

City Planning Department



Memo

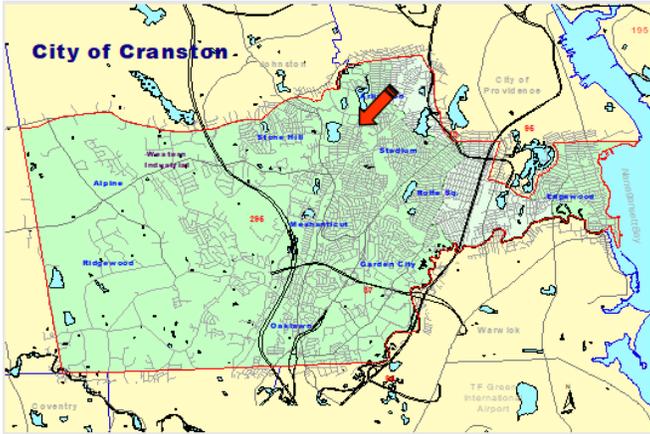
To: Cranston City Plan Commission
From: Joshua Berry, AICP - Senior Planner / Administrative Officer
Date: February 23, 2021
Re: **Variance Application for @ 27-29 Haven Avenue**

Owner/App: Joseph A. Cannata
Location: 27-29 Haven Avenue, AP 8, Lot 226
Zone: B-1 (Single-family and two-family dwellings)
FLU: Single/Two Family Residential Less than 10.89 units per acre

VARIANCE REQUESTS:

1. To allow a fourth dwelling unit on a lot in a B-1 zone which does not allow Multifamily uses. [Section 17.20.030 – Schedule of Uses]
2. To allow a nonconforming use (multifamily – 3 units) to change to another nonconforming use (multi-family – 4 units). [Section 17.88.040 – Change of Use]
3. To allow the construction of a garage with a 2nd floor single-family dwelling on a lot where a dwelling structure already exists. [Section 17.20.090 – More Than One Dwelling Structure on Any Lot Prohibited]
4. To allow the construction of a garage with a 2nd floor single-family dwelling on a 11,000 ft² lot where 18,000 ft² would be required if Multifamily was an allowed use in the B-1 Zone. [17.20.090 – Specific Requirements]
5. To allow the construction of a garage with a 2nd floor single-family dwelling that encroaches 10' into the required 20' setback.

