

A meeting of the Cranston Zoning Board of Review was called to order in Cranston City Hall Council Chambers by Chairperson Christopher E. Buonanno on **Wednesday June 8, 2022 at 6:33 pm**. Also present were Joy Montanaro, Paula McFarland, 1<sup>st</sup> Alternate Craig Norcliffe, and 3<sup>rd</sup> Alternate Frank Corrao III.

### **OLD BUSINESS**

**PARK AVENUE REALTY, INC. (OWN) and NICO BELLA CRANSTON, LLC. (APP)** have applied to operate a restaurant in an industrial zone with reduced lot area at **1350 Park Avenue**, A.P. 11, lot 1768, area 14,748 s.f., zoned M1.

### **NEW BUSINESS**

**WILLIAM and OLGA DELOMBA (OWN/APP)** have applied to construct a new detached garage with a home office and recreational room within the required front corner yard setback at **1979 Cranston Street**, A.P. 11, lot 638; area 5,409 s.f., zoned A6.

**KEVIN and JESSICA REMILLARD (OWN/APP)** have filed an application for relief on an existing shed installed within the rear yard setback at **4 Azalea Drive**, A.P. 21, lot 265; area 24,172 s.f.; zoned A20.

**CRANSTON CHRISTIAN FELLOWSHIP (OWN) and HOPE CHURCH (APP)** have applied to install a double-sided LED message board on an existing free-standing sign increasing the allowable size permitted by previously granted variance at **1114 Scituate Avenue**, A.P. 27, lot 85; area 2.75 ac; zoned A20.

**HOME ISLAND REALTY (OWN) and MARINO DE LA CRUZ (APP)** have filed an application to install a new double-sided free-standing sign with LED message board exceeding the allowable size at **983 Cranston Street**, A.P. 7, lot 3043; area 3,871 s.f.; zoned C3.

**CARLSON REALTY, LLC (OWN/APP)** has filed an application to convert an existing mixed use building into a two-family dwelling with restricted area and off-street parking at **1540 Elmwood Avenue**, A.P. 4, lot 2203; area 4,420 s.f.; zoned C5.

### **OLD BUSINESS:**

**PARK AVENUE REALTY, INC. (OWN) and NICO BELLA CRANSTON, LLC. (APP)** have applied to operate a restaurant in an industrial zone with reduced lot area at **1350 Park Avenue**, A.P. 11, lot 1768, area 14,748 s.f., zoned M1. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.030- Schedule of Uses; 17.20.120- Schedule of Intensity Regulations; 17.72.010- Signs. Application filed 4/13/2022. Stephen A. Izzi, Esq.

On a motion made by Mr. Norcliffe, and seconded by Ms. Montanaro, the Board voted unanimously to **Approve** the application as presented.

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

### **FINDINGS OF FACT:**

1. The subject site is a 14,742 ft<sup>2</sup> lot in M-1 (Restricted Industry) zoning. The applicant is proposing a restaurant at this location, with no structural alterations to the building. Restaurants are allowed with a Special Permit in M-1 zoning per Sec. 17.20.030 *Schedule of Uses*.
2. The 1954 Property Assessment Record states the use as retail (fruit store – Community Fruitland). The 1984 Property Card recognizes a commercial use of the property. The site was previously occupied by a bakery but has been vacant since 2011. All the City of Cranston's VISION property appraisal cards since 2006 (when the City began using them) list the property as commercial (Code 3333 large business), not industrial.

3. In February of 2001, the Zoning Board of Review approved an application to operate a retail and service establishment on an undersized lot with restricted front and rear yard setback and off-street parking at this site, subject to the following condition:

1. Potted landscape along apron of building [front] and no overnight parking of vehicles with a 5000 lb. GVW of greater.

Due to several years of vacancy, the site is not currently in compliance with the landscaping portion of the condition. This approval was granted under different ownership; the current owner purchased the property in 2013.

