

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 May 12, 2021 at 6:30 pm**. Also present were Joy Montanaro, Paula McFarland, Dean Perdikakis, Carlos Zambrano, and 1st Alternate Craig Norcliffe.

### Zoom Meeting

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

**Wednesday May 12, 2021 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/86292006964?pwd=NXFKQIZaNk9xVVpFMdIvMy8xUVUvdz09>

Meeting ID: 862 9200 6964

Passcode: 187612

Call In: 888 788 0099 (US Toll-free)

### NEW BUSINESS

**MARIE PROPERTIES, LLC (OWN/APP)** has filed an application to change the use of an existing business to allow residences above a first story business with reduced lot size and parking requirements at **757 Park Avenue**, A.P. 6, lot 118

**STEPHEN A. RODIO and CHUNMEI DU (OWN)** and **STEPHEN A. RODIO (APP)** have filed an application convert an existing building into a two family dwelling with restricted front, rear, and side yard setbacks; and restricted lot size at **34 Commercial Street**, A.P. 1, lot 83

**370 REALTY, LLC (OWN/APP)** has filed an application to operate a motor vehicle repair and service establishment from an existing industrial building at **370 Wellington Avenue**, A.P. 3 lots 154 & 1224

**CHRISTINA ROUSSEAU, f/k/a CHRISTINA L. COMMISKEY (OWN/APP)** has filed an application to subdivide an existing lot into two non-conforming lots, leaving an existing legal non-conforming single family dwelling, and to construct a new legal non-conforming single family dwelling at **10 Orchard Valley Drive**, A.P. 28, lot 16

**MICHAEL J. SPAGNOLE and IRENE A. ANTONELLI (OWN)** and **DAVID M. DEVANY (APP)** have filed an application to create four (4) lots with restricted frontage; Three (3) of which will also require relief from lot width requirements. Dimensional relief is requested to construct four (4) single family dwellings at **0 Elite Drive** and **0 Janet Drive**, A.P. 26, lot 50

### NEW BUSINESS

**MARIE PROPERTIES, LLC (OWN/APP)** has filed an application to change the use of an existing business to allow residences above a first story business with reduced lot size and parking requirements at **757 Park Avenue**, A.P. 6, lot 118; area 6,056 s.f.; zoned C1. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.090 (B)- Specific Requirements, 17.64.010- Off Street Parking, and 17.92.120 Schedule of Intensity Regulations. Application filed 04/12/21. Robert D. Murray, Esq.

Assistant City Solicitor Stephen H. Marsella recused himself; Assistant City Solicitor Christopher Orton oversaw the proceedings on this application.

On a motion by Mrs. Montanaro and seconded by Mrs. McFarland, the Board voted unanimously to **Approve** the variances **with conditions** as presented.

### CONDITIONS:

1. **At least two designated parking spots with signage indicating parking for the tenants must be provided for the residential units.**

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

**FINDINGS OF FACT:**

1. The applicant proposes to conduct interior renovations on the second floor to create two dwelling units above a first floor business (beauty/nail salon). The commercial use and the proposed residences above are allowed under C-1 zoning, but the Code requires 10,000 ft<sup>2</sup> of lot area (6,000 ft<sup>2</sup> for the business plus 2,000 ft<sup>2</sup> per residential unit) and 11 off-street parking spaces (9 for the business and 1 for each additional residential unit). The applicant is requesting relief to allow the addition of the two residential units lot is 6,065 ft<sup>2</sup> and the applicant proposes 7 parking spaces.
2. The existing building is a legal-nonconforming structure as it received relief in 1988 to encroach into the rear and side yard setbacks. There are no proposed changes to the footprint of the building.
3. The two proposed second-floor units are 890 ft<sup>2</sup> and 773 ft<sup>2</sup> respectively, each with private means of ingress/egress.
4. The existing parking area is gravel and unstriped and the site has two curb cuts to Park Avenue. The proposed plan closes the two existing curb cuts along the edges of the property and replaces them with a single curb cut into the center of the property. The plan does not currently propose paving, but it provides 1 ADA and 6 standard parking spaces for a total of 7 spaces. The City's Bureau of Traffic Safety has reviewed and approved the plan as proposed. The approval was accompanied with the following remarks, "While the site remains undersized & nonconforming, improvements include ADA parking and reduction to a single curb cut. Paving of the Parking lot shall be required."
5. The exterior of the existing structure has been improved (new siding, windows, etc.) and there are many proposed site improvements such as the reduction of two curb cuts into one, removal a free-standing sign, repaving sidewalks and providing new curbing, paving new internal walkways, and installing a new HVAC system.
6. The applicant provided a neighborhood analysis with an itemized breakdown of the number of land use within a 400' radius. There are 111 total properties in this radius comprised of a variety of residential and commercial land uses. The analysis states that the average lot area of the 10 other mixed use lots is 5,115 ft<sup>2</sup>. It further states there are five mixed use lots with accessory units that have an average area of 5,284 ft<sup>2</sup>. The 15 total units have an average area of 5,171 ft<sup>2</sup> which is less than the proposed 6,065 ft<sup>2</sup>.
7. The Cranston Comprehensive Plan's Future Land Use Map designates the subject parcels as "Neighborhood Commercial/Services". The proposed use is by-right in C-1 zoning, and C-1 zoning is consistent with the Neighborhood Commercial/Services designation, so the project is *consistent* with the Comprehensive Plan's Future Land Use Map.
8. The Cranston Comprehensive Plan's Housing Element supports the development of housing stock in Eastern Cranston. The Board finds that proposal is does not create sprawl, requires no environmental disturbance or extension of roadways or utilities, and is likely to be in-line with affordable price points (based on the square footage). Housing Action 3 (HA-3) is to "Encourage housing that is mixed into commercial projects." The proposal is consistent with the Comprehensive Plan policies.
9. Experts for the applicant put forth the proposal to the Board and the applicant testified to the business operation that will open once the renovations are completed
10. There was no testimony either for or against this application by any abutting landowner

