

A meeting of the Cranston Zoning Board of Review was called to order heard in the City Council Chambers, 869 Park Avenue, Cranston, RI 02910, and via a Zoom conference meeting by Chairperson Christopher E. Buonanno on **Wednesday March 9, 2022 at 6:43 pm**. Also present were Joy Montanaro, Paula McFarland, Dean Perdikakis, Carlos Zambrano,

Zoom Meeting

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

Wednesday March 9, 2022 at 6:43 p.m.

The items listed may be subject to final action.

Join Zoom Meeting:

By Computer

<https://us02web.zoom.us/j/84418120571?pwd=eDhYMDE4Vk9hNzkvc1luTDhjeHhXQT09>

By Phone

888 788 0099 US Toll-free

Meeting ID: 844 1812 0571

Passcode: 010156

Find your local number: <https://us02web.zoom.us/j/84418120571?pwd=eDhYMDE4Vk9hNzkvc1luTDhjeHhXQT09>

NEW BUSINESS

PLATTING BOARD OF APPEALS:

APPEAL OF THE DECISION OF THE CITY OF CRANSTON PLAN COMMISSION DATED FEBRUARY 5, 2019 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 GRANTING FINAL PLAN APPROVAL FOR NATICK AVE SOLAR ARRAY, 0 NATICK AVENUE, A.P. 22, LOTS 108 & 119

This matter was continued to the April 13 meeting.

DEVON DOW (OWN) and WAYNE MEDEIROS (APP) have applied to operate a retail sales business from an existing building used as a barber shop hair salon use granted by previous variance without off-street parking at **1561-1563 Cranston Street** A.P. 8, lot 2763 , area 10,000 s.f. zoned B1.

BRIDGE GROUP, LLC (OWN/APP) has filed an application to construct an addition to convert an existing two unit building into a three unit residential use at **5 Aborn Street**, A.P. 1, lot 30, area 5,278 s.f. zoned C3

BRIDGE GROUP, LLC (OWN/APP) has applied to allow a temporary outdoor seating area established by executive order to remain permanently after Covid restrictions are lifted, eliminating off street parking at **2190 Broad Street**, , A.P. 1, lot 33&34, area 14,646 s.f. zoned C3.

NEW BUSINESS

Ward 5

DEVON DOW (OWN) and WAYNE MEDEIROS (APP) have applied to operate a retail sales business from an existing building used as a barber shop hair salon use granted by previous variance without off-street parking at **1561-1563 Cranston Street** A.P. 8, lot 2763, area 10,000 s.f. zoned B1. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.030- Schedule of Uses, 17.64.010- Off Street Parking. Application filed 2/09/2021. No attorney.

On a motion made by Ms. Montanaro and seconded by Mr. Perdikakis the Board voted unanimously to **Approve** this application as submitted to the Board.

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

PLANNING STAFF FINDINGS OF FACT:

1. The parcel (AP 8, Lot 2763) hosts two existing structures – a three-family house (pre-existing nonconforming use) and a single-floor commercial space (nonconforming use) – on one 14,000 ft² lot in a B-1 zone (*Single-family and two-family dwellings*).
2. Eight other neighborhood-scale businesses are located along the portion of Cranston Street contained within a 400-foot radius of the business located on the subject parcel. The Future Land Use Map of the Comprehensive Plan designates the parcels along this portion of Cranston Street as *Neighborhood Commercial/Services*.
3. The property was previously granted a variance for the use and for relief from the off-street parking requirement. The applicant has asked to continue relying on on-street parking.
4. Granting relief to allow the applicant to replace the beauty salon tenant with a retail tenant and maintain the current parking situation would not negatively alter the character of the neighborhood, as it neither amounts to any changes to the built environment nor to an intensification of the site's use.
5. Granting relief would be generally consistent with the Comprehensive Plan's Economic Development Goal 7, which advises to "*improve/build neighborhood commercial areas at various sites through formulating and implementing revitalization projects*" (p. 12).
6. The owner and applicant spoke about the property and the business operation at the hearing.
7. There was no testimony for or against the 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 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. In granting a variance the subject land 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

Ward 1

BRIDGE GROUP, LLC (OWN/APP) has filed an application to construct an addition to convert an existing two unit building into a three unit residential use at **5 Aborn Street**, A.P. 1, lot 30, area 5,278 s.f. zoned C3. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.030- Schedule of Uses, Sections 17.20.120- Schedule of Intensity Regulations. Application filed 2/09/2021. Robert D. Murray, Esq.

