

A. P. 6/3, LOTS 2794 & 2795





May 21, 2025

To: Cranston City Planning Department

From: Conley Law & Associates  
Zachary Bourdony, Esq.

Re: 76 Packard Street (Lot 2794) & 0 Packard Street (Lot 2795)  
Zoning Relief Narrative

This narrative supplements the request for zoning relief for 76 Packard Street and 0 Packard Street, Lots 2794 and 2795, respectively, for zoning purposes only. These are two legally separate substandard lots of record. This application seeks to keep a pre-existing non-conforming two-family dwelling on 76 Packard Street and allow the building of a proposed building on Lot 2795. Based upon the current lots sizes and building placements, relief is needed on both lots. Lot 2794 will need relief for minimum lot size, lot width/frontage, side setback, and rear setback, and to keep a non-conforming use. Lot 2795 will need relief for minimum lot size, lot width/frontage, side setback, and rear setback.

### **Substandard Lot Law-Lots Not Merged**

We have been told that the subject lots have been merged, for zoning purposes. It is our primary contention that this is not true as Rhode Island law does not allow the merger of improved lots. Therefore, no application is needed, besides an application for a building permit with a conforming structure, taking into account the reduced dimensions as a substandard lot.

The Zoning Enabling Act does not permit the merger of improved lots. §45-24-38(c). The subject lots are improved lots. “Improvement” is defined by Rhode Island General Law § 45-23-32 (17) as, “Any natural or built item that becomes part of, is placed upon, or is affixed to, real estate” and applied to the Zoning Enabling Act by § 45-24-31: “Where words or terms used in this chapter are defined in § 45-22.2-4 or § 45-23-32, they have the meanings stated in that section.” The existing driveway is a, “built item that becomes part of, is placed upon, or is affixed to” Lot 2795. The driveway has been on Lot 2795 since at least 1962, prior to when substandard lots were deemed to be merged for zoning purposes in 1966. See DEM GIS Aerial Photographs. Lot 2795 is and has been an improved lot. As contiguous improved lots, the Zoning Enabling Act, through §45-24-38(c), prohibits these lots from being considered merged for zoning purposes.<sup>1</sup> These are two separate and distinct zoned substandard lots of records. As separate substandard lots of records no zoning relief is needed. Further, as Lot 2795 has been an improved lot since before Cranston adopted its ordinances and therefore not subject to merger, it

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<sup>1</sup> Only contiguous unimproved lots OR a contiguous combination of unimproved and improved lots shall be merged. §45-24-38.



becomes properly classified as a substandard lot of record, under both state law and local ordinance.<sup>2</sup> Both lots are separate substandard lots of record under zoning and the law.

### **Existing and Proposed Use, Neighborhood**

The subject lots are zoned A-6, meaning, by-right, they are entitled to be used for a single-family home. A two-family dwelling sits on Lot 2794; A single-family dwelling will go on Lot 2795. The subject lots are in the middle of the developed and historically dense Stadium View neighborhood. Stadium View is comprised nearly entirely of single and two-family homes. These lots are legally sized similar to the legal sizes of Lots 2794 and 2795. The subject lots are topographically flat, as is the neighborhood in general. There are multiple two-family units in the neighborhood: 68 Packard Street, 79 Packard Street, 87 Packard Street, 157 Jordan Street, 105 Overland Street.

### **Zoning History**

In 2009, the Cranston Zoning Board of Review heard and granted a request for permission to leave the existing dwelling on Lot 2794 and to build a single family dwelling on Lot 2795. Unfortunately, that variance expired. Given that the City has previously approved the keeping of the lots as separate, even with the update of standards, it would seem ludicrous to not approve a substantially similar requests.

Further, our office has been sent in multiple directions as to how we should attempt to proceed with this application.<sup>3</sup> On January 17, 2025, City officials told our office that this would need to go in front of the Zoning Board of Review, presumably as a Variance request. Then, on February 26, 2025, City officials advised us that this would be a UDR application. While getting the items together for that, on March 18, 2025 City Officials advised again to apply through ZBR as a variance request. Then, while we were working on that application, City Officials told our office, on April 2, 2025 that this, again, should be a UDR application. Then, on May 13, 2025, City officials advised us to submit this as a variance request.

### **Zoning Relief**

The subject lots are zoned A-6. Per Ordinance 17.20.110 the minimum dimensional requirements for A-6 zoned lots are a minimum of 6,000sqft lot size, 60 ft width, 20 ft rear yard, and 8 ft side yards. As a developed street, 17.20.110(C) dictates the front setback calculation, which is 16 ft.

As state above, the two lots are both improved lots. They remain separate substandards lots and are entitled to a proportional reduction of the dimensional requirements. The lots meet the substandard dimensional reductions mandated by Rhode Island law pertaining to substandard

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<sup>2</sup> R.I. Gen. Laws §45-24-31 & 17.04.030 mirror each other. “Substandard lot of record. Any lot lawfully existing at the time of adoption or amendment of a zoning ordinance and not in conformance with the dimensional or area provisions of that ordinance.” §45-24-31(66).

<sup>3</sup> It is our hope that this matter can be used to guide future similar matters, but our office and our client are frustrated by the constant pivots we have had to make, seemingly every month.



lots of record and should not require the need to request relief.<sup>45</sup> The structure on Lot 2794 is grandfathered. All of the setback dimensions are met on account of being grandfathered and the substandard lot proportional reductions.<sup>6</sup> §45-24-38(b) states that when lot size is the only requirement not in conformance, zoning relief “shall not be required.” Here, only lot size is nonconforming, and thus zoning relief is not required. See §45-24-38(b). Further, as stated previously, in 2009 the ZBR previously approved a variance to keep the non-conforming building on the lot.

For Lot 2795, no zoning relief is needed for the same reasons as Lot 2794, except that there is no grandfathered building. However, the proposed building is in conformance with the proportionally reduced dimensional requirements. See §45-24-38(b), (b)(1). Because only lot size would be non-conforming for both lots, zoning relief shall not be required. §45-24-38(b).

However, in the alternative, if dimensional relief is needed to be requested, the requested relief should be granted to allow the existing and proposed buildings.

The following demonstrates the potential relief needed for Lot 2794:

Standard	Required Minimum	Actual/Proposed	Relief Sought
Lot size	6,000sqft	3,320sqft	2,680sqft
Lot width/frontage	60ft	41.5ft	18.5ft
Rear Setback	20ft	18.8ft	1.2ft
Side Setback	8ft	7.8ft	.2ft

The two-family use is allowed to remain as a nonconforming use, per 17.88.020, especially since there are no proposed alterations to the use.

The following demonstrates the potential relief needed for Lot 2795:

Standard	Required Minimum	Actual/Proposed	Relief Sought
Lot Size	6,000sqft	3,320sqft	2,680sqft
Lot Width/Frontage	60ft	41.5ft	18.5ft
Rear Setback	20ft	15.8ft	3.2ft
Interior Side Setback	8ft	6ft	2ft

§45-24-41(d) lists the standards to be proven when requesting zoning relief; additionally, §45-24-41(e)(2) provides an additional standing for dimensional variances.

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<sup>4</sup> Lot 2794 is 3,320sqft; Lot 2794 is 55% of the minimum lot area. Under §45-24-38, the dimensional requirements are reduced to 55% of what is listed in Section 17.20.120 of the Zoning Ordinance. Conversely, the building coverage is increased by 45%.

<sup>5</sup> The new substandard dimensional requirements are 33ft for lot width, 13.75 ft for front setback, 11ft for rear setback, 4.4ft for side setback, 43.5% for building coverage.

<sup>6</sup> Lot 2794 frontage is 41.5 ft, front setback is 16.2 ft, rear setback is 18.8 ft, and side setback is 7.8 ft.



### **Zoning Standards-§45-24-41(d),(e)(2)**

***§45-24-41(d)(1): That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16).***

Both lots were originally platted in 1925. They were created at their current sizes – they were created prior to and not in conformance to today’s dimensional standards. Additionally, the building on Lot 2794 was built in 1938 – again, not to today’s dimensional standards. This building was designed and constructed to fit solely on the dimensions of Lot 2794. It is not possible to make either lot wholly compliant without adversely impacting the other lot.

***§45-24-41(d)(2): That the hardship is not the result of any prior action of the applicant.***

Both lots were originally platted in 1925, well before the property’s acquisition. They were created at their current sizes. Additionally, the building on Lot 2794 was built in 1938. The applicants had no bearing on the current situation of both lots.

***§45-24-41(d)(3): That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.***

Once the variances are approved, the lots and structures will become zoning compliant. Keeping the existing building on Lot 2794 will not alter the character of the neighborhood as the existing dwelling has been present and part of the neighborhood since 1938. There are multiple 2-family units in the neighborhood: 68 Packard Street, 79 Packard Street, 87 Packard Street, 157 Jordan Street, 105 Overland Street. Allowing the construction of a single family dwelling on Lot 2795 will conform to the general character of the neighborhood. Single-family dwellings are allowed by-right.

Given that the dimensional ordinance requirements are met, approving this variance would not impair the ordinance’s purpose as clearly these scenarios that Ordinance Section 17.20.040 and §45-24-38 imagined. None of the lots can be changed to become wholly or near wholly compliant and are proper lots under 17.20.040 & §45-24-38. Additionally, a variance was previously requested – and granted – to allow the existing building to remain on Lot 2794 and have Lot 2795 be zoned separate.

The prospect of development of existing substandard lots of record is exactly what the Comprehensive Plan sought to capture for the future land use. While the neighborhood is zoned single family, allowing the 2-family unit to remain on Lot 2794 will continue the neighborhood’s adherence to providing a variety of residential types. Allowing Lot 2795 to be zoned as a separate buildable lot will add the prospectus of a new single-family unit being added to the neighborhood, promoting a mix of new and old units.

The Comprehensive Plan outlines goals, policies, and action items pertaining to residential development. The subject application achieves various goals and policies of the Comprehensive Plan.



Housing Goal 4 in particular seeks to, “*promote housing opportunity for a wide range of household types and income levels.*” The subject variance requests would allow a two-family building to remain and create a by-right single-family home.