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; Sections 17.20.090 (B) - Specific Requirements, 17.64.010- Off Street Parking, and 17.92.120 Schedule of Intensity Regulation

**STEPHEN A. RODIO and CHUNMEI DU (OWN)** and **STEPHEN A. RODIO (APP)** have filed an application convert an existing building into a two family dwelling with restricted front, rear, and side yard setbacks; and restricted lot size at **34 Commercial Street, A.P. 1, lot 83, area 6,000 s.f. zoned B1**. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.090 (A) - Specific Requirements and 17.92.120- Schedule of Intensity Regulations. Application filed 03/21/21. Robert D. Murray, Esq.

On a motion by Mr. Perdikakis and seconded by Mrs. McFarland, the Board voted unanimously to **Approve** the variances as presented.

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

#### **FINDINGS OF FACT:**

1. The applicant proposes to convert a commercial property (Salvation Army) into a 2-family dwelling in a B-1 zone. The proposed use is allowed in this zone, however there are a number of dimensional variances needed to accommodate the project.
2. The previous use of the property was as a Salvation Army Emergency Disaster Center. Previous to that it was the headquarters of the Pawtuxet Volunteer Fire Company. The previous commercial uses at this site were not allowed by-right at this property. The immediate proposed use of a two-family dwelling is allowed as a by-right use.
3. The structure requires dimensional relief for a number of conditions include front and side setbacks and lot coverage percentage.
4. The applicant is proposing a cantilevered deck that will extend over the building by 3 feet along the Sheldon Street right-of-way. This will result in the deck being approximately 5 feet from the property line. Aside from this change, there are no other expansions to the structure. Setback relief is requested along Sheldon Street to accommodate this expansion.
5. The applicant provided a neighborhood analysis with an itemized breakdown of the number of land use within a 400' radius. The majority of surrounding land uses are residential. Of the surrounding residential uses, approximately 16 lots are single family residences, 11 lots are 2-family residences, 7 lots are 3-family residences, 2 lots are 4-family residences, 9 lots are residential condos. Staff finds the applicant's neighborhood use analysis to provide positive evidence that the conversion of a commercial use to a 2-family residential use fits with the character of the neighborhood.
6. The applicant provided a neighborhood analysis with a breakdown of the size of other parcels within a 400' radius. The subject lot is 6,000 ft<sup>2</sup>. The average lots size within a 400 foot radius is 7,037 ft<sup>2</sup>. The average lots size of the surrounding eleven (11) 2-family dwellings is 7,766 ft<sup>2</sup>. The requirement for a 2-family in this zone is 8,000 ft<sup>2</sup>. Although the subject lot (6,000 ft<sup>2</sup>) is smaller than the average surrounding 2-family parcels (7,766 ft<sup>2</sup>), staff finds the applicant's neighborhood parcel size analysis to provide helpful information that the majority of surrounding 2-family dwellings are also on non-conforming, smaller-sized lots.
7. The property has interior garages and exterior parking opportunities that provide ample parking spaces. Per code, the property is only required to have 2 parking space (1 space per unit).
8. Based on the submitted building elevations (shown on page 9) as compared to the previous building conditions (shown on page 7), the Board finds that the proposal would represent an overall aesthetic improvement to the property. The aesthetics improvements bring this property into greater conformity with the character of the surrounding neighborhood.
9. The proposal is consistent with the Comprehensive Plan Housing Element in that development of infill lots is encouraged in Eastern Cranston.
10. The Board heard from the applicant who testified that he lives and works in the area and has done other redevelopment projects in the past.
11. There was no testimony either for or against this application by any abutting landowner.

