

City Planning Department



Memo

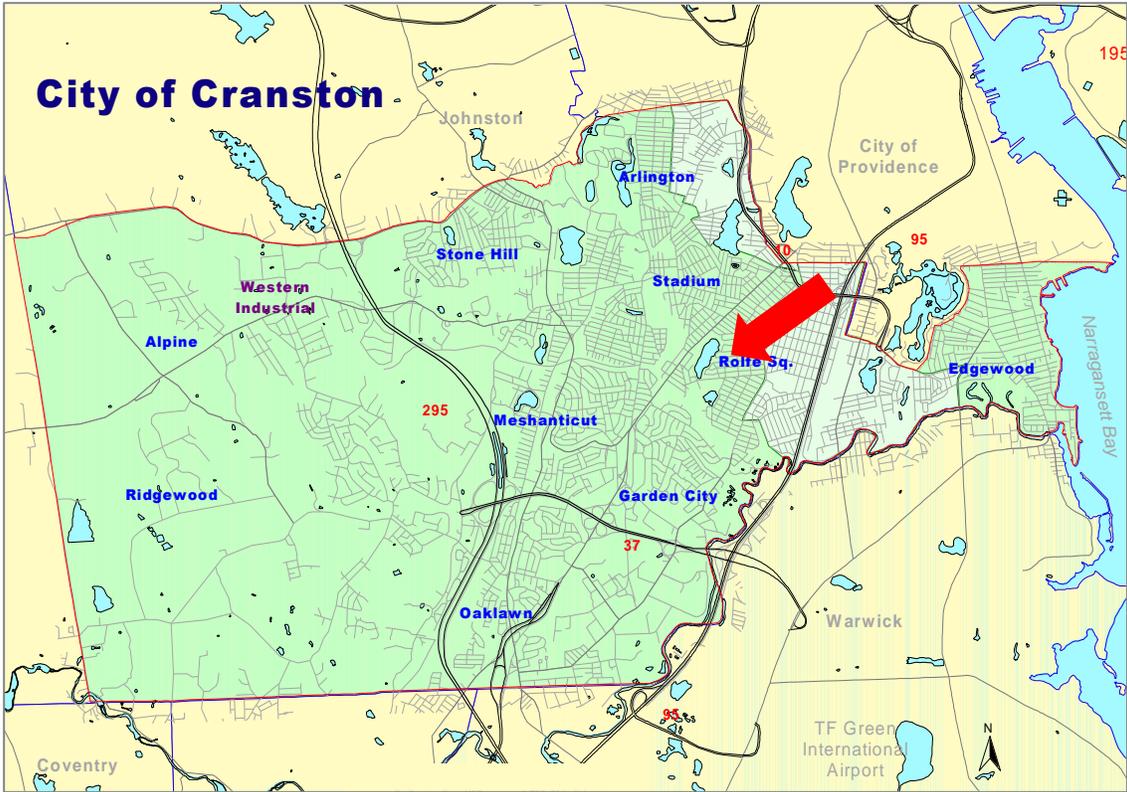
To: Cranston City Plan Commission
From: Doug McLean, AICP, Principal Planner
Date: May 27, 2021
Re: Dimensional Variance Application for 162 Lexington Avenue

Owner/App: Lucy Cabral
Location: 162 Lexington Avenue; A.P. 9, lot 1294
Zone: A-6 (Single-family dwellings on lots of minimum areas of six thousand (6,000) square feet.)
FLU: Single Family Residential 7.26 to 3.64 Units Per Acre

