

A meeting of the Cranston Zoning Board of Review was called to order via a Zoom conference meeting by Chairperson Christopher E. Buonanno on **Wednesday February 9, 2022 at 6:33 pm**. Also present were Joy Montanaro, Paula McFarland, Dean Perdikakis, Carlos Zambrano, 1st alternate Craig Norcliffe, and 4th alternate Jason Jodoin.

Zoom Meeting

The following applications will be heard via Zoom conference call as indicated below.

Wednesday February 9, 2022 at 6:30 p.m.

The items listed may be subject to final action.

City Of Cranston is inviting you to a scheduled Zoom meeting.
Join Zoom Meeting

<https://us02web.zoom.us/j/89296950548?pwd=MlVhMkMwTjZlMjYVUFUzUhwSmZMMzhtZz09>

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Passcode: 322517

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Find your local number: <https://us02web.zoom.us/j/kc1dgklD0c>

OLD BUSINESS

EDWARD PELLI (OWN) and UNIVERSAL REALTY, LLC (APP) have applied to sub-divide an existing lot into two; leaving an existing single family residential house on a new lot with a reduced front yard corner setbacks from a proposed future road at **1365 New London Avenue**, A.P. 18, lot 1026.

This case was withdrawn by the applicant

EDWARD PELLI (OWN) and UNIVERSAL REALTY, LLC (APP) have applied to sub-divide an existing lot into two; creating a new lot with less than the required frontage at **1365 New London Avenue**, A.P. 18, lot 1026.

This case was withdrawn by the applicant

NEW BUSINESS

PLATTING BOARD OF APPEALS:

APPEAL OF THE DECISION OF THE CITY OF CRANSTON PLAN COMMISSION DATED NOVEMBER 8, 2021 TO THE CITY OF CRANSTON ZONING BOARD OF REVIEW, SITTING AS THE PLATTING BOARD OF REVIEW, PURSUANT TO §45-23-66 OF THE RHODE ISLAND GENERAL LAWS, AS AMENDED, AND SECTION XI ENTITLED “APPEALS” OF THE CITY OF CRANSTON’S SUBDIVISION AND LAND DEVELOPMENT REGULATIONS DENYING PRELIMINARY PLAN APPROVAL OF A MINOR SUB-DIVISION FOR COSMO PLAT, AT 175 VALETTE STREET, A.P. 11, LOT 1599

FATIMA HERALDO (OWN/APP) has filed an application to construct a deck and gazebo encroaching into the front and rear yard setback and exceeding allowable lot coverage at **81 Fairweather Avenue**, A.P. 5, Lot 935

EDMUND & TRACY DI TROIA (OWN/APP) have applied to construct a carport structure encroaching into the front yard setback at **32 Kearsage Street**, A.P.11, lot 2894

CRANSTON PUBLIC SCHOOLS (OWN/APP) has applied to expand an existing non-conforming school to encroach into front yard setbacks and exceeding allowable lot coverage at **180 Oakland Ave.** A.P. 9, lot 2847

DONALD B. COLETTI (OWN/APP) has filed an application to separate two lots merged under 17.88.101 (B) and to leave an existing single family house on an undersized lot with reduced frontage and width at **15 Usher Avenue,** A.P. 11, lot 2524

DONALD B. COLETTI (OWN/APP) has filed an application to separate two lots, merged for zoning purposes under 17.88.010 (B) to construct a new single family house with restricted frontage, width, lot size (area); encroaching into the required front corner yard setbacks at **0 Midvale Avenue,** A.P. 11, lot 2523.

JAMES J & VANESSA JAWORSKI (OWN/APP) have applied to construct a garage addition to a single family house encroaching into the required front yard setback at **29 Carpathia Road,** A.P. 12, lots 2354,2355, and 2356

OLD BUSINESS

Ward 4

EDWARD PELLI (OWN) and UNIVERSAL REALTY, LLC (APP) have applied to sub-divide an existing lot into two; leaving an existing single family residential house on a new lot with a reduced front yard corner setbacks from a proposed future road at **1365 New London Avenue,** A.P. 18, lot 1026; 124,488 s.f.; zoned A8. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.20.090 - Specific Requirements Application filed 11/9/2021. Robert D. Murray, Esq

This case was withdrawn without prejudice by the applicant.

