

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 October 13, 2021 at 6:33 pm**. Also present were, Dean Perdikakis, Joy Montanaro, Carlos Zambrano and 1<sup>st</sup> alternate Craig Norcliffe.

## **OLD BUSINESS**

### **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.**

**CONTINUED FOR DECISION ONLY TO OCTOBER 20, 2021;.**

## **NEW BUSINESS**

**MANUEL A. VENTURA (OWN/APP)** has filed an application to enclose a second story exterior porch encroaching into the required front yard setback at **212 Terrace Ave.** A.P. 7, lot 429 ; area 4,170 s.f.; zoned B1.

**PATRICIA and KELLEY McLAUGHLIN (OWN/APP)** have filed an application to raze an existing non-conforming garage and to construct a new garage with reduced front and side setbacks on a corner lot at **42 Bluff Ave,** A.P. 2, lot 932; area 27,209 s.f; zoned A12.

**CARTER HOLDINGS, LLC (OWN) and PALUMBO LAW (APP)** have filed an application to install signage greater than which is allowed and with electronic message center at **481 Atwood Ave,** A.P.12, lot 3117, area 30,000 s.f; zoned M1.

**UNIVERSAL PROPERTY MANAGEMENT, LLC (OWN) and FIRST HARTFORD REALTY CORP.** have filed an application to construct a new drive through car wash with a restricted front setback and increased allowable signage at **250 Warwick Ave,** A.P. 2 lots 1049-1052, 1054-1055, 1096-1103, 1105-1113, and 3984; area 115,854+- s.f.; zoned C5.

## **OLD BUSINESS**

### **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**

**CONTINUED FOR DECISION ONLY;**

**On a motion made by Ms. Montanaro and seconded by Mr. Norcliffe, the Board voted unanimously to continue the matter for decision to a special meeting scheduled for October 20, 2021 at 6:30 pm In The City Council Chambers.**

## **NEW BUSINESS**

### **Ward 3**

**MANUEL A. VENTURA (OWN/APP)** has filed an application to enclose a second story exterior porch encroaching into the required front yard setback at **212 Terrace Ave.** A.P. 7, lot 429; area 4,170 s.f.; zoned B1. Applicant seeks relief per 17.92.010-Variance; Section 17.20.120-Schedule of Intensity Regulations; 17.20.110- Residential yard exceptions; Application filed 8/25/2021. No Attorney

On a Motion made by Mr. Perdikakis, and seconded by Ms. Montanaro, the Board voted unanimously to continue the matter to the November 10, 2021 meeting for further review.

### Ward 1

**PATRICIA and KELLEY McLAUGHLIN (OWN/APP)** have filed an application to raze an existing non-conforming garage and to construct a new garage with reduced front and side setbacks on a corner lot at **42 Bluff Ave**, A.P. 2, lot 932; area 27,209 s.f; zoned A12. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120-Schedule of Intensity Regulations; Application filed 8/31/2021. No Attorney

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

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

#### FINDINGS OF FACT:

1. Because of the lot shape & size, setbacks, and the location of the existing single-family residence, there is no viable location for a detached garage that is not between the primary residence and a public right of way.
2. The existing garage abuts the lot line between the subject property and Kensington Road and only inches from the interior side lot line between the subject property and the abutting lot (AP 2 Lot 933) to the south. The application would allow the garage to come into greater conformity with both setbacks, proposed at a location 5' away from the side lot line (8' is required) and 8'-3" away from the front property line (25' is required).
3. The garage is designed to have storage area so that the applicant can raze the existing nonconforming shed located on the interior side property line.
4. The applicant testified that the proposed 42' x 32' garage would have room for four (4) cars. The relocation of the garage from its current location would increase the driveway length from 9'-9" to 18' creating sufficient room to park two (2) additional cars.
5. The proposed curb cut is 24', 4' above the 20' maximum allowed for residential uses. The applicant intends to relocate the curb cut slightly to the north, away from the abutting property to the south. The purpose of this width is to be proportional to the width/two-door design of the 32' wide garage.
6. The proposed detached garage is consistent with the single-family land use designation in the Future Land Use Map.
7. 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 and would improve existing nonconformities.
8. The applicant testified about the project and there was no testimony either for or against the project from any abutters.

