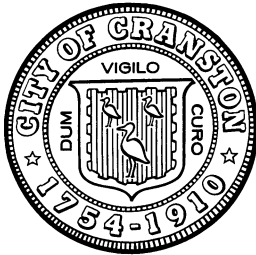


City Planning Department



Memo

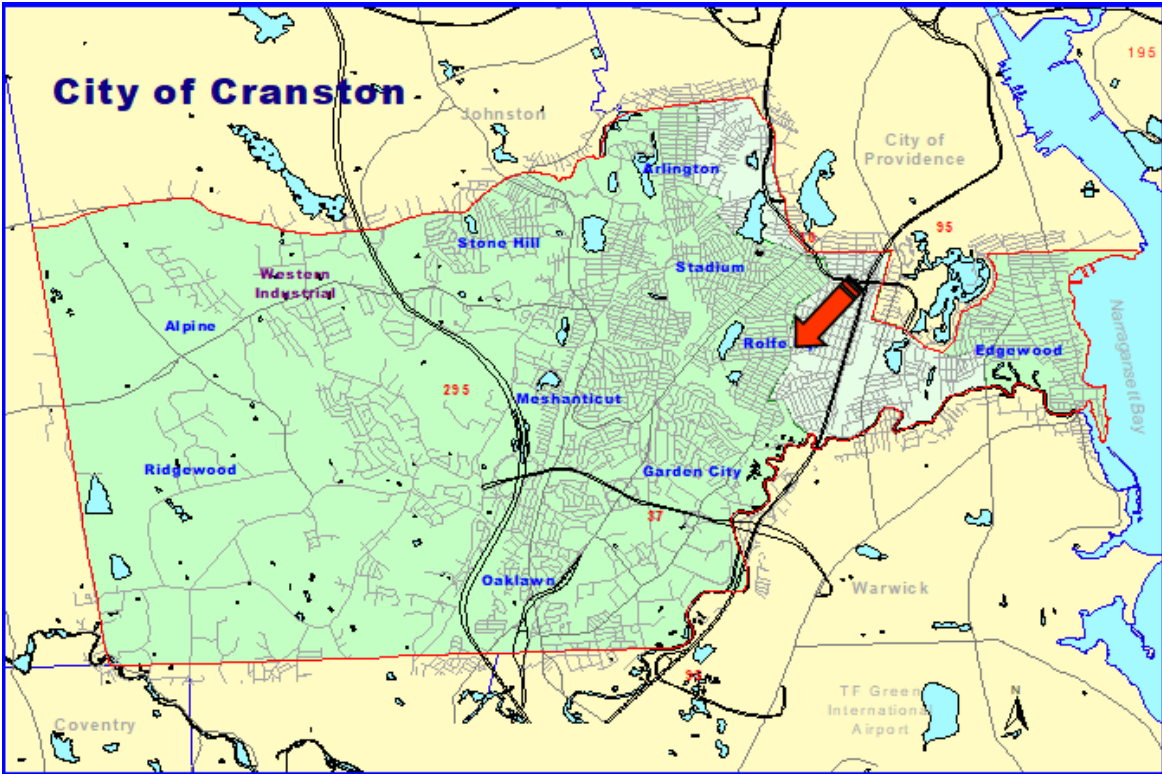
To: Cranston City Plan Commission
From: Joshua Berry, AICP - Senior Planner / Administrative Officer
Date: May 27, 2021
Re: **Dimensional Variance @ 45 Hodsell Avenue**

Owner/App: Hodsell 45 Investment & Development, LLC
Location: 45 Hodsell Avenue, AP 5, Lots 526
Zone: B-1 (Single-family and two-family dwellings)
FLU: Single/Two Family Residential Less than 10.89 units/acre

DIMENSIONAL VARIANCE REQUEST:

- 1. To allow the conversion of an existing legal non-conforming building into a two-family residential building with substandard lot area. [Section 17.20.120 – Schedule of Intensity Regulations]