Housing Policy 6 seeks to, “*maintain a varied housing stock, with units of different age, size[,] and type that are affordable to a wide range of incomes.*” Many of the homes in the area have been around for nearly one hundred years. Just on Packard Street, the oldest house was built in 1916 (71 Packard Street) and the newest house was built in 1952 (123 Packard Street). The vast majority of the houses on Packard Street were built in the 1920’s. By making Lot 2795 a buildable lot, it will decrease the average age of the housing stock by having the potential for a 2025 or 2026 building. As stated above, there are two-family houses in the immediate area, mixed primarily with single-family homes.

Housing Action Item 7 seeks to, “*Review zoning in existing residential neighborhoods to ensure the zoning matches, as closely as possible, what has already been built. Revise in terms of dimensions and unit types, unless site constraints or specific needs determine otherwise.*” The immediate abutting lots to Lot 2794 are at or below 3,320sqft. They all have the same or similar dimensions and thus have the same lot frontage. The immediate abutting lots are a combination of single and two-family homes.

The current neighborhood does not conform with the density desired in the Future Land Use Map, however it is impossible to do so. The neighborhood is for single family residential 7.26 to 3.64 unit per acre. However, this neighborhood is nowhere near achieving this density as the neighborhood is double digits. It has been this dense for more than 70 years. While a single-family dwelling will add to the density, the density addition would be negligible. The only way that this neighborhood can attain its Future Land Use Map density is by razing existing homes. It would not be a great public policy or public relations campaign for the City to promote, endorse, and enact the elimination of its housing stock. Such an action would certainly lead to a mass exodus which would have dire immediate and long term consequences.

***§45-24-41(e)(2): In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission has the power to grant dimensional variances where the use is permitted by special-use permit.***

Lots 2794 and 2795 are two separate legal lots, purportedly merged for zoning purposes only. The lots were created in 1925 at the same size that they are today. They are, by-right, two separate residential lots. Failure to grant the variances to keep the existing two-family dwelling will result in the destruction of a nearly one-hundred year old structure. Failure to allow a by-right single family dwelling on Lot 2795 will deny the lot from being buildable and result in a Taking of the Applicants’ property rights. The dimensional requirements do not provide any



capability of the lots and any structure to be wholly conforming with their use. Moving the lot lines will always prove detrimental to one lot. These lots were created well before any iteration of the zoning code was enacted, making them legal nonconforming lots and structures. These lots, and this neighborhood, were zoned knowing full well that there would be a multitude of substandard lots of record. Again, the failure to grant the dimensional variances will prevent the ability to build and result in a Taking of the owner's property rights.

### **Conclusion**

We ask that you please review this application to approve keeping the existing two-family dwelling on Lot 2794 and approve the proposed building on Lot 2795. Failure to do so, with all of the applicable standards being met, will take the owners' property rights and deny them a by-right usage of one of their lots, and result in the destruction of a longstanding pre-existing non-conforming structure. We look forward to hearing from you on this opportunity.

Sincerely,

/s/ Zachary Bourdony

Zachary Bourdony

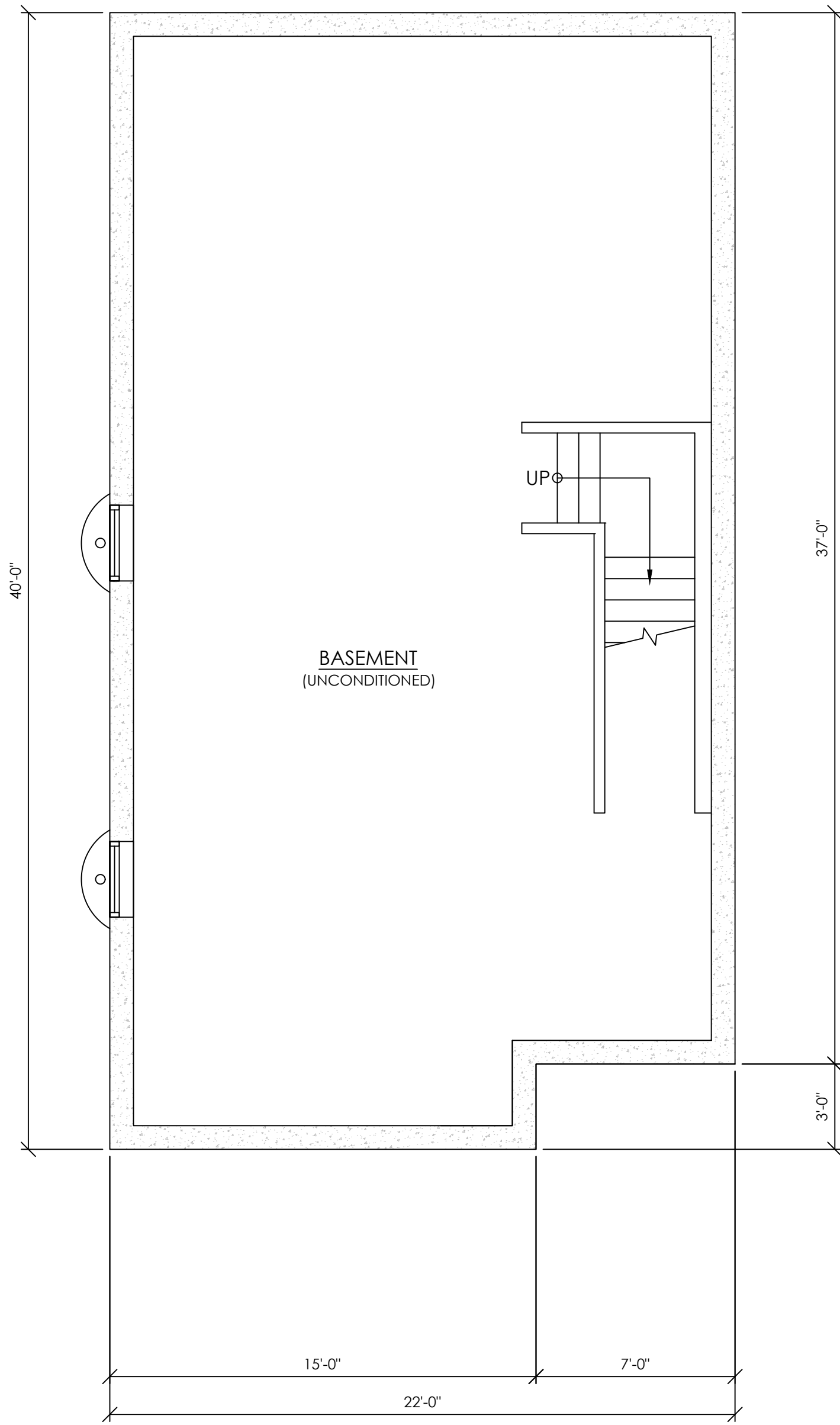
Conley Law & Associates

123 Dyer Street, 3<sup>rd</sup> Floor

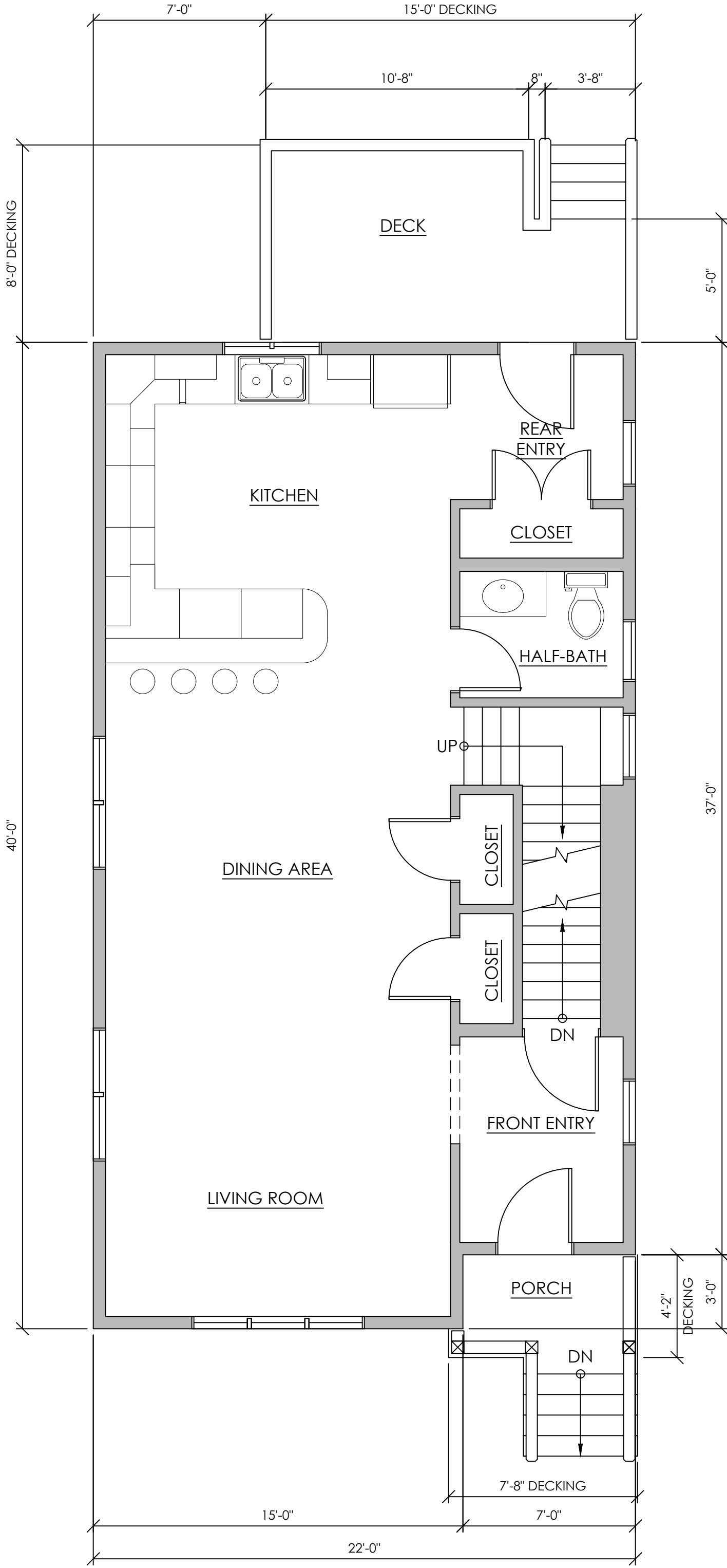
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401-415-9835 X16