Ward 4

EDWARD PELLI (OWN) and UNIVERSAL REALTY, LLC (APP) have applied to sub-divide an existing lot into two; creating a new lot with less than the required frontage at **1365 New London Avenue,** A.P. 18, lot 1026; 124,488 s.f.; zoned A8. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations; Application filed 11/9/2021. Robert D. Murray, Esq

This case was withdrawn without prejudice by the applicant.

NEW BUSINESS

PLATTING BOARD OF APPEALS:

APPEAL OF THE DECISION OF THE CITY OF CRANSTON PLAN COMMISSION DATED NOVEMBER 8, 2021 TO THE CITY OF CRANSTON ZONING BOARD OF REVIEW, SITTING AS THE PLATTING BOARD OF REVIEW, PURSUANT TO §45-23-66 OF THE RHODE ISLAND GENERAL LAWS, AS AMENDED, AND SECTION XI ENTITLED "APPEALS" OF THE CITY OF CRANSTON'S SUBDIVISION AND LAND DEVELOPMENT REGULATIONS DENYING PRELIMINARY PLAN APPROVAL OF A MINOR SUB-DIVISION FOR COSMO PLAT, AT 175 VALETTE STREET, A.P. 11, LOT 1599

On a motion made by Ms. Montanaro and seconded by Mr. Perdikakis the Board read its decision into the record, which is incorporated herein, and voted unanimously to **remand the matter back to the Plan Commission** for a new hearing on the merits, with notice to abutters, due to prejudicial procedural error.

Ward 2

FATIMA HERALDO (OWN/APP) has filed an application to construct a deck and gazebo encroaching into the front and rear yard setback and exceeding allowable lot coverage at **81 Fairweather Avenue,** A.P. 5, Lot 935; area 5,535 s.f.; zoned A6. . Applicant seeks relief per

Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations, 17.60.010 (B)- Accessory Uses. Application filed 12/1/2021. No attorney.

On a motion made by Mr. Perdikakis and seconded by Ms. McFarland the Board voted unanimously to **approve** the application as presented.

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

FINDINGS OF FACT:

1. Granting relief would be generally consistent with the Comprehensive Plan.
2. Granting relief would not negatively alter the character of the neighborhood.
3. The Board accepted the applicant's testimony about the need for the deck and gazebo due to a family medical condition
4. The findings were entered into the record by the Board are incorporated herein.
5. There was no testimony in favor or against this project by any 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 variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Sections 17.92.120 - Schedule of Intensity Regulations; 17.60.010(D)- Accessory Uses.

Ward 5

EDMUND & TRACY DI TROIA (OWN/APP) have applied to construct a carport structure encroaching into the front yard setback at **32 Kearsage Street**, A.P.11, lot 2894; area 9,725 s.f.; zoned A8. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations, 17.60.010 – Accessory structure setbacks. Application filed 12/7/2021. No Attorney.

On a motion made by Ms. Montanaro and seconded by Ms. McFarland the Board voted unanimously to **approve** the application as presented.

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

FINDINGS OF FACT:

1. Granting relief would be generally consistent with the Comprehensive Plan.
2. Granting relief would not negatively alter the character of the neighborhood.
3. The Board accepted the applicant's testimony about the need for the carport.
4. The findings were entered into the record by the Board are incorporated herein.
5. The applicant stated on the record that the property was in disrepair and is working to complete all the projects in progress on the property.

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 variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Sections 17.92.120 - Schedule of Intensity Regulations; 17.60.010(D)- Accessory Uses.

Ward 2

CRANSTON PUBLIC SCHOOLS (OWN/APP) has applied to expand an existing non-conforming school to encroach into front yard setbacks and exceeding allowable lot coverage at **180 Oakland Ave.** A.P. 9, lot 2847, area 99,752 s.f; zoned B1. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.88.030 B.- Extension. Application filed 12/8/2021. No attorney

On a motion made by Mr. Perdikakis and seconded by Ms. McFarland the Board voted unanimously to **approve** the application as presented.