4. The Zoning Board of Review approved a special use permit in 2018 that is nearly identical to the current application, the only difference being the anticipated tenant (Macera's – 2018, Nico Bella Cranston, LLC – 2022). The Plan Commission unanimously voted to forward a positive recommendation on the application.
5. Cranston's Development Plan Review Committee held a meeting on October 31, 2018, at which the project was heard and unanimously approved with the following conditions:
6. The City of Cranston Comprehensive Plan's Future Land Use Map designates the subject parcel as "Neighborhood Commercial/Services." This designation recommends C-1, C-2, and C-3 zones, all which allow restaurants as a permitted use. The proposed use is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map.
7. The Comprehensive Plan Appendix A provides a list of mis-zoned properties and includes recommended zoning allocations for each mis-zoned property. The subject property is on the list, with a recommended zoning designation of C-3. This zoning recommendation is based on an evaluation of appropriateness and analysis of land uses within the area; therefore, the proposed use is consistent with the surrounding area and is not injurious or offensive to the neighborhood. The proposal would not hinder the future development of the city but would further the vision as established in the Comprehensive Plan.
8. The existing nonconforming building is exempt from zoning, having been built prior to the adoption of the City of Cranston's Zoning Ordinance. The absence of structural alterations to the building renders the proposed use to be compliant with Chapter 17.88 *Nonconforming Uses and Structures*.
9. The applicant, through its attorney, put forth testimony of the operation and business.
10. There was no additional testimony either in support or against the application.

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 from Section 17.92.020 Special Use Permit.

## **NEW BUSINESS**

### **Ward 5**

**WILLIAM and OLGA DELOMBA (OWN/APP)** have applied to construct a new detached garage with a home office and recreational room within the required front corner yard setback at **1979 Cranston Street**, A.P. 11, lot 638; area 5,409 s.f, zoned A6. Applicants seek relief per Section 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations, 17.60.010- Residential Accessory Structure Setbacks. Application filed 5/27/2022. Steven H. Surdut Esq.

**On a motion made by Ms. McFarland, and seconded by Mr. Corrao, the Board voted unanimously to continue this matter to the August 10, 2022 meeting.**

### **Ward 4**

**KEVIN and JESSICA REMILLARD (OWN/APP)** have filed an application for relief on an existing shed installed within the rear yard setback at **4 Azalea Drive**, A.P. 21, lot 265; area 24,172 s.f.; zoned A20. Applicants seek relief per Section 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations, 17.60.010- Residential Accessory Structure Setbacks. Application filed 6/3/2022. Joseph Brennen, Esq..

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 decision based on the following findings of fact:**

1. The applicants seek to replace the frame and roofing of an existing backyard shed located approximately 2 feet from the side lot line, representing an encroachment of about 8 feet into the 10-foot side setback.
2. The replacement shed would be 20 ft<sup>2</sup> smaller (two feet shorter on its long side) than the existing shed, representing a reduction in lot coverage from 5.96% to 5.87%, well within the maximum of 20% for an A-20 zone.
3. The shed is proposed to remain in its current location, which would maintain the encroachment into the side setback, so the applicants can reuse the existing foundation.
4. The shed is visually screened from the abutting property by a row of arbor vitae trees and by the natural topography of the site (the shed sits at the base of a slope such that its roof is roughly level with the neighboring backyard).
5. The Comprehensive Plan's Land Use Principle 4 advises to "*Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life*" and to "*Protect the natural, historic and visual resources that define the neighborhoods*" (p.34). Given the existing topographic and vegetative screening, the replacement shed would not negatively impact the visual resources of the neighborhood, but it would be consistent with addressing the applicants' need for a new, structurally-sound shed.
6. The applicant, through their attorney, put forth testimony sight and where they were placing the shed
7. There was one abutter who testified in support of the applicant and no one 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 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 4**

**CRANSTON CHRISTIAN FELLOWSHIP (OWN) and HOPE CHURCH (APP)** have applied to install a double-sided LED message board on an existing free-standing sign increasing the allowable size permitted by previously granted variance at **1114 Scituate Avenue**, A.P. 27, lot 85; area 2.75 ac; zoned A20. Applicants seek relief per Section 17.92.010- Variances; Section 17.72.010- Signs. Application filed 6/8/2022. Robert D. Murray, Esq.