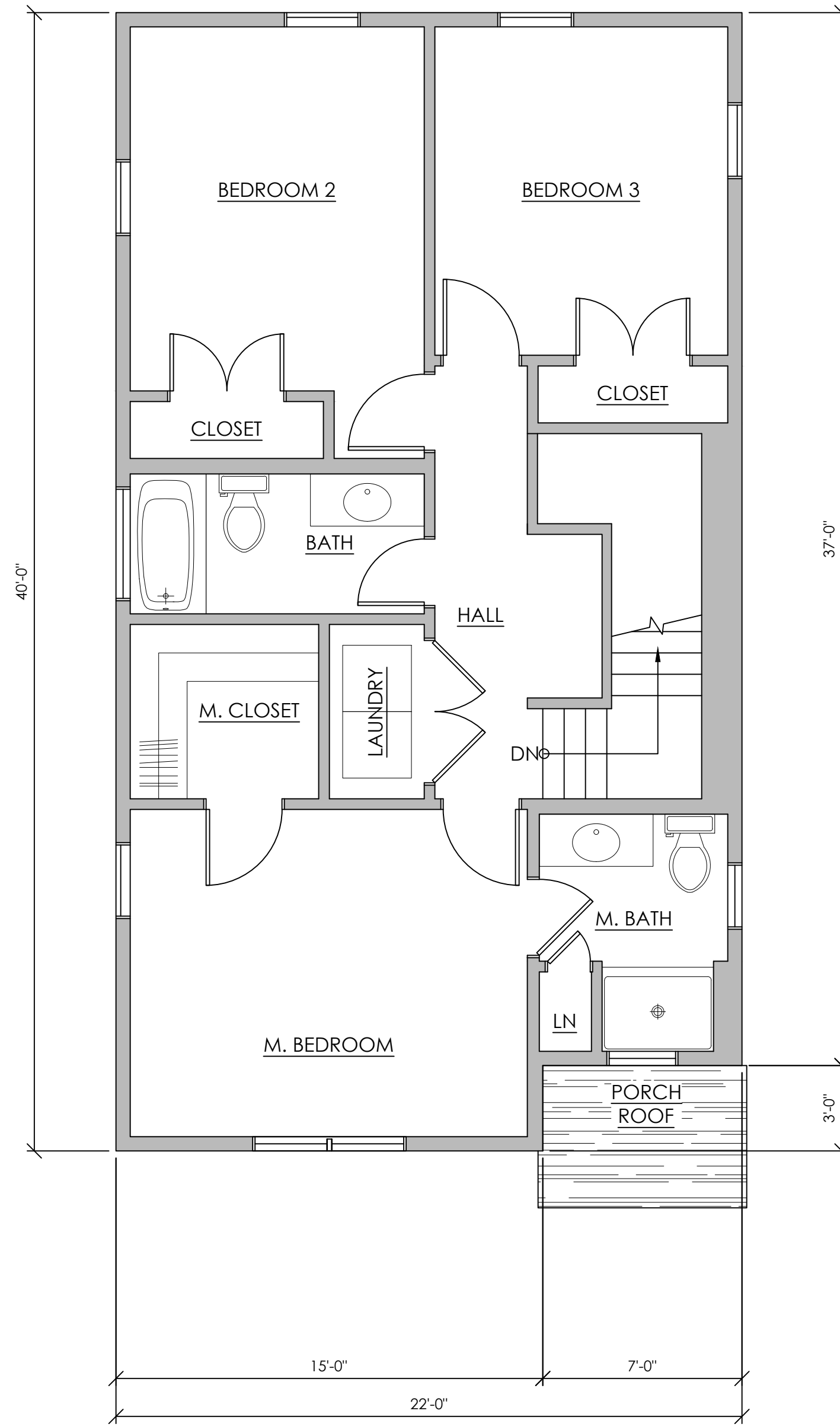
[zbourdony@conleylawri.com](mailto:zbourdony@conleylawri.com)



1 BASEMENT FLOOR PLAN  
SCALE: 1/4" = 1'-0"

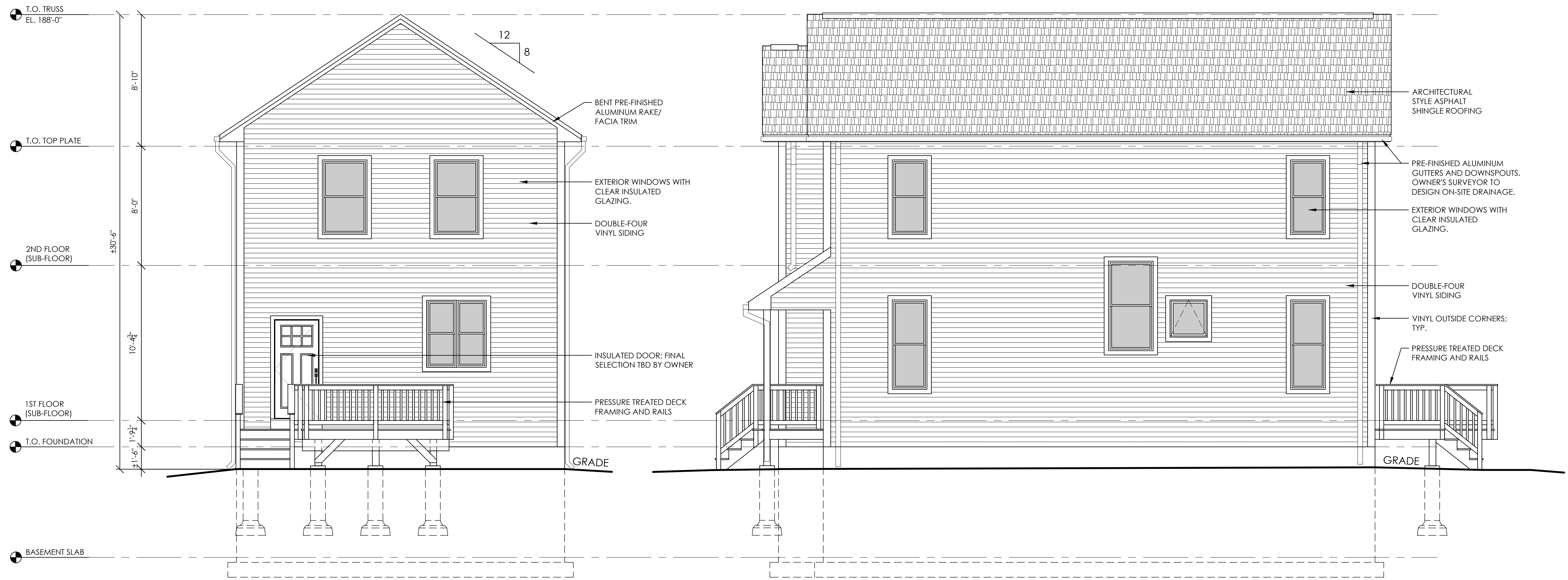


2 FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



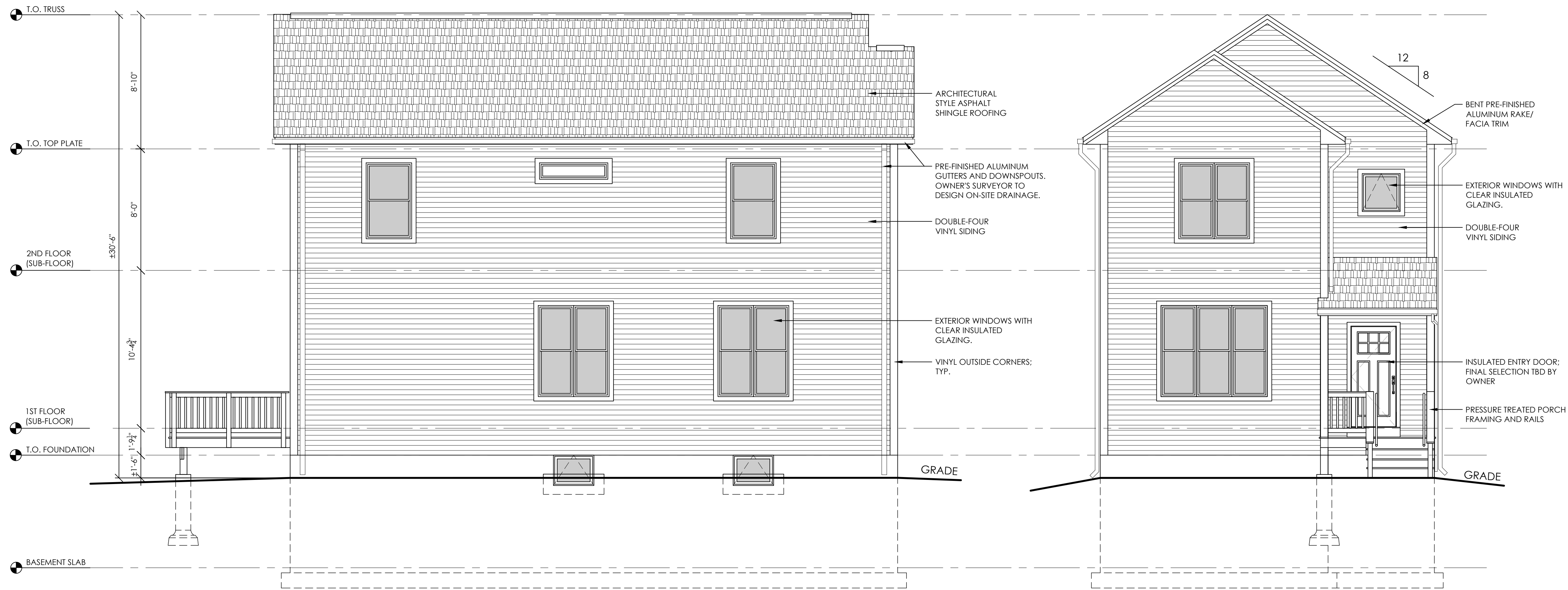
3 SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"





1  
SD-2  
EXTERIOR ELEVATION - NORTH  
SCALE:  $\frac{1}{4}'' = 1'-0''$

2  
SD-2  
EXTERIOR ELEVATION - EAST  
SCALE:  $\frac{1}{4}'' = 1'-0''$



3  
SD-2  
EXTERIOR ELEVATION - WEST  
SCALE:  $\frac{1}{4}'' = 1'-0''$

4  
SD-2  
EXTERIOR ELEVATION - SOUTH  
SCALE:  $\frac{1}{4}'' = 1'-0''$

DRAWING STATUS

ZONING SUBMISSION  
NOT FOR CONSTRUCTION

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PROPERTY OF THE DESIGNER, DRAFT MODERN. ALL  
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TEAM. DUPLICATION OR USE ON ANY LOCATION OTHER  
THAN THE ORIGINAL SITE IS PROHIBITED.