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 17.20.090 (A) - Specific Requirements and 17.92.120- Schedule of Intensity Regulations

**370 REALTY, LLC (OWN/APP)** has filed an application to operate a motor vehicle repair and service establishment from an existing industrial building at **370 Wellington Avenue, A.P. 3 lots 154 & 1224**, area 5,000 s.f, zoned M-2. Applicant seeks relief per Section 17.92.020 Special Use Permit. Application filed 03/22/21. Robert D. Murray, Esq.

On a motion by Mr. Perdikakis and seconded by Mrs. Montanaro, the Board voted unanimously to **Approve** the variances as presented.

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

**FINDINGS OF FACT:**

1. The owner/applicant proposes to convert a machine shop (industrial use) to a motor vehicle repair and service establishment. Such a use is only allowed as a special use permit in the M-2 zone.
2. There are no proposed changes to the exterior of the building.
3. The existing lot and building exhibit several non-conformities with regard to lot size, frontage, and building setbacks. Such non conformities are considered pre-existing conditions and are not subject to required relief. The new use of auto repair does not trigger any specific dimensional standards that would be stricter than other uses in this zone.
4. This application was brought before the Development Plan Review Committee for a pre-application review on 4/7/21 as a change of use. As a result of this review, the DPRC concluded that the project did not raise any significant concerns and the DPRC elected not to take jurisdiction of this application. The project is still subject to a special use permit review as well as a building permit review.
5. The applicant has provided a site plan (page 8) that shows 3 parking spaces on the site. This is sufficient to meet code as reviewed by the traffic engineer and the building official.
6. The Board noted that the 2 direct abutting properties on Wellington Avenue both have auto-oriented uses (auto sales and auto body repair).
7. Under the Special Use Permit requirements, the applicant must comply with the following standards:
  - a. It shall be compatible with its surroundings;
  - b. It shall not be injurious, obnoxious or offensive to the neighborhood;
  - c. It shall not hinder the future development of the city;
  - d. It shall promote the general welfare of the city; and
  - e. It shall be in conformance with the purposes and intent of the comprehensive plan.
8. The proposed change of use is compliant with the Comprehensive Plan Future Land Use Map which designates the property as a "Special Redevelopment Area". Such a designation is intended to accommodate a wide range of uses and scales of development, and the immediate application is well within the intended allowances for this future land use designation.
9. There was no testimony either for or against this application by any abutting landowner

In this case, applying the facts above to the standard for a Special Use Permit the Board further finds that the use will substantially conform to the scale and context of the surrounding area, shall be compatible with its surroundings; shall not be injurious, obnoxious or offensive to the neighborhood;

shall not hinder the future development of the city; shall promote the general welfare of the city; and shall be in conformance with the purposes and intent of the comprehensive plan. In Granting the Special Use Permit the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010; Section 17.92.020 Special Use Permit.

**CHRISTINA ROUSSEAU, f/k/a CHRISTINA L. COMMISKEY (OWN/APP)** has filed an application to subdivide an existing lot into two non-conforming lots, leaving an existing legal non-conforming single family dwelling, and to construct a new legal non-conforming single family dwelling at **10 Orchard Valley Drive**, A.P. 28, lot 16, area 88,200 s.f. zoned A80. Applicant seeks relief per 17.92.010 Variance; Section 17.92.120 - Schedule of Intensity Regulations. Application filed 03/31/21. Helen D. Anthony, Esq.

On a motion by Mrs. McFarland and seconded by Mr. Perdikakis, the Board voted unanimously to **Approve** the variances as presented.

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

#### **FINDINGS OF FACT:**

1. The owner/applicant proposes to subdivide an existing 2.02-acre lot into two (2) lots for the purpose of creating another buildable lot. In addition to the requested relief for lot dimensions, the applicant has also requested rear yard setback relief for a proposed dwelling.
2. The existing lot currently has one (1) single-family residence. The lot also contains a stream and associated wetland buffers that are shown on the plan.
3. The subdivision plan has received RIDEM approval without the need for a wetlands permit as to the proposed improvements avoid conflicts with the wetland buffer.
4. As part of the subdivision plan, proposed Lot 1 would be 1.26 acres and would be host to a proposed new single-family residence. Proposed Lot 1 also contains all of the wetlands on the site. Proposed Lot 2 would be 0.76 acres and would be host to the existing single family dwelling.
5. The lot is zoned A-80. The majority of abutting lots are zoned A-20, as shown on the zoning map and the Board finds the request appropriate as it relates to neighborhood character.
6. The average lots size of the 2 proposed lots would be 1.01 acres per lot. This is larger than the average lots size for residential parcels within the surrounding neighborhood.
7. The applicant has provided a narrative with their application that provides the following statements:
  - i. *“The house is located further from the street [requiring a rear yard setback relief] because the lot drops off toward the street and the Applicant does not want to make the driveway too steep which would require more fill near the wetland setback.”*
  - ii. *“My family plans to continue living in our house so I am invested in making sure the addition of a new single-family dwelling will be done thoughtfully and will not adversely impact me or my neighbors.”*
  - iii. *“There will be limited disturbance of property behind the proposed structure leaving natural vegetation which will serve as a privacy screen to the rear abutter. The size of the lots and the design of the new dwelling will be in keeping with the general character of the neighborhood.”*

The applicant also testified to these facts at the hearing.