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

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

1. The subject parcel (AP 27, Lot 85) hosts a church, which is an allowed Institutional use (Place of Religious Worship) in an A-20 zone. The lot well exceed minimum area and frontage standards for the A-20 zone, as it is a 119,790 ft<sup>2</sup> corner lot with sufficient frontage on both Comstock Parkway and Scituate Avenue.
2. The applicant previously received a variance in 1988 for a previous freestanding, changeable-letter sign that exceeded the maximum allowable area and encroached into the front setback. This sign has since been removed and replaced with another freestanding sign of roughly 33 ft<sup>2</sup> featuring the church logo in the same location.
3. The applicant sought to add a double-sided LED sign face of roughly equal dimensions directly beneath the existing freestanding sign, which would exceed the maximum allowable sign area of 50 ft<sup>2</sup> by roughly 15 ft<sup>2</sup>. LED signs are not explicitly allowed in the City's sign code.
4. The applicant and its sign expert testified about the proposal.
5. In denying the application the board found that because of the residential zone, an LED sign would not be in conformance with the characteristics of the neighborhood and that a hardship was not designated.
6. The Board also found that no other entity on Scituate avenue had a LED sign.

### Ward 3

**HOME ISLAND REALTY (OWN) and MARINO DE LA CRUZ (APP)** have filed an application to install a new double-sided free-standing sign with LED message board exceeding the allowable size at **983 Cranston Street**, A.P. 7, lot 3043; area 3,871 s.f; zoned C3. Applicants seek relief per Section 17.92.010- Variances; Section 17.72.010- Signs. Application filed 6/8/2022. John J. Garrahy, Esq

On a motion made by Ms. McFarland, and seconded by Mr. Norcliffe, the Board voted unanimously to **Approve** the application **with conditions**.

### CONDITIONS:

1. **The static double-sided (upper portion) measuring 8 feet by 4 feet was APPROVED as presented.**
2. **The LED message board beneath was DENIED in total.**

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

1. The subject parcel (AP 7, Lot 3043) is located on a 3,871 ft<sup>2</sup> lot with 40 feet of frontage in a C-3 zone.
2. The site presently features two separate signs: an illegal, mural-style wall sign on the building's façade that appears to exceed maximum dimensional standards for wall signs in a C-3 zone, and a 55 ft<sup>2</sup> freestanding sign located against the southern side lot line that exceeds the maximum allowable sign area and encroaches into the 5-foot side setback.
3. To increase visibility, the applicant seeks to replace both existing signs with a new freestanding sign that includes a 64 ft<sup>2</sup> LED lighted surface and a 30 ft<sup>2</sup> digital surface. The new sign would be located along the side lot line like the existing freestanding sign but would also be located further forward to the minimum five-foot setback from the front lot line. The applicant did not provide a scaled rendering of the proposed sign.
4. The applicant did not provide a site plan conducted to the standards of a Class I survey with the application, and it is unclear whether there is enough space between the front lot line and the existing sign for the proposed sign to meet the minimum five-foot setback. Staff is concerned the location of the proposed sign might be within the

public right-of-way and feels it would be close enough to the roadway as to present site visibility issues for motorists attempting to exit the site and for pedestrians walking past.