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 variance the subject land the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010, and Sections 17.20.120-Schedule of Intensity Regulations.

### Ward 5

**CARTER HOLDINGS, LLC (OWN) and PALUMBO LAW (APP)** have filed an application to install signage greater than which is allowed and with electronic message center at **481 Atwood Ave**, A.P.12, lot 3117, area 30,000 s.f; zoned M1. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.72.010(7)-Signs; Application filed 9/8/2021. Jeffrey H. Garabedian, Esq.

On a motion made by Mr. Perdikakis and seconded by Mr. Zambrano, the Board voted unanimously to continue the matter to the November 10, 2021 meeting for further review.

## Ward 1

**UNIVERSAL PROPERTY MANAGEMENT, LLC (OWN) and FIRST HARTFORD REALTY CORP.** have filed an application to construct a new drive through car wash with a restricted front setback and increased allowable signage at **250 Warwick Ave**, A.P. 2 lots 1049-1052, 1054-1055, 1096-1103, 1105-1113, and 3984; area 115,854+/- s.f.; zoned C5. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120-Schedule of Intensity; 17.72.010(6)-signs. Application filed 9/8/2021. K. Joseph Shekarchi, Esq.

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

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

### FINDINGS OF FACT:

1. The applicant proposes to redevelop the parcel with a 5,983± square foot drive-thru carwash. The development is within a C-5 commercial zone where a carwash use is allowed by right.
2. The site is currently comprised of a vacant paved area and no existing structures.
3. The site access improvements include two new curb cuts, one at Dallas Avenue to the north and one at Warwick Avenue to the west. The redevelopment of this property also includes intersection improvements at the proposed Warwick Avenue curb cut to include a signalized four-way intersection with Warwick Avenue and the driveway to the existing retail development on the west side of Warwick Avenue (Stop and Shop).
4. A Traffic Impact Study has been prepared by McMahon Associates, and a physical Alteration Permit Application including same has been approved by the Rhode Island Department of Transportation on August 10, 2021.
5. The overall redevelopment of the property also includes substantial landscaping improvements.
6. There is a proposed awning over the drive-up order points that extends 4 feet into the front setback. This portion of the structure will be 26 feet from the front property line whereas 30 feet is required.
7. By moving the vacuums in the rear, the proposed building had to be moved closer to the front of the property with setback relief needed.
8. The Board finds that the proposed front setback relief will not detract from the streetscape aesthetics along Warwick Avenue and, in fact, this is the Planning staff's preferred layout of this type of use as compared to siting the vacuum facilities along a public right-of-way.
9. The Board finds that the quantifiable percentage of relief requested is minimal. The applicant seeks 4 feet of relief compared to a 30 foot front setback requirement, which equates to being short by approximately 13% of the required standard.
10. The Board finds that only a small portion of the building will be located within the front setback as illustrated on page 7 of this memo.
11. The Board finds that the project conforms to the comprehensive plan.
12. The applicant proposes two (2) new wall signs that are approximately 71 sqft. and 87 sqft respectively. The maximum allowed area for a wall sign in the C-5 zone is 30 sqft so both wall signs require relief.
13. The applicant proposes a monument sign that is 60 sqft. in size whereas 45 feet is the maximum area and the monument sign is 6 feet high whereas the maximum height for a monument sign in the C-5 district is 4 feet.
14. The Board finds that the proposed wall signs are suitable because they are proportionate to the larger scale of the proposed structure (see graphics on page 8 of this memo).
15. The applicant testified that No LED/animated signs are being proposed as part of this development.
16. The proposal does not exceed the total amount of signage allowance for the property in a C-5 district. The property may not exceed 300 sqft. of total signage and in this instance only.
17. The applicant and its experts testified about the project and the legal standards necessary in granting a varianc

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 variance the subject land the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010, and Sections 17.20.030- Schedule of Allowed Uses; 17.72.010- Signs

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

**The meeting was adjourned at 8:45 PM**

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