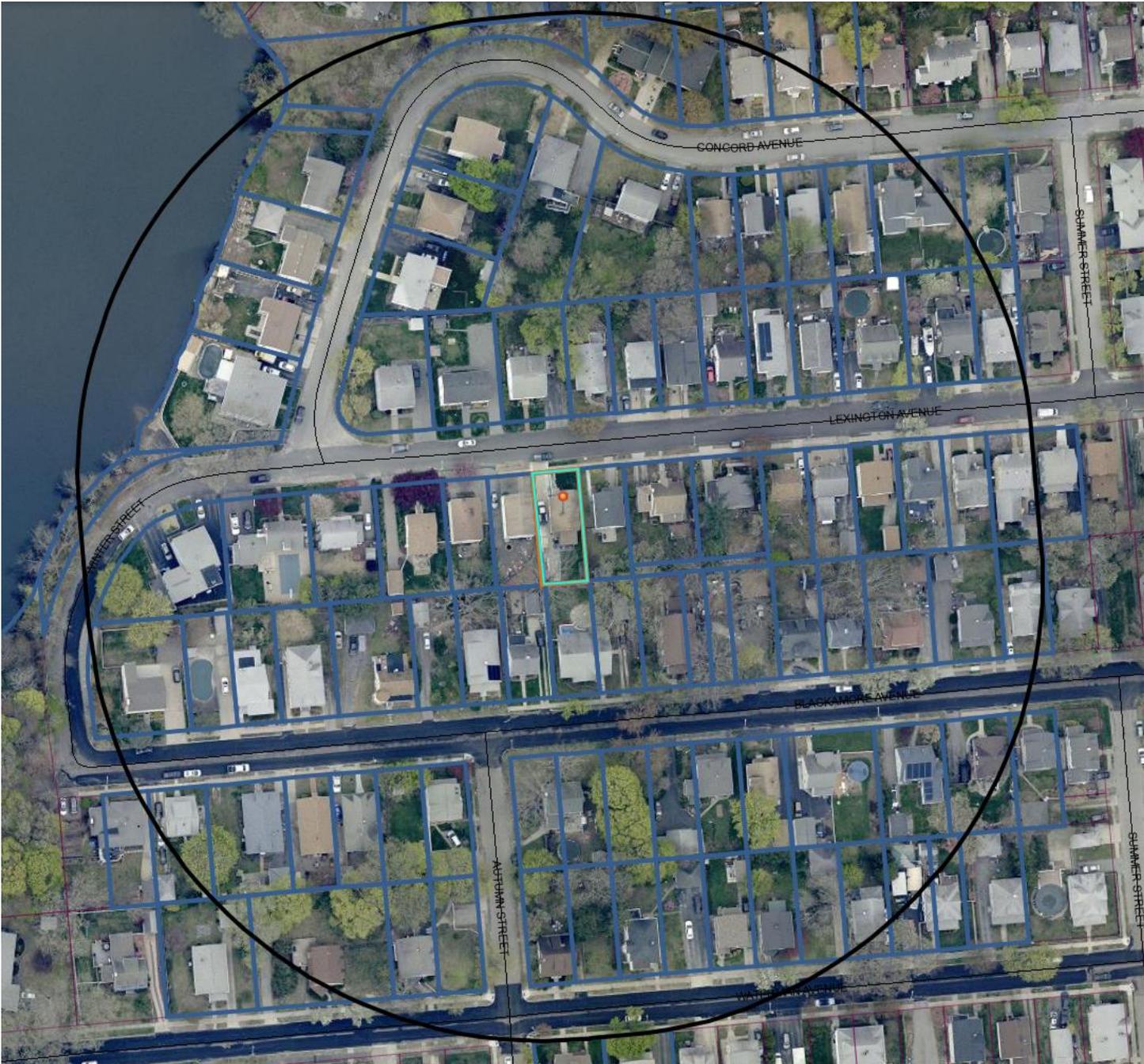
DIMENSIONAL VARIANCE REQUEST:

1. To allow a detached garage (accessory structure) within the rear and side setbacks. The improvement also exceeds the property's maximum lot coverage percentage [17.20.120- Schedule of Intensity Regulations]

