

A meeting of the Cranston Zoning Board of Review was called to order in Cranston City Hall Council Chambers by Vice-Chairperson Joy Montanaro on **Wednesday June 8, 2022 at 6:33 pm**. Also present were Paula McFarland, Dean Perdikakis, Carlos Zambrano, and 3<sup>rd</sup> Alternate Frank Corrao III.

The following matters were heard before the Board:

### **OLD BUSINESS**

**APPEAL OF A NOTICE OF VIOLATION DATED MARCH 25, 2022 ISSUED BY THE CITY OF CRANSTON BUILDING OFFICIAL REGARDING A USE NOT PERMITTED IN A RESIDENTIAL ZONE. APPEAL TAKEN IN ACCORDANCE WITH THE CITY OF CRANSTON MUNICIPAL CODE TITLE 17, SECTION 17.116.010- APPEAL POWERS. SUBJECT PROPERTY LOCATED 1231 HOPE ROAD, A.P. 30, LOT 68, AREA 18.23 AC., ZONED A80; ADELAIDE KNIGHT TRUSTEE (OWN), GREENWICH WOOD PRODUCTS/ MIKE HENDERSHOT (APPELLANT).**

**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.

### **NEW BUSINESS**

**DONNA C. VARONE (OWN) and ANTHONY CARL and MARK HARRINGTON (APP)** have filed an application to create a new under-sized lot from substandard lots previously merged by zoning. The applicants also request relief to leave an existing legal non-conforming two family which encroaches on the front and side corner yard setbacks at **147 Southern Street**, A.P. 8, lots 2300-2305; new lot area 4,800 sq.ft; zoned B1.

**DONNA C. VARONE (OWN) and ANTHONY CARL and MARK HARRINGTON (APP)** have filed an application to create a new substandard lot to construct a new single family dwelling with reduced area at **0 Connecticut Street**, A.P. 8, lots 2303-2305; new lot area 4,800 sq.ft; zoned B1.

**ANTHONY M. CAPRIO (OWN/APP)** has filed an application to separate three sub-standard lots previously merged by zoning leaving an existing legal non-conforming four family house on a sub-standard lot which encroaches on the front, front corner yard, and side yard setbacks at **1627 Cranston Street**, A.P. 8, lot 364, area 6,584 sq.ft. zoned B1.

**ANTHONY M. CAPRIO (OWN/APP)** has filed an application to separate three sub-standard lots previously merged by zoning and to construct a new two-family house on a substandard lot at **0 Mathewson Street**, A.P. 8, lot 362 and 363, area 7,289 sq.ft. zoned B1.

**ARMI, LLC (OWN) AND THE GIVING TREE ACADEMY OF RI, INC. (APP)** have filed an application to construct a new 50'x64' building to expand an existing commercial day care use at **1355 Scituate Avenue**, A.P. 36, lot 34; 60,984 sq.ft., zoned A80/M2.

### **OLD BUSINESS:**

**APPEAL OF A NOTICE OF VIOLATION DATED MARCH 25, 2022 ISSUED BY THE CITY OF CRANSTON BUILDING OFFICIAL REGARDING A USE NOT PERMITTED IN A RESIDENTIAL ZONE. APPEAL TAKEN IN ACCORDANCE WITH THE CITY OF CRANSTON MUNICIPAL CODE TITLE 17, SECTION 17.116.010- APPEAL POWERS. SUBJECT PROPERTY LOCATED 1231 HOPE ROAD, A.P. 30, LOT 68, AREA 18.23 AC., ZONED A80; ADELAIDE KNIGHT TRUSTEE (OWN), GREENWICH WOOD PRODUCTS/ MIKE HENDERSHOT (APPELLANT).**

**On a motion made by Mr. Perdikakis and seconded by Ms. McFarland, this matter was continued to the September 14, 2022 meeting in order to be properly noticed.**

**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. Perdikakis, this variance was unanimously **approved** as presented on August 10, 2022.