LOCATION MAP



ZONING MAP

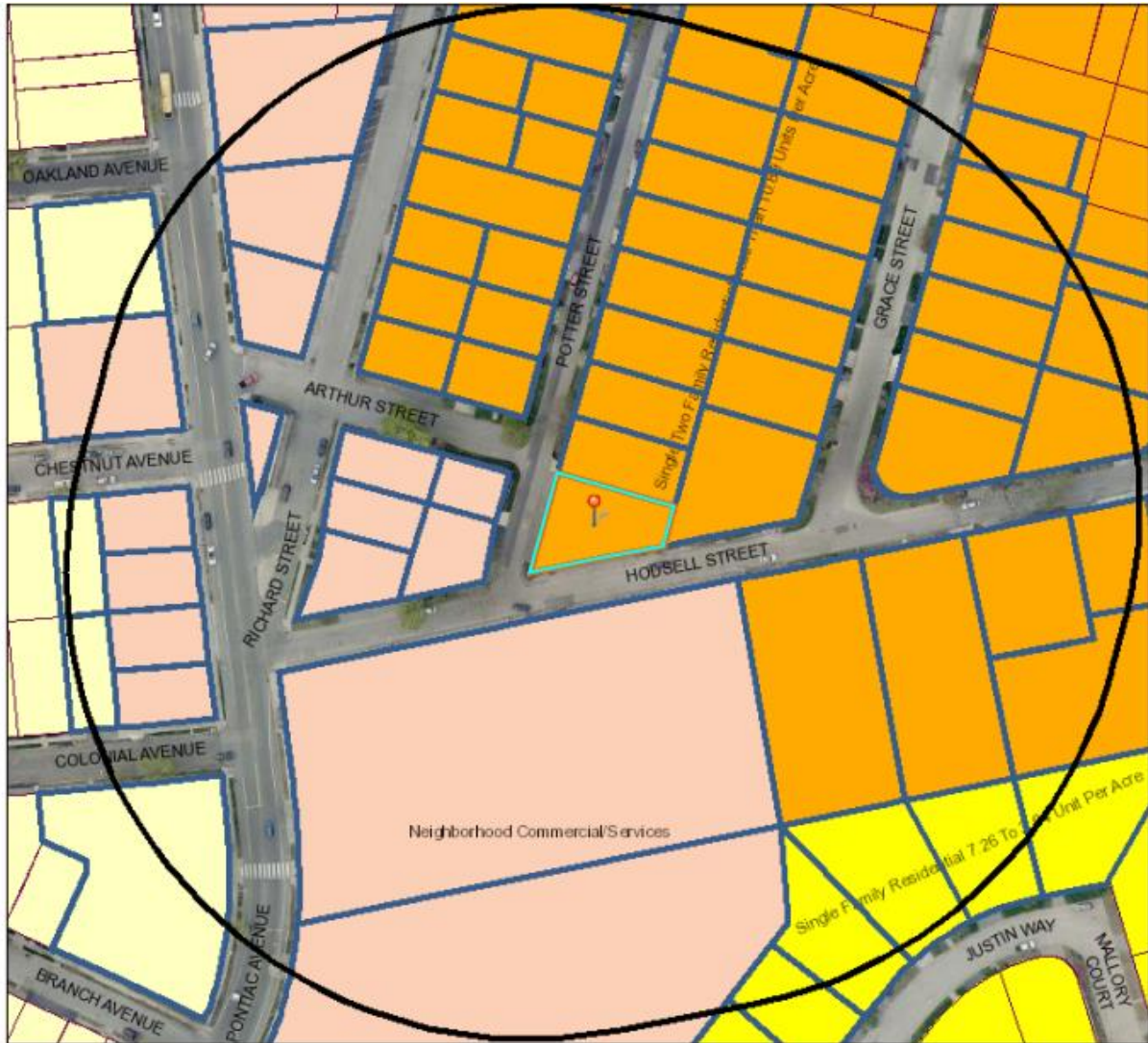


This map/data/geospatial product is not the product of a Professional Land Survey. It was created for general reference, informational, planning and guidance use and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this data may require the 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



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

AERIAL VIEW



3-D AERIAL VIEW (facing east)



STREET VIEW – PREVIOUS CONDITION
(Hodsell Ave facing north)



STREET VIEW – CURRENT CONDITION
(Hodsell Ave facing north)