LOCATION MAP



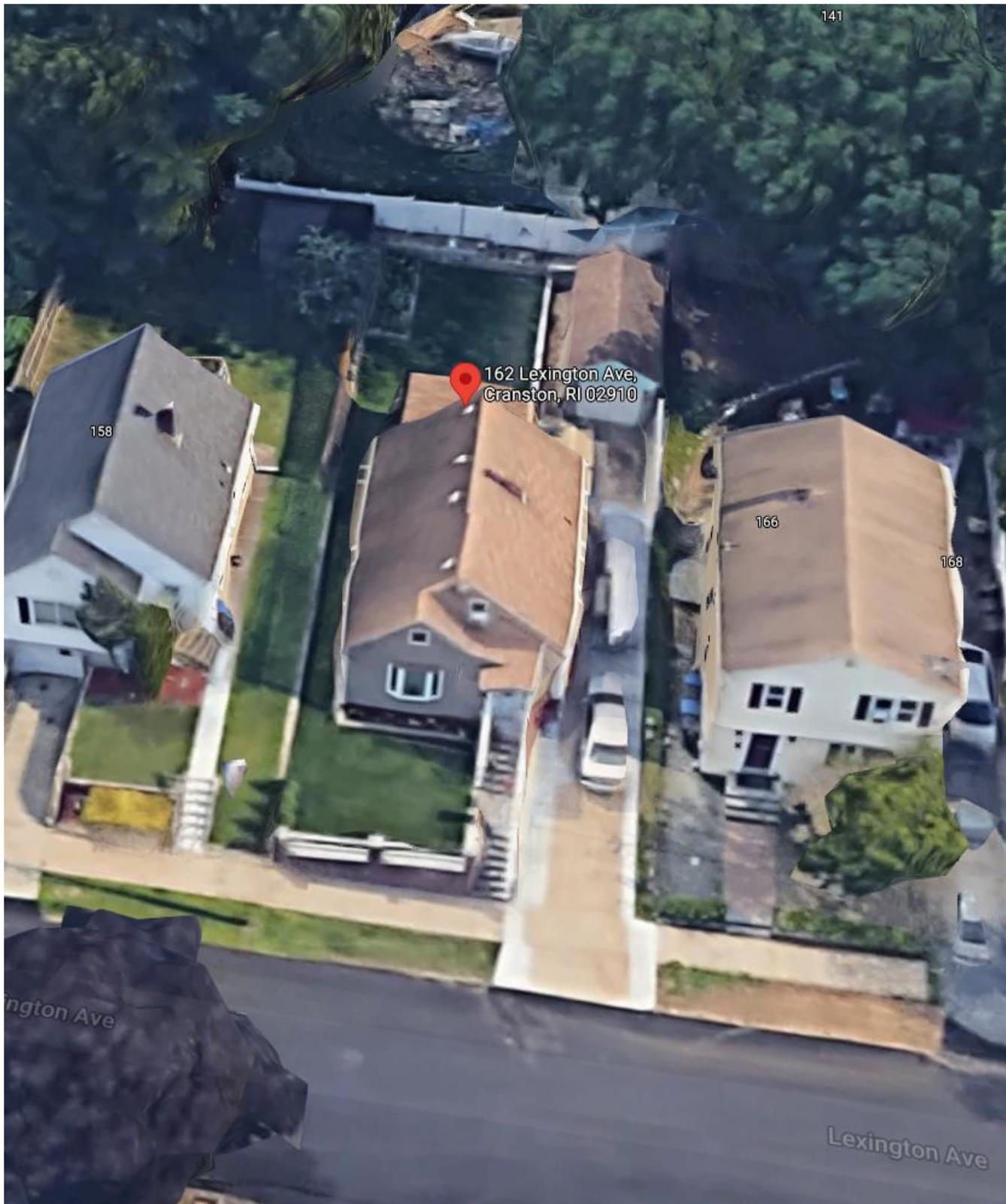
NEIGHBORHOOD AERIAL
(subject parcel marked in orange, 400 foot radius marked in black)



