

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 August 11, 2021 at 6:33 pm**. Also present were Joy Montanaro, Dean Perdikakis, Paula McFarland, and 1<sup>st</sup> alternate Craig Norcliffe

### **PLATTING BOARD OF APPEALS:**

**APPEAL OF APPROVAL BY THE PLAN COMMISSION  
THE CITY OF CRANSTON'S SUBDIVISION AND LAND DEVELOPMENT REGULATIONS  
GRANTING PRELIMINARY PLAN APPROVAL OF A MAJOR LAND DEVELOPMENT ON  
NATICK AVENUE A.P. 22, LOTS 108 AND 109.**

### **NEW BUSINESS**

**CRANSTON PUBLIC SCHOOLS (OWN/APP)** has filed an application to create a new parking lot which allows a reduced number of required parking spaces for a new school, and to construct a portion of a building greater than the allowable height at **70 Plantation Drive**, A.P.10, lot 709

**THREE KIDS, LLC (OWN) and DWIGHT LEIGH (APP)** have filed an application to divide a lot on which two dwellings are located creating a lot with less area than required for a two family dwelling at **1299 Park Ave.** A.P. 11, lot 145;

**THREE KIDS, LLC (OWN) and DWIGHT LEIGH (APP)** have filed an application to divide a lot on which two dwellings are located creating a lot with less area than required for a three family dwelling at **12 Old Park Ave.** A.P. 11, lot 145

**TILCON, INC. (OWN) and CBNA BARLETA JOINT VENTURE (APP)** have filed an application to construct a temporary structure for the production and storage of concrete products in a residential zone at **830 Phenix Ave.** A.P. 17, lots 194, 1933; A.P. 20, lot 2124

**JEFFREY A. and ALISHA CRINS (OWN/APP)** have filed an application to construct an addition to a home extending into the required front yard setback on a corner lot located at **269 Poplar Drive** A.P. 10, lot 1303;

**FRANK ZINCONE (OWN) and ERCILIO TEJADA (APP)** have filed an application to construct a canopy addition, on an existing automotive repair facility at **173 Niantic Ave.** A.P. 7, lot 2204

### **PLATTING BOARD OF APPEALS:**

**TWO APPEALS OF THE DECISION OF THE CITY OF CRANSTON PLAN  
COMMISSION DATED APRIL 6, 2021 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 PRELIMINARY PLAN APPROVAL OF A MAJOR LAND  
DEVELOPMENT ON NATICK AVENUE A.P. 22, LOTS 108 AND 109**

On a motion made by Ms. Montanaro and seconded by Ms. McFarland the Board voted unanimously to **continue the matter for decision to the September 8, 2021 meeting.**

### **NEW BUSINESS**

#### **Ward 6**

**CRANSTON PUBLIC SCHOOLS (OWN/APP)** has filed an application to create a new parking lot which allows a reduced number of required parking spaces for a new school, and to construct a portion of a building greater than the allowable height at **70 Plantation Drive**,

A.P.10, lot 709; area 5.79 ac; zoned A8. Applicant seeks relief per 17.92.010-Variance; Section 17.64.010-Off Street Parking. Application filed 6/25/2021.

On a motion made by Mr. Norcliffe and seconded by Mr. Perdikakis the Board voted unanimously to **approve the application as presented**.

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

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

##### **(General)**

1. The project will entail the demolition and removal of the existing Garden City Elementary School building and the construction of a new 85,000 s.f. Garden City Elementary School building and associated site improvements in its place.
2. This existing structure is approximately 30,000 sq.ft. as a single story structure and houses 309 students. The proposed new school will be approximately 85,000 sq.ft. and will house 550 students.
3. The total area of the site is 5.75 acres which will contain the new school as well as “memorial” site amenities, such as a ball field, playground space, brick walkway, and bench.
4. The use of a public school and public playgrounds is allowed by-right at this location.
5. The project has been reviewed by the Development Plan Review Committee (DPRC) and received preliminary plan approval on July 7, 2021. During this meeting, DPRC members addressed all of the technical elements of the overall proposal including the public health and safety issues associated with the project.