OWNER/CLIENT

JOE AND RYAN CALDARONE

DOCUMENT DATE: 05/20/2025

REVISIONS

REV. DATE DESCRIPTION

SHEET TITLE

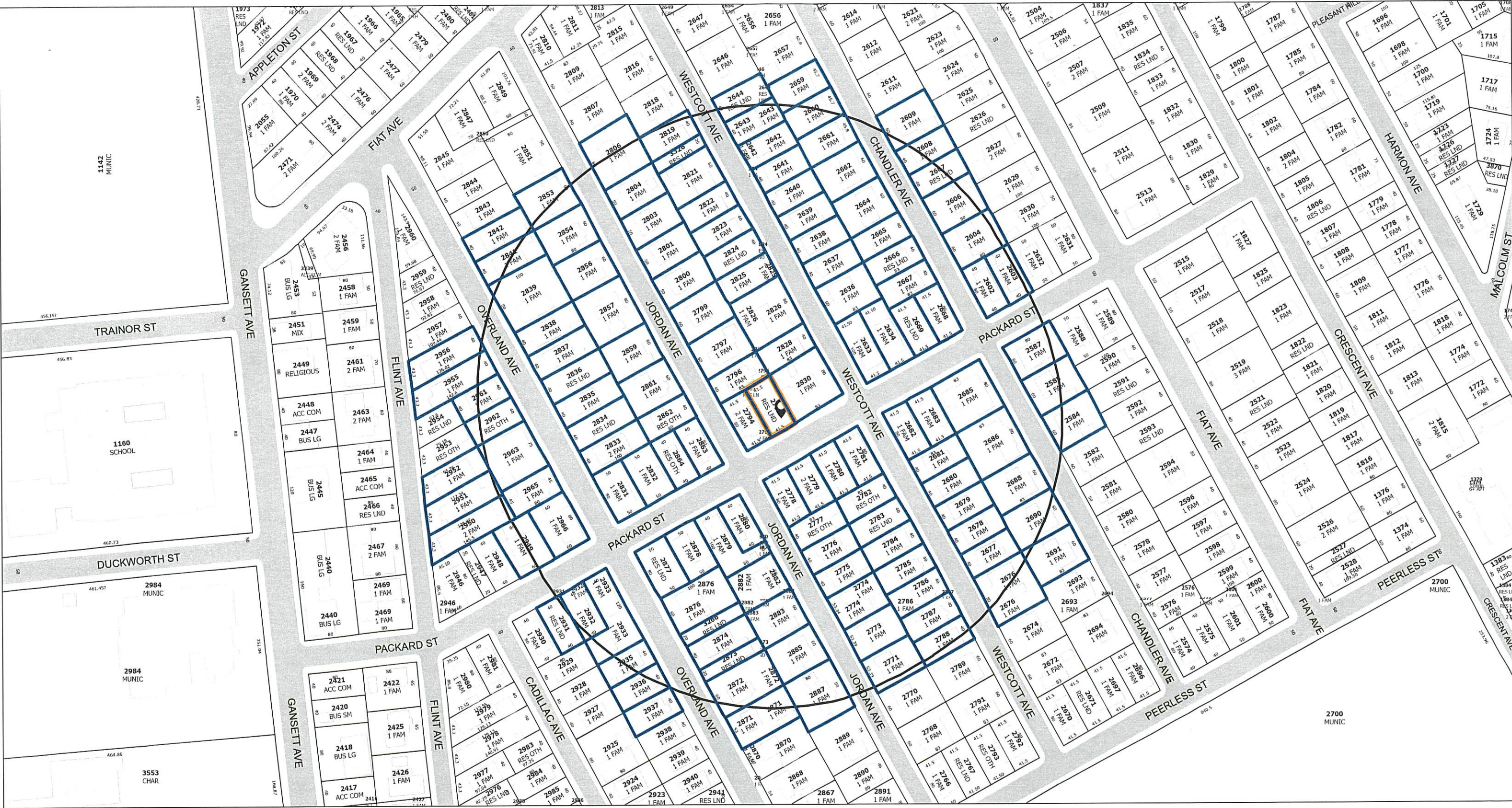
PROPOSED EXTERIOR  
ELEVATIONS

SHEET NUMBER

SD-2  
SHEET SIZE: 24X36



# 0 Packard St 400' Radius Plat 6 Lot 2795



<https://geohub-cranston.hub.arcgis.com/>

- ParcelsInBuffer
- SelectedParcelsBuffer
- SelectedParcels
- Streets Names

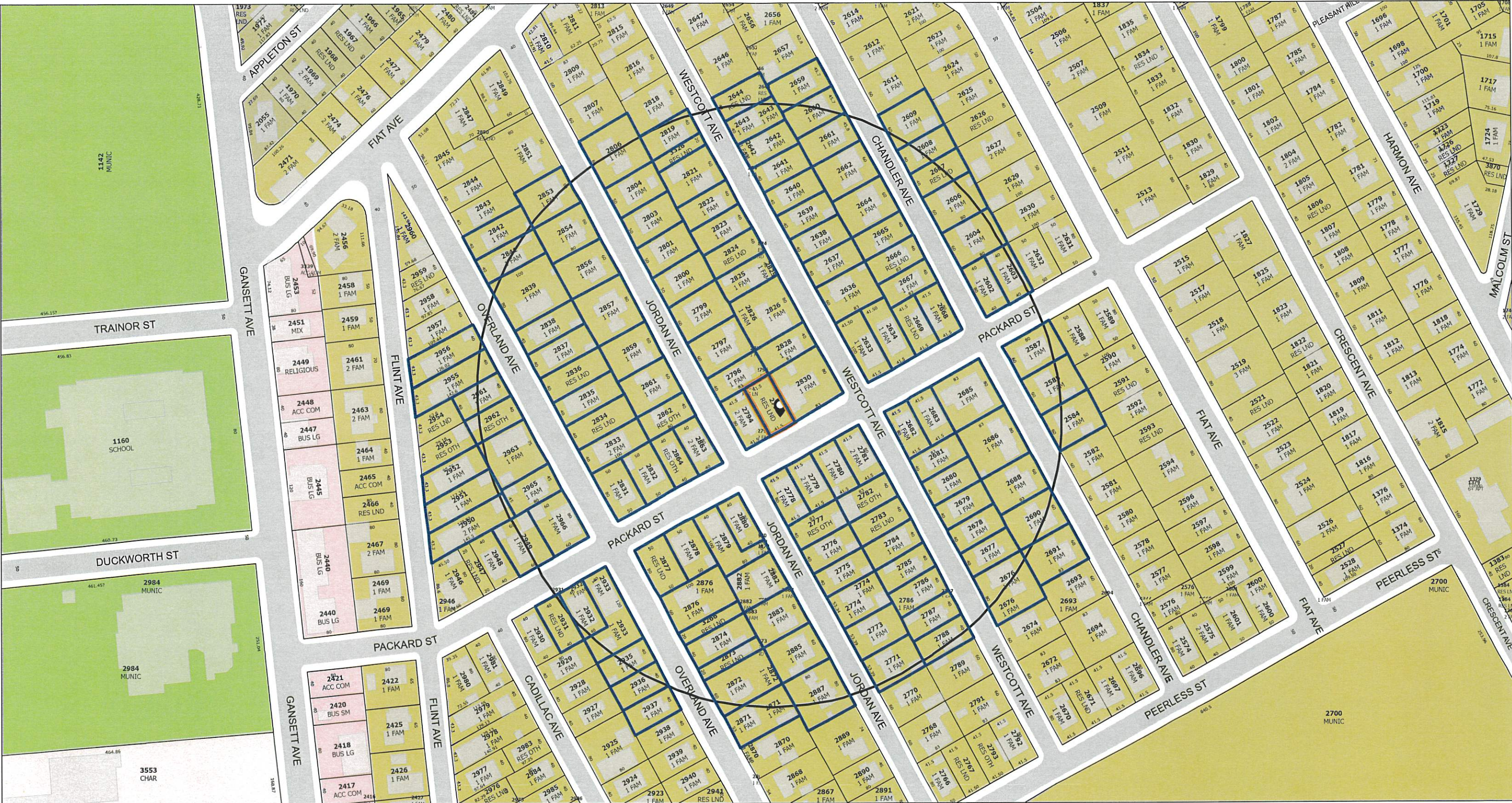
- Labels\_Radius Maps\_Lot and LU
- Hydro Poly 2001
- Stream/Water Body
- Swamp
- Buildings
- Cranston Boundary
- Parcels
- Cranston Boundary
- Roads


0 200 400 ft  
Map Scale: 1:2,202  
\*Scale bar formatted at 1:2400 scale  
Map created by Web Application on 3/12/2025 10:02 AM

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0 Packard St 400' Radius Plat 6 Lot 2795





**City of Cranston**  
VIGILO  
1754 - 1910

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**Legend**

- ParcelsInBuffer
- SelectedParcelsBuffer
- SelectedParcels
- Streets Names
- Labels\_Radius Maps\_Lot and LU
- Hydro Poly 2001
- Stream/Water Body

**Zoning**

- A12
- A20
- A6
- A8
- A80
- B1

**Other**

- Swamp
- Buildings
- Cranston Boundary
- Parcels
- Cranston Boundary
- Roads
- Historic Overlay District

**Color Key**

- B2
- C1
- C2
- C3
- C4
- C5
- EI
- M1
- M2
- MPD
- Other
- S1

**Scale**

0 200 400 ft

Map Scale: 1:2,202

\*Scale bar formatted at 1:2400 scale

Map created by Web Application on 3/12/2025 10:02 AM

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# Abbuter's List: 0 Packard St 400' Radius Plat 6 Lot 2795

