

A meeting of the Cranston Zoning Board of Review was called to order via Zoom voice and video conference by Vice- Chairperson Christopher Buonanno on **Tuesday November 10, 2020 at 6:30 pm**. Also present were Joy Montanaro, Paula McFarland, Dean Perdikakis, , 2nd alternate Josh Catone, and 3rd alternate Thomas Jones. Assistant Solicitor Stephen Marsella, Esq. was Counsel to the Board.

A moment of silence was called for in observance of Veteran's Day honoring those who served our country.

The following was the sign-in reference for the November 10, 2020 ZBR meeting at 6:30 pm via ZOOM

Join meeting:

<https://us02web.zoom.us/j/88366653555?pwd=UTJZdVZ3T2VTaDFiTEhHM3ZxQkt4Zz09>

Meeting ID: 883 6665 3555

Password: 278958

or

Join by Phone:

888 788 0099 US Toll-free

OLD BUSINESS

ALBERT BACCARI and VIRGINIA A. BACCARI (OWN/APP) have filed an application to construct an addition to an existing legal non-conforming auto repair shop with restricted rear yard setbacks at **880 Park Avenue** A.P. 9 lot 169 **NOTE: This application has been continued several times since its introduction at the July 8, 2020 meeting.**

LOMBARDI FAMILY, LLC(OWN/APP) Has filed an application to install a Minor Accessory Solar Energy System at **45 Burlingame Road**, A.P. 24, Lot 1 **NOTE: This application was requested to be withdrawn without prejudice by the applicant. The matter was so moved by the Board.**

NEW BUSINESS

CGRI CRANSTON ATWOOD LLC (OWN) & CGRI ATWOOD LLC C/O MOSES RYAN, LTD (APP) have filed an application to install additional signage on an existing freestanding pylon at **148 Atwood Avenue** A.P. 12, lot 196,

POWERHOUSE REALTY, LLC (OWN/APP) has filed an application to re-plat three existing lots to create two; with one under-sized for constructing a new single family dwelling at **0 Waldron Avenue**, A.P. 9, lots 1155, 1156, and 1157

TIMOTHY J. AND MARIE HICKEY (OWN/APP) have filed an application to re-plat two existing lots, to create a new lot with reduced frontage and angled side lot line; and to leave an existing single family dwelling at **1626 Scituate Avenue**, A.P. 34, lot 32;

TIMOTHY J. AND MARIE HICKEY (OWN/APP) have filed an application to re-plat two existing lots, to create a new lot with reduced frontage, and to construct a new single family dwelling at **0 Scituate Avenue**, A.P. 34, lot 25.

OLD BUSINESS

ALBERT BACCARI and VIRGINIA A. BACCARI (OWN/APP) have filed an application to construct an addition to an existing legal non-conforming auto repair shop with restricted rear yard setbacks at **880 Park Avenue** A.P. 9 lot 169 area 21,014 s.f.; zoned C3. Applicant seeks relief per 17.92.010; Sections 17.92.020- Special Use Permit; 17.88.030 (A) - Extension; 17.20.120 – Schedule of Intensity Regulations. Application filed 6/11/2020. John S. DiBona, Esq.

On a motion was made by Ms. Montanaro and seconded by Ms. McFarland, the Board voted unanimously to **approve** this application according to the plans and testimony presented at the meeting.

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

FINDINGS OF FACT:

1. The 21,014 ft² subject lot is located directly across the street from Cranston High School East, fronting on Park Avenue along its northern property line and Hayward Street along its eastern property line. There are B-1 zoned residential uses abutting to the south and an existing nonconforming two-family in a C-1 (Office business) zone to the east.
2. The existing use (“motor and recreational vehicle repair and service establishment light”) is allowed in C-3 zoning with a special use permit. The applicant proposes a 40’ x 35’ (1,400 ft²) masonry addition to the existing 2,764 ft² building, triggering the requirement for a special use permit.
3. In 1986, the Zoning Board of Review approved a request to “construct an addition to a building with restricted rear yard areas, for a motor vehicle sales, service and repair & parts facility.” finding that it would not substantially injure the use of the neighboring property, would be in harmony with the character of the neighborhood, and would not be a detriment the neighborhood. Three (3) restrictions were imposed with the approval: “1). Provide new 6’ high stockade fence along property lines; 2) All curb openings subject to Public Works Department approval; and 3). Install pre-cast concrete curbing where required.”
4. The existing business, Park Avenue Auto, has been a family owned and operated business since 2001.
5. The building addition would be 6.5’ from the rear property line. The addition is an extension of the existing building, and is no closer to the property line than the existing building which is actually 2.5’ away from the property line after the northerly jog in the property line near Hayward Street.
6. There is a wooden privacy fence behind the building in the area of the proposed addition screening the parking area from the residents to the south and west.
7. The building addition/proposal is not anticipated to have negative or injurious impacts to the surrounding area.
8. The applicant initially submitted a site plan that, upon review by the City, required revisions in terms of parking, curb cuts, traffic circulation, directional signage, pavement markings, landscape areas, snow storage, and location of refuse facilities. The applicant has revised the plan to satisfy the City comments, which received signoff from City of Cranston Bureau of Traffic Safety on 10/23/20. The main change is that the applicant has agreed to is to close off two (2) of their existing five (5) curb cuts and will install sidewalks and curbing.
9. The proposal is consistent with the Comprehensive Plan Future Land Use Map and policy guidance in regards to economic development.
10. No one testified either for or against this 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 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, is the least relief necessary. In granting a dimensional variance, the Board finds that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience. In Granting the special use permit, the Board found that the application is not injurious to the surrounding area and that the Applicant met the requirements of the Zoning Code and relief per Sections 17.92.010 Variance; 17.92.020- Special Use Permit; 17.88.030 (A) - Extension; 17.20.120 – Schedule of Intensity Regulations.

NEW BUSINESS**Ward 5**

CGRI CRANSTON ATWOOD LLC (OWN) & CGRI ATWOOD LLC C/O MOSES RYAN, LTD (APP) have filed an application to install additional signage on an existing freestanding pylon at **148 Atwood Avenue** A.P. 12, lot 196, area 2.93 ac., zoned C2. Applicant seeks relief per 17.92.010 Variance, Section 17.72.010(P); Table 17.72.010 (3) Signs. Application filed 9/11/2020. Kerin L. Browning, Esq.

On a motion made by Ms. McFarland and seconded by Mr. Catone, the Board voted unanimously to **approve** this application according to the plans and testimony presented at the meeting.

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

FINDINGS OF FACT:

1. The applicant is requesting a variance to allow a 49 ft² (24.5 ft² on each side) addition to an existing 96.26 ft² (48.125 SF per side) freestanding sign that is 17.54' high at 148 Atwood Avenue. The existing freestanding sign is for the anchor tenant (Job Lot) of the existing building. The proposed sign is for UPS/the UPS Store in the existing building.
2. The existing freestanding sign is larger than 25 ft² maximum per C-2 zoning standards. The Zoning Board of Review approved additional signage on 7/9/03.
3. The applicant submitted two proposed wall signs in addition to the addition to the freestanding sign as part of sign permit application #116830. The wall signs did not require relief and were issued permits on 9/9/20.
4. The applicant's justification for seeking signage relief for this property reads: *"Due to the nature of the subject property, and existing building, relief is needed to ensure adequate signage is present for commercial retail tenants both at the street and on the existing building."*
5. With freestanding signs commonly found for businesses on Atwood Avenue, the addition to the existing freestanding sign would not be out of character or injurious to the area.
6. The Comprehensive Plan does not explicitly give guidance for sign requests. However, speaking to economic development strategies to commercial areas East of I-295, the Comprehensive Plan states, "Strengthen controls on high impact uses, and increase application of signage, parking, and landscaping regulations" (p. 24). Staff does not find that the application is in direct conflict with this guidance, but due to Code flaws described in Findings of Fact #6, would hold that denial of the request would be antithetical to the City's economic development goals and business-friendly policies.
7. No party spoke either for or 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 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, is the least relief necessary. In granting a dimensional variance, the Board finds that the hardship suffered by the owner of the subject property if the sign variance is not granted amounts to more than a mere inconvenience and that the Applicant met the requirements of the Zoning Code and relief per Sections 17.92.010 Variance; 17.72.010(P); Table 17.72.010 (3) Signs.

Ward 2

POWERHOUSE REALTY, LLC (OWN/APP) has filed an application to re-plat three existing lots to create two; with one under-sized for constructing a new single family dwelling at **0 Waldron Avenue**, A.P. 9, lots 1155, 1156, and 1157; area 11,000 sq. ft.; zoned B1. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.120 Schedule of Intensity Regulations; 17.88.010 Substandard Lots of Record. Application filed 10/2/2020. Robert D. Murray Esq.

On a motion made by Mr. Perdikakis and seconded by Ms. Montanaro, the Board voted unanimously to **approve** this this application according to the plans and testimony presented at the meeting.