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

FINDINGS OF FACT:

1. Granting relief would be generally consistent with the Comprehensive Plan.
2. Granting relief would not negatively alter the character of the neighborhood.
3. The applicant put forth testimony from members of the School Department and professionals involved with the project
4. The testimony presented is incorporated into this decision
- 5 .There was no testimony in favor or against this project by any 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 variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Sections 17.92.120 - Schedule of Intensity Regulations.

Ward 5

DONALD B. COLETTI (OWN/APP) has filed an application to separate two lots merged under 17.88.101 (B) and to leave an existing single family house on an undersized lot with reduced frontage and width at **15 Usher Avenue**, A.P. 11, lot 2524, area 4,000 s.f, zoned A6. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.29.090- Specific Requirements; 17.88.010 (B) - Substandard lots of record. Application filed 12/21/2021. Robert D. Murray, Esq.

On a motion made by Ms. McFarland and seconded by the Board voted unanimously to **deny** the application as presented.

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

FINDINGS OF FACT:

1. AP 11 Lot 2523 is a corner lot measuring 115.46' x 40'. City Code Section 17.20.090 (F) states that the side yard setback for nonconforming lots with frontage less than 50' shall be 5' (reduced from the 8' side setback established in 17.20.120 *Schedule of Intensity*).
2. There are three other substandard lots on Usher Avenue. Two are merged to form a conforming lot and developed in compliance with A-6 zoning requirements (AP 11 Lots 2525 & 2526). The other (AP 11 Lot 2534) is a 4,000 ft² substandard lot of record that is developable under Section 17.20.040 (B)(1). Therefore, the proposed substandard lots are inconsistent with the *current* built environment on Usher Ave.
3. The lots within a 400' radius are diverse in terms of their shapes and sizes; there is no uniform development pattern that defines the area.
4. There is a 4,000 ft² corner lot with a single-family dwelling at the southwest corner of the intersection of Midvale Ave and Plaza Street, one block due west of the subject

property. GIS measuring tools estimate the residence to be 8' away from the property eastern property line abutting Plaza Street, nearly identical to the relief requested for AP 11 Lot 2523. Tax Assessor records indicate that the structure was built prior to zoning.

5. The Board find this project inconsistent with the comprehensive plan
6. The lots within a 400' radius are diverse in terms of their shapes and sizes; there is no uniform development pattern that defines the area.
7. There is a 4,000 ft² corner lot with a single-family dwelling at the southwest corner of the intersection of Midvale Ave and Plaza Street, one block due west of the subject property. GIS measuring tools estimate the residence to be 8' away from the property eastern property line abutting Plaza Street, nearly identical to the relief requested for AP 11 Lot 2523. Tax Assessor records indicate that the structure was built prior to zoning.
8. The Comprehensive Plan Land Use Element; Principle 4 reads: "*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*" (p. 34). The side of the proposed single-family residence would encroach 17' into the required 25' front setback. The Board finds the encroachment would negatively impact the visual resources that define the neighborhood.
9. The applicant testified that the new home would be rental property and no expert testimony was offered by the applicant. Furthermore, the applicant did not testify to the legal standards for the granting of a variance
10. Numerous Objectors testified about the condition of the current residence and how the project would negatively impact the neighborhood. No one spoke in favor of the application
11. The Board finds that the applicant failed to provide a satisfactory landscape plan for the project.
12. The Board finds that the project would adversely affect the general characteristic of the neighborhood given the size of the lot and the other houses in the radius and that the relief sought is primarily for financial gain.

Ward 5

DONALD B. COLETTI (OWN/APP) has filed an application to separate two lots, merged for zoning purposes under 17.88.010 (B) to construct a new single family house with restricted frontage, width, lot size (area); encroaching into the required front corner yard setbacks at **0 Midvale Avenue**, A.P. 11, lot 2523, area 4,618 s.f., zoned A6. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.29.090- Specific Requirements; 17.88.010 (B)- Substandard lots of record. Application filed 12/21/2021. Robert D. Murray, Esq.