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

**FINDINGS OF FACT:**

1. The subject parcel is a legal nonconforming side corner lot with substandard area (5,409 ft<sup>2</sup> where 6,000 ft<sup>2</sup> is required).
2. The existing residence encroaches further into the front setback from Hayes Street than the proposed 20' encroachment of the proposed garage. An existing fence encroaches several feet into the right of way on Hayes Street, therefore the proposed garage will be more impactful than the existing encroachments.
3. There is existing vegetative screening between the proposed garage and the closest abutting property.
4. Due to the lot dimensions, two frontages, and existing improvements (residence and pool) there is no location where a garage could be placed as to comply with the building setbacks.
5. The garage is proposed in a location pushed all the way back to the pool apron and is only 18' in depth, indicating that this design is the least relief necessary for the garage.
6. The garage and the office/recreation uses above are by-right accessory uses and are therefore consistent with the Future Land Use Map designation of *Single Family Residential 7.26 to 3.64 units/acre*.
7. Relief would be consistent with Comprehensive Plan Land Use Principle 4, "*Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life...*" (p. 34).
8. The applicants attorney spoke about the project and presented the facts
9. There was no testimony either for 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 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.

**NEW BUSINESS**

**DONNA C. VARONE (OWN) and ANTHONY CARL and MARK HARRINGTON (APP)**

have filed an application to create a new under-sized lot from substandard lots previously merged by zoning. The applicants also request relief to leave an existing legal non-conforming two family which encroaches on the front and side corner yard setbacks at **147 Southern Street**, A.P. 8, lots 2300-2305; new lot area 4,800 sq.ft; zoned B1. Applicants seek relief per Section 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations, 17.88.010- Substandard lots of record. Application filed 6/16/2022. Robert D. Murray, Esq

On a motion made by Mr. Perdikakis and seconded by Mr. Corrao this variance was **approved 4-1** as presented to the Board on August 10, 2022. Ms. McFarland voted Nay on the matter.

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

**FINDINGS OF FACT:**

1. The subject parcel (AP 8, Lots 2300-2305) is comprised of six adjacent, substandard lots (each with 20 feet of frontage and 1,600 ft<sup>2</sup> of area) which are presently merged to form one conforming lot of 9,600 ft<sup>2</sup> in a B-1 zone.

2. A neighborhood analysis submitted by the applicant notes that within a 400-foot radius of the subject parcels, there are 38 lots hosting single-family residential uses and 21 hosting two-family uses. The average lot size for both single- and two-family uses fell within the 5,100 ft<sup>2</sup> range, so the proposed lots would be slightly smaller than average.
3. An existing two-family house located on AP 8, Lots 2304 and 2305 stands at the corner of Southern and Connecticut Streets. It encroaches into both front setbacks, standing just over 3 feet from the Southern Street lot line and just under 23 feet from the Connecticut Street lot line. The house was built in 1908; it predates zoning and is a pre-existing non-conforming structure.
4. The proposed single-family house to be built on AP 8, Lots 2300-2302 would be constructed in compliance with all contemporary setbacks for the B-1 zone.
5. The Future Land Use Map (FLUM) designates the subject parcels as Single-Family Residential less than 10.89 Units/Acre. The proposed cumulative density of the proposal is 13.61 units/acre, which is slightly higher than the FLUM's prescribed density.
6. Granting relief would be generally consistent with the Comprehensive Plan Land Use Element 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), and Housing Goal 4, to "*Promote housing opportunity for a wide range of household types and income levels.*"
7. The applicant/contractor testified about the project and no one else testified in favor of the project.
8. There was one presentation for both projects and the Board considered the same testimony for both applications
9. There were three objectors to the project and their testimony is incorporated herein.

In this case, the Board voted to accept the staff finding of fact and 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

### **DONNA C. VARONE (OWN) and ANTHONY CARL and MARK HARRINGTON (APP)**

have filed an application to create a new substandard lot to construct a new single family dwelling with reduced area at **0 Connecticut Street**, A.P. 8, lots 2303-2305; new lot area 4,800 sq.ft; zoned B1. Applicants seek relief per Section 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations, 17.88.010- Substandard lots of record. Application filed 6/16/2022. Robert D. Murray, Esq

**On a motion made by Mr. Corrao and seconded by Mr. Perdikakis this variance was approved 4-1 as presented to the Board on August 10, 2022. Ms. McFarland voted Nay on the matter.**

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

### **FINDINGS OF FACT:**

1. The subject parcel (AP 8, Lots 2300-2305) is comprised of six adjacent, substandard lots (each with 20 feet of frontage and 1,600 ft<sup>2</sup> of area) which are presently merged to form one conforming lot of 9,600 ft<sup>2</sup> in a B-1 zone.
2. A neighborhood analysis submitted by the applicant notes that within a 400-foot radius of the subject parcels, there are 38 lots hosting single-family residential uses and 21 hosting two-

family uses. The average lot size for both single- and two-family uses fell within the 5,100 ft<sup>2</sup> range, so the proposed lots would be slightly smaller than average.

