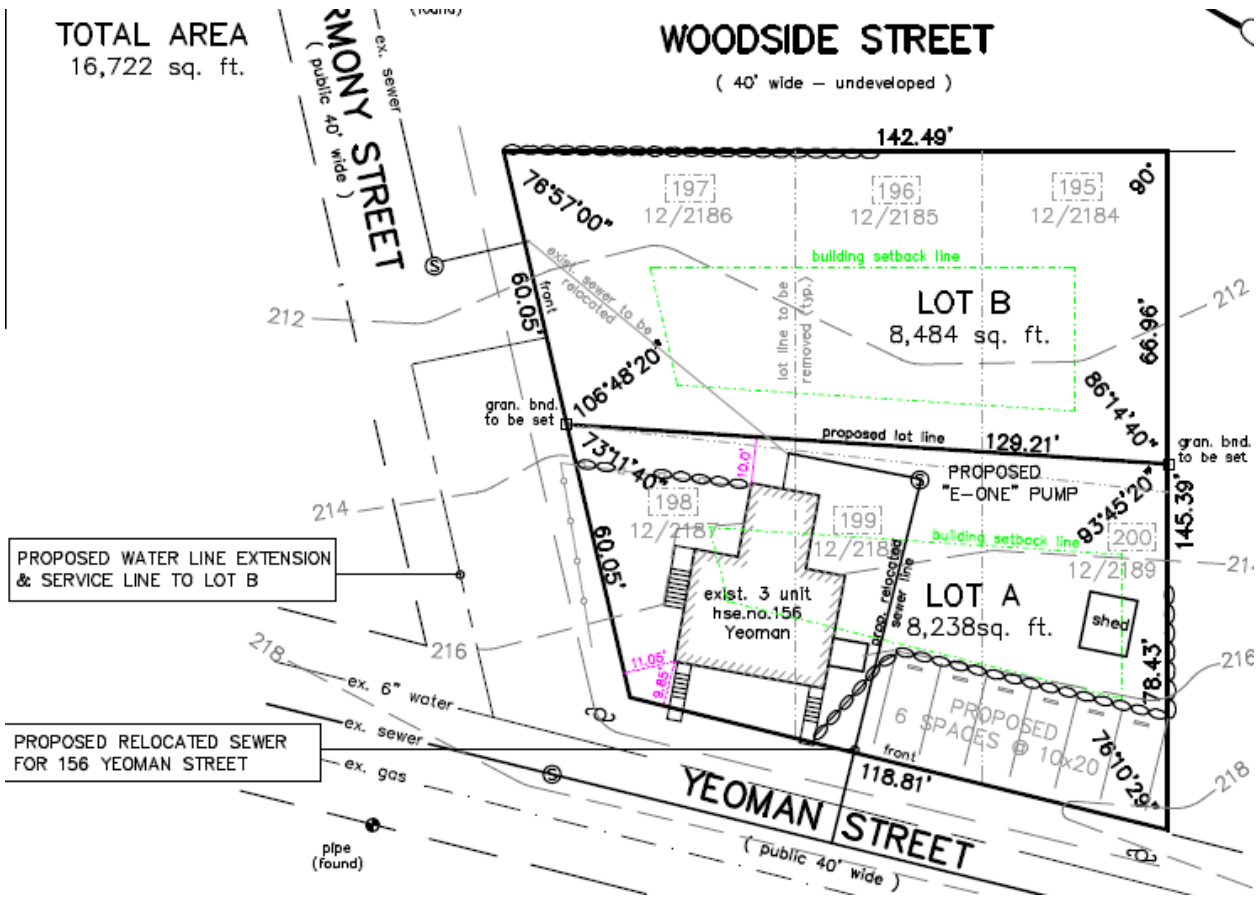
STREET VIEW (Yeoman Ave)



STREET VIEW (Harmony Street)



SITE PLAN



FINDINGS OF FACT:

1. The property has an existing legal nonconforming three-family residence, consistent with a Zoning Certificate issued by the City on 11/5/21.
2. The total area of the 6 subject lots is 16,722 ft². The Code requires a minimum lot area 8,000 ft² in A-8 zoning. Proposed Lot A is 8,238 ft² and Lot B is 8,484 ft², however, because Lot A is host to an existing three-family dwelling it requires a minimum of 14,000 ft².
3. The new proposed lot line dividing Lot A from Lot B creates a 10' encroachment of the existing residence into the 20' rear yard setback on Lot A. However, the "rear" of the dwelling acts more as a side yard to Lot B, and side yards only require a 10' setback in A-8 zones.
4. Relief for the existing three-family use is not required, despite relief being required for the reduction of lot area. The three-family is a legal nonconforming use and there is no proposed change to the use as part of the application.
5. The new single family residence would be consistent with the character of the neighborhood which consists of single and two-family residences.
6. The east side of proposed Lot B abuts an unimproved right-of-way, Woodside Street. It is unlikely that this right-of way will be built to public street standards based on the anticipated cost of extending the roads and utilities to the unimproved parcels. If it does get built, it would add street frontage and thereby bring the parcel into conformity.
7. The Cranston Comprehensive Plan's Housing Element supports the development of housing stock in Eastern Cranston. This proposal does not create sprawl, requires very minimal disturbance with only a minor extension of water utilities.
8. The Comprehensive Plan Future Land Use Map (FLUM) designates the property as Single-Family Residential 7.26 to 3.64 Units/Acre. The proposed density is 10.42 units/acre. The proposed density is inconsistent with the FLUM. However, it is the existing three-family dwelling that causes the inconsistency. The proposed new lot has a proposed density of 5.13 units/acre, which is consistent with the FLUM.
9. 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.
10. The proposal is consistent with several policies in the Comprehensive Plan, including but not limited to HG-4, HP-4.1, HP-4.6 and other excerpts addressing the inconsistency between zoning and existing lots of record. HA-5 on page 70 recommends the city "Enable existing nonconforming two and three-family unit dwellings to be modified, maintained and improved within the existing neighborhoods."
11. There is no reason to suggest that the reduced land area for the three-family dwelling would have a negative impact on the neighborhood. The land that would become Lot B is currently vegetated and appears largely unused by the current residents, except for some additional parking and a very small garden area, so the conveyance of this area to create a new lot does not significantly impact the existing conditions on Lot A.

12. The Code requires 6 parking spaces and also requires parking for multifamily uses to allow vehicles to enter and exit in a forward motion. The plan shows 6 spaces are provided.

PLANNING ANALYSIS:

The applicant is requesting to utilize underutilized space to create infill housing development for one additional single-family lot. It is a simple subdivision request yet it must receive zoning relief to be approved. **Relief for the existing three-family use is not required**, despite relief being required for the reduction of lot area. The three-family is a legal nonconforming use and there is no proposed change to the use as part of the application.

Relief for lot area is required for the existing legal nonconforming three-family dwelling on Proposed Parcel A (the 8,484 ft² for Lot B is conforming). The total area of the 6 subject lots is 16,722 ft². Lot A is proposed at 8,238 ft², however, because it is host to an existing three-family dwelling, it requires a minimum of 14,000 ft². If the applicant were proposing a new three-family dwelling, staff may feel differently, but considering the existing conditions, **there is no reason to believe that the reduced land area for the three-family dwelling would have a negative impact on the neighborhood or the existing tenants**. The land that would become Lot B is currently vegetated and appears largely unused by the current residents, except for some additional excess parking and a very small garden area. The conveyance of this area to create a new lot does not significantly impact the existing conditions on Lot A.