<u>Property ID</u>	<u>Location/Land Use Description</u>	<u>Owner(s)</u>
6-2584-0	125 CHANDLER AVENUE SINGLE FAM MDL01	THOMAS M PAONE LIFE ESTATE 125 CHANDLER AVE CRANSTON, RI 02910-2505
6-2585-0	131 CHANDLER AVENUE SINGLE FAM MDL01	JESSICA L LOWE MICHAEL J LOWE T/E 131 CHANDLER AVE CRANSTON, RI 02910-2505
6-2587-0	139 CHANDLER AVENUE SINGLE FAM MDL01	LYNDSEY C SWEENEY ANDREW J LARSON JT 139 CHANDLER AVE CRANSTON, RI 02910-2505
6-2602-0	147 CHANDLER AVENUE SINGLE FAM MDL01	ELIZABETH M SWIADER 147 CHANDLER ST CRANSTON, RI 02910-2507
6-2603-0	120 PACKARD STREET SINGLE FAM MDL01	JOSEPH J NATALE 145 FOX RIDGE DRIVE CRANSTON, RI 02921
6-2604-0	153 CHANDLER AVENUE SINGLE FAM MDL01	DONALD K ESSIG JULIE A ESSIG T/E 153 CHANDLER AVE CRANSTON, RI 02910-2507
6-2606-0	159 CHANDLER AVENUE SINGLE FAM MDL01	LOUISE E MARI LIFE ESTATE 159 CHANDLER AVENUE CRANSTON, RI 02910
6-2607-0	0 CHANDLER AVENUE RES LD UND	LOUISE E MARI LIFE ESTATE 159 CHANDLER AVENUE CRANSTON, RI 02910
6-2608-0	169 CHANDLER AVENUE SINGLE FAM MDL01	BRIAN W GODIN 169 CHANDLER AVENUE CRANSTON, RI 02910-2507
6-2609-0	173 CHANDLER AVENUE SINGLE FAM MDL01	DAVID C MELLO GRACE M MELLO T/E 173 CHANDLER AVE CRANSTON, RI 02910-2507
6-2633-0	96 PACKARD STREET SINGLE FAM MDL01	VICTOR HUGO OCHOA GIRON 96 PACKARD STREET CRANSTON, RI 0910-2533
6-2634-0	100 PACKARD STREET SINGLE FAM MDL01	CAITLYN T WATT 100 PACKARD STREET CRANSTON, RI 02910-2533
6-2636-0	149 WESTCOTT AVENUE SINGLE FAM MDL01	LINDSEY WHITMORE KATHERINE HALL T/E 149 WESTCOTT AVE CRANSTON, RI 02910-2528
6-2637-0	153 WESTCOTT AVENUE SINGLE FAM MDL01	ROBERT D GRAFTON KATHLEEN L GRAFTON T/E 153 WESTCOTT AVE CRANSTON, RI 02910-2528
6-2638-0	157 WESTCOTT AVENUE SINGLE FAM MDL01	JENNIFER CROWTHER 157 WESTCOTT AVE CRANSTON, RI 02910-2528
6-2639-0	161 WESTCOTT AVENUE SINGLE FAM MDL01	DAVID J SANTURRI EMILY MARCUS JT 161 WESTCOTT AVE CRANSTON, RI 02910
6-2640-0	165 WESTCOTT AVENUE SINGLE FAM MDL01	ASHLEY R LOMUSCIO 165 WESTCOTT AVE CRANSTON, RI 02910-2528
6-2641-0	169 WESTCOTT AVENUE SINGLE FAM MDL01	CAROL A PARISI 169 WESTCOTT AVENUE CRANSTON, RI 02910
6-2642-0	173 WESTCOTT AVENUE SINGLE FAM MDL01	OLIVIA R LARSON 173 WESTCOTT AVENUE CRANSTON, RI 02910-2528



<u>Property ID</u>	<u>Location/Land Use Description</u>	<u>Owner(s)</u>
6-2643-0	181 WESTCOTT AVENUE SINGLE FAM MDL01	KEVIN D CIOE 181 WESTCOTT AVENUE CRANSTON, RI 02910-2528
6-2644-0	0 WESTCOTT AVENUE RES LD UND	KEVIN D CIOE 181 WESTCOTT AVENUE CRANSTON, RI 02910-2528
6-2659-0	184 CHANDLER AVENUE SINGLE FAM MDL01	ADEYINKA O ODUNLAMI 184 CHANDLER AVE CRANSTON, RI 02910-2508
6-2660-0	180 CHANDLER AVENUE SINGLE FAM MDL01	REKHABEN A SHAH ASHLESH H SHAH T/E 60 HIGH RIDGE CIRCLE FRANKLIN, MA 02038-4125
6-2661-0	176 CHANDLER AVENUE SINGLE FAM MDL01	DORA IOZZI LIFE ESTATE 176 CHANDLER AVENUE CRANSTON, RI 02910-2508
6-2662-0	172 CHANDLER AVENUE SINGLE FAM MDL01	YASMIN PENA 172 CHANDLER AVENUE CRANSTON, RI 02910-2508
6-2664-0	166 CHANDLER AVENUE SINGLE FAM MDL01	RACHAEL R PELOQUIN 166 CHANDLER AVE CRANSTON, RI 02910-2508
6-2665-0	158 CHANDLER AVENUE SINGLE FAM MDL01	GAIL M BROADBENT 158 CHANDLER AVE CRANSTON, RI 02910
6-2666-0	0 CHANDLER AVENUE RES LD UND	GAIL M BROADBENT 158 CHANDLER AVE CRANSTON, RI 02910
6-2667-0	152 CHANDLER AVENUE SINGLE FAM MDL01	JAMES P BURKS PATRICIA A BURKS T/E 152 CHANDLER AVE CRANSTON, RI 02910-2508
6-2668-0	148 CHANDLER AVENUE SINGLE FAM MDL01	FRANCISCO A MORROBEL FELICITA MORROBEL T/E 148 CHANDLER AVENUE CRANSTON, RI 02910-2508
6-2669-0	0 PACKARD STREET RES LD UND	FRANCISCO A MORROBEL FELICITA MORROBEL T/E 148 CHANDLER AVENUE CRANSTON, RI 02910-2508
6-2676-0	101 WESTCOTT AVENUE SINGLE FAM MDL01	VICTOR RODRIGUEZ TAMMY RODRIGUEZ 101 WESTCOTT AVE CRANSTON, RI 02910-2526
6-2677-0	105 WESTCOTT AVENUE SINGLE FAM MDL01	ZACHARY NICHOLAS MOITOSO CASSANDRA PAGNOTTA JT 105 WESTCOTT AVE CRANSTON, RI 02910-2526
6-2678-0	109 WESTCOTT AVENUE SINGLE FAM MDL01	INTEGRITY INVESTMENTS INC 140 RESERVOIR AVE PROVIDENCE, RI 02907
6-2679-0	113 WESTCOTT AVENUE SINGLE FAM MDL01	JU LIN LI 113 WESTCOTT AVE CRANSTON, RI 02910-2526
6-2680-0	117 WESTCOTT AVENUE SINGLE FAM MDL01	MARIA A COELHO 117 WESTCOTT RD CRANSTON, RI 02910
6-2681-0	121 WESTCOTT AVENUE SINGLE FAM MDL01	MARIA NEGOVETTI 121 WESTCOTT AVE CRANSTON, RI 02910-2526
6-2682-0	125 WESTCOTT AVENUE SINGLE FAM MDL01	LISA A BETTEY 125 WESTCOTT AVE CRANSTON, RI 02910-2526
6-2683-0	99 PACKARD STREET SINGLE FAM MDL01	MAUREEN F MCLAUGHLIN 99 PACKARD ST Cranston, RI 02910



<u>Property ID</u>	<u>Location/Land Use Description</u>	<u>Owner(s)</u>
<b>6-2685-0</b>	140 CHANDLER AVENUE SINGLE FAM MDL01	ANNA E MARINO 140 CHANDLER AVE CRANSTON, RI 02910-2506
<b>6-2686-0</b>	132 CHANDLER AVENUE SINGLE FAM MDL01	FRANK MASTRATI SUSAN C MASTRATI T/E 132 CHANDLER AVENUE CRANSTON, RI 02910-2506
<b>6-2688-0</b>	124 CHANDLER AVENUE SINGLE FAM MDL01	MICHELLE D SHEPARD 124 CHANDLER AVENUE CRANSTON, RI 02910-2506
<b>6-2690-0</b>	118 CHANDLER AVENUE SINGLE FAM MDL01	JOSEPH A LIBERATORE BETHANY M LIBERATORE T/E 118 CHANDLER AVENUE CRANSTON, RI 02910-2506
<b>6-2691-0</b>	112 CHANDLER AVENUE SINGLE FAM MDL01	PAULA CONETTA 112 CHANDLER AVENUE CRANSTON, RI 02920-2506
<b>6-2771-0</b>	99 JORDAN AVENUE SINGLE FAM MDL01	JOSEPH R NOISEUX 99 JORDAN AVENUE CRANSTON, RI 02910-2515
<b>6-2773-0</b>	103 JORDAN AVENUE SINGLE FAM MDL01	EVELYN CUELLAR ROMAN EDWIN CUELLAR 103 JORDAN AVE CRANSTON, RI 02910-2515
<b>6-2774-0</b>	109 JORDAN AVENUE SINGLE +ADU	JUAN R PEREZ 109 JORDAN AVE CRANSTON, RI 02910-2515
<b>6-2775-0</b>	115 JORDAN AVENUE SINGLE FAM MDL01	VANESSA INEZ PICCIRILLO VINCENT DANIEL PICCIRILLO T/E 115 JORDAN AVE CRANSTON, RI 02910-2515
<b>6-2776-0</b>	119 JORDAN AVENUE SINGLE FAM MDL01	DIRK CHRISTIAN VANPELT DIANNE M VANPELT T/E 119 JORDAN AVENUE CRANSTON, RI 02910-2515
<b>6-2777-0</b>	0 JORDAN AVENUE RES OTH IM MDL00	KAREN A PANTALONE LUIGI M ACETO JT 79 PACKARD STREET CRANSTON, RI 02910-2546
<b>6-2778-0</b>	71 PACKARD STREET SINGLE FAM MDL01	CRISTAL JONES 71 PACKARD ST CRANSTON, RI 02910-2546
<b>6-2779-0</b>	79 PACKARD STREET TWO FAMILY	KAREN A PANTALONE LUIGI M ACETO JT 79 PACKARD STREET CRANSTON, RI 02910-2546
<b>6-2780-0</b>	83 PACKARD STREET SINGLE FAM MDL01	JENNIFER A LALIBERTE 83 PACKARD STREET CRANSTON, RI 02910-2546
<b>6-2781-0</b>	87 PACKARD STREET TWO FAMILY	MARIA NEGOVETTI DONNA LANDRY JT 87 PACKARD ST CRANSTON, RI 02910-2546
<b>6-2782-0</b>	0 WESTCOTT AVENUE RES OTH IM MDL00	MARIA NEGOVETTI DONNA LANDRY JT 87 PACKARD ST CRANSTON, RI 02910-2546
<b>6-2783-0</b>	0 WESTCOTT AVENUE RES LD UND	MARIA NEGOVETTI DONNA LANDRY JT 87 PACKARD ST CRANSTON, RI 02910-2546
<b>6-2784-0</b>	114 WESTCOTT AVENUE SINGLE FAM MDL01	MIOZZA JEAN M LIFE ESTATE 114 WESTCOTT AVE CRANSTON, RI 02910
<b>6-2785-0</b>	110 WESTCOTT AVENUE SINGLE FAM MDL01	WILLIAM F FLYNN KIMBERLY A FLYNN 110 WESTCOTT AVE CRANSTON, RI 02910-2527
<b>6-2786-0</b>	106 WESTCOTT AVENUE SINGLE FAM MDL01	YAN AVULOV JENNIFER D NUNEZ T/E 106 WESTCOTT AVE CRANSTON, RI 02910-2527