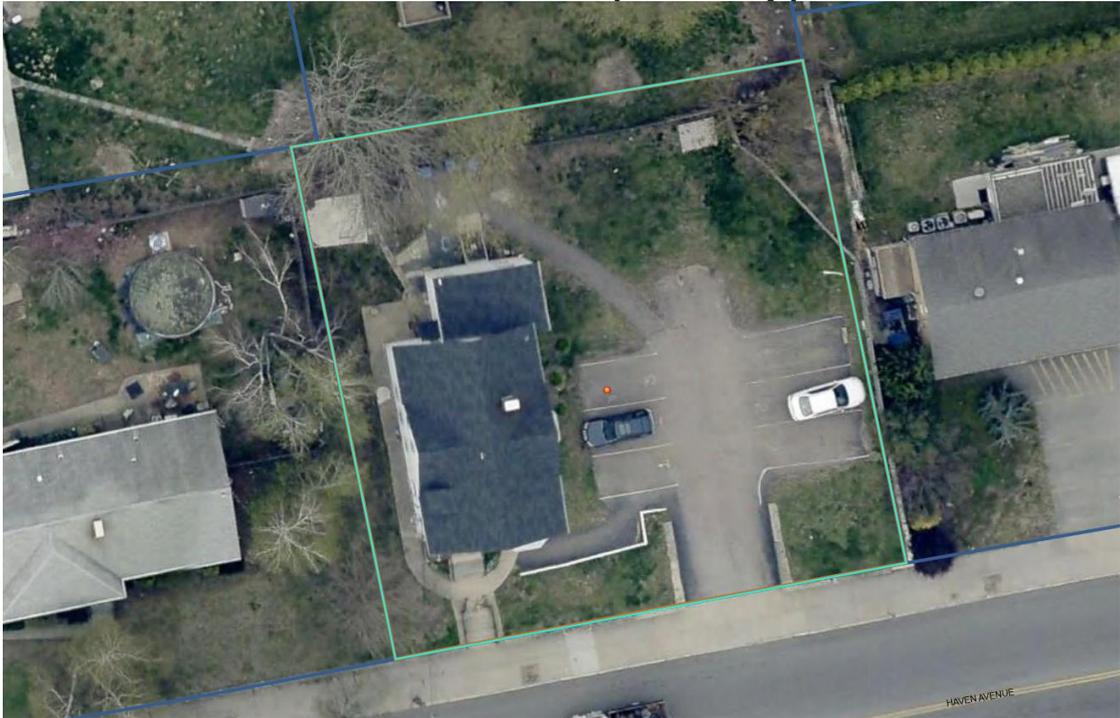
LOCATION MAP



