

City Planning Department



Memo

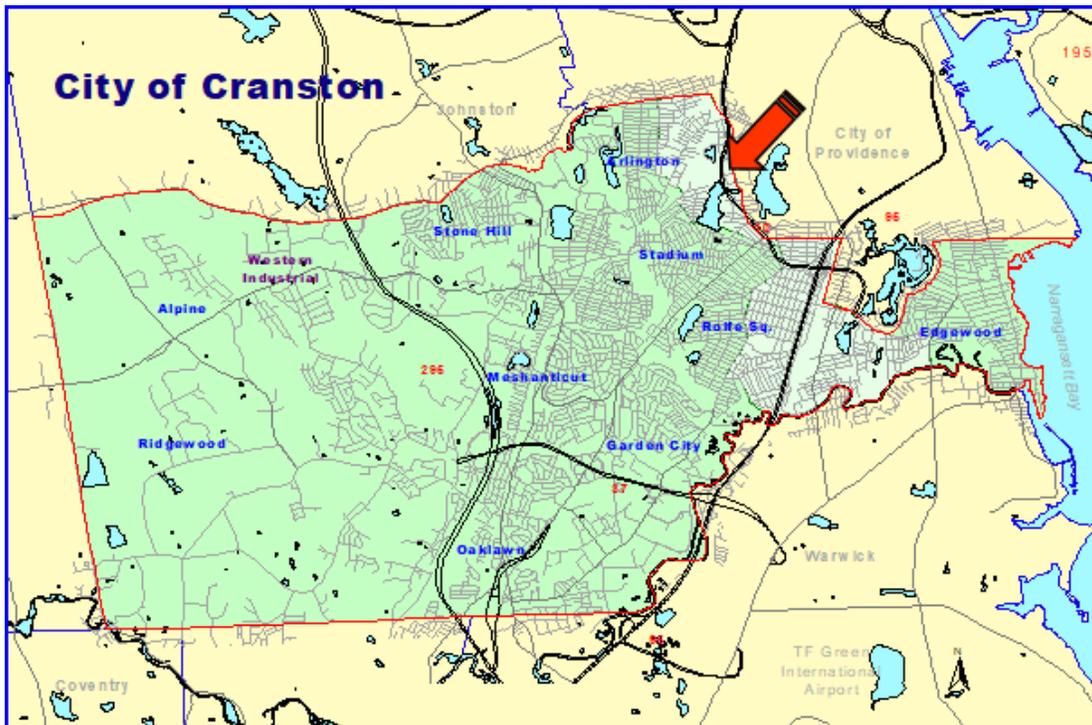
To: Cranston City Plan Commission
From: Joshua Berry, AICP - Senior Planner / Administrative Officer
Date: July 30, 2021
Re: **Dimensional Variance @ 173 Niantic Avenue**

Owner: Frank Zincone
Applicant: Ercilio Tejada
Location: 173 Niantic Avenue, AP 7, Lot 2204
Zone: M-2 (General Industry)
FLU: Industrial