##### **(Parking)**

1. Garden City Elementary School currently serves approximately 300 students, with a regular staff of forty-four (44) educators, administrators and support personnel. Based on Section 17.64.010 “Off-street parking” of the City’s Zoning Ordinance, one (1) on-site parking space is required for each two (2) staff members at the school; this equates to twenty-two (22) required parking spaces.
2. Presently, there are only two (2) on-site spaces located on the west side of the bus drop-off driveway from Neptune Street. They are nominally marked/posted as ADA spaces, but neither conforms to applicable geometric and accessible path standards to be so classified.
3. The applicant’s observations of the school and parking during typical school-day conditions did not note any specific problems or apparent deficiencies with the current on-street parking.
4. The proposed demolition and replacement of the Garden City Elementary School will increase the student capacity to 550 students, with a corresponding increase in regular staffing to ninety (90). At the one (1) space/two (2) employees ratio, this equates to forty-five (45) required on-site spaces.
5. The proposed site design includes the creation of a twenty (20) space parking lot along the eastern leg of Neptune Street, and the creation of four (4) new spaces along the left (west) side of the existing bus drop-off driveway, roughly opposite the main entrance to the school. Therefore, the design proposes the creation of twenty-four (24) on-site parking spaces, which leaves twenty-one (21) required on-site spaces that will not be provided under the proposed design.
6. It is anticipated and intended that those parking spaces shall continue to be available as street-side parking along the adjacent streets. In order to validate this approach, the applicant evaluated the available street-side spaces along streets where parking is allowed under proposed conditions, using the following parameters:
  - Twenty-two (22) foot total stall length, comprised of eighteen (18) foot space and four (4) foot buffer.
    - No parking allowed adjacent to driveways, the loading area or ADA sidewalk ramps.
    - Parking only in areas without parking restrictions (see below).

It is noted that Per Zoning Ordinance Section 10.32.350 - No parking on certain streets—Near schools when school in session, the following parking restrictions currently exist on the streets around Garden City Elementary School:

Between the hours of 8:00 a.m. and 4:00 p.m. on days when Garden City School is in session, no vehicle shall remain standing for any period of time on the following streets:

- Magazine Street, north side, in front of the premises numbered 41 Magazine Street.
- Magazine Street, south side, from Plantation Drive easterly for a distance of three hundred fifty (350) feet.
- Plantation Drive, easterly side, between Magazine Street and Neptune Drive.

7. There are no restrictions on parking along either Neptune Street or Kearney Street; therefore, the available space on each is as follows:

- Neptune Street: 595 linear feet = 25 spaces
- Kearney Street: 248 linear feet = 11 spaces
- Total Available Street-Side Parking: 36 spaces

- Total Available On-Site & Street-Side Parking: 24 on-site + 36 street-side = 60 total spaces, 4 ADA

8. The applicant has provided a rationale for why additional acreage of the property was not dedicated to increase the amount of on-site parking in order to meet the City's code. In summary, the applicant has attempted to balance the needs of the property, which is to account for a necessary increase to the size of the school structure, the need to maintain some of the existing "memorial" community amenities, and the need to provide for some amount of on-site parking.

9. The proposed site design includes a number of elements that are necessary to the general and educational function of the school, including the playground area adjacent to the gymnasium, the loading area off Neptune Street, and the dedicated student drop-off lane along Magazine Street.

10. There are a number of existing ancillary site elements within the school parcel that are of a significant and sensitive nature to the school and the broader community, which have been prioritized to be preserved; these include the memorial brick walkway and bench along Plantation Drive, the memorial playground along Neptune Street, the baseball field, and the community play area at the intersection of Neptune Street and Kearney Street.

11. After excluding these various necessary elements from the area available for parking on the lot, proposed on-site parking has been provided both off of Neptune Street, and along the existing (to remain) bus drop-off driveway. These parking areas have been designed to provide the maximum number of spaces possible that comply with City of Cranston parking standards and applicable ADA requirements.