On a motion made by Ms. McFarland and seconded by Mr. Zambrano the Board voted unanimously to deny the application as presented

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

FINDINGS OF FACT:

1. AP 11 Lot 2523 is a corner lot measuring 115.46' x 40'. City Code Section 17.20.090 (F) states that the side yard setback for nonconforming lots with frontage less than 50' shall be 5' (reduced from the 8' side setback established in 17.20.120 *Schedule of Intensity*).

2. There are three other substandard lots on Usher Avenue. Two are merged to form a conforming lot and developed in compliance with A-6 zoning requirements (AP 11 Lots 2525 & 2526). The other (AP 11 Lot 2534) is a 4,000 ft² substandard lot of record that is developable under Section 17.20.040 (B)(1). Therefore, the proposed substandard lots are inconsistent with the *current* built environment on Usher Ave.
3. The lots within a 400' radius are diverse in terms of their shapes and sizes; there is no uniform development pattern that defines the area.
4. There is a 4,000 ft² corner lot with a single-family dwelling at the southwest corner of the intersection of Midvale Ave and Plaza Street, one block due west of the subject property. GIS measuring tools estimate the residence to be 8' away from the property eastern property line abutting Plaza Street, nearly identical to the relief requested for AP 11 Lot 2523. Tax Assessor records indicate that the structure was built prior to zoning.
5. The Board find this project inconsistent with the comprehensive plan
6. The lots within a 400' radius are diverse in terms of their shapes and sizes; there is no uniform development pattern that defines the area.
7. There is a 4,000 ft² corner lot with a single-family dwelling at the southwest corner of the intersection of Midvale Ave and Plaza Street, one block due west of the subject property. GIS measuring tools estimate the residence to be 8' away from the property eastern property line abutting Plaza Street, nearly identical to the relief requested for AP 11 Lot 2523. Tax Assessor records indicate that the structure was built prior to zoning.
8. The Comprehensive Plan Land Use Element; Principle 4 reads: "*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*" (p. 34). The side of the proposed single-family residence would encroach 17' into the required 25' front setback. The Board finds the encroachment would negatively impact the visual resources that define the neighborhood.
9. The applicant testified that the new home would be rental property and no expert testimony was offered by the applicant. Furthermore, the applicant did not testify to the legal standards for the granting of a variance
10. Numerous Objectors testified about the condition of the current residence and how the project would negatively impact the neighborhood. No one spoke in favor of the application
11. The Board finds that the applicant failed to provide a satisfactory landscape plan for the project.
12. The Board finds that the project would adversely affect the general characteristic of the neighborhood given the size of the lot and the other houses in the radius and that the relief sought is primarily for financial gain.

Ward 5

JAMES J & VANESSA JAWORSKI (OWN/APP) have applied to construct a garage addition to a single family house encroaching into the required front yard setback at **29 Carpathia Road**, A.P. 12, lots 2354,2355, and 2356, area 12,000 s.f. zoned A6. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations; Application filed 2/10/2022. No Attorney.

On a motion made by Ms. McFarland and seconded by Ms. Montanaro the Board voted unanimously to **approve** the application as presented

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

FINDINGS OF FACT:

1. The parcel (AP 12, Lots 2354-56) is located on three adjacent, substandard lots which are merged to form one conforming lot of 12,000 ft² which complies with A-6 zoning.
2. The addition of the proposed 672 ft² garage to the parcel, which already hosts an existing 1,088 ft² single-family house, will increase the lot coverage from 9% to 14%. This remains well below the maximum allowable lot coverage (30%) in an A-6 zone.
3. Granting relief to allow the construction of a garage would not negatively alter the character of the neighborhood, as seven of the ten houses with frontage on Carpathia Road presently have attached or detached garages.
4. Granting relief would be generally consistent with the Comprehensive Plan's Land Use Principle 4, which advises to "*Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life...*" (p. 34).
5. The applicants contractor testified about the project and improvements and the Board found the project to be of high quality and in conformance with the neighborhood.

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 variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Sections 17.92.120 - Schedule of Intensity Regulations; 17.60.010(D)- Accessory Uses.