In addition to the issue of lot area for parcel A, **the parking variance does not concern staff**. The site has the 6 parking spaces required, but the code stipulates that multifamily uses to configure their parking such that vehicles enter and leave the site in a forward motion. The parking is an existing nonconforming condition, and, for this reason, staff is not certain it even requires relief. It was itemized by the applicant in an abundance of caution. The street view shows that there is ample space between the rear of parked vehicles and the driving lane on Yeoman Avenue. This does not appear to be an unsafe condition, but has seemingly been operating this way for years.

The Cranston Bureau of Traffic Safety commented, *"While the proposed parking arrangement for Lot A along Yeoman Street is similar to the existing, non-conforming condition, there appears to be adequate site dimension to be able to meet the requirements of Chapter 17.61.010 - Off-street parking."* Staff acknowledges that there may be sufficient area, but notes that this would require the demolition of a retaining wall (the height is unknown but estimated to be about 3-5 feet) and substantial regrading. Staff suggests the Plan Commission let the Zoning Board determine whether the existing conditions constitute a hardship for the applicant to bring the site into compliance.

The rear setback variance for the existing dwelling also does not concern staff. Firstly, it could easily be interpreted as a side yard setback and only require a 10' setback. The "rear" of the dwelling acts more as a side yard to Lot B, and side yards only require a 10' setback in A-8 zones. Secondly, the only individual it would impact is the future tenant of Lot B, who would be buying into this condition fully aware.

Lastly, **staff is not concerned with the relief for lot frontage on Lot B.** The lot is proposed with 60' and 80' is required. However, the east side of proposed Lot B abuts an unimproved right-of-way, Woodside Street. This vacant area creates distance between Lot B and the next abutting lot to the east, AP 12 Lot 2159. It is unlikely that this right-of way will be built to public street standards based on the anticipated cost of extending the roads and utilities to the unimproved parcels. If it were to be developed, it would only add frontage to the side-corner lot and *bring it into conformity.*

In contradiction with the above positive findings, **the proposed density is inconsistent with the FLUM.** The Comprehensive Plan Future Land Use Map (FLUM) designates the property as Single-Family Residential 7.26 to 3.64 Units/Acre. The proposed density is 10.42 units/acre. The proposed density is inconsistent with the FLUM. However, it is the existing three-family dwelling that causes the inconsistency. The proposed new lot has a proposed density of 5.13 units/acre, which is consistent with the FLUM. As stated above, the land area proposed for Lot B is hardly utilized, so staff holds that it is a technical, as opposed to a substantive change if the area were split off and developed for a new home.

Although inconsistent with the FLUM, **staff finds the proposal consistent with the Housing goals and policies in the Comprehensive Plan.** HA-5 on page 70 of the Comprehensive Plan recommends the city "Enable existing nonconforming two and three-family unit dwellings to be modified, maintained and improved within the existing neighborhoods." The key word here is "maintained." Staff discourages land uses decisions which would incentivize owners to reduce existing dwelling units. Other elements goals and policies which staff find consistent with the proposal are:

- 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;

In conclusion, staff feels that this specific request is reasonable, generally conforms to and would not negatively impact the neighborhood. However, inconsistency with the use and density prescribed by the Comprehensive Plan FLUM prevent staff from being able to make a positive recommendation to the Plan Commission.

In conclusion, despite the inconsistency with the density prescription in the FLUM, **staff finds the relief consistent with the goals and policies of the Comprehensive Plan and does not find any reason to believe there would be a negative impact if relief were granted. In fact, staff finds that 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 choices in the city, specifically infill units in Eastern Cranston. In this instance, the city can choose to deny the proposal and leave the portion of the land designated as Lot B in its current unused state, or activate it by granting it zoning relief to build a new single-family home. Staff recommends the latter.

RECOMMENDATION:

Due to the finding that the proposal is consistent with Comprehensive Plan goals and policies and finding that relief would not have negative impact, but rather a positive impact to the city, staff recommends the Plan Commission forward **positive recommendation** on this application to the Zoning Board of Review.

(Please note that this recommendation applies to BOTH the variance for 156 Yeoman Avenue and 0 Harmony Street as itemized on the agenda)