<u>Property ID</u>	<u>Location/Land Use Description</u>	<u>Owner(s)</u>
<b>6-2787-0</b>	100 WESTCOTT AVENUE SINGLE FAM MDL01	SOM THONG CHAN CHANTY CHAN T/E 100 WESTCOTT AVENUE CRANSTON, RI 02910-2527
<b>6-2788-0</b>	98 WESTCOTT AVENUE SINGLE FAM MDL01	LINDA L REED 98 WESTCOTT AVENUE CRANSTON, RI 02910-2527
<b>6-2794-0</b>	76 PACKARD STREET TWO FAMILY	DENNIS P CALDARONE RYAN T CALDARONE 76 PACKARD ST CRANSTON, RI 02910
<b>6-2795-0</b>	0 PACKARD STREET RES LD UND	DENNIS P CALDARONE RYAN T CALDARONE 76 PACKARD ST CRANSTON, RI 02910
<b>6-2796-0</b>	147 JORDAN AVENUE SINGLE FAM MDL01	JULISSA CRUZ 147 JORDAN AVENUE CRANSTON, RI 02910
<b>6-2797-0</b>	151 JORDAN AVENUE SINGLE FAM MDL01	SUSAN A SEARS 1014 HOPE ST BLD 0 APT 4 BRISTOL, RI 02809
<b>6-2799-0</b>	157 JORDAN AVENUE TWO FAMILY	ROBERT P KREKORIAN ELIZABETH M KREKORIAN T/E 374 MESHANTICUT VALLEY PARKWAY CRANSTON, RI 02920-3756
<b>6-2800-0</b>	163 JORDAN AVENUE SINGLE FAM MDL01	TARA L QUINN 163 JORDAN AVE CRANSTON, RI 02910-2541
<b>6-2801-0</b>	169 JORDAN AVENUE SINGLE FAM MDL01	DANIEL S CHACE EDITH E CHACE T/E 169 JORDAN AVENUE CRANSTON, RI 02910-2541
<b>6-2803-0</b>	175 JORDAN AVENUE SINGLE FAM MDL01	LISA A CORRENTE 175 JORDAN AVE CRANSTON, RI 02910
<b>6-2804-0</b>	179 JORDAN AVENUE SINGLE FAM MDL01	NANCY B ROJAS P O BOX 9058 PROVIDENCE, RI 02940-9058
<b>6-2806-0</b>	181 JORDAN AVENUE SINGLE FAM MDL01	CLAIRE RAGOSTA LIFE ESTATE 181 JORDAN AVE CRANSTON, RI 02910
<b>6-2819-0</b>	182 WESTCOTT AVENUE SINGLE FAM MDL01	JOEPH C DISANTO KRISTIN MCCASEY CO-TRUSTEES 553 SCOTLAND ROAD DUNEDIN, FL 34698-7042
<b>6-2821-0</b>	174 WESTCOTT AVENUE SINGLE FAM MDL01	CARRIE BEAUCHESNE DONALD BEAUCHESNE T/E 174 WESTCOTT AVENUE CRANSTON, RI 02910-2529
<b>6-2822-0</b>	170 WESTCOTT AVENUE SINGLE FAM MDL01	JACK XAYAPANYA 170 WESTCOTT AVE CRANSTON, RI 02910-2529
<b>6-2823-0</b>	166 WESTCOTT AVENUE SINGLE FAM MDL01	MIRTHA A TAVAREZ DURAN RALPH TAVAREZ JT 166 WESTCOTT AVE CRANSTON, RI 02910-2529
<b>6-2824-0</b>	0 WESTCOTT AVENUE RES LD UND	BENJAMIN GARCIA 158 WESTCOTT AVE CRANSTON, RI 02910-2529
<b>6-2825-0</b>	158 WESTCOTT AVENUE SINGLE FAM MDL01	BENJAMIN GARCIA 158 WESTCOTT AVE CRANSTON, RI 02910-2529
<b>6-2826-0</b>	150 WESTCOTT AVENUE SINGLE FAM MDL01	DAVID M DOLBASHIAN KIMBERLY F DOLBASHIAN T/E 150 WESTCOTT AVE Cranston, RI 02910
<b>6-2828-0</b>	146 WESTCOTT AVENUE SINGLE FAM MDL01	MARIE S SCOTT 146 WESTCOTT AVE CRANSTON, RI 02910-2529



<u>Property ID</u>	<u>Location/Land Use Description</u>	<u>Owner(s)</u>
<b>6-2830-0</b>	84 PACKARD STREET SINGLE FAM MDL01	ROSAURA POLANCO 84 PACKARD ST CRANSTON, RI 02910
<b>6-2831-0</b>	99 OVERLAND AVENUE SINGLE FAM MDL01	DIANNE CAROL ARABY 99 OVERLAND AVENUE CRANSTON, RI 02910-2543
<b>6-2832-0</b>	60 PACKARD STREET SINGLE FAM MDL01	JOHN PATRICK DONEGAN LAURA WILSON JT 60 PACKARD ST CRANSTON, RI 02910-2531
<b>6-2833-0</b>	105 OVERLAND AVENUE TWO FAMILY	MUHAMMAD M SHLOUL 105 OVERLAND AVENUE CRANSTON, RI 02910
<b>6-2834-0</b>	0 OVERLAND AVENUE RES LD UND	DANILO FANA 113 OVERLAND AVE CRANSTON, RI 02910
<b>6-2835-0</b>	113 OVERLAND AVENUE SINGLE FAM MDL01	DANILO FANA 113 OVERLAND AVE CRANSTON, RI 02910
<b>6-2836-0</b>	0 OVERLAND AVENUE RES LD UND	RUI A AVILA JANICE L AVILA T/E 121 OVERLAND AVE CRANSTON, RI 02910-2543
<b>6-2837-0</b>	121 OVERLAND AVENUE SINGLE FAM MDL01	RUI A AVILA JANICE L AVILA T/E 121 OVERLAND AVE CRANSTON, RI 02910-2543
<b>6-2838-0</b>	125 OVERLAND AVENUE SINGLE FAM MDL01	SAMBATHVONGVATHINY SAM 125 OVERLAND AVE CRANSTON, RI 02910-2543
<b>6-2839-0</b>	129 OVERLAND AVENUE SINGLE +ADU	MICHAEL F HEALY FRANCES M HEALY T/E 129 OVERLAND AVE CRANSTON, RI 02910-2543
<b>6-2841-0</b>	137 OVERLAND AVENUE SINGLE FAM MDL01	ZAIDYN E REYES JUAN REYES JT 137 OVERLAND AVE CRANSTON, RI 02910-2543
<b>6-2842-0</b>	141 OVERLAND AVENUE SINGLE FAM MDL01	SHIRLEY MANZI 141 OVERLAND AVE CRANSTON, RI 02910
<b>6-2853-0</b>	180 JORDAN AVENUE SINGLE FAM MDL01	RICHARD LANIGAN STACEY LANIGAN T/E 180 JORDAN AVENUE CRANSTON, RI 02910-2542
<b>6-2854-0</b>	178 JORDAN AVENUE SINGLE FAM MDL01	RONALD A GILL ROSEMARY GILL T/E 178 JORDAN AVE CRANSTON, RI 02910-2542
<b>6-2856-0</b>	172 JORDAN AVENUE SINGLE FAM MDL01	GLENN R OGARA MARIE L OGARA T/E 172 JORDAN AVENUE CRANSTON, RI 02910-2542
<b>6-2857-0</b>	164 JORDAN AVENUE SINGLE FAM MDL01	VICTORIA R ENO 164 JORDAN AVENUE CRANSTON, RI 02910-2542
<b>6-2859-0</b>	160 JORDAN AVENUE SINGLE FAM MDL01	FRANKLIN L RODRIGUEZ 17 ALEXANDER STREET PROVIDENCE, RI 02907-3316
<b>6-2861-0</b>	150 JORDAN AVENUE SINGLE FAM MDL01	MAN T ZENG YONG HENG CHEN T/E 150 JORDAN AVE CRANSTON, RI 02910-2542
<b>6-2862-0</b>	0 JORDAN AVENUE RES OTH IM MDL00	MUHAMMAD M SHLOUL 105 OVERLAND AVENUE CRANSTON, RI 02910
<b>6-2863-0</b>	68 PACKARD STREET TWO FAMILY	SARA RAWAN 68 PACKARD STREET CRANSTON, RI 02910-2531