3. An existing two-family house located on AP 8, Lots 2304 and 2305 stands at the corner of Southern and Connecticut Streets. It encroaches into both front setbacks, standing just over 3 feet from the Southern Street lot line and just under 23 feet from the Connecticut Street lot line. The house was built in 1908; it predates zoning and is a pre-existing non-conforming structure.
4. The proposed single-family house to be built on AP 8, Lots 2300-2302 would be constructed in compliance with all contemporary setbacks for the B-1 zone.
5. The Future Land Use Map (FLUM) designates the subject parcels as Single-Family Residential less than 10.89 Units/Acre. The proposed cumulative density of the proposal is 13.61 units/acre, which is slightly higher than the FLUM's prescribed density.
6. Granting relief would be generally consistent with the Comprehensive Plan Land Use Element 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), and Housing Goal 4, to "*Promote housing opportunity for a wide range of household types and income levels.*"
7. The applicant/contractor testified about the project and no one else testified in favor of the project.
8. There was one presentation for both projects and the Board considered the same testimony for both applications
9. There were three objectors to the project and their testimony is incorporated herein.

In this case, the Board voted to accept the staff findings of fact and 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.

**ANTHONY M. CAPRIO (OWN/APP)** has filed an application to separate three sub-standard lots previously merged by zoning leaving an existing legal non-conforming four family house on a sub-standard lot which encroaches on the front, front corner yard, and side yard setbacks at **1627 Cranston Street**, A.P. 8, lot 364, area 6,584 sq.ft. zoned B1. Applicants seek relief per Section 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations, 17.88.010- Substandard lots of record. Application filed 6/20/2022. Robert D. Murray, Esq

**On a motion made by Ms. McFarland and seconded by Mr. Zambrano, this variance was unanimously approved as presented to the Board on August 10, 2022.**

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

**FINDINGS OF FACT:**

1. The subject parcel (AP 8, Lots 362-364) is comprised of three adjacent, substandard lots which are merged to form one conforming lot of 13,873 ft<sup>2</sup> in a B-1 zone.
2. A neighborhood analysis submitted by the applicant notes that within a 400-foot radius of the subject parcels, there are no other lots hosting four or more units. The analysis also found there are 33 lots hosting two-family residential uses, with an average lot size of 5,188 ft<sup>2</sup>. The applicant's proposed two-family house would be built on a lot of 7,289 ft<sup>2</sup>.
3. An existing four-family house located on AP 8, Lot 364 stands at the corner of Cranston and Matthewson Streets. It encroaches into both front setbacks; it stands just over 3 feet from the Cranston Street lot line and stands flush with the Matthewson Street lot line. The house was built in 1904; it predates zoning and is a pre-existing non-conforming structure.

4. The proposed two-family house to be built on AP 8, Lots 362-363 would be constructed in compliance with all contemporary setbacks for the B-1 zone except for an encroachment of 9 inches into the rear setback at its southeast corner.
5. The parking lot design as shown on the site plan for the four-family house on Lot 364, which would replace the existing three-car garage, may require additional relief for configuration and curb cut width.
6. The Future Land Use Map (FLUM) designates AP 8, Lot 364 as Neighborhood Commercial Services and AP 8, Lots 362 and 363 as Single-Family Residential less than 10.89 Units/Acre.
  - a. AP 8, Lot 364: Per the Comprehensive Plan, the Neighborhood Commercial Services designation encompasses the C-1, C-2, and C-3 zones. Because multifamily residential uses are permitted by-right in the C-1 and C-2 zones with no associated density standards, maintaining the current use of the lot is consistent with its Future Land Use designation.
  - b. AP 8, Lots 362-363: The proposed two-family house would represent a density of 11.95 Units/Acre for its portion of the parcel, slightly higher than the range prescribed by the FLUM.
7. Granting relief is consistent with the Comprehensive Plan Land Use Element 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), and Housing Goal 4, to "Promote housing opportunity for a wide range of household types and income levels."
8. The applicant testified about the rehabilitation of the current structure and his plans for the additional structure
9. Edward Pimental, was recognized as a land use expert and testified that the project meets the comprehensive plan and is compatible with the neighborhood.