5. The proposed sign maintains the violation of the minimum side setback, further exceeds the maximum sign area standards, and introduces two sign types (LED and digital) which are not expressly permitted in a C-3 zone.
6. Another of the applicant's justifications for locating the sign further forward – to gain sufficient room for an additional parking space – does not appear to make sense as the existing and proposed signs would both be flush with the side lot line. Furthermore, there is insufficient space to add conforming parking spaces on-site.
7. The Comprehensive Plan's Land Use Principle 4 advises to "*Protect the natural, historic and visual resources that define the neighborhoods*" (p.34). With oversized LED and digital sign faces, the proposed sign would negatively impact the remaining visual resources of the neighborhood, such as they exist on a commercial strip.
8. The subject parcel (AP 7, Lot 3043) is located on a 3,871 ft<sup>2</sup> lot with 40 feet of frontage in a C-3 zone.
9. The site presently features two separate signs: an illegal, mural-style wall sign on the building's façade that appears to exceed maximum dimensional standards for wall signs in a C-3 zone, and a 55 ft<sup>2</sup> freestanding sign located against the southern side lot line that exceeds the maximum allowable sign area and encroaches into the 5-foot side setback.
10. To increase visibility, the applicant seeks to replace both existing signs with a new freestanding sign that includes a 64 ft<sup>2</sup> LED lighted surface and a 30 ft<sup>2</sup> digital surface. The new sign would be located along the side lot line like the existing freestanding sign but would also be located further forward to the minimum five-foot setback from the front lot line. The applicant did not provide a scaled rendering of the proposed sign.
11. In partially denying the application, the board found that the additional LED sign was not the least relief necessary and that the lot size was not comparable to the other business with additional signage

## Ward 1

**CARLSON REALTY, LLC (OWN/APP)** has filed an application to convert an existing mixed use building into a two- family dwelling with restricted area and off-street parking at **1540 Elmwood Avenue**, A.P. 4, lot 2203; area 4,420 s.f; zoned C5. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.030- Schedule of Uses; 17.20.120- Schedule of Intensity Regulations; 17.64.010- Off Street Parking; 17.88.030 -Extension- 17.88.040- Change of Use; 17.88.050- Structural Alterations. Application filed 6/8/2022. Fredric A. Marzilli, Esq.

On a motion made by Ms. McFarland, and seconded by Mr. Corrao, the Board voted unanimously to **Approve** the application **with conditions**.

### CONDITIONS:

**Vestibule encroachment onto sidewalk to be removed**

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

### **FINDINGS OF FACT:**

1. The applicant is proposing to convert a first floor bar/restaurant (formerly Ronny's Place) into an additional residential unit. The property is located in a C-5 zone where residential uses are not allowed, thus the immediate request amounts to a Use Variance.

2. The property contains a legal nonconforming residential unit on the 2<sup>nd</sup> and 3<sup>rd</sup> floor of the building (1 unit total). The applicant's request to convert the bar/restaurant into more residential would leave the property with a total of 2 residential units.
3. The property contains a legal nonconforming structure that has existed since the 1950's.
4. The applicant is requesting associated dimensional relief for lot size, frontage, setbacks, parking, and extension of a non-conforming use. All dimensional relief is for existing conditions.
5. The subject lot (A.P. 4, Lot 220) contains approximately 4,420 square feet and has limited area for parking.
6. Staff has concerns with the improvement (mudroom/stairs) that encroaches into the Burbank St. right-of-way as shown on the site plan. This concern relates to maintaining adequate pedestrian access and safety around the property on the public sidewalk. It should be noted that while the improvement encroaches into the sidewalk area, there is still 3.5 feet of unobstructed sidewalk area in which to pass.
7. The easterly side of Elmwood Ave along the street in a north and south direction contains a mix of uses, including: industrial, commercial, mixed-use parcels, and nonconforming residential (see graphics on page 10 and 11).
8. The parcels immediately surrounding the subject property include: 2 commercial uses, and 3 nonconforming residential uses. All these uses are located in the C-5 zone (see graphic on page 11).
9. The subject property is located at the end of a residential street (Burbank St.) which contains a mix of single-family, 2-family, and multi-family dwellings.
10. The applicant, through his attorney and the contractor, testified about the project and improvements
11. There was no testimony in opposition of 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 and relief per Section 17.92.010, Sections 17.20.030- Schedule of Allowed Uses, Section 17.20.120- Schedule of Intensity Regulations; 17.64.010- Off Street Parking; 17.88.030 -Extension- 17.88.040- Change of Use; 17.88.050- Structural Alterations.

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

**The meeting was adjourned at 9:25 PM**

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