12. It should be noted that the adjacent Neptune Street and Kearney Street do have sufficient space to accommodate more than the required off-street parking for what is expected as a result of this school improvement. The adjacent streets are currently, and have historically, been used for the vast majority of the staff parking at the school.

13. The use of on-street parking for school staff is not unique to Garden City Elementary School among the schools in the Cranston Public School District; many other neighborhood schools around the City rely heavily on street-side parking for their staff.

#### **(Building Height)**

1. There is one small section of the building that exceeds the maximum height requirement of 35 feet as defined by the zoning code. In the north east corner of the building, a single stairway extends above the roof for maintenance access purposes. In this one case, the height is forty feet 40'-0" above grade. Please see the diagram below for additional visual context the stairway (labeled "NE Stair Tower")

2. At the NE Stair Tower location of the building (where the height exceeds the zoning maximum), the structure is sixty feet from the property line (40 ft more than the required 20 ft yard setback) and is only an additional five feet of height to be over 35 feet. Additionally, it is located towards the center of the property along Magazine Street.

3. The stair enclosure is not near any adjacent properties, and only faces an adjacent baseball field, therefore we do not see that this is creating any harm to nearby residences.

4. The relief for the height will also greatly benefit the functionality of the building as the stair is also the primary roof access for maintenance and provides a safe path for maintenance staff.

#### **Ward 3**

**THREE KIDS, LLC (OWN) and DWIGHT LEIGH (APP)** have filed an application to divide a lot on which two dwellings are located creating a lot with less area than required for a two family dwelling at **1299 Park Ave.** A.P. 11, lot 145; area 7,124 s.f.; zoned C1. Applicant seeks relief per 17.92.010-Variance; Section 17.20.120-Schedule of Intensity Regulations. Application filed 7/2/2021. John S. DiBona, Esq.

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

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

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

- The applicant is proposing to subdivide an existing 14,211 sq. ft. lot (0.33 acres) lot into two (2) lots that will each be host to an existing residential structure.
- No new vacant lots will be created as a result of this subdivision. The primary purpose of this subdivision is to divide the lots so that each of the two (2) residential structures on the property will exist on their own separate lot.
- The lot currently has a 2-family dwelling (near the Park Avenue frontage) and a three-family dwelling (near Old Park Avenue frontage).
- The subdivision serves the purpose of dividing a parcel that is currently a split zone property (containing portions of both a B-1 zone and a C-1 zone). The subdivision of the parcel will

occur directly along the existing zoning boundary line so this subdivision will leave 1 new parcel solely in a B-1 zoning designation and another new parcel solely in a C-1 zoning designation.

- The 2 family dwelling nearest to Park Avenue will be left in a C-1 zone. The 3-family dwelling nearest to Old Park Avenue will be left in a B-1 Zone.
- The applicant is requesting two (2) dimensional variances for lot area for each of the proposed new lots. The following code outlines the required lot area for 2- and multi-family dwellings in B-1 and C-1 zones:

*“17.20.090 - Specific requirements.*

*A. The minimum lot areas in Section 17.20.120 are for a single-family dwelling in districts in which dwellings are permitted. For a two-family dwelling, the minimum lot area shall be eight thousand (8,000) square feet. For multi-family dwellings the minimum lot area shall be six thousand (6,000) square feet for the first dwelling unit, plus four thousand (4,000) square feet for each of the next nine dwelling units, plus three thousand five hundred (3,500) square feet for each dwelling unit in excess of ten (10) dwelling units; provided, however, that for the multi-family structures designed for the elderly, ninety (90) percent or more whose units are to be occupied by persons at least sixty (60) years of age, the minimum lot area shall be eight thousand (8,000) square feet for the first two dwelling units, plus one thousand (1,000) square feet for each dwelling unit in excess of the two dwelling units.”*