PARCEL AERIAL



3-D VIEW



STREET VIEW



ZONING MAP



PHOTO OF FRONT OF GARAGE

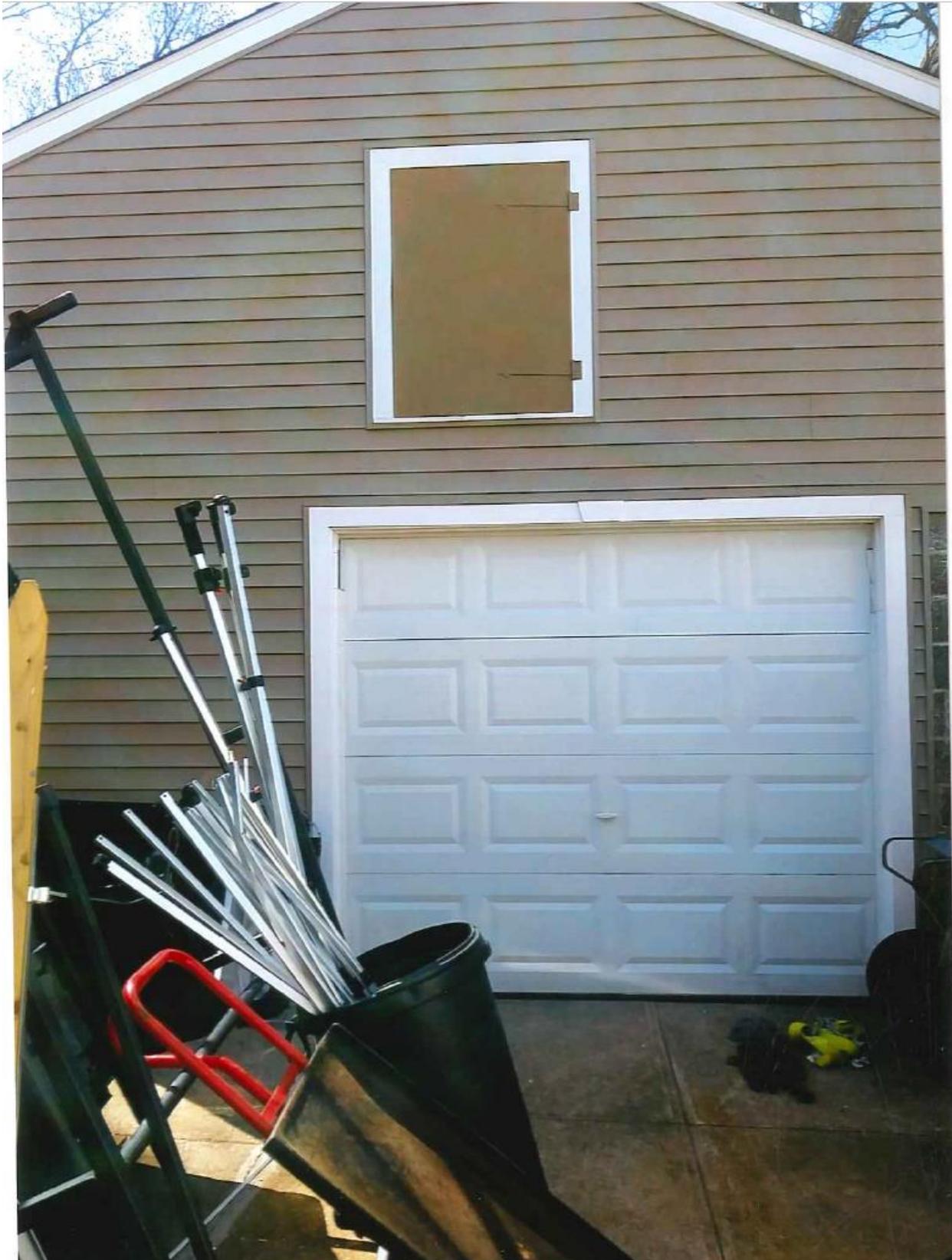


PHOTO OF SIDE OF GARAGE NEAR SIDE PROPERTY LINE



FINDINGS OF FACT:

1. The applicant has expanded an existing garage within the rear and side setbacks without benefit of a building permit. The immediate application is seeking to remedy this circumstance through a variance application to make the existing improvements legal.
2. The garage is 3.5 feet from the rear property line whereas 20 feet is required in the A-6 zone. The garage is 1.4 feet from the side property line whereas 5 feet is required.
3. The lot is undersized and is 40 feet wide by 100 feet deep for a total lot area of 4,000 sq. ft. Due to the lot being 40 feet wide, the lot is eligible for reduction in the required side setback to 5 feet, instead of the standard 8 foot side setback in the A-6 zone.
4. It should be noted that the original garage was a pre-existing non-conforming structure and was assumed to be located 1.4 feet from the side property line and 8.5 feet from the rear property line. However, side and rear setback relief is sought in this instance because that the expansion of the garage represents an increase to the non-conforming condition. The expansion of the garage towards the rear of the property continued along the existing side wall of the garage, thus the constructed expansion in the back of the garage is located within both the rear and side setbacks.
5. The applicant also requires relief for exceeding the lot coverage percentage as the garage improvement brought the property to a total of 34.7% lot coverage whereas the maximum in the A6 zone is 30%.
6. The garage was also heightened by approximately 4 feet, bringing the total height to 16 feet. Relief from the 35 foot height maximum is not triggered.
7. The applicant did not provide any information in the application form regarding their rationale for expanding the garage in this manner so staff cannot comment on the applicant's justification for relief or specific circumstances that may be unique to this property or need for additional storage space.
8. From exterior photos, the garage appears to be well constructed although a building permit process has not been initiated to validate if the construction meets the building code. A building permit review would take place after the zoning variance review is complete, assuming the structure is allowed to stay.
9. A denial of this variance application would result in the City enforcing the removal of the portion of the garage that was expanded.
10. Staff is of the view that the expansion will not have a negative impact on the general character of the surrounding neighborhood as there are a number of other properties in the area that have accessory structures located within the side and rear setbacks. The size of the lots in this area make conformance to all dimensional standards a significant challenge – particularly the 20 feet rear setback. As the structure is located towards the rear of the building, the visual impact from the public right-of-way is

minimal. There is an existing fence along the rear property line to provide a visual screen to abutting properties towards the rear.

11. The Cranston Comprehensive Plan's Future Land Use Map designates the subject parcels as "Single Family Residential 7.26 to 3.64 Units Per Acre". The proposed project does not add additional units therefore the expansion is not in conflict with the Future Land Use Map.
12. Staff finds that the proposal will maintain the general aesthetic of the neighborhood. As Commission members are aware, there are no specific policies within the Cranston Comprehensive Plan that speak directly to accessory structures. However, staff views this application as being consistent with the general policies in the Comprehensive Plan regarding neighborhood aesthetics.
13. Staff is aware that some residents have already contacted the Building and Zoning Department with concerns regarding this proposal, although nothing has been submitted in writing to the Planning Department as of this date. Due to the structure being located closer to the rear property line, and raising the height of the structure by 4 feet, it is understood that there may be some "massing" concerns by the immediate abutters to the rear and side of the property.

RECOMMENDATION:

Due to the finding that the application is consistent with the Comprehensive Plan, and due to the finding that the application will not have a negative impact the general character of the surrounding neighborhood, staff recommends the Plan Commission provide a **positive recommendation** on this application to the Zoning Board of Review.