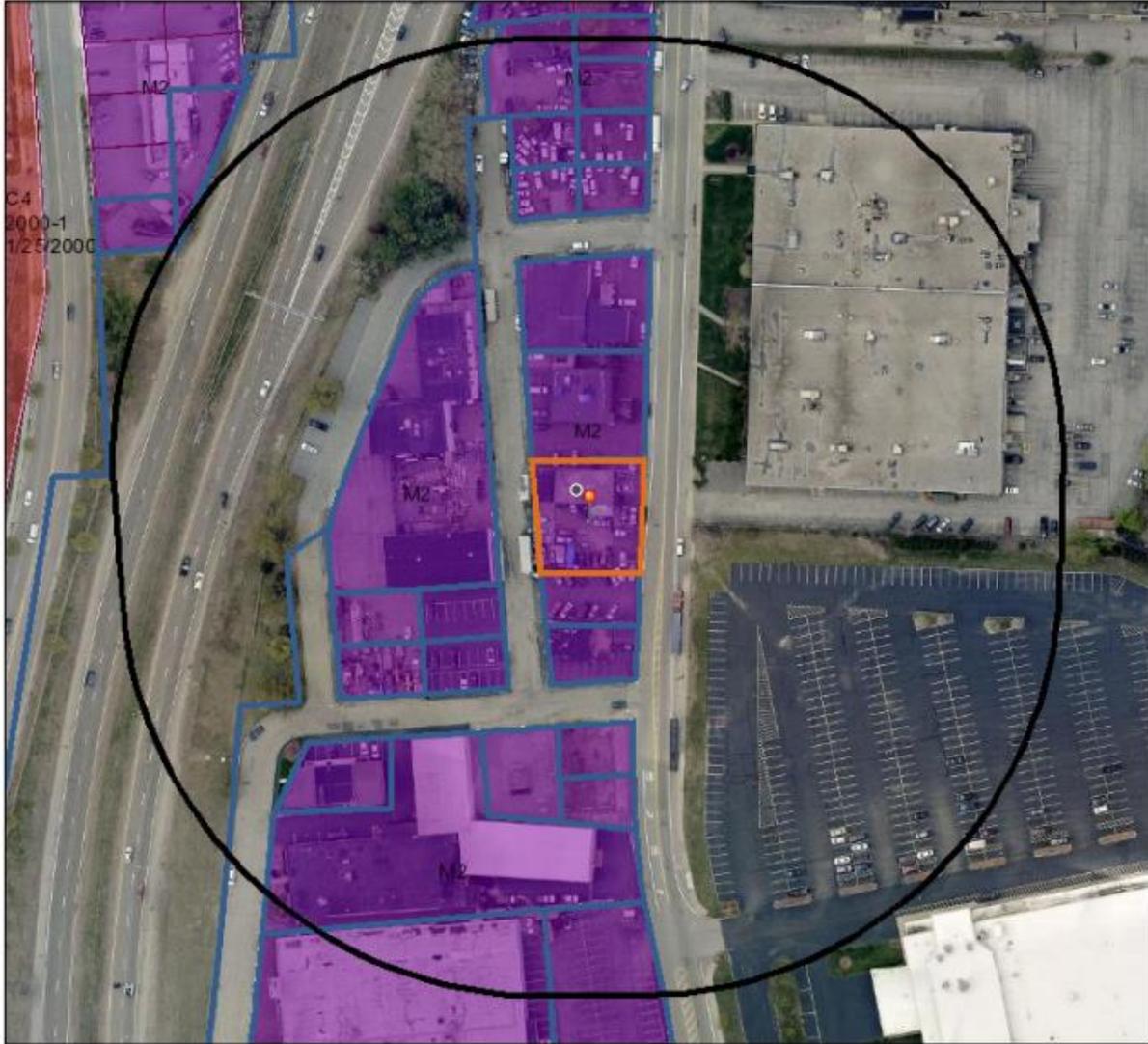
DIMENSIONAL VARIANCE REQUEST:

1. To allow the construction of a 2,784 ft² (60' x 47') canopy addition to an existing auto-repair facility that would encroach into a front and side setback on a double-fronting lot. [17.20.120 – Schedule of Intensity]

