

A meeting of the Cranston Zoning Board of Review was called to order in Cranston City Hall by Chairperson Matthew Gendron on **Wednesday January 8, 2020 at 6:30 pm**. Also present were Joy Montanaro, Thomas Barbieri, Christopher Buonanno, and Paula McFarland. Assistant Solicitor Stephen Marsella, Esq. was Counsel to the Board.

The Board heard the following applications:

NEW BUSINESS

Ward 5

GIUSEPPE LANNI (OWN/APP) an application to convert an existing single family dwelling to a two family dwelling at **53 Woodside Street** A.P. 12, Lots 2175; area 8,000 sq.ft. Zone A8.

Ward 4

RICHARD CARDELLO (OWN) AND BARBARA GAGLIONE (APP) an application to create a new lot to construct a new single family dwelling with reduced lot width and frontage and area at **0 Turner Street** A.P. 18, Lot 485, area 5,816 sq.ft. Zone A6.

Ward 4

RICHARD CARDELLO (OWN) AND BARBARA GAGLIONE (APP) an application to create a new lot to construct a new single family dwelling with reduced lot width and frontage and area at **0 Turner Street** A.P. 18, Lot 486, area 5,816 sq.ft. Zone A6.

Ward 3

PARK AVENUE PLAZA, LLC (OWN) AND 2 PAWS UP, LTD (APP) an application to allow an animal day care use in commercial shopping plaza at **1375-1381 Park Avenue** A.P. 11, Lots 749, 3599, and 3600. Area 59,119 sq.ft, zone C3.

NEW BUSINESS

Ward 5

GIUSEPPE LANNI (OWN/APP) has filed an application to convert an existing single family dwelling to a two family dwelling at **53 Woodside Street** A.P. 12, Lots 2175; area 8,000 sq.ft. Zone A8. Applicant seeks relief per Sections 17.92.010 Variance; Section 17.20.030 Schedule of Uses. Application filed 10/28/2019.

On a motion made by Ms. McFarland, and seconded by Mr. Buonanno the Board voted 0-5 to approve the application. The motion to approve did not carry.

This application was **Denied** as presented to the Board on January 8, 2020.

The Board made the decision based on the following findings of fact:

FINDINGS OF FACT:

1. The project site is zoned A-8 which is intended primarily for the use of single-family dwelling on lots of minimum areas of 8,000 ft².
2. The proposed two-family residence is not an allowed use in A-8 zoning.
3. The owner / applicant, Giuseppe Lanni purchased the property in 2016. Staff spoke with the owner/applicant Giuseppe Lanni on 11/25/19 and 11/26/19. Mr. Lanni conveyed that he did not know when the property was converted to a two-family, but that it was in that condition when he purchased the property in 2016. Staff recommended that Mr. Lanni provide evidence or documentation to show that both units existed before he purchased the property. The City's tax records have always assessed the property as a single-family, never as a two-family, although a walk-through has not been conducted since 1995.

4. The variance application was filed and advertised only for AP 12 Lot 2175, the lot with the existing residence. However, the owner /applicant also owns abutting parcels AP 12 Lots 2175, 2176, 2177, & 2178. Notably, the survey / site plan and the 400' radius map used to determine abutters for notification incorporated all four lots as part of the application. The portion of Woodside Street fronting lots 2176, 2177 & 2178 is an unpaved paper street, and said lots therefore do not have sufficient frontage and are merged for zoning purposes.

5. The Comprehensive Plan Future Land Use Map identifies the area as "Single Family Residential 7.26 To 3.64 Units Per acre." The proposed density based on AP 12 Lot 2715 is 10.89 units/acre, which is NOT consistent with the Comprehensive Plan.

6. There are 56 total lots developed residential properties within 400' of the project site. Of these properties, 1 is designated by the City Tax Assessor as a four-family (Yeoman Ave), and there are four (4) two-family residences (two on Yeoman Ave, one on Enterprise Street and one on Morgan Street, none on Cannon Street or Woodside Street). Therefore, the project is not consistent with the surrounding residential uses.

7. The applicant testified about the layout of the home, factors around his purchase and the fact that it is currently rented as a two family. There was discussion with the Board about the use and the neighborhood.

8. There was testimony in opposition to the application.

9. In denying the application, the Board found that that the applicant did not prove a loss of all beneficial use should this application not be granted. The Board found that the property could be used as a single family residence. The Board found that the property was assessed and taxed as a single family.

10. The Board further found that a two family residence is not consistent with the comprehensive plan and the surrounding neighborhood as a further reason for denial.

Ward 4

RICHARD CARDELLO (OWN) AND BARBARA GAGLIONE (APP) have filed an application to create a new lot to construct a new single family dwelling with reduced lot width and frontage and area at **0 Turner Street** A.P. 18, Lot 485, area 5,816 sq.ft. Zone A6. Applicant seeks relief per Sections 17.92.010 Variance; Section 17.20.120 Schedule of Intensity Regulations. Application filed 10/28/2019. Christopher D'Ovidio, Esq.

On a motion made by Mr. Barbieri, and seconded by Ms. McFarland, the Board voted 0-5 to approve the application. The motion to approve did not carry.

This application was **Denied** as presented to the Board on January 8, 2020.

The Board made the decision based on the following findings of fact:

FINDINGS OF FACT:

1. The existing lots were platted as 50'x100' lots prior to the adoption of zoning and have not been altered since.

2. The total site area of 20,000 ft² is sufficient for three A-6 lots (18,000 ft² required). The applicant testified that she could knock down the existing home and plat three lots that would not require any relief.