8. The proposed subdivision is compliant with the Comprehensive Plan Future Land Use Map which designates the property as “Single Family Residential less than 1 unit per acre”. The proposed project density is 1 unit per 1.01 acres. As such the project is consistent with the Comprehensive Plan.
9. There was no testimony either for or against this application by any abutting landowner

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; Section 17.92.120 - Schedule of Intensity Regulations.

**MICHAEL J. SPAGNOLE and IRENE A. ANTONELLI (OWN) and DAVID M. DEVANY(APP)** have filed an application to create four (4) lots with restricted frontage; Three (3) of which will also require relief from lot width requirements. Dimensional relief is requested to construct four (4) single family dwellings at **0 Elite Drive and 0 Janet Drive**, A.P. 26, lot 50; Area 7.51 ac; zoned A20. Applicant seeks relief per 17.92.010 Variance; Section 17.92.120 - Schedule of Intensity Regulations. Application filed 04/01/21. Robert D. Murray, Esq.

On a motion by Mrs. Montanaro and seconded by Mrs. McFarland, the Board voted unanimously to **Approve** the variances as presented.

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

**FINDINGS OF FACT:**

1. The owner/applicant proposes to subdivide an existing 7.48 +/- acre lot into four (4) lots for the purpose of creating buildable lots intended for single-family development under A-20 zoning. The following table includes each proposed lots’ frontage, lot width, and area.

<b>Frontage (125’ Required)</b>	<b>Width (125’ Required)</b>	<b>Area (20,000 ft2 Required)</b>
<b>Lot 1</b>	25’	72’ 67,218 ft2
<b>Lot 2</b>	25’	72’ 50,702 ft2
<b>Lot 3</b>	50’	57’ 84,586 ft2
<b>Lot 4</b>	39’ *	(compliant - dimension not provided) 123,372 ft2

\*Lot 4 has 140’ of frontage on a public right-of-way, but a large portion of this right-of-way is not improved with a public street and thereby does not qualify towards street frontage.

2. The subject parcel is located in Eastern Cranston (speaking in general terms, but more specifically described as north-central Cranston) in the section of the Stone Hill neighborhood that is enclosed by I-295 to the west, Scituate Avenue to the north and the Providence Water Supply Board Headquarters/office/pump station to the east. The entire abutting neighborhood is zoned A-20 and has been develop and platted for conforming single-family lots. The subject property is the last/only undeveloped parcel in the neighborhood.

3. The lot is currently undeveloped and vegetated. There is a wetland area in the southeastern corner of the subject property. There is also an intermittent stream just off the southern property line which runs along I-295. This stream has a 100’ riverbank wetland buffer that runs through the subject site, roughly parallel to the property line. Relief would allow the subdivision design to stay as far away from the wetlands and associated buffers as possible.

4. The subdivision is less dense than the Comprehensive Plan Future Land Use Map allocation of Single Family Residential 3.63 to 1 unit per acre with a proposed density of 0.53 units per acre. The proposed use (single-family residential) and density are both consistent with the Comprehensive Plan.

5. The proposed subdivision design offers desired attributes that normally associated with conservation subdivisions which are identified in the Comprehensive Plan Housing Element such as encouraging more efficient development that is less sprawling, minimizing the disturbance to wetlands and existing topography and programming the extension of utilities and road improvements. The Comprehensive Plan states that “subdivision design should be based on its resource quality and livability, and should also allow flexibility in the dimensional standards and building types” (p. 67).

6. The Department of Public Works has voiced support of the subdivision design as to avoid the extension of Elite Drive and Janet Drive, thereby minimizing the city's responsibility to maintain and plow the roads as well as to avoid the extension of sewer and water utilities.

7. The applicant put forth testimony of its experts concerning the subdivision and relief requested.

8. There was testimony by abutting landowners concerning concern the removal of trees and how it will impact any noise and sight buffer to Route 295 and also potential blasting of ledge. The experts for the applicant testified that they were aware of the issues and will address them at the Preliminary Plan level of the subdivision process.

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; Section 17.92.120 - Schedule of Intensity Regulations.

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

**The meeting was adjourned at 9:05 PM**

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