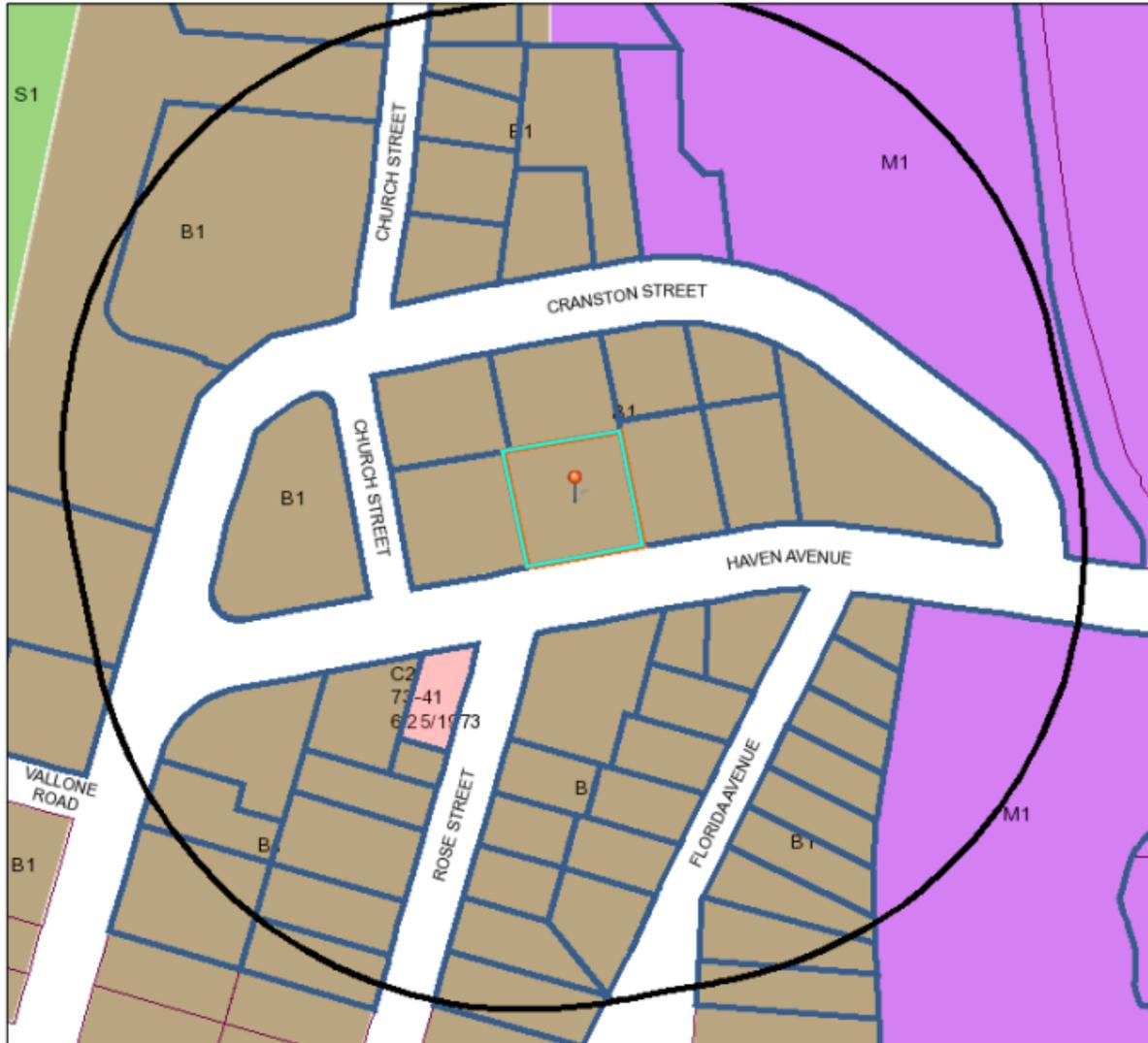
AERIAL VIEW



AERIAL VIEW (close up)