<u>Property ID</u>	<u>Location/Land Use Description</u>	<u>Owner(s)</u>
6-2864-0	0 PACKARD STREET RES OTH IM MDL00	SARA RAWAN 68 PACKARD STREET CRANSTON, RI 02910-2531
6-2871-0	59 OVERLAND AVENUE SINGLE FAM MDL01	RICHARD S BIO JANET A COCOZZA JT 59 OVERLAND AVENUE CRANSTON, RI 02910-2517
6-2872-0	65 OVERLAND AVENUE SINGLE FAM MDL01	JOHN D SISSON PATRICIA A SISSON T/E 65 OVERLAND AVENUE CRANSTON, RI 02910-2517
6-2873-0	0 OVERLAND AVENUE RES LD UND	CHRISTINA W AWAD WLIAM M AWAD JT 73 OVERLAND AVE CRANSTON, RI 02910-2517
6-2874-0	73 OVERLAND AVENUE SINGLE FAM MDL01	CHRISTINA W AWAD WLIAM M AWAD JT 73 OVERLAND AVE CRANSTON, RI 02910-2517
6-2876-0	81 OVERLAND AVENUE SINGLE FAM MDL01	STEPHANIE BUCKLEY 81 OVERLAND AVE CRANSTON, RI 02910-2517
6-2877-0	0 PACKARD STREET RES LD UND	MARCIA SUE LEJEUNE RYAN THOMAS LEJEUNE T/E 59 PACKARD ST CRANSTON, RI 02910-2545
6-2878-0	59 PACKARD STREET SINGLE FAM MDL01	MARCIA SUE LEJEUNE RYAN THOMAS LEJEUNE T/E 59 PACKARD ST CRANSTON, RI 02910-2545
6-2879-0	63 PACKARD STREET SINGLE FAM MDL01	DARIANA JIMENEZ COLON 63 PACKARD STREET CRANSTON, RI 02910-2545
6-2880-0	130 JORDAN AVENUE SINGLE FAM MDL01	JOSEPH VIAU 130 JORDAN AVENUE CRANSTON, RI 02910-2516
6-2882-0	120 JORDAN AVENUE SINGLE FAM MDL01	MICHAEL C PEZZULLO TRUSTEE 65 ANCHORAGE ROAD WARWICK, RI 02889
6-2883-0	116 JORDAN AVENUE SINGLE FAM MDL01	STEPHANIE E DONOYAN MATTHEW H FARMER JT 116 JORDAN AVENUE CRANSTON, RI 02910-2516
6-2885-0	108 JORDAN AVENUE SINGLE FAM MDL01	WALTER ORELLANA 108 JORDAN AVE CRANSTON, RI 02910
6-2887-0	102 JORDAN AVENUE SINGLE FAM MDL01	GERARD A CARNEVALE 102 JORDAN AVE CRANSTON, RI 02910
6-2931-0	0 PACKARD STREET RES LD UND	KATHRYN M MONDRAGON 3600 OLD AIRPORD RD NW #1334 ALBUQUERQUE, NM 87114
6-2932-0	43 PACKARD STREET SINGLE FAM MDL01	KATHRYN M MONDRAGON 3600 OLD AIRPORD RD NW #1334 ALBUQUERQUE, NM 87114
6-2933-0	47 PACKARD STREET SINGLE FAM MDL01	DARREN S HART LINDSEY G HART CO-TRUSTEES 47 PACKARD ST CRANSTON, RI 02910-2551
6-2935-0	78 OVERLAND AVENUE SINGLE FAM MDL01	GARY L HELTON ANGELA E HELTON TE 78 OVERLAND AVE CRANSTON, RI 02910
6-2936-0	74 OVERLAND AVENUE SINGLE FAM MDL01	MORRIS J ALLDREDGE ESTATE C/O LINDSAY J ALLDREDGE 400 GASKIL STREET WOONSOCKET, RI 02895-1113
6-2937-0	70 OVERLAND AVENUE SINGLE FAM MDL01	LEANDRO SANTANA 70 OVERLAND AVE CRANSTON, RI 02910-2518



<u>Property ID</u>	<u>Location/Land Use Description</u>	<u>Owner(s)</u>
6-2949-0	40 PACKARD STREET SINGLE FAM MDL01	ELIZABETH W SEIFERT 40 PACKARD ST CRANSTON, RI 02910-2522
6-2950-0	209 FLINT AVENUE TWO FAMILY	CARMEN JOSE RAMON A JOSE T/E 209 FLINT AVE CRANSTON, RI 02910-2540
6-2951-0	215 FLINT AVENUE SINGLE FAM MDL01	MATTHEW R PAONE 215 FLINT AVENUE CRANSTON, RI 02910-2540
6-2952-0	219 FLINT AVENUE SINGLE FAM MDL01	HAGOP D KECHEJIAN CHRISTINE T KECHEJIAN T/E 219 FLINT AVE CRANSTON, RI 02910-2540
6-2955-0	233 FLINT AVENUE SINGLE FAM MDL01	KATHLEEN KALUNIAN 233 FLINT AVENUE CRANSTON, RI 02910-2540
6-2956-0	237 FLINT AVENUE SINGLE FAM MDL01	ANN MARIE COSTA 237 FLINT AVE CRANSTON, RI 02910-2540
6-2961-0	122 OVERLAND AVENUE SINGLE FAM MDL01	THANIA Y LEYBA 122 OVERLAND AVE CRANSTON, RI 02910-2544
6-2962-0	0 OVERLAND AVENUE RES OTH IM MDL00	THANIA Y LEYBA 122 OVERLAND AVE CRANSTON, RI 02910-2544
6-2963-0	114 OVERLAND AVENUE SINGLE +ADU	JOVANI FRANCISCO TORRES JOSELYN GOMEZ JT 114 OVERLAND ST CRANSTON, RI 02910-2544
6-2965-0	104 OVERLAND AVENUE SINGLE FAM MDL01	JACKSON SHIRLEY J 104 OVERLAND AVE CRANSTON, RI 02910
6-2966-0	48 PACKARD STREET SINGLE FAM MDL01	MINDI M IANNOTTI PATRICK J SOUZA JT 48 PACKARD STREET CRANSTON, RI 02910-2522
6-3266-0	0 OVERLAND AVENUE RES LD UND	CHRISTINA W AWAD WLIAM M AWAD JT 73 OVERLAND AVE CRANSTON, RI 02910-2517
6-3326-0	0 WESTCOTT AVENUE RES LD UND	JOSEPH C DISANTO KRISTIN MCCASEY CO-TRUSTEES 553 SCOTLAND ROAD DUNEDIN, FL 34698-7042

A meeting of the Cranston Zoning Board in the Cranston City Hall Council Chambers was called to order by Chairperson Joy Montanaro on **Wednesday May 13, 2009 at 6:30 pm.** Also present, David Imondi and Frank Corrao, 1<sup>st</sup> alternate Adam Sepe, 3<sup>rd</sup> alternate Christine Cole. Edward DiMuccio, Curtis Ponder, 2<sup>nd</sup> alternate Steven Minicucci, and 4<sup>th</sup> alternate Craig Norcliffe were not present. Attorney Stephen Marsella was counsel to the Board. The Board heard the following applications:

**JOSEPH B AND MARIA N ABILIHEIRA AND JOSE A AND MARIA P CUSTODIO 63-65 DROWNE STREET CRANSTON RI 02905 (OWN/APP)**

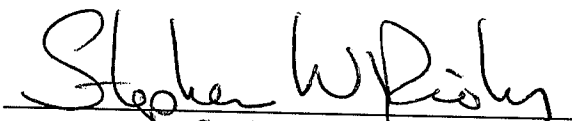
**GEOFFREY M TAPPER 84 SEAVIEW AVENUE CRANSTON RI 02905 (OWN/APP)**

**SARKIS YEPREMIAN 2 SWEET CORN DRIVE CRANSTON RI 02921 (OWN) AND YUEXIANG GUO 453 MERCER STREET JERSEY CITY NJ 07302 (APP)**

**DENNIS P CALDARONE 76 PACKARD STREET CRANSTON RI 02910 (OWN) AND JOSEPH AND RYAN CALDARONE 76 PACKARD STREET CRANSTON RI 02910 (APP)**

**KENNETH L AND CHERYL A BOCK 210 TOMAHAWK TRAIL CRANSTON RI 02921 (OWN/APP)**

**ABEL AND LISA REGO 105 HARVARD STREET CRANSTON RI 02920 (OWN/APP)**

  
Stephen W. Riöles  
Secretary, Zoning & Platting Boards

**JOSEPH B AND MARIA N ABILIHEIRA AND JOSE A AND MARIA P CUSTODIO 63-65 DROWNE STREET CRANSTON RI 02905 (OWN/APP)** have filed an application for permission to leave an existing attached 15' X 24' sunroom and an attached 20' X 27' carport/garage [west side] with restricted set back and an attached 14' X 27' carport [east side] on an existing legal non-conforming two-family dwelling and a detached 66' X 10' 614 sf shed with restricted side and rear set back and lot coverage and an 8' X 24' covered front porch at **63 Drowne Street**. AP 2/5, lot 2791, area 7,026 +/- sf, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity. No attorney. Filed 4/24/09.

This application was **APPROVED with CONDITION** on a motion by F. Corrao and seconded by A. Sepe and so voted unanimously by the Board. Edward DiMuccio, Curtis Ponder, 2<sup>nd</sup> alternate Steven Minicucci, and 4<sup>th</sup> alternate Craig Norcliffe did not vote on this application.

**Condition:** All construction done without the benefit of building permits shall be independently inspected by a Rhode Island design professional validating the work meets the 2006 International Residential Code for one and two family dwellings on a company letterhead, wet stamped and presented to the Building Official for the file.