LOCATION MAP



ZONING MAP

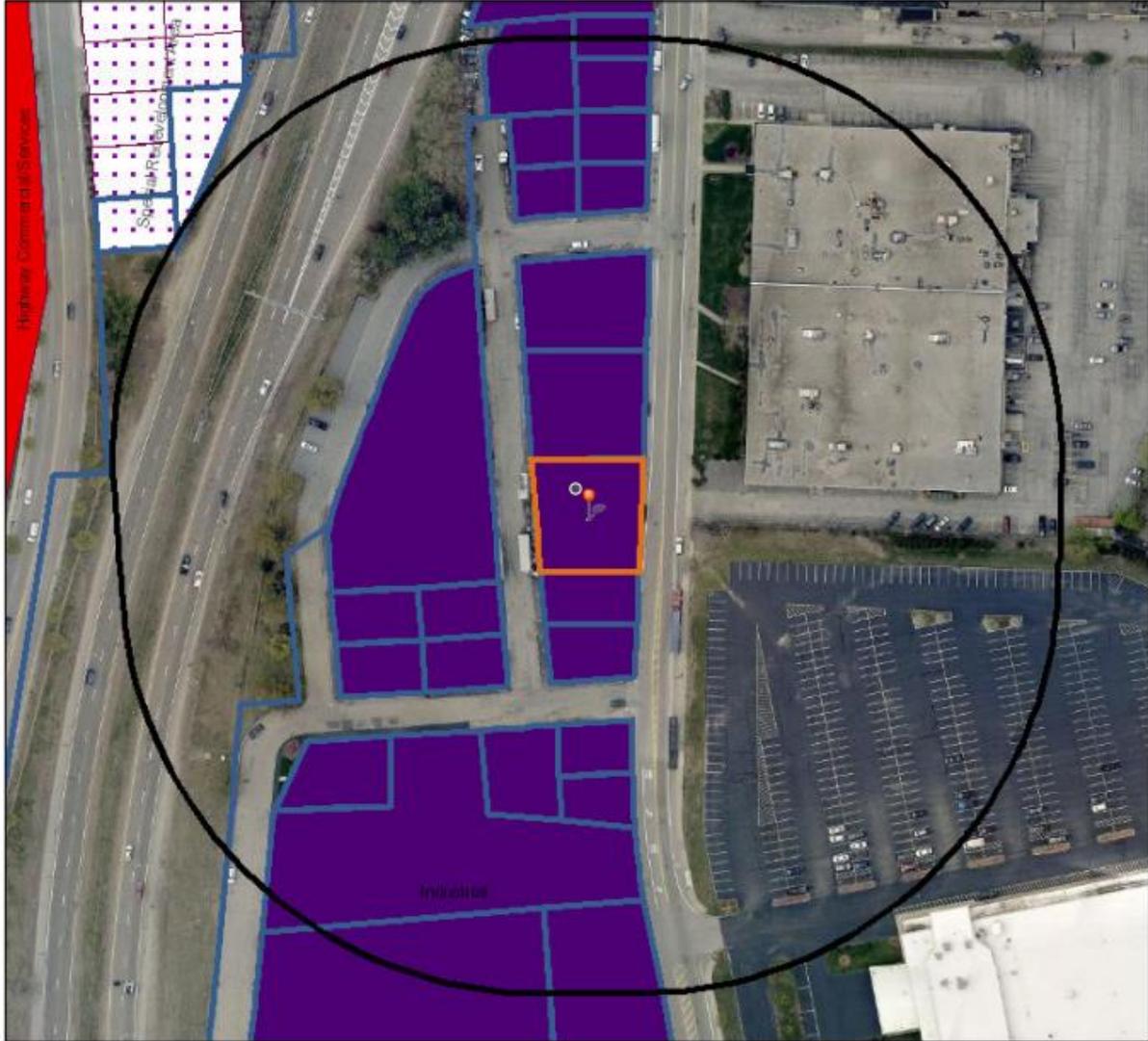


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FUTURE LAND USE MAP

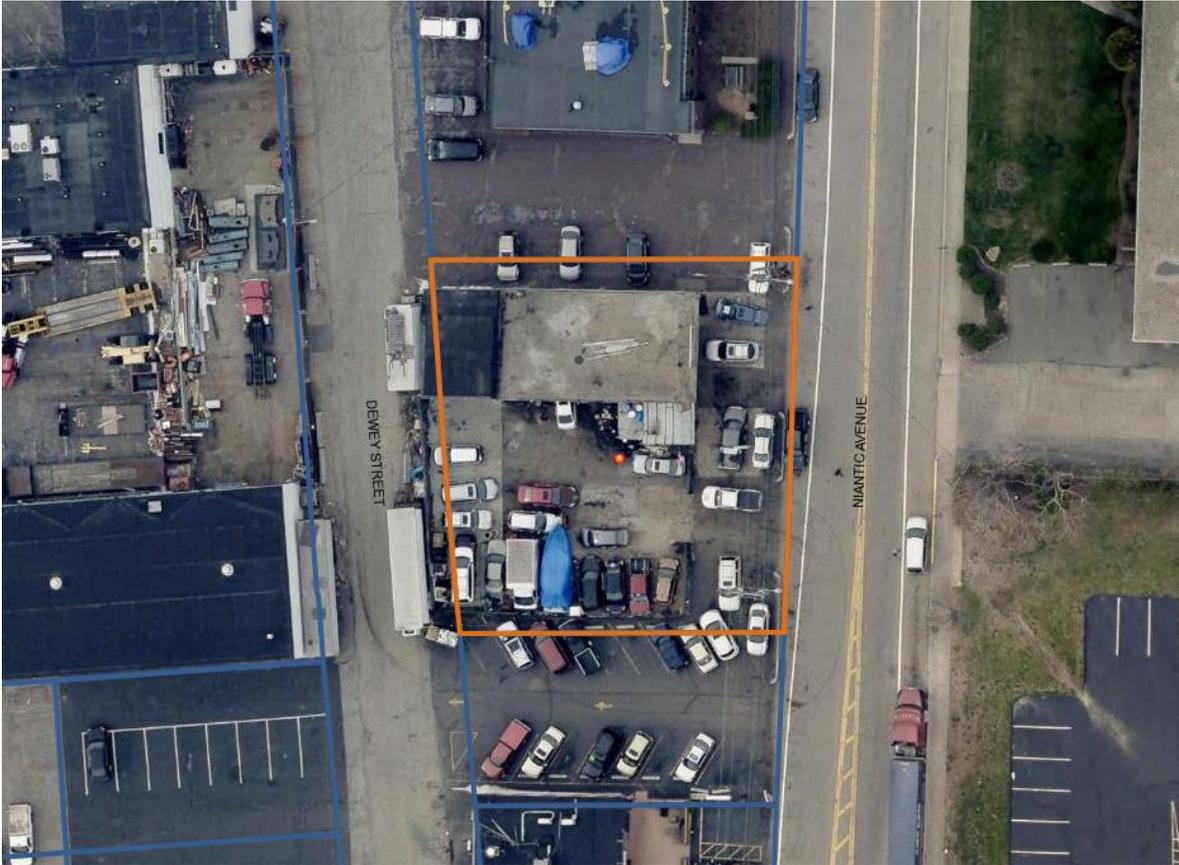


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AERIAL VIEW



3-D AERIAL VIEW (facing northwest)



STREET VIEW (Niantic Ave Facing West)



