

City Planning Department



Memo

To: Cranston City Plan Commission
From: Doug McLean, AICP - Principal Planner / Administrative Officer
Date: July 1, 2021
Re: **Dimensional Variance at 32 Yard Street**

**Owners/
Applicant:** David Russo

Location: 32 Yard Street; AP 12, Lots 1979, 1980, 1981

Zone: A-8 (Single-family dwellings on lots of minimum areas of eight thousand (8,000) square feet)

FLU: Single Family Residential 7.26 to 3.64 units per acre

DIMENSIONAL VARIANCE REQUEST:

The applicant proposes to construct an in-ground swimming pool and deck in a front yard setback on a corner lot. The proposed deck will be located 5' from the nearest front property line whereas 25' is required [Section 17.20.120 – Schedule of Intensity; Section 17.60.010 – Accessory Uses]

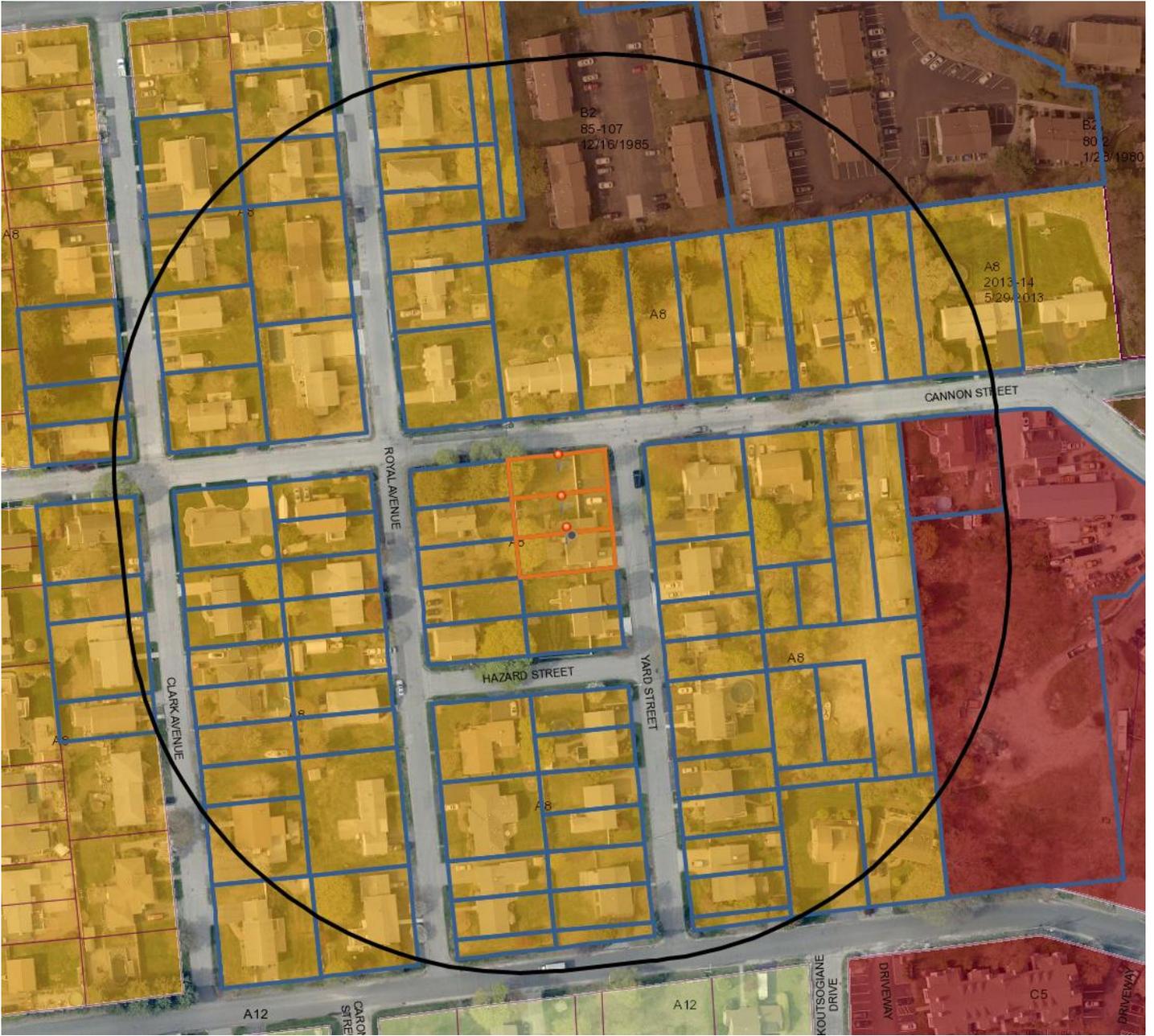
AERIAL VIEW



AERIAL VIEW (close up)



