

A meeting of the Cranston Zoning Board of Review was called to order heard in the Cranston High School East Library, 899 Park Avenue, Cranston, RI 02910, by Chairperson Christopher E. Buonanno on **Wednesday April 13, 2022, at 6:30 pm**. Also present were Joy Montanaro, Paula McFarland, Dean Perdikakis, Carlos Zambrano, and 1<sup>st</sup> alternate Craig Norcliffe

### **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**

### **ZONING BOARD - NEW BUSINESS**

**FERNANDO VALERO(OWN/APP)** has filed an application to construct an addition to a legal non-conforming two-family dwelling expanding the non-conforming use at **29 Bethel Street**, A.P. 12, lots 525,526: area 7,200 s.f. zoned A8.

**DANIEL J. LYONS (OWN/APP)** has applied to request permission to allow an addition to be constructed in the required front yard setback on a corner lot at **48 Valley Street**, A.P 17, lot 964; area 7,500 s.f.; zoned A6.

### **OLD 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**

Legal arguments were made by the attorney for the appellants, the attorney for the City, and the attorney for the developer.

Upon a motion was made by Ms. Montanaro , and seconded by Mr. Zambrano the Board unanimously decided to **Continue** this matter for vote at the May 11, 2022 meeting.

### **ZONING BOARD NEW BUSINESS**

#### **Ward 5**

**FERNANDO VALERO(OWN/APP)** has filed an application to construct an addition to a legal non-conforming two-family dwelling expanding the non-conforming use at **29 Bethel Street**, A.P. 12, lots 525,526; area 7,200 s.f. zoned A8. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.030 Schedule of Uses, 17.88.050 Structural Alterations. Application filed 3/04/2022. No attorney.

On a motion made by Mr. Zambrano and seconded by Ms. McFarland, 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:

1. The parcel (AP 12, Lots 525-526) is located on two adjacent, substandard lots which are merged to form one undersized lot of 7,200 ft<sup>2</sup> in an A-8 zone.
2. The proposed 1,432 ft<sup>2</sup> addition to the existing 656 ft<sup>2</sup> two-family house will increase the lot coverage on the parcel from 9% to 29%, which falls just below the maximum allowable lot coverage (30%) in an A-8 zone.
3. Granting relief to allow the construction of the addition would not negatively alter the character of the neighborhood.
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 applicant spoke about the need for more room to raise his family and his contractor spoke about the project
6. There was additional testimony from any abutter either in favor 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. In granting a variance the subject land the Applicant met the requirements of the Zoning Code relief per Section 17.92.010, Sections 17.20.030- Schedule of Allowed Uses, and 17.20.120- Schedule of Intensity Regulations.

## Ward 5

**DANIEL J. LYONS (OWN/APP)** has applied to request permission to allow an addition to be constructed in the required front yard setback on a corner lot at **48 Valley Street**, A.P 17, lot 964; area 7,500 s.f.; zoned A6. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations. Application filed 3/09/2022. No attorney.

**On a motion made by Mr. Perdikakis and seconded by Ms. McFarland, 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:

1. The parcel (AP 17, Lot 964) is located on a corner lot of 7,500 ft<sup>2</sup> in an A-6 zone, with frontage on both Valley Street and Overhill Road, which subjects it to two 25-foot front setbacks.
2. The addition of the proposed 336 ft<sup>2</sup> bedroom to the parcel, which already hosts an existing 1,464 ft<sup>2</sup> single-family house (with attached garage and deck), will increase the lot coverage from 20% to 24%. This remains below the maximum allowable lot coverage (30%) in an A-6 zone.
3. The proposed bedroom addition would encroach 15 feet into the 25-foot front setback off Overhill Road. The existing house also encroaches into this same setback line by an equivalent distance, so the addition would project no further into the setback than the rest of the structure currently does.
4. Granting relief to allow the construction of an additional bedroom would not negatively alter the character of the neighborhood, as none of the other three homes with frontage on the same segment of Overhill Road conform to the 25-foot setback. (The applicant's home, as well as the other three houses, are all pre-existing non-conforming structures.)
5. Any visual impacts resulting from the bedroom addition will be mitigated by the existing vegetated buffer the applicant planted along Overhill Road.

6. 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).
7. The applicant testified that he has lived in the home for 40 years and needed more space for his elderly parents to visit and to age in place.
8. A neighbor spoke in favor of the application and no one spoke against the application.

In this case, applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is due to the unique characteristics of the property, and is not due to a physical or economic disability of the applicant, that the hardship does not result primarily from the desire of the applicant to realize greater financial gain, will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan. In granting a variance the subject land the Applicant met the requirements of the Zoning Code relief per Section 17.92.010 and Section 17.20.120- Schedule of Intensity Regulations.

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**Stanley Pikul**  
**Secretary, Zoning & Platting Boards**

**The meeting was adjourned at 9:30 PM**

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