

A meeting of the Cranston Zoning Board of Review was called to order in Cranston City Hall by Chairperson Christopher E. Buonanno on **Wednesday January 13, 2021 at 6:30 pm**. Also present were Joy Montanaro, Paula McFarland, Dean Perdikakis, 1st alternate Craig Norcliff, 2nd alternate Josh Catone, and 3rd alternate Thomas Jones. Assistant Solicitor Stephen Marsella, Esq. was Counsel to the Board.

The Board heard the following applications:

NEW BUSINESS

CARLSON REALTY, LLC (OWN/APP) has filed an application to convert an existing mixed use building into a two-family dwelling unit at **1540 Elmwood Avenue**, A.P. 4, lot 2203; area 4,420s.f.; zoned C5. **This application was withdrawn by the applicant.**

GRACE ELIZABETH VARGHESE, TRUSTEE (OWN) and PAUL VARGESE (APP) have filed an application to construct a garage addition to an existing single family residence at **41 Alderbrook Drive**, A.P. 16, lot 792; area 10,774 s.f.; zoned A8.

ADJ REALTY CO. (OWN) and F&C DONUTS/ D.B.A. DUNKIN DONUTS (APP) have filed an application to replace an existing changeable copy letter board with an electronic message center on an existing free-standing sign at **900 Cranston Street**, A.P. 7, lots 295, 299, 300; area 45,848 s.f.; zoned C5.

ANTHONY D. LONGANO and CINDY LONGANO (OWN/APP) have filed an application to install an in ground pool on a on a corner lot at **35 Sparrow Lane**, A.P. 35, lot 226, area 23,407, zoned A20.

NEW BUSINESS

Ward 1

GRACE ELIZABETH VARGHESE, TRUSTEE (OWN) and PAUL VARGESE (APP) have filed an application to construct a garage addition to an existing single family residence at **41 Alderbrook Drive**, A.P. 16, lot 792; area 10,774 s.f.; zoned A8. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.60.010(B) -Accessory Uses; 17.64.010 (F) (2) - Off Street Parking. Application filed 12/14/2020. Robert D. Murray, Esq.

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

This application was **APPROVED** as submitted on January 13, 2021

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

FINDINGS OF FACT:

1. The applicant is proposing to convert a 1-car garage into a 2-car garage within the front yard setback.
2. The property is defined as a side corner lot, which means that it is subject to the front yard setback on both Alderbrook Drive and Coldbrook Drive. Due to the long, curvilinear nature of the frontage on Coldbrook Drive, a large majority of the subject parcel is subject to a front yard setback.
3. Although the requested relief is for a front yard setback, the perspective of the house as viewed from the street is that the improvement will be extending the garage towards the side of the lot. This is due to the irregular shape of the lot.
4. The applicant will actually be decreasing the overall width of the driveway due to the removal of a short driveway stub that exists to the left of the full length driveway (see street view on page 5 of this memo). Due to this, the proposal will reduce the driveway width to just 20 feet and bring this component of the project into compliance with City code.
5. The site plan has a note that the proposed new curb alignments and curb returns in the Coldbrook Drive ROW will be built according to city requirements.
6. The City Traffic Engineer reviewed the proposal and finds that the proposal will not impair sightlines for vehicular or pedestrian safety.

7. The Board finds that the proposal will not have a negative impact on the character of the surrounding neighborhood.

8. The minimum lot area for the present zone (A-8) is 8,000 ft² whereas the subject parcel is 10,775 ft², so the lot size is not a constraint to the immediate development.

9. The existing lot coverage percentage on the subject property is 22.66% (percentage of building improvements to lot size). The proposed lot coverage percentage is 25.5% after the extension of the garage. The required maximum in the A-8 zone is 35% so the application is well within the limits of lot coverage.

10. The Board finds that the proposal will not increase the density of the property and will maintain the aesthetic of the garage (accessory structure) as a subordinate feature of the home. As such, this application is consistent with the general policies within the Comprehensive Plan.

11. There was no testimony either for or against the project/

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. Additionally, the Applicant has met the requirements of the Zoning Code and relief per Section 17.92.010, and Section Sections 17.20.120- Schedule of Intensity Regulations; 17.60.010(B) -Accessory Uses; 17.64.010 (F) (2) - Off Street Parking

Ward 3

ADJ REALTY CO. (OWN) and F&C DONUTS/ D.B.A. DUNKIN DONUTS (APP) have filed an application to replace an existing changeable copy letter board with an electronic message center on an existing free-standing sign at **900 Cranston Street**, A.P. 7, lots 295, 299, 300; area 45,848 s.f.; zoned C5. Applicant seeks relief per Section 17.92.010 Variance; Section 17.72.010 (6)- Signs. Application filed 12/14/2020. Joseph Brennan, Esq.