ZONING MAP



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

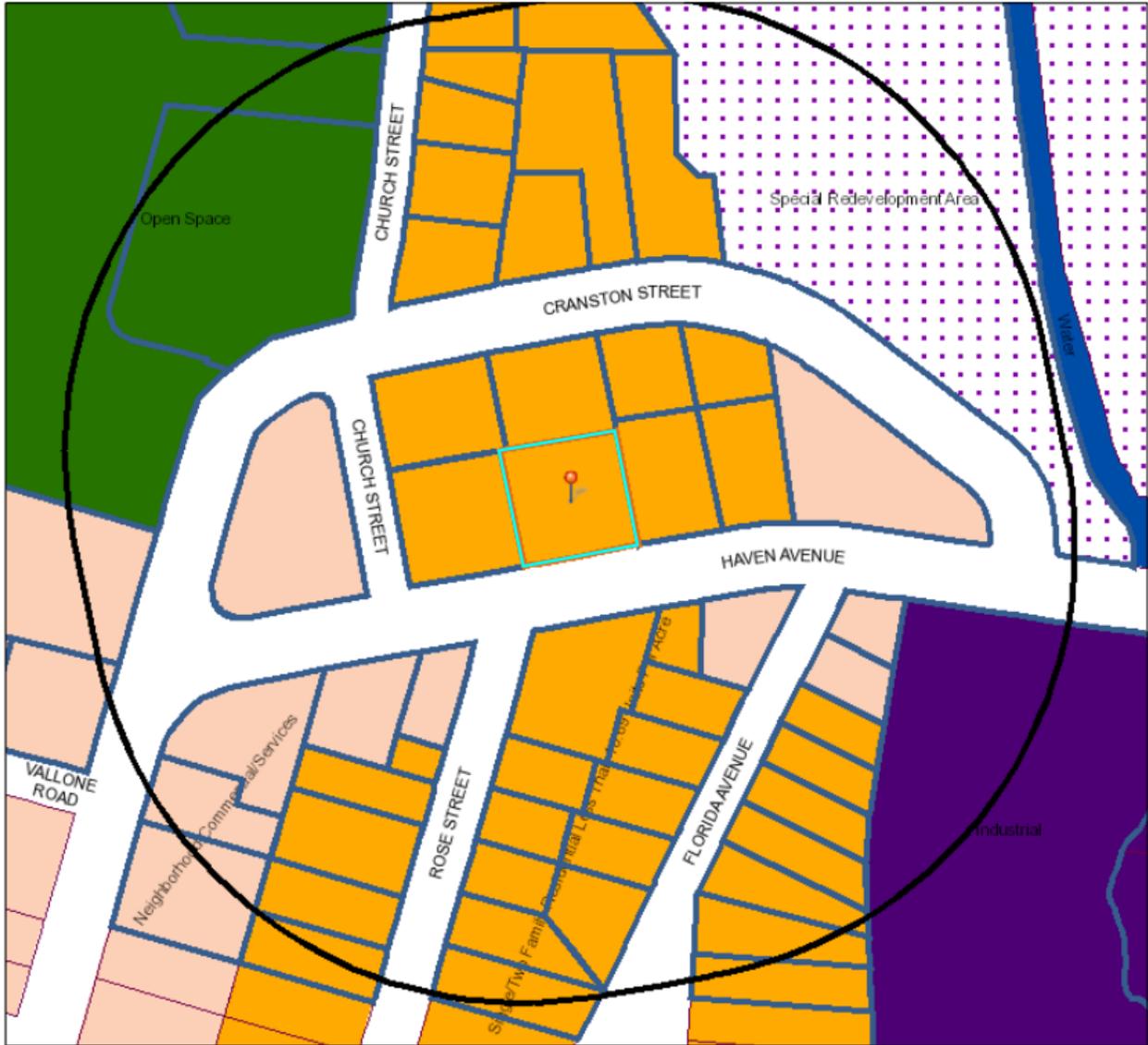


This map/data/geospatial product is not the product of a Professional Land Survey. It was created for general reference, informational, planning and guidance use and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this data may require the assistance of appropriate professional services. The City of Cranston makes no warranty, expressed or implied related to the spatial accuracy, reliability, completeness or currentness of this map/data.