- Based on the code language above, the 2-family dwelling in the C-1 zone is required to have 8,000 sq.ft. The proposed lot size for the 2-family structure (Parcel B) is 7,124 sq.ft. so the lot is short of the required area by 876 sq. ft. (11% short of the standard).
- Based on the code language above, the 3-family dwelling in the B-1 zone is required to have 14,000 sq.ft. The proposed lot size for the 3-family dwelling (Parcel A) is 7,067 sq.ft. (49% short of the standard.)
- No new construction or redevelopment of the parcel is being proposed as part of this subdivision. Therefore, the density of the overall site will not change despite the need for lot area relief.
- It should be noted that the property owner has stated that they are in the process of “cleaning up” the property with regard to storage of materials and other items on the site.
- Any new construction or new uses on the 2 properties moving forward will need to comply with all standards of the zone. The minimum lot size for both a C-1 and a B-1 zone is 6,000 sq.ft. so the lot themselves will not be substandard. They are only considered substandard when taking into consideration the pre-existing non-conforming uses already on the property.
- The result of the subdivision will “cure” the existing non-conformity of having 2 primary residential structures on one lot, and also “cure” the existing split zone circumstance by dividing the lot along the existing zoning boundary line. Based on the above, staff finds this subdivision offers a benefit to the subject land and surrounding neighborhood as it will reduce non-conformities and foster orderly and predictable development moving forward.
- Due to the finding that the subdivision will not create any vacant buildable lots, the density level of the site will not increase beyond what is already there, therefore the subdivision is consistent with the Cranston Comprehensive Plan.
- Due to the finding that the subdivision will not result in any new buildings on either property, and any new development moving forward will need to comply with the code, therefore the subdivision will not result in a genitive impact to the surrounding neighborhood.

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

### **Ward 3**

**THREE KIDS, LLC (OWN) and DWIGHT LEIGH (APP)** have filed an application to divide a lot on which two dwellings are located creating a lot with less area than required for a three family dwelling at **12 Old Park Ave.** A.P. 11, lot 145; area 7,087 s.f.; zoned B1. Applicant seeks relief per 17.92.010-Variance; Section 17.20.120-Schedule of Intensity Regulations. Application filed 7/2/2021. John S. DiBona, Esq.

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

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

**FINDINGS OF FACT:**

- The applicant is proposing to subdivide an existing 14,211 sq. ft. lot (0.33 acres) lot into two (2) lots that will each be host to an existing residential structure.
- No new vacant lots will be created as a result of this subdivision. The primary purpose of this subdivision is to divide the lots so that each of the two (2) residential structures on the property will exist on their own separate lot.
- The lot currently has a 2-family dwelling (near the Park Avenue frontage) and a three-family dwelling (near Old Park Avenue frontage).
- The subdivision serves the purpose of dividing a parcel that is currently a split zone property (containing portions of both a B-1 zone and a C-1 zone). The subdivision of the parcel will occur directly along the existing zoning boundary line so this subdivision will leave 1 new parcel solely in a B-1 zoning designation and another new parcel solely in a C-1 zoning designation.
- The 2 family dwelling nearest to Park Avenue will be left in a C-1 zone. The 3-family dwelling nearest to Old Park Avenue will be left in a B-1 Zone.
- The applicant is requesting two (2) dimensional variances for lot area for each of the proposed new lots. The following code outlines the required lot area for 2- and multi-family dwellings in B-1 and C-1 zones:

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- Based on the code language above, the 2-family dwelling in the C-1 zone is required to have 8,000 sq.ft. The proposed lot size for the 2-family structure (Parcel B) is 7,124 sq.ft. so the lot is short of the required area by 876 sq. ft. (11% short of the standard).
- Based on the code language above, the 3-family dwelling in the B-1 zone is required to have 14,000 sq.ft. The proposed lot size for the 3-family dwelling (Parcel A) is 7,067 sq.ft. (49% short of the standard.)
- No new construction or redevelopment of the parcel is being proposed as part of this subdivision. Therefore, the density of the overall site will not change despite the need for lot area relief.
- It should be noted that the property owner has stated that they are in the process of “cleaning up” the property with regard to storage of materials and other items on the site.
- Any new construction or new uses on the 2 properties moving forward will need to comply with all standards of the zone. The minimum lot size for both a C-1 and a B-1 zone is 6,000 sq.ft. so the lot themselves will not be substandard. They are only considered substandard when taking into consideration the pre-existing non-conforming uses already on the property.
- The result of the subdivision will “cure” the existing non-conformity of having 2 primary residential structures on one lot, and also “cure” the existing split zone circumstance by dividing the lot along the existing zoning boundary line. Based on the above, staff finds this subdivision offers a benefit to the subject land and surrounding neighborhood as it will reduce non-conformities and foster orderly and predictable development moving forward.
- Due to the finding that the subdivision will not create any vacant buildable lots, the density level of the site will not increase beyond what is already there, therefore the subdivision is consistent with the Cranston Comprehensive Plan.
- Due to the finding that the subdivision will not result in any new buildings on either property, and any new development moving forward will need to comply with the code, therefore the subdivision will not result in a genitive impact to the surrounding neighborhood.

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

#### **Ward 4**

**TILCON, INC. (OWN) and CBNA BARLETA JOINT VENTURE (APP)** have filed an application to construct a temporary structure for the production and storage of concrete products in a residential zone at **830 Phenix Ave.** A.P. 17, lots 194, 1933; A.P. 20, lot 2124; area 18.94 ac, zoned A12. Applicant seeks relief per 17.92.010-Variance; Sections 17.20.030- Schedule of Uses; and 17.20.120-Schedule of Intensity Regulations. Application filed 7/2/2021. Robert D. Murray, Esq.

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

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

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

1. The applicant requires a use variance for the expansion of an existing nonconforming use in order to construct an 82' x 490' temporary structure intended for the processing and storage of precast concrete rings in association with a major sewer overflow tunnel project with the Narragansett Bay Commission.
2. The 18.94-acre site is zoned for residential (A-12) but there are no residential uses in the area. It is across the street from the quarry at 875 Phenix Ave, the northern and eastern edge of the property abuts Route 295, and the ice rink abuts the property to the south.
3. Due to the abutting land uses and highway, this would NOT be an ideal site for single-family residential development. The site is arguably mis-zoned, and would be more appropriate as an industrial zone.
4. The proposed use is consistent with the historic use of the property. The subject site has been used as a contractor yard for decades including trucks coming to and from the site and storage of construction materials. The continuation/expansion of the industrial use is not anticipated to have a negative impact on the surrounding area.
5. The structure will only be required until the time construction is complete, which the applicant estimates to be 30-36 months.
6. There are wetlands on site but the project does not conflict with the wetlands or wetland buffers.
7. The proposed structure is 36' high, one foot above the 35' height maximum. This is not anticipated to have any negative impacts.
8. The Development Plan Review Committee heard the land development proposal as a pre-application/jurisdictional review on 7/7/21. After due discussion, the DPRC found that pertinent issues will be worked out during the building permit process and by consensus agreed NOT to take jurisdiction on the application.
9. There is existing vegetation along Phenix Ave that serves as a visual buffer to the subject site.
10. The Comprehensive Plan designates the subject property as Single Family Residential 3.63 to 1 Unit/Acre. However, the Planning Director, a co-author of the Comprehensive Plan, believes this was an oversight and should have been designated as Industrial.

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, and is the least relief necessary. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance, and that 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 6

**JEFFREY A. and ALISHA CRINS (OWN/APP)** have filed an application to construct an addition to a home extending into the required front yard setback on a corner lot located at **269 Poplar Drive** A.P. 10, lot 1303; area 12,864 s.f.; zoned A8. Applicant seeks relief per 17.92.010-Variance; Section 17.20.120-Schedule of Intensity Regulations. Application filed 7/12/2021.