ZONING MAP



3-D AERIAL VIEW (facing west)



3-D AERIAL VIEW (facing south)



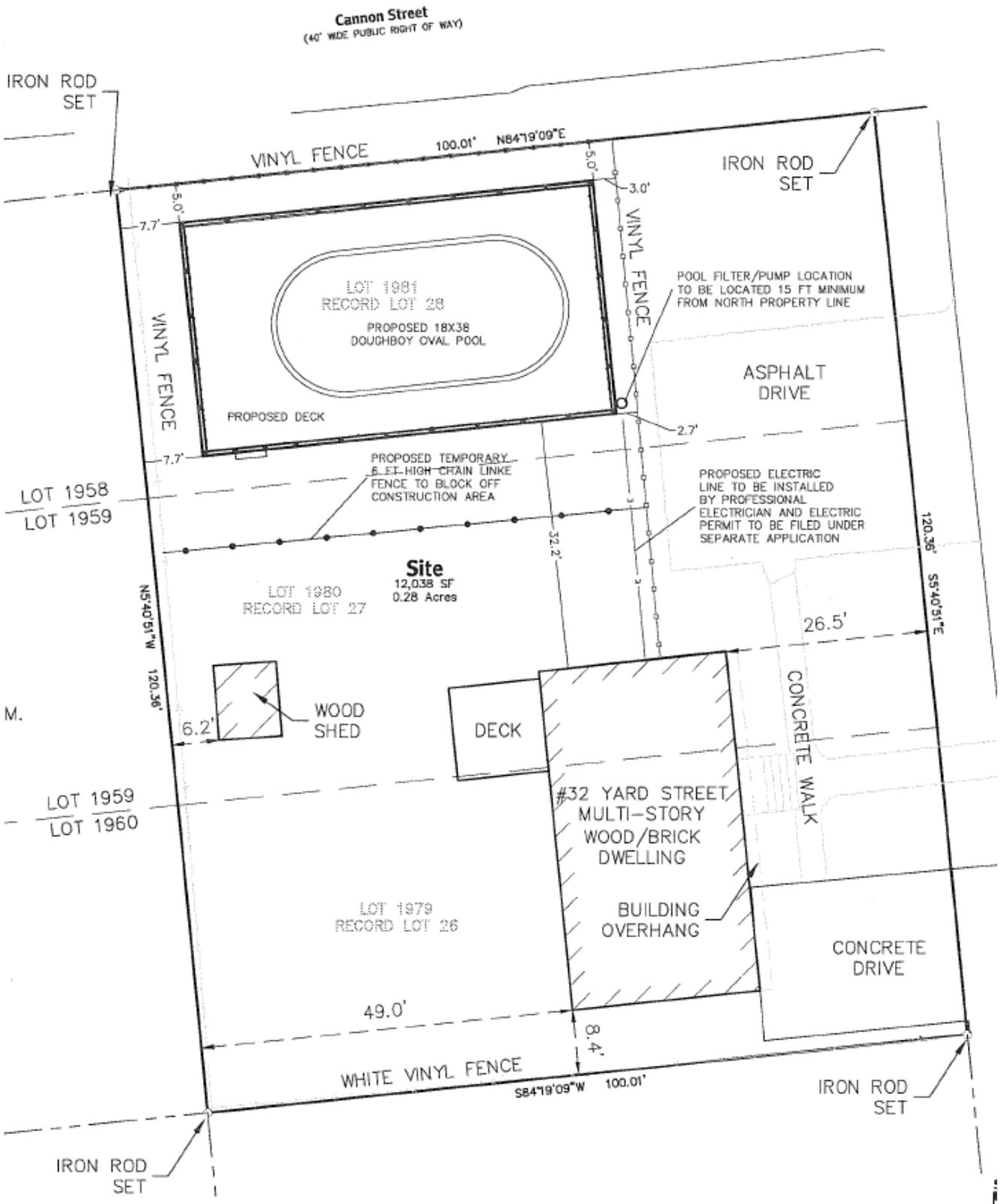
STREET VIEW (from Yard Street)



STREET VIEW (from Cannon Street)



SITE PLAN



FINDINGS OF FACT:

1. The applicant is seeking to construct an in-ground 18'X38' swimming pool and deck in a front yard setback in an A-8 zone. The proposed deck will be 22 inches above grade and the edge of deck will be located 5 feet from the front property line abutting Cannon Street.
2. The combined subject lots conform to all A-8 standards for required lot dimensions.
3. Section 17.60.010 "Accessory Uses" of the zoning code establishes specific setbacks for pools and decks in an A-8 zone (5' for rear setback and 5' for side setback). This section of code does NOT provide a specific setback for pool in a front yard, thus the required front yard setback for a pool and deck is the same as the required setback for a building (25').
4. The property does not have the benefit of a typical size backyard because it is a corner lot and is required to have 2 front yard setbacks. A front yard setback must be measured from both the Yard Street right-of-way and the Cannon Street right-of-way. Because the existing dwelling conforms to both front setbacks, there is limited space for improvements in the backyard area. The unique circumstance of this property being a corner lot creates a hardship with regard to locating customary accessory uses in the backyard.
5. There are additional site conflicts with locating the pool in the backyard of the property because there is an existing rear deck and stairs that serves as an emergency second egress from the dwelling.
6. The area where the pool is proposed is surrounded by a 6' white PVC fence. The views of the proposed pool from the surrounding public rights-of-way are largely screened by the existing fence.
7. The fact that this proposal is for an in-ground pool (as opposed to an above ground pool), along with the fact that there is an existing 6' PVC fence surrounding the proposed pool, combines to create an effective visual mitigation strategy to provide privacy from abutting neighbors and public rights-of-way.
8. Staff reviewed the Cranston Comprehensive Plan for policies relating to swimming pools, accessory uses, front setbacks, and corner lots. There are no specific policies relating to these items. Staff did identify a limited number of policies relating to community character and visual impacts within residential neighborhoods that provide some direction with regard to the subject application:
 - a. Land Use Element; Principle 4 (page 34): "*Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life. Protect the natural, historic and **visual resources** that define the neighborhoods. In addition, support the existing residential development patterns in order to stabilize the residential blocks and neighborhoods.*"
 - b. Land Use Element - LU-2 (page 47): "*Continue to amend subdivision regulations to promote land development patterns that minimize site disturbance, **minimize visual impacts**, and retain rural features and community character.*"

9. Based on the above cited Comprehensive Plan policies, with consideration of the visual mitigation efforts noted in Findings #6 and #7 above, staff finds that the proposed application is consistent with the intent of the Comprehensive Plan with regard to minimizing visual impacts in residential neighborhoods. Staff acknowledge that this Comprehensive Plan language is not directly tied to accessory swimming pools in front yard setbacks. However, based on the limited amount of specific policies that relate to the subject application, staff believes this is the most relevant policy guidance available and is supportive of the application based on existing conditions.

PLANNING ANALYSIS:

The applicant is requesting to construct a below ground swimming pool and deck in a front yard setback in which the deck would be 5' from the front property line. The property does not have the benefit of a typical size backyard because it is a corner lot and is required to have 2 front yard setbacks. The aerial imagery and site photos included as part of this memo provide additional evidence that there are site conflicts to locate the pool in the backyard of the property because of limited space behind the house and an existing rear deck and stairs that serves as an emergency second egress from the dwelling.

The front yard area where the pool is proposed is surrounded by a 6' white PVC fence that screens the views from surrounding properties and public rights-of-way. Staff finds that 1) the fact that this will be an in-ground pool as opposed to an above ground pool, and 2) there is an existing 6' fence surrounding the pool, both combine to provide an effective visual mitigation. As such, staff is of the view that maintaining the fence is a critical component to considering a positive recommendation on this matter.

Staff reviewed the Cranston Comprehensive Plan for policies relating to swimming pools, accessory uses, front setbacks, and corner lots. No such specific policies exist in the plan. In staff's view, the closest relatable policies in the plan (identified in Finding #8) are related to maintaining community character. Based on these policies, in combination with the visual mitigations included as part of the application, staff finds that the application is consistent with the Cranston Comprehensive Plan.

RECOMMENDATION:

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the applicant is providing a mitigation element (fence) to reduce visual impacts and maintain the aesthetic character of the neighborhood, staff recommends the Plan Commission forward a **positive recommendation** to the Zoning Board of Review. Staff further recommends that the Plan Commission consider including a condition as part of its recommendation that the existing fence (or equivalent replacement fence of similar height and opacity) be maintained for the life of the swimming pool.