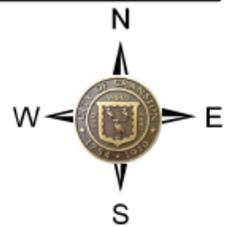
City of Cranston

FUTURE LAND USE MAP



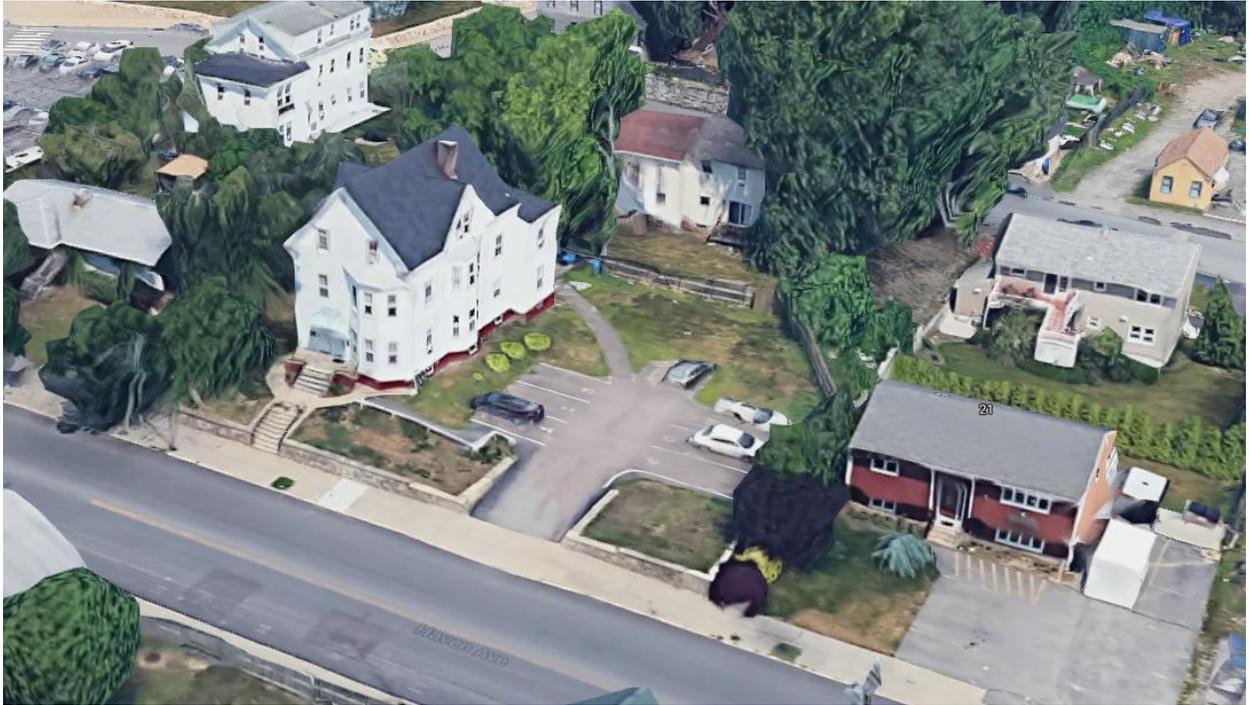
Future Land Use

- | | | | | | |
|--|------------------------|--|--|--|--|
| | Governmenta... | | Neighborhood Commercial/... | | Special Redevelopm... |
| | Highway Commercial/... | | Open Space | | Single Family Residential 3.63 To 1 Unit Per Acre |
| | Industrial | | Residential Less Than 10.39 Units Per Acre | | Single Family Residential 7.26 To 3.64 Unit Per Acre |
| | Mixed Plan Development | | Right Of Way | | Single Family Residential Less Than 1 Unit Per Acre |
| | Multifamily | | | | Single/Two Family Residential Less Than 10.89 Units Per Acre |