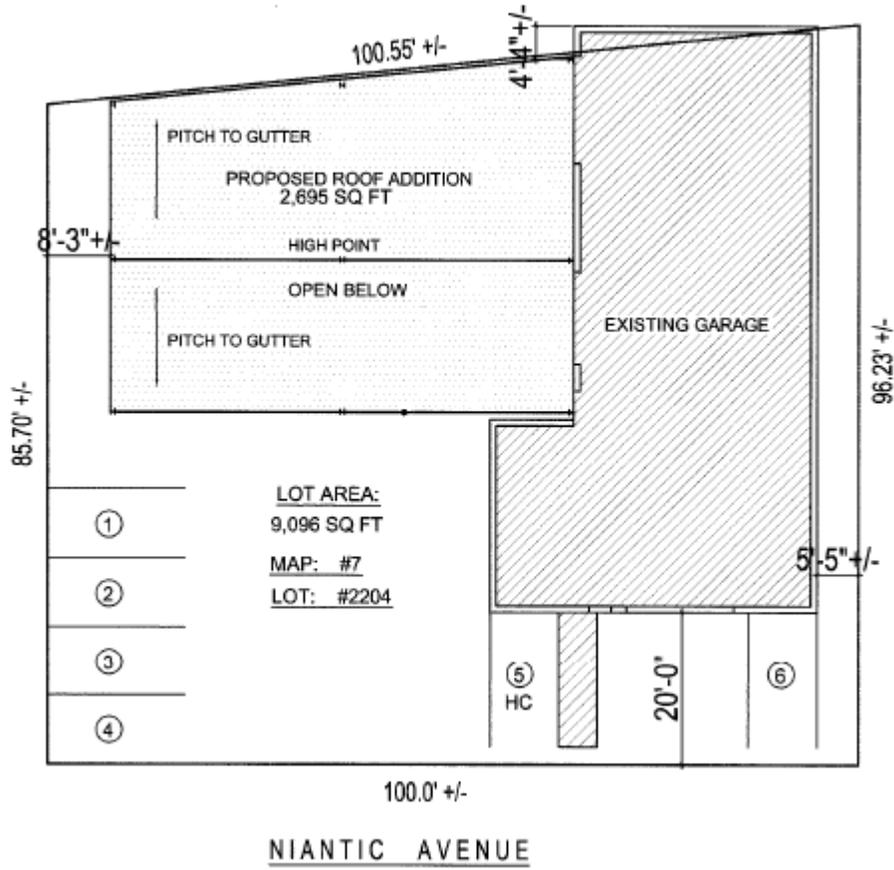
STREET VIEW Dewey St Facing East



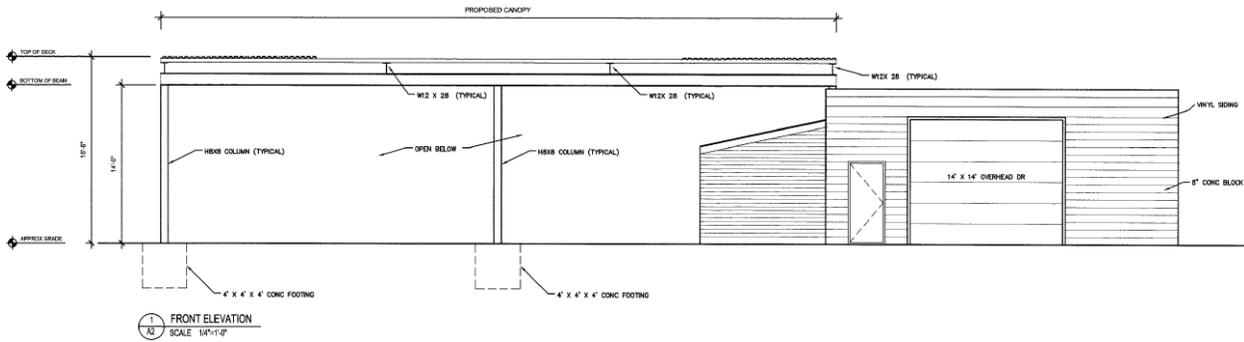
STREET VIEW Dewey St Facing South



SITE PLAN



FRONT ELEVATION



FINDINGS OF FACT

1. The Zoning Board of Review approved an Auto Repair Facility with used Auto & Truck sales on an undersized lot for this location on 6/10/87. The Zoning Board found that “granting a permit will not prove detrimental to the neighborhood” and that it met the requirements of the Zoning Code.
2. The primary building is a legal nonconforming structure as it encroaches into the side setback and front setback on Dewey Street as well as the right of way on Dewey Street. The primary structure is not being modified as part of this application.
3. The purpose of the proposed canopy structure is to shield a portion of the outdoor area to from weather for parking and servicing vehicles.
4. The 9,096 ft² lot is undersized for any use in M-2 zoning, which requires 60,000 ft². The substandard lot area was part of the 1987 ZBR approval by the City. The canopy would not increase the nonconformity.
5. The subject property is a double fronting lot or through lot with its primary frontage on Niantic Avenue and secondary frontage on Dewey Street. The frontage on Dewey street is blocked-off by a fence and is not utilized in terms of vehicular or pedestrian access, building orientation, signage or otherwise.
6. The proposed structure would not be detrimental to or out of character with the existing aesthetic character of Dewey Street. Dewey Street is an industrial backroad with trailers, dumpsters, and miscellaneous materials being kept. None of the existing buildings comply with the front setback on either side of Dewey Street and none of the businesses with frontage on Dewey Street use it as their primary front.
7. The building addition/proposal is not anticipated to have negative or injurious impacts to the surrounding area. This is an existing and appropriate location for an auto repair use.
8. The site plan shows 6 off-street parking spaces, which meets city off-street parking requirements for industrial uses.
9. The proposal is consistent with the Comprehensive Plan Economic Development strategy of promoting a small business-friendly environment by assisting their expansion (p. 74) and by providing relief for improving nonconforming properties when qualifying criteria such as character & compatibility are met (p. 88). This application meets said criteria.
10. The expansion of the proposed use is consistent with the Future Land Use Map allocation of Industrial.