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

This application was **APPROVED WITH CONDITIONS** enumerated below.

Conditions:

1. There shall be a minimum of 30 seconds between changes in the sign display (30 second change rate).
2. Sign shall not display animation.
3. Sign can only be operational during business hours.
4. All temporary signs shall be removed from the property
5. Future temporary signs, banners, feather flags, etc. are prohibited.

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

FINDINGS OF FACT:

1. The applicant, F & C Donuts (DBA Dunkin' Donuts) has requested a sign variance to replace an existing message board (6' x 6' or 36 ft² per side) with a digital LED message board (animated sign) of lesser area (7' x 3' or 21ft² per side). The sign would be located under the existing portion of the free standing sign for Dunkin' Donuts (4'- 8.5" x 8' - 4.5" or 25.5 39.5 ft² per side). The total area (93 121 ft²) exceeds the 50 ft² maximum per C-5 zoning.
2. The Cranston Zoning Board granted relief to allow a 24' tall pylon/freestanding sign with 75.5ft² of signage per side in December of 2000. However, the relief was granted in anticipation of three other tenants on site, each with their own 2' x 6' tenant sign as shown on the variance application under the freestanding sign for Dunkin' Donuts. The other tenants never occupied the site.
3. The applicant has provided testimony regarding WatchFire signage capabilities including software which allows the signs to be programmed as to control brightness, restrict image hold time & transitions, and employ different daytime and nighttime settings. The applicant has included a letter which states their commitment to being "Zoning Friendly" and willingness to work cooperatively with the municipality to make signage that is "a positive image in the community placed."
4. The property's existing uses are consistent with the Comprehensive Plan which calls for Commercial services, and are allowed by-right in C-5 (Heavy Business, Industry) zoning.
5. The Comprehensive Plan Land Use Element states "The City should adopt design and signage guidelines along commercial corridors, such as Reservoir Avenue, Park Avenue, Elmwood Avenue,

Atwood Avenue, and Oaklawn Avenue to improve the attractiveness and quality of the businesses” (p. 34).

6. The proposal does not impair the intent or purpose of the Comprehensive Plan but may impair the intent of the Zoning Code due to the proposed total area for freestanding sign for the single tenant being nearly more than double what is permitted in C-5 zoning (93 121 ft² where 50 ft² is allowed).

7. There was no testimony either for or against the project by abutters.

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 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 sign variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010, and Section Sections 17.72.010 (6)- Signs.

Ward 4

ANTHONY D. LONGANO and CINDY LONGANO (OWN/APP) have filed an application to install an in ground pool on a on a corner lot at **35 Sparrow Lane**, A.P. 35, lot 226, area 23,407, zoned A20. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.120- Schedule of Uses; 17.60.010(D) -Accessory Uses; Application filed 12/14/2020. Robert D. Murray, Esq.

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

This application was **APPROVED** as submitted on January 13, 2021.

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

FINDINGS OF FACT:

1. The applicant is seeking to construct an in-ground 18’X36’ swimming pool in a front yard setback in an A-20 zone. The proposed pool will be located 10’ from the front property line abutting Hummingbird Lane where 30’ is required.

2. The lot conforms to all A-20 standards for required lot dimensions.

3. The existing single-family dwelling conforms to all required building setbacks.

4. Section 17.60.010 “Accessory Uses” of the zoning code establishes specific setbacks for a pool, however, 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 is the same as the required setback for a building (30’).

5. 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 Sparrow Lane right-of-way and the Hummingbird Lane right-of-way. Because the existing dwelling conforms to all setbacks, and the majority of the lot has existing vegetation (trees), there is limited space for an in-ground pool behind the home without significant loss of tress. The unique circumstance of this property being a corner lot with tree behind the house creates a hardship with regard to locating customary accessory uses.

6. The front yard area where the pool is proposed is surrounded by a row of 3-5 foot Green Giant Arborvitae. The applicant has submitted a letter from their Landscape Architect that the Green Giant Arborvitae will *“continue to grow at a rate of roughly 2-3 ft per year”*.

7. The Board finds that Installing the pool at grade, along with maintaining the row of Green Giant Arborvitae, combines to create an effective visual mitigation strategy to provide privacy from abutting neighbors and public rights-of-way.

8. The Board finds that the project is in conformance with the comprehensive plan

9. There was not testimony either for or against the project by abutters.

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. Additionally, the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010, Sections 17.20.120- Schedule of Intensity Regulations; 17.60.010(B) - Accessory Uses;

Stanley Pikul
Secretary, Zoning & Platting Boards

The meeting was adjourned at 7:30 PM