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

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

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

1. The owner/applicant proposes a 24' x 16' master bedroom/closet/master bath addition to their 1,588 ft<sup>2</sup> single-family residence. The home currently has 3 bedrooms and one bathroom.
2. The subject site is a conforming 12,864 ft<sup>2</sup> corner lot in an A-8 zone within the Garden City neighborhood. The frontage on Poplar Drive is the principal frontage due to the vehicle access and orientation of the home. The addition would encroach 11.9' into the required 25' front setback on Harvard Street.
3. Due to the shape of the lot, the two front yard setbacks for the corner lot and the existing footprint of the primary dwelling, alternative locations for expansion of the home are considerably limited. All of the residences in the surrounding area are one-story, so although building upwards may comply with the zoning code, it would not conform to the character of the area.
4. There is existing vegetation that would serve as a partial visual buffer to location where the addition is proposed from Harvard Street.
5. The expansion of the single family use is consistent with the single-family land use designation in the Future Land Use Map.
6. The Comprehensive Plan Land Use Element; Principle 4 reads: "*Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life. Protect the natural, historic and visual resources that define the neighborhoods*" (p. 34). Relief would not detract from the visual resources that define the neighborhood.

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.

### Ward 3

**FRANK ZINCONE (OWN) and ERCILIO TEJADA (APP)** have filed an application to construct a canopy addition, on an existing automotive repair facility at **173 Niantic Ave.** A.P. 7, lot 2204; area 9,096 s.f.; zoned M2. Applicant seeks relief per 17.92.010-Variance; Section 17.20.120-Schedule of Intensity Regulations. Application filed 7/14/2021. John S. DiBona, Esq.

On a motion made by Ms. McFarland and seconded by Mr. Perdikakis the Board voted unanimously to **approve the application as presented with conditions.**

#### Conditions:

1. **Rooftop sign to be reduced to comply with sign regulations.**
2. **Message board/ changeable copy sign to be removed.**

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

**FINDINGS OF FACT:**

1. The Zoning Board of Review approved an Auto Repair Facility with used Auto & Truck sales on an undersized lot for this location on 6/10/87. The Zoning Board found that "granting a permit will not prove detrimental to the neighborhood" and that it met the requirements of the Zoning Code.
2. The primary building is a legal nonconforming structure as it encroaches into the side setback and front setback on Dewey Street as well as the right of way on Dewey Street. The primary structure is not being modified as part of this application.
3. The purpose of the proposed canopy structure is to shield a portion of the outdoor area to from weather for parking and servicing vehicles.
4. The 9,096 ft<sup>2</sup> lot is undersized for any use in M-2 zoning, which requires 60,000 ft<sup>2</sup>. The substandard lot area was part of the 1987 ZBR approval by the City. The canopy would not increase the nonconformity.
5. The subject property is a double fronting lot or through lot with its primary frontage on Niantic Avenue and secondary frontage on Dewey Street. The frontage on Dewey street is blocked-off by a fence and is not utilized in terms of vehicular or pedestrian access, building orientation, signage or otherwise.
6. The proposed structure would not be detrimental to or out of character with the existing aesthetic character of Dewey Street. Dewey Street is an industrial backroad with trailers, dumpsters, and miscellaneous materials being kept. None of the existing buildings comply with the front setback on either side of Dewey Street and none of the businesses with frontage on Dewey Street use it as their primary front.
7. The building addition/proposal is not anticipated to have negative or injurious impacts to the surrounding area. This is an existing and appropriate location for an auto repair use.
8. The site plan shows 6 off-street parking spaces, which meets city off-street parking requirements for industrial uses.
9. The proposal is consistent with the Comprehensive Plan Economic Development strategy of promoting a small business-friendly environment by assisting their expansion (p. 74) and by providing relief for improving nonconforming properties when qualifying criteria such as character & compatibility are met (p. 88). This application meets said criteria.
10. The expansion of the proposed use is consistent with the Future Land Use Map allocation of Industrial.

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 ~~9:45~~**9:45** PM

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