PLANNING ANALYSIS

Staff offers the following observations relating to the site plan and existing conditions:

- The canopy addition would be 0' from the "front" property line on Dewey Street, which has a 40' front yard setback and 8.3' from the southern interior side lot line which has a 20' setback in M-2 zoning.
- The steel beams for the canopy were erected without benefit of a permit. A portion of the beams were in the right-of-way of Dewey Street and will need to be relocated to the location shown on the site plan.
- The canopy is proposed to be 16' 6" high. The building is 14' high. Both comply with the 35' height limitation.
- The site plan shows 6 spaces, which meets the City's off-street parking requirements for industrial uses.
- Signage is not part of the application, however, there is existing signage, some of which does not appear to be in compliance with City Code. There is no record of sign permits being issued for this location. Existing signage includes a roof sign which is not an allowed sign type in the City, a changeable copy sign, and a freestanding sign (conforming) and a wall sign (conforming). Staff notified the applicant that the signage should be brought into compliance. The applicant has been fully cooperative and have corresponded that they will remove the rooftop sign & the changeable copy sign and the wall and freestanding sign will conform to M-2 sign regulations.

The Zoning Board of Review approved an Auto Repair Facility with used Auto & Truck sales on an undersized lot for this location on 6/10/87. The Zoning Board found that "granting a permit will not prove detrimental to the neighborhood" and that it met the requirements of the Zoning Code. The 9,096 ft² lot is undersized for any use in M-2 zoning, which requires 60,000 ft². The substandard lot area was part of the 1987 ZBR approval by the City.

It is very difficult (often impossible) for commercial and industrial uses to expand on undersized lots, especially when they have more than one frontage such as the case in this instance. In some circumstances, the expansion could have negative impacts on abutting property owners and/or land uses. In this particular case, the secondary frontage on Dewey Street does not act as a front yard in any way. The building and signage are oriented towards Niantic Avenue, and there is a fence blocking vehicular and pedestrian access to Dewey Street. Dewey Street is an industrial backroad with trailers, dumpsters, and miscellaneous materials being kept (not by the applicant). None of the existing buildings comply with the front setback on either side of Dewey Street and none of the businesses with frontage on Dewey Street use it as their primary front. For these reasons, **staff finds that that the expansion would not be out of character with the area.**

It is important to considered whether the business activity under the canopy could be a nuisance to the abutters. As stated, the frontage to Dewey Street is blocked-off with fencing and the other businesses on Dewey Street do not utilize it as their primary frontage. The existing building would shield any potential impacts to the abutter to the north, and the use to the south, Zona Lounge & Restaurant, largely operates when the auto business is closed. Also, it is believed that the business currently services vehicles in this area, so the canopy would merely protect the employees and vehicles from weather while they continue their current practice. **Therefore, staff finds that the canopy would not be injurious to the abutting property owners or land uses.**

Staff has reviewed the proposal for consistency with the Comprehensive Plan. The expansion of the proposed use is consistent with the Future Land Use Map allocation of Industrial. Additionally, the proposal is consistent with the Comprehensive Plan Economic Development strategy of promoting a small business-friendly environment by assisting their expansion (p. 74) and by providing relief for improving nonconforming properties when qualifying criteria such as character & compatibility are met (p. 88). Staff believes that the application meets said criteria, and therefore **finds the request to be consistent with the Comprehensive Plan.**

Recommendation

Due to the findings that the proposal is consistent with the Comprehensive Plan, is consistent with the character of Dewey Street and would not negatively impact the neighboring area, staff recommends the Plan Commission forward a **positive recommendation** on the application to the Zoning Board of Review.

Staff recommends that, as part of the recommendation forwarded to the Zoning Board of Review, the Plan Commission include the following statement and recommended conditions:

Should the Zoning Board of Review approve the variance requests, the Plan Commission respectfully requests that the Zoning Board consider the following conditions:

- 1. The signage shall be brought into compliance with city code; and*
- 2. The parking shall be striped as shown on the site plan titled "Open Canopy Design – Ercilio's Electro Auto" by Manoukan Architect dated 7/20/21 or as on a plan to be reviewed and approved by the City's Traffic Safety Bureau.*