3. The applicant testified that the reason for the relief was the location of the current structure.

4. The Board questioned the applicant about the slope of the lot and safety of the egress from the property.

5. There was testimony by objectors to the project that stated that many of the lots in the area were larger than the proposed 5800 sq. feet and that the applicant could place one new structure by right. There was testimony that the smaller lots were not in conformance with many lots in the neighborhood..

6. In denying the application, the Board found that the applicant could subdivide the property and create one new lot of record and build a home on that lot. By creating two lots in this new subdivision, the applicant created their own hardship for which it sought relief.

7. In its denial, members of the Board stated and further found that two smaller lots would change the character of the neighborhood. They were also concerned with the slope of the lots and the safety of ingress and egress to the smaller lots.

8, The Board found that the applicant therefore failed to satisfy all the necessary factors for granting a variance and therefore, the request should be denied. The Board gave the same reasons for denying both applications before it that night.

Ward 4

RICHARD CARDELLO (OWN) AND BARBARA GAGLIONE (APP) have filed an application to create a new lot to construct a new single family dwelling with reduced lot width and frontage and area at **0 Turner Street** A.P. 18, Lot 486, area 5,816 sq.ft. Zone A6. Applicant seeks relief per Sections 17.92.010 Variance; Section 17.20.120 Schedule of Intensity Regulations. Application filed 10/28/2019. Christopher D'Ovidio, Esq.

On a motion made by Ms. McFarland, and seconded by Mr. Barbieri, the Board voted 0-5 to approve the application. The motion to approve did not carry.

This application was **Denied** as presented to the Board on January 8, 2020.

The Board made the decision based on the following findings of fact:

FINDINGS OF FACT:

1. The existing lots were platted as 50'x100' lots prior to the adoption of zoning and have not been altered since.
2. The total site area of 20,000 ft² is sufficient for three A-6 lots (18,000 ft² required). The applicant testified that she could knock down the existing home and plat three lots that would not require any relief.
3. The applicant testified that the reason for the relief was the location of the current structure.
4. The Board questioned the applicant about the slope of the lot and safety of the egress from the property.
5. The was testimony by objectors to the project that stated that many of the lots in the area were larger than the proposed 5800 sq. feet and that the applicant could place one new structure by right. There was testimony that the smaller lots were not in conformance with many lots in the neighborhood.
6. In denying the application, the Board found that the applicant could subdivide the property and create one new lot of record and build a home on that lot. By creating two lots in this new subdivision, the applicant created their own hardship for which it sought relief.
7. In its denial, members of the Board stated and further found that two smaller lots would change the character of the neighborhood. They were also concerned with the slope of the lots and the safety of ingress and egress to the smaller lots.
- 8, The Board found that the applicant therefore failed to satisfy all the necessary factors for granting a variance and therefore, the request should be denied. The Board gave the same reasons for denying both applications before it that night.

Ward 3

PARK AVENUE PLAZA, LLC (OWN) AND 2 PAWS UP, LTD (APP) have filed an application to allow an animal day care use in commercial shopping plaza at **1375-1381 Park Avenue** A.P. 11, Lots 749, 3599, and 3600. Area 59,119 sq.ft, zone C3. Applicant seeks relief per Sections 17.92.010 Variance; Section 17.20.030 Schedule of Uses. Application filed 11/8/2019. Robert D. Murray Esq.

On a motion made by Mr. Barbieri, and seconded by Ms. McFarland, the Board voted 5-0 to approve the application.

This application was **Approved** as presented to the Board on January 8, 2020.

The Board made the decision based on the following findings of fact:

FINDINGS OF FACT:

1. The applicant, 2 Paws Up, Ltd., operates an animal day care and grooming service currently located at 85 ½ Rolfe Street. The owner is proposing to relocate to the business to 1375 Park Avenue.
2. The subject parcels at 1375 Park Avenue are designated as Assessor's Plat 11, Lots 749, 3599 and 3600. The lots are zoned C-3 (general business) and contain approximately 59,119 square feet.
3. While submitting information through the building permit process, the applicant discovered that of the 2 uses associated with their business (animal grooming and animal day care), only animal grooming is a permitted in the C-3 zone.
4. The use of animal day care has historically been associated with the existing business operation, although it is unclear how this came to be as the current location is also zoned C-3 (same zoning designation as the proposed new location).
5. The definitions for each use in Section 17.04.030 of the zoning code are as follows:
 - "Animal day care" means a facility providing care for domestic animals that do not reside in the facility, that are present primarily during daytime hours and that do not board. An animal day care may include incidental grooming.
 - "Animal grooming service" means any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.
6. Animal day care is allowed by-right in the C-4 zone, and as a special use permit in the C-5 and S-1 zones. Animal grooming is allowed by-right in the C1, C-2, and C-3 zones and as a special use permit in the A-80, C-4 and C-5 zones.
7. It is unclear why the use of animal grooming is regulated differently than the use of animal day care as the 2 uses appear to have similar impacts in terms of noise, odor, waste, etc. After staff conducted research into the rationale for why there was a different regulatory approach for the 2 uses, staff could not find a specific intention or rationale for treating these uses differently.
8. The proposal does not include any changes to the building footprint or other physical site improvements to the subject property.
9. The applicant testified about her business and her 16 years in her current location. She expressed the need to have a new location with one level and ample parking.
10. There was numerous citizens who testified in support of the application and testified about the quality of the applicants business and her value to the community
11. There was no testimony in opposition to the application.

In this case, applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is due to the unique characteristics of the property, and is not due to a physical or economic disability of the applicant, that the hardship does not result primarily from the desire of the applicant to realize greater financial gain, will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan, and is the least relief necessary. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance, and that the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010, and Section 17.20.030- Schedule of Allowed Uses.