**Decision:** The Board made the following findings of fact based upon the evidence in the record as submitted to the board and presented at the hearing:

1. The property's residential use is consistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, more than 8 units per acre.
2. The applicant's existing lot coverage is 42%; where 35% is the maximum allowed by the Zoning code.
3. Of the 107 residential dwellings located within the 400' Zoning notification radius, 4 have lot coverages of between 35 and 38%, which is attributed to the fact that those 4 lots are between 3,522 and 3,687 sq. ft.
4. Aerial photos show that with the exception of 2 small sheds located in either rear property corners, and the sunroom at the rear of the house, all of the remaining additions and sheds on the applicant's property were built after 2004; all without building permits.
5. The total area of the accessory structures on the applicant's lot is 1,724 sq. ft. The City's aerials show that the largest accessory structure on lots within the 400' radius is a 22' x 25' unattached garage. (550 sq. ft.).
6. The existing 8.5' right side yard setback for the attached carport is conforming.

7. The shed in the rear has a 0' right yard setback, where 5' is required by the Zoning Code.
8. The existing attached garage and shed on the left of the house both have 2.3' side yard setbacks.
9. The 66' x 10' shed abutting the 68.75' rear property line, has a 1.7' rear yard setback, where 5' minimum is required by the Zoning Code.
10. The existing porch on the front of the house has a 19.1' front yard setback, where 25' is required by code.
11. GIS analysis shows that over 68% of the houses located within the 400' radius, have restricted front yard setbacks, but only 31% have restricted rear yard setbacks.

In this case after giving careful consideration to the evidence presented, the Board chose not to accept the recommendation of the planning commission. The Board chose to adopt findings of fact 1-9 and 11 but not FOF #10. As set forth in Section 17.20.110 B Residential yard exceptions, "Extension into Front Yard. The space in a required front yard shall be open and unobstructed by structures other than signs except that an unenclosed porch may extend no more than ten (10) feet into the front yard." The existing front porch, although build without a permit extends 8' into the front yard set back as shown on the stamped survey submitted with the application. This establishes a 27.1' front yard setback.

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, is the least relief necessary, and further in granting the use variance, that the applicant has met his legal burden. The Board further finds that based upon the testimony and circumstances presented, the Applicant met the requirements of the Zoning Code, Section 17.92.010 and additionally, relief from Section 17.20.120 Schedule of intensity, is hereby granted.

**SARKIS YEPREMIAN 2 SWEET CORN DRIVE CRANSTON RI 02921 (OWN) AND YUEXIANG GUO 453 MERCER STREET JERSEY CITY NJ 07302 (APP)** have filed an application for special permit to operate a health spa including therapeutic services and skin care at **708 Reservoir Avenue**. AP 9/5, lot 322, area 3352 +/- sf, zoned C-4. Applicant seeks relief from Sections; 17.92.020 Special Permit, 17.20.120 Schedule of Intensity, 17.88.010 Sub-Standard Lot of Record. No Attorney. Filed 5/6/09.

This application was **CONTINUED** to July 8 2009 on a motion by F. Corrao and seconded by D. Imondi and so voted by the Board

**DENNIS P CALDARONE 76 PACKARD STREET CRANSTON RI 02910 (OWN) AND JOSEPH AND RYAN CALDARONE 76 PACKARD STREET CRANSTON RI 02910 (APP)** have filed an application for permission to leave an existing legal non-conforming two family dwelling on an undersized [lot 2794] and build a new 24' X 32' single family dwelling on the abutting undersized [lot 2795] at **76 Packard Street**. AP 6/3, lot 2794 & 2795, area 6640 +/- sf, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 B, Sub-Standard Lot of Record. No attorney. Filed 5/4/09.

This application was **APPROVED** on a motion by A. Sepe and seconded by F Corrao and so voted unanimously by the Board. Edward DiMuccio, Curtis Ponder, 2<sup>nd</sup> alternate Steven Minicucci, and 4<sup>th</sup> alternate Craig Norcliffe did not vote on this application.

**Decision:** The Board made the following findings of fact based upon the evidence presented:

1. The application is consistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, more than 8 units per acre.
2. A Zoning variance request for the same 24' x 36' dwelling was denied by the Zoning Board in December 2004.
3. The average lot size for the 110 single family dwellings located within the 400' zoning notification radius, is 4,734 sq. ft. The proposed single family lot is 30% smaller than the neighborhood average.
4. Only 5% of the residential buildings located within the 400' radius are two family dwellings; the average lot size for those 2 family houses is 5,251 sq. ft.
5. The applicant's 2 family dwelling is proposed to be left on a 3,320 sq. ft. lot, which is smaller than the average lot size for a single family in the neighborhood's 400' radius.
6. Though there are 3,320 sq. ft. lots located within the radius, 67% of the lots in the neighborhood are larger.
7. Photo shows an additional parking area for the existing two family will be eliminated in order to construct the new single family house.
8. The existing density for the 122 dwelling units within the radius (includes single and 2 family) is 9.6 units per acre.

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. Further in granting the variances, the Board finds that based upon the testimony and circumstances presented, the Applicant met the applicable remaining requirements of the Zoning Code for each specific variance as enumerated in 17.92.010 and additionally, relief from Section 17.88.010 B, Sub-Standard Lot of Record and Section 17.20.120, Schedule of Intensity, is hereby granted.

**ABEL AND LISA REGO 105 HARVARD STREET CRANSTON RI 02920 (OWN/APP)** have filed an application for permission to convert an existing one car garage into living space with restricted side yard set back at **105 Harvard Street**. AP 10, lot 1227, area 8592 +/- sf, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity. No attorney. Filed 4/23/09.

This application was **APPROVED** on a motion by F Corrao and seconded by A. Sepe and so voted unanimously by the Board. Edward DiMuccio, Curtis Ponder, 2<sup>nd</sup> alternate Steven Minicucci, and 4<sup>th</sup> alternate Craig Norcliffe did not vote on this application.

**Decision:** The Board made the following findings of fact based upon the evidence presented:

1. The property's residential use is consistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, 4-8 units per acre.
2. The hand drawn site plan submitted indicates the existing left side yard setback for the garage is 8'. A 10' side yard setback is required for living space in an A-8 zone.
3. GIS shows the abutting property's building setback is 10 feet, which is an 18' separation distance between the proposed living spaces of the two houses.
4. No exterior additions are being proposed.
5. Converting a garage to living space will not alter the general character of the neighborhood, or impair the intent and purpose of the Cranston Zoning Code, and the Comprehensive Plan, upon which the Zoning Code is based.

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. Further in granting the variance, the Board finds that based upon the testimony and circumstances presented, the Applicant met the applicable remaining requirements of the Zoning Code for each specific variance in the application before the Board and as enumerated in 17.92.010 and additionally, relief from Section 17.20.120, Schedule of Intensity, is hereby granted.

**KENNETH L AND CHERYL A BOCK 210 TOMAHAWK TRAIL CRANSTON RI 02921 (OWN/APP)** have filed an application for permission to leave an existing single family home on a proposed 37,188 +/- sf [lot 17] and build a new 32' X 44' raised ranch style single family dwelling on a proposed 32,818 +/- sf [lot 286] with restricted frontage and access from South Comstock Parkway at **210 Tomahawk Trail**. AP 25, lots 17 & 286, area 69,392 +/- sf, zoned A-20. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity. John S DiBona Esq. filed 4/10/09

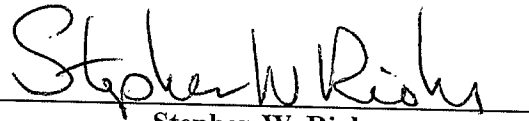
This application was **DENIED** on a motion by C. Cole and seconded by A. Sepe and so voted unanimously by the Board. Edward DiMuccio, Curtis Ponder, 2<sup>nd</sup> alternate Steven Minicucci, and 4<sup>th</sup> alternate Craig Norcliffe did not vote on this application.

**Decision:** The Board made the following findings of fact based upon the evidence in the record:

1. The proposed use for this application is consistent with the Comprehensive Plan's Future Land Use Map, which calls for residential, 1-4 units per acre.
2. The proposed new lot's frontage on South Comstock Parkway is 19.37', where 125' frontage is required in this zone.
3. All 58 single family dwellings located within the zoning 400' radius have the required street frontages for the zone in which they are located.
4. The average lot frontage of the 18 houses located within 400' of the applicant's frontage along South Comstock Parkway, is 136.6 feet.
5. The proposed lot is only 97' at it widest point, which is the rear property line, located a distance of 807 feet from the front property line on South Comstock Parkway.
6. The proposed parcel's left side lot line is the rear yard of 5 single family lots, that had to maintain rear yard minimum building setbacks of 30 feet. The proposed house is to be located 15' from its side lot line, as the lot is not wide enough to allow for a 30' yard setback.

7. The subdivision received Master Plan Approval from the Plan Commission, to allow the applicant the opportunity to apply for a dimensional variance from the Zoning Board; however, several waivers are still needed from the Subdivision and Land Development Regulations.
8. A site visit and photos show that there appears to be a sight distance issue for the proposed driveway location; that issue will be reviewed by the city traffic engineer.
9. The Planning Commission unanimously voted to recommend *denial* to the Zoning Board for the following reasons that Creating a lot with 19.37' feet of frontage, where 136.6 feet is the surrounding neighborhood average, the proposed lot cannot satisfy the minimum 125' lot width anywhere within its 807 foot length and the granting of the variance will alter the general character of the surrounding neighborhood area, and impairs the intent and purpose of the Cranston Zoning Code, and the Comprehensive Plan, upon which the Zoning Code is based

The Board heard testimony both by the applicant, represented by John DiBona, Esquire, and experts for the applicant concerning the factual and legal issues of this matter. The Board also heard testimony from neighbors within the 400' radius who objected to the application. The objectors, represented by K. Joseph Shekarchi, Esquire, also presented to the Board a real estate expert who testified as to his opinion concerning the hardship of the applicant and if the relief requested was the least relief necessary. The Board questioned the applicant about accessing the property through Cheryl's Way and the applicant stated that the option had not been explored. After discussion, the Board voted to deny the application. The Board accepted the testimony of the expert for the abutting landowners concerning the hardship of the applicant and the fact that this may not be the least relief necessary. Additionally, the Board relied upon and accepted, as a reason for denial, the recommendation of the Planning Board that the variance requested would alter the general character of the surrounding area and impairs the intent and purpose of the Cranston Zoning Code, and the Comprehensive Plan, upon which the Zoning Code is based.



Stephen W. Rioles  
Secretary, Zoning & Platting Boards

Ron Ronnie took the stenographic records.

The meeting was adjourned at 10:30 AM