| | | | | | Water |



This map/data/geospatial product is not the product of a Professional Land Survey. It was created for general reference, informational, planning and guidance use and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this data may require the assistance of appropriate professional services. The City of Cranston makes no warranty, expressed or implied related to the spatial accuracy, reliability, completeness or currentness of this map/data.

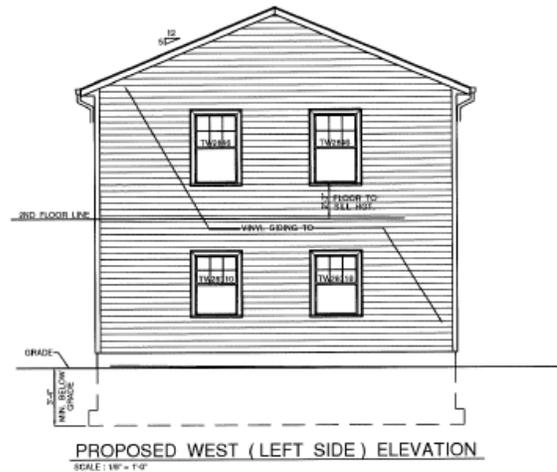
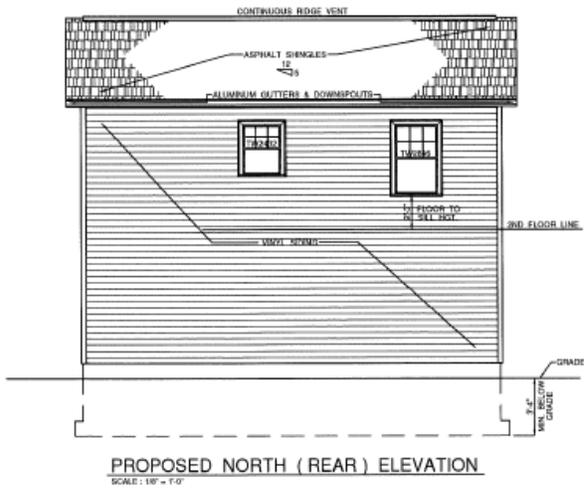
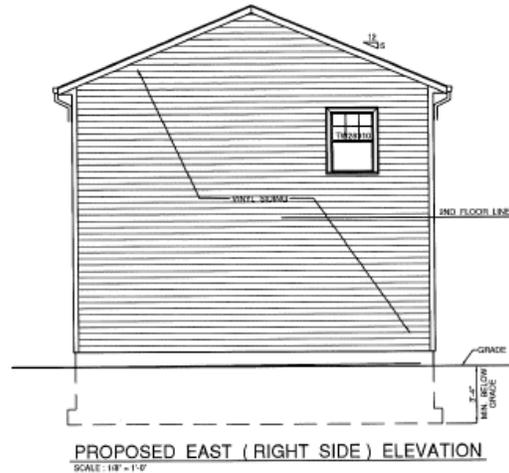
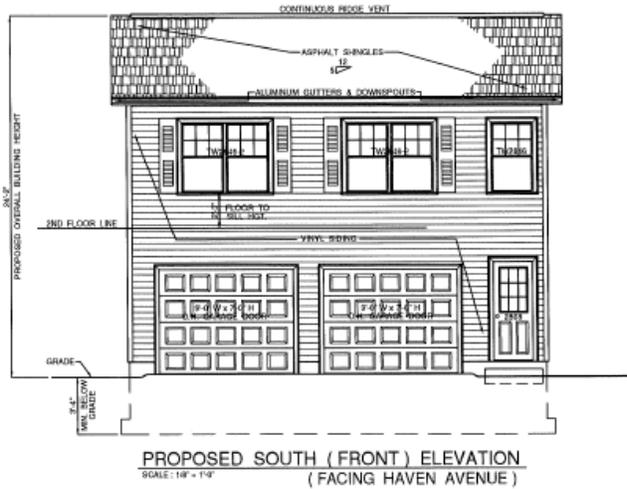
3-D AERIAL VIEW