## Ward 5

**ANTHONY M. CAPRIO (OWN/APP)** has filed an application to separate three sub-standard lots previously merged by zoning and to construct a new two-family house on a substandard lot at **0 Mathewson Street**, A.P. 8, lot 362 and 363, area 7,289 sq.ft. zoned B1. Applicants seek relief per Section 17.92.010- Variances; Sections 17.20.030- Schedule of Uses; 17.20.120- Schedule of Intensity Regulations, 17.88.010- Substandard lots of record. Application filed 6/20/2022. Robert D. Murray, Esq

On a motion made by Mr. Zambrano and seconded by Ms. McFarland, this variance was unanimously **approved** as presented to the Board on August 10, 2022.

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

### **FINDINGS OF FACT:**

1. The subject parcel (AP 8, Lots 362-364) is comprised of three adjacent, substandard lots which are merged to form one conforming lot of 13,873 ft<sup>2</sup> in a B-1 zone.
2. A neighborhood analysis submitted by the applicant notes that within a 400-foot radius of the subject parcels, there are no other lots hosting four or more units. The analysis also found there are 33 lots hosting two-family residential uses, with an average lot size of 5,188 ft<sup>2</sup>. The applicant's proposed two-family house would be built on a lot of 7,289 ft<sup>2</sup>.
3. An existing four-family house located on AP 8, Lot 364 stands at the corner of Cranston and Mathewson Streets. It encroaches into both front setbacks; it stands just over 3 feet from the Cranston Street lot line and stands flush with the Mathewson Street lot line. The house was built in 1904; it predates zoning and is a pre-existing non-conforming structure.
4. The proposed two-family house to be built on AP 8, Lots 362-363 would be constructed in compliance with all contemporary setbacks for the B-1 zone except for an encroachment of 9 inches into the rear setback at its southeast corner.
5. The parking lot design as shown on the site plan for the four-family house on Lot 364, which would replace the existing three-car garage, may require additional relief for configuration and curb cut width.

6. The Future Land Use Map (FLUM) designates AP 8, Lot 364 as Neighborhood Commercial Services and AP 8, Lots 362 and 363 as Single-Family Residential less than 10.89 Units/Acre.
  - a. AP 8, Lot 364: Per the Comprehensive Plan, the Neighborhood Commercial Services designation encompasses the C-1, C-2, and C-3 zones. Because multifamily residential uses are permitted by-right in the C-1 and C-2 zones with no associated density standards, maintaining the current use of the lot is consistent with its Future Land Use designation.
  - b. AP 8, Lots 362-363: The proposed two-family house would represent a density of 11.95 Units/Acre for its portion of the parcel, slightly higher than the range prescribed by the FLUM.
7. Granting relief would be generally consistent with the Comprehensive Plan Land Use Element 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), and Housing Goal 4, to “*Promote housing opportunity for a wide range of household types and income levels.*”
8. The applicant testified about the rehabilitation of the current structure and his plans for the additional structure
9. Edward Pimental, was recognized as a land use expert and testified that the project meets the comprehensive plan and is compatible with the neighborhood.

### **ARMI, LLC (OWN) AND THE GIVING TREE ACADEMY OF RI, INC.**

(APP) have filed an application to construct a new 50'x64' building to expand an existing commercial day care use at **1355 Scituate Avenue**, A.P. 36, lot 34; 60,984 sq.ft., zoned A80/M2. Applicant seeks relief per section 17.92.010 Variances, Sections 17.20.010 Schedule of Uses; 17.20.120 Schedule of Intensity Regulations. Application filed 7/13/2022. Robert D. Murray, Esq.