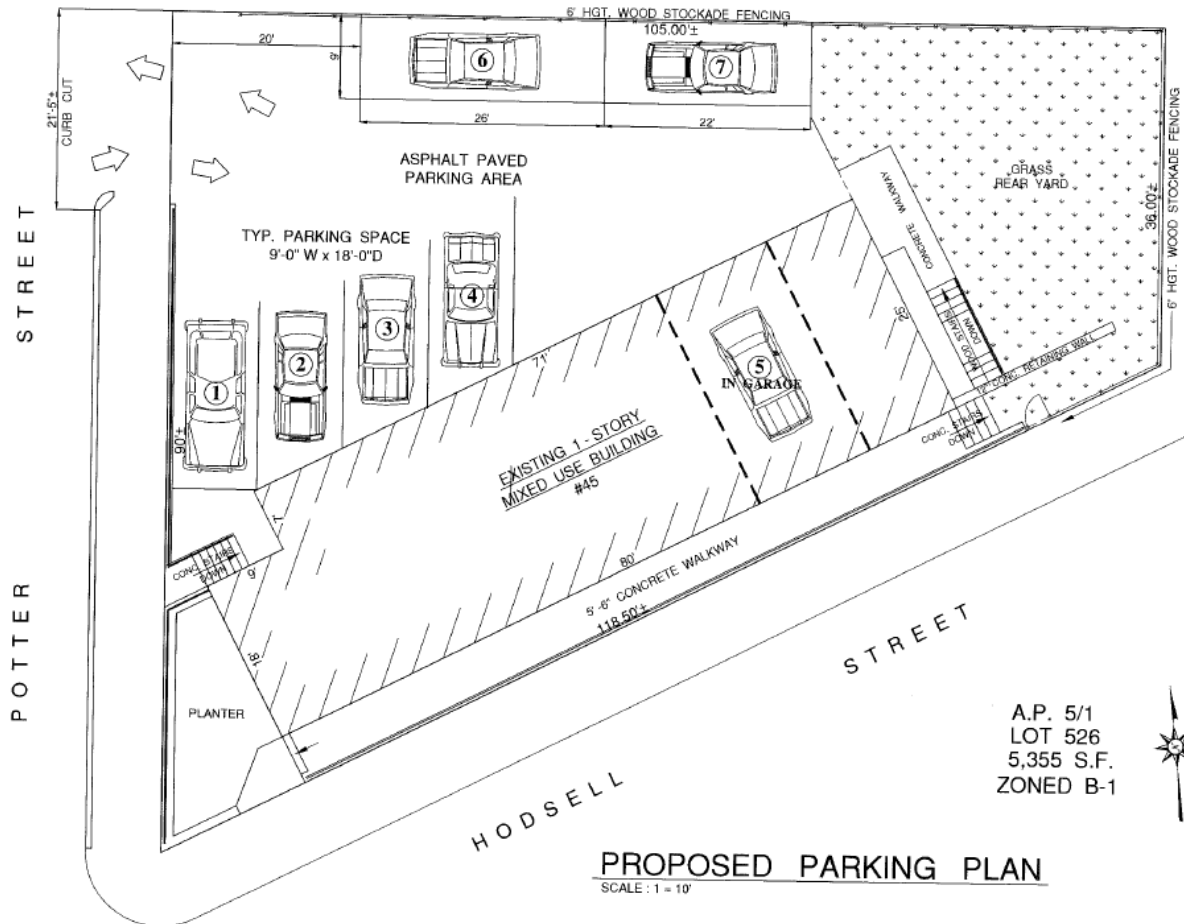
STREET VIEW – PREVIOUS CONDITION
(Potter St facing south)



STREET VIEW – CURRENT CONDITION
(Potter St facing south)



SITE/PARKING PLAN



FINDINGS OF FACT

1. The 5,355 ft² subject property was previously an auto repair shop as confirmed by a zoning certificate issued by the Zoning Secretary on 9/12/19. The owner/applicant proposes to convert the existing building into a two-family dwelling, which is allowed under B-1 zoning, but requires 8,000 ft².
2. There is sufficient parking on site. The Code requires a space for each dwelling unit. The applicant has provided a parking plan showing 7 spaces.
3. There are no proposed changes to the building footprint, but there are improvements to the interior and exterior of the existing legal nonconforming building.
4. Abutting the site is Dave's Fresh Marketplace to the south, nonconforming residential under C-3 zoning to the west, and B-1 residential neighborhood to the north and east. The

conversion of the auto body use to a two-family residential use would be consistent with the surrounding area.

5. The Comprehensive Plan Future Land Use Map designate the property as Single/Two Family Residential Less than 10.89 units/acre. The proposed density is 16.23 units per acre. Therefore, the proposed use is consistent, but the proposed density is inconsistent with the Future Land Use Map.
6. There is a four-family on 5,355 ft² and a two-family on 4,284 ft² immediately abutting the subject property to the west on Hodsell Ave. There are two separate three-families on 3,784 ft² and two separate two-families on 3,750 ft² all within 150' of the property. The density is not out of character with the surrounding area.
7. The owner has been improving the interior and exterior of the property which was vacant and had become unsightly. The investment in the property will have a positive impact in the neighborhood.
8. The proposed duplex is consistent with several policies in the Housing Element and Land Use Element. Importantly, the allowance of the variance would stabilize the residential neighborhood and provide housing options at modest price points while generating demand for goods and services in the area.