STREET VIEW



ELEVATIONS



FINDINGS OF FACT:

1. The applicant proposes to build a detached garage with a 600 ft² +/- second story dwelling unit on an 11,000 ft² lot located in a B-1 zone on Haven Avenue (AP 8, Lot 226). There is an existing legal nonconforming three-family residence on the subject site that was built prior to the enactment of zoning.
2. The proposal requires five variances. Multifamily uses are not allowed in B-1 which only permits single and two-family residential uses. The Code prohibits the expansion of the existing nonconforming multifamily use from three to four units. Code Section 17.20.070 *More Than One Dwelling Structure on Any Lot Prohibited* requires relief to allow a second dwelling structure on one lot. Furthermore, there is insufficient lot area (11,000 ft²) as Code Section 17.20.090 *Specific Requirements* would require 18,000 ft² of lot area to allow four units. Lastly, the structure encroaches 10' into the required 20' rear yard setback.
3. The applicant could build the garage by-right, but not the residential unit above it, which alone triggers the four variances. The garage would be compliant with the 10' rear yard

setback for accessory structures, but the structure no longer qualifies for the reduced setback because it has the residential unit.

4. City Code Section 17.64(l).(13) *Off-Street Parking* requires 2 parking spaces for each multi-family unit for a total of eight spaces for the four units. The applicant meets this requirement with two inside the proposed garage and six spaces in the parking area. The Traffic Safety Division has reviewed the proposal and has no objections.
5. The subject lot is situated in a unique location in Cranston with a wide variety of land uses within a 400' radius including industrial uses (Cranston Printworks and R.I. Building & Wrecking), institutional uses (St. George Maronite Church and St. Mary's Catholic Church), open space uses (St. Ann Cemetery, Veterans of Foreign Wars), commercial uses (several offices, Loffredo's Monumental Décor), and a variety of residential uses (single-family, two-family and multi-family). No single land use defines this particular area, but it is clear that residential uses are most appropriate at the subject property due to it directly abutting only residential and mixed land uses.
6. The subject lot is one of nine lots enclosed by Haven Avenue to the south, Cranston Street to the north and east and Church Street to the west. The subject lot abuts a single-family residence to the west (10,000 ft²), a four-family residence to the north west (11,111 ft²), a two-family residence to the north (10,209 ft²), and a mixed use building (appears to be a dental office and a single-family residence) to the east (7,500 ft²).
7. The applicant provided a neighborhood analysis with an itemized breakdown of the number of land use within a 400' radius. There are 58 total properties in this radius comprised of thirteen different land use codes. The residential uses breakdown as follows: single-family (14) two-family (19), three-family (3), and four-family (1). The analysis states that the average lot area of residential or undeveloped properties is 6,228 ft². The one other existing four-family residence that is on an 11,111 ft² lot.
8. The proposed structure, as shown on the submitted elevations, is consistent with structures found in residential zones. The structure is not anticipated to negatively impact the visual character of the area. There is an existing wooden stockade fence along the sides and rear of the property that will continue to serve as a visual screen to the abutters although it will not and is not expected to *entirely* screen the proposed improvements.
9. The Cranston Comprehensive Plan's Future Land Use Map designates the subject parcels as "Single/Two Family Residential Less than 10.89 units per acre". The proposed density of the project is 15.84 units/per acres so the project is ***inconsistent*** with the Future Land Use Map.
10. The application does not include information to demonstrate that the request meets the required standards in City Code Section 17.92.010 *Variances*.

PLANNING ANALYSIS:

When looking at the application through a common-sense lens (as opposed to a zoning or Comprehensive Plan lens), the strengths of the application are evident. Without the dwelling unit above, the detached garage could be constructed *by-right* without relief for the use, lot area, the detached nature of the structure or the rear setback. The garage could have a second story with a range of viable uses such as storage space, or heated livable space for an art studio, home office,

workshop, etc. The second floor could even have a bedroom, a kitchen, or a bathroom, and any combination of two of these three features, but it cannot have all three features as this would then constitute a dwelling unit under the City Code. Parking requirements would be met, and the Traffic Safety Division does not have objection to the site plan. There is an existing fence along the rear and side property lines which would mitigate most of the visual impacts. The land uses within a 400' radius are considerably diverse and consist of residential, industrial, commercial, institutional and open space/recreational uses, so staff does not believe that the expansion of a residential use by a single unit would have a negative impact on the area. The Comprehensive Plan generally supports expanding housing stock in the City.

However, even considering these positive elements to the application, staff finds considerable flaws with the application. The application has numerous conflicts with zoning, the main ones being that multifamily is not an allowed use in B-1 zoning, a use which the applicant already enjoys and is asking to expand. When measured up to the standards for relief as codified in 17.92.010 *Variances*, especially the requirement for a use variance, the merits of the application are not strong. Staff finds that the granting of the request would not alter the general character of the surrounding area, but without the benefit of testimony to be given to the Zoning Board of Review, staff cannot make the other required findings on the variance at this time. Staff cautions against allowing more than one dwelling in a single-family zoning district without a clear demonstration of a hardship.

Furthermore, staff finds the proposal to be inconsistent with the Comprehensive Plan. The request exceeds the Future Land Use Map (FLUM) density allocation, requesting to be 45% more than the maximum density when the current land use is already 9% above the maximum (current – 11.88 units/acre, max per FLUM – 10.89 units/acre, proposed – 15.84 units/acre). Although the Comprehensive Plan generally supports the expansion of housing stock and options, it does not suggest this goal should be prioritized over compliance with the density prescriptions in the FLUM.

In conclusion, staff feels that this specific request is reasonable and would not have a negative impact for the City, but granting relief could be considered as to impair the intent or purpose of the Zoning Code and Comprehensive Plan. This finding prevents staff from being able to make a positive recommendation on the application.

RECOMMENDATION:

Due to the finding that granting the relief is inconsistent with the Comprehensive Plan, staff recommends the Plan Commission forward a **negative recommendation** on this application to the Zoning Board of Review. It should be noted that there are no outstanding concerns with the proposal and relief is not anticipated to result in negative impacts.