**On a motion made by Mr. Perdikakis and seconded by Mr. Zambrano, this variance was unanimously approved as presented to the Board on August 10, 2022.**

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

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

1. The applicant proposes to expand the existing use on the site by constructing a new day care building of approximately 3,200 sq ft, including a new parking area with 13 off-street spaces.
2. The subject lot is 60,984 ft<sup>2</sup> in an A-80 and M-2 zone. The existing building, existing parking area, as well as the proposed building, and proposed parking area are located on the portion of the lot zoned A-80.
3. The proposal to expand an existing commercial daycare facility in an A-80 zone.
4. The proposal requires a dimensional variance because the project is located on a pre-existing non-conforming lot that does not meet the minimum size threshold of 80,000 sqft for an A-80 zone.
5. The existing commercial day care operation was established through a Variance approved in 2018.
6. Family day care is allowed by-right in a residential zone which would permit up to 6 non-related children to receive day care. The immediate application is requesting to expand a commercial day care that currently hosts approximately 52 children, and with this expansion would seek to host approximately 50 more children for a total of approximately 102 children to be served on the site.
7. A new septic system will need to be permitted and constructed on the property.
8. The subject lot is located on Scituate Avenue – a state-owned major arterial roadway in the City of Cranston.
9. The proposed use of a commercial day care facility is not consistent with the Comprehensive Plan - Future Land Use Map which calls for “*Single Family Residential.*”
10. The Comprehensive Plan - Land Use Goal #3 states: “*Locate new commercial development in western Cranston in highly accessible, strategic locations.*” The immediate application requests to expand a commercial day care facility located in western Cranston on a major arterial roadway (Scituate Avenue) in close proximity to a major job center (western industrial complex on Comstock Parkway) and surrounding residential neighborhoods.
11. The Comprehensive Plan - Land Use Goal #11 states: “*Enhance services and facilities in western Cranston that support future growth.*” Additionally, Land Use Policy #11.1 states: “*Site a new public facilities and services center to support residents and businesses in the western portion of the City.*” Although not a “services center” the immediate application requests to expand a use that can be interpreted as a service that supports residents and business in the western portion of the City.
12. The Comprehensive Plan – Economic Development Policy #7.1 states: “*Promote the development or redevelopment of neighborhood commercial centers to service local market areas to reduce cross-town traffic. New neighborhood village center developments should be focused at Phenix Avenue and Natick Avenue, and Scituate Avenue and Pippin Orchard Road. Redevelopment of neighborhood centers should continue to occur at Pawtuxet Village, Knightsville, and Rolfe Square.*” The immediate

application requests to expand a commercial use (not a commercial center) that would service local neighborhoods and job centers in western Cranston to reduce cross-town traffic.

- 13. The subject lot is immediately surrounded by: a utility owned lot containing overhead power lines abutting Scituate Avenue to the west, undevelopable residential open space abutting Scituate Avenue to the east, the rear property lines of a single family homes on Gray Coach West to the north, and 2 vacant residentially zoned lots across Scituate Avenue to the south.
- 14. As indicated in the enclosed graphic titled "AERIAL EXHIBIT – NON-RESIDENTIAL STRUCTURES ABUTTING SCITUATE AVENUE", there are 5 existing non-residential structures with parking areas within approximately 2,000 feet of the subject property abutting Scituate Avenue, including: Al's Greenhouse, Orchard Farms Elementary School, the Newbury Village condominium clubhouse, the Cranston Fire Department Station 6, and the Cranston Christian Fellowship. This finding is significant because the existing conditions on this section of Scituate Avenue contain a mix of residential and non-residential uses. This serves as an indicator for the appropriateness of allowances for non-residential uses in this area.
- 15. This project will be required to receive approval from the Cranston Development Plan Review Committee (DPRC) prior to being heard for the Use and Dimensional Variance. The DPRC will meet to hear this application on 8/3/22.
- 16. The applicant testified about the business and the need for Daycare in the area. They also testified that the structure will be build to conform to the area with look and materials.
- 17. There was no testimony in opposition to 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 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. Additionally, the applicant has met its legal burden to prove the required elements for granting all the variances requested. In granting a variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Sections 17.20.010 Schedule of Uses; 17.20.120 Schedule of Intensity Regulations

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

**The meeting was adjourned at 9:35 PM**

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