On a motion made by Mr. Perdikakis and seconded by Ms. Montanaro the Board voted unanimously to **Deny** this application as submitted to the Board. In their denial, The Board found that the denial of the application would not amount to a loss of all beneficial use to the property as the property is zoned commercial and could be used for commercial purposes by right. As such, the applicant did not meet the legal standard for the granting of a use variance.

Ward 1

BRIDGE GROUP, LLC (OWN/APP) has applied to allow a temporary outdoor seating area established by executive order to remain permanently after Covid restrictions are lifted, eliminating off street parking at **2190 Broad Street**, A.P. 1, lot 33&34, area 14,646 s.f. zoned C3. Applicant seeks relief per Section 17.92.010-Variance; 17.64.010- Off Street Parking. Application filed 2/09/2021. Robert D. Murray, Esq.

On a motion made by Mr. Zambrano and seconded by Ms. Montanaro the Board voted unanimously to **Approve** this application **with Conditions**. The Conditions are: 1. Placement of signage indicating additional off street parking. 2. The applicant seek to close the curb cut due to safety concerns. 3. Maintain or create a ADA accessible parking space of the location which would be approved by the appropriate city or state agency.

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

PLANNING STAFF FINDINGS OF FACT:

1. The subject lots, AP 1 Lots 33 & 34, have a combined area of 14,646 ft², are zoned C-3 (General Business), are under common ownership, and supports a mix of commercial and residential uses in the existing legally nonconforming buildings.
2. The existing uses at the subject site include three (3) restaurants, one (1) bar, one (barber/beauty salon) one (1) animal grooming service, one (1) artisan workshop and three (3) residential units. The existing uses are consistent with the Comprehensive Plan Future Land Use Map that designates this area of Broad Street as Neighborhood Commercial/Services.
3. In April of 2015, the Zoning Board of Review granted relief to the subject lots to reduce the main parking area from 12-spaces to 8-spaces. The Plan Commission unanimously voted to recommend approval finding that the elimination of four spaces will not be detrimental to the village. The ZBR's acknowledged testimony in favor of the application from residents and opposition from a neighboring restaurant and approved the relief with the condition that "Two family unit parking area to be used for restaurant employee parking."
4. The 8-space parking lot is being utilized as an outdoor dining area as allowed by executive orders to assist restaurants during the COVID-19 pandemic. The General Assembly passed a law that allows the waiving of parking requirements to allow outdoor seating until April 1 of 2023. The relief requested would allow the existing outdoor seating to become permanent, replacing 8 parking spaces that consist of 1 ADA space, 5 regular spaces and two compact spaces.
5. The application states that there are 6 off-street parking spaces for the three residential units provided on the owner's adjacent property at 16 George Street. No other off-street parking is currently provided.
6. The applicant claims that "accommodation has been made on Broad Street for the handicapped parking space" but provides no further details. The City of Cranston Bureau of Traffic and Safety has conveyed ADA compliant parking spaces abutting the property on Broad Street is not possible under current conditions. The Zoning Board of Review does not have the authority to grant relief for ADA requirements which are under the jurisdiction of the Governor's Commission on Disability but made this a condition of approval
7. Notwithstanding the ADA accessibility issue, the Director of Economic Development conveyed his general support of the application.
8. On-street parking, vibrant businesses and walkability are integrated into the character of Pawtuxet Village where the vast majority of the built environment is legally nonconforming, built prior to the enactment of zoning in 1966. The application would not negatively impact the character of the area, but may enhance it.
9. The owner spoke about the application and the business owners who are tenants spoke about the benefit of the outdoor seating to their business and the community.

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 from Section 17.64.010 Off-street parking.