PLANNING ANALYSIS

The subject property has difficult (nonconforming) existing conditions. The lot area (5,355 ft²) is substandard for any use in B-1 zoning, which requires 6,000 ft² - therefore, the applicant would need relief to do *anything* other than continue the previous use at this location (notwithstanding the newly approved substandard lots of record ordinance).

The applicant was cited by the City for illegally occupying the property without zoning permission. The applicant worked with the Planning Department to devise a reasonable variance application. Initially, the applicant wanted a mixed-use property with two units and a commercial condo setup on the first floor. After staff discouraged applying for any kind of use variance, the applicant agreed to reduce the ask to just the two dwelling units, which only requires dimensional relief for the substandard lot area.

The building itself lends well for two units. It is long and narrow, roughly 80' x 18'. It already has multiple entryways. The two units are 618 ft² and 685 ft² respectively only counting the 2nd floor. The lower level offers storage and office space, and a bathroom for potential future home office spaces to be applied for and permitted separately from this variance application.

Approval is not anticipated to have any negative impacts to the neighborhood. The property is being beautified and invested in by the owner. The building is existing, so the use of the property by one or two families does not impact the exterior look of the building, and there is more than sufficient off street parking available.

Staff does not believe that approval would undermine the intent of zoning. Approval of the application would not set a precedent for future two-families in the neighborhood, but would be

consistent with the undersized residential uses along Hodsell Ave towards Pontiac Ave. The Zoning Ordinance is not meant to be complied with merely for the sake of compliance, but for the sake of the outcome. The question therefore becomes, would the reduction of the proposal to only one dwelling unit result in a better outcome for the city? Staff believes that it would *not* result in a better outcome, and that the relief is in the best interest of the city.

Regarding consistency with the Comprehensive Plan, the proposed density, 16.23 units/acre, exceeds the Future Land Use Map maximum of 10.89 units/acre. The number 10.89 units per acre is derived from two units per 8,000 ft², the minimum area under zoning. By this measure, any requested relief for substandard lot area for a two-family will be inconsistent with the density allocation under this FLUM category. Staff believes this standard deserves significant credence, but believes that it is not the only factor to consider when determining whether the request is consistent with the Comprehensive Plan.

Staff finds that the proposal is consistent with the policies found in the Housing Element.

HG-3 Achieve a balance between economic development and housing in the City.

With the Mayor Hopkin's emphasis on the revitalization of Rolfe Square, housing units will be beneficial as they generate demand for goods and services.

HP3.1 Provide housing resources to support the range of jobs that reflects the City's economic base, and encourage the development of housing at levels that are consistent with household purchasing power.

It is anticipated that these units will be at modest price points, providing workforce housing for the retail and service businesses in the nearby area.

HP-3.2 Maintain the stability of established neighborhoods in connection with continued economic development and revitalization: in particular, protect neighborhoods abutting the City's major commercial corridors from adverse impacts arising from incompatible uses.

This property had been used for commercial purposes despite being zoned for residential use. The conversion of the property to residential would stabilize the residential neighborhood by preventing the commercial creep eastward from Pontiac Avenue.

HG-4 Promote housing opportunity for a wide range of household types and income levels.

It is anticipated that these units will be at modest price points, providing housing options consistent with this goal/policy.

HP-5.1 Reduce the burden of zoning and building regulations, to enable two- and three-family unit dwellings to be easily modified, maintained and improved within the existing neighborhoods.

Although the units are proposed and not yet existing, the application appeals to the intent of this policy. The reduction of the burden of zoning to allow a by-right use on a substandard lot of record seems in-line with this statement.

Staff also finds the proposal to be consistent with the policies in the Land Use Element.

LUG-9 Protect and stabilize existing residential neighborhoods.

The conversion of the property to residential would stabilize the residential neighborhood by preventing the commercial creep eastward from Pontiac Avenue.

Staff urges the Plan Commission to support the requests for relief to allow flexibility in the dimensional standards to allow a reasonable use of the property which is consistent with the surrounding area.

Recommendation

Due to the fact that the two-family would be compatible with the surrounding area and finding the proposal to be consistent with the policies in the Comprehensive Plan, staff recommends the Plan Commission forward a **positive recommendation** on the application to the Zoning Board of Review.