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

FINDINGS OF FACT:

- 1) The overall proposal is to subdivide/merge 3 existing lots of record (totaling 11,000 ft²) into 2 new lots. Parcel B will host an existing single-family house on 6,000 ft² of land (no variances required for Parcel B), and Parcel A will be a buildable lot on 5,000 ft² of land.
- 2) The application requires 2 dimensional variances relating to Parcel A as follows:
 - a. Substandard lot size of 5,000 ft² where 6,000 ft² is required.
 - b. An irregular side lot line that does not extend straight from the front of lot to the rear of lot.
- 3) The proposed subdivision is located in a B-1 zone and will be serviced by public water and sewer.
- 4) The surrounding neighborhood (400 foot radius) is comprised of B-1 and A-6 zoned parcels, containing mostly single-family residential lots, with a smaller number of higher density residential uses (2-family, 3-family, etc).
- 5) The neighborhood was primarily developed prior to the establishment of this zoning designation and many of the lots in the neighborhood do not meet the minimum lot area requirement in a B-1 or A-6 zone (6,000 sq. ft.).
- 6) The applicant has submitted a neighborhood assessment that provides the following facts:
 - a. Total number of residential lots within a 400 ft radius: 112
 - b. Total number of lots with single family dwelling: 76
 - c. Total number of lots with 2-3 family dwelling: 21
 - d. Total number of lots with other uses: 15
 - e. Lots less than or equal to 5,000 ft²: 63
 - f. Average size of applicable lots: +/- 5,124 ft
- 7) The proposed irregular side lot line configuration is the result of merging 2 pre-existing lots of record that are unique in their dimensional layout, whereas record lot 568 is 75 feet deep and record lot 569 is 100 feet deep. This lot depth discrepancy is the result of the existing conditions of these record lots and is not the result of any prior action of the applicant. Technically, the 3 subject lots are currently merged for zoning purposes (per Zoning Sec. 17.88.010 - Substandard lots of record), so it would follow that using the subdivision process to formally merge the lots does not inherently increase or change the existing non-conformity with regard to this side lot line.
- 8) The Land Use Plan Element recognizes that many existing lots in the eastern portion of the city are undersized, and the Comprehensive Plan supports the development of these lots, stating: *"...the City grants variances routinely when properties are 5,000 square feet limiting the purpose and effectiveness of the existing minimum size requirements. The City needs to address this issue and consider changing regulations to reflect the higher density in these areas, which are essentially built out and have an older housing stock."* The Comprehensive Plan supports the development of undersized lots and provides clear policy direction relevant to this proposal.
- 9) The proposal is consistent with the Comprehensive Plan Housing Element in that development of infill lots is encouraged in Eastern Cranston.
10. No party spoke either for or against this 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 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, is the least relief necessary. In granting a dimensional variance, the Board finds that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience and that the Applicant met the requirements of the Zoning Code and relief per Sections 17.92.010 Variance; 17.20.120 – Schedule of Intensity Regulations.

Ward 4

TIMOTHY J. AND MARIE HICKEY (OWN/APP) have filed an application to re-plat two existing lots, to create a new lot with reduced frontage and angled side lot line; and to leave an existing single family dwelling at **1626 Scituate Avenue**, A.P. 34, lot 32; area 89,210 sq. ft.; zoned

A80. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.120 Schedule of Intensity Regulations; 17.20.090(E). Specific Requirements. Application filed 10/13/2020. Robert D. Murray Esq.

On a motion made by Ms. McFarland and seconded by Mr. Buonanno, the Board voted unanimously to **approve** this this application according to the plans and testimony presented at the meeting.

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

FINDINGS OF FACT:

- 1) The overall proposal is to relocate an existing side property line that would result in 2 variance requests for substandard frontage (for lots 25 and 32 respectively) and a variance request to allow an irregular side lot line (for lot 32) that does not extend straight from the front of lot to the rear of lot.
- 2) The application does not require relief for lot size.
- 3) The purpose of the administrative subdivision is to relocate the lot line so that all of the driveway improvements to the existing single family home would be located on one lot. This would ensure that any future development of the currently vacant lot would not create the need for realigning the driveway and/or an access easement.
- 4) The 2 subject lots have the same owner (Timothy and Ann Hickey) but they are not considered merged for zoning purposes as per Zoning Sec 17.88.010. This is because the lot that is currently vacant is a lot of record that meets all dimensional standards.
- 5) The result of the administrative subdivision is that the 2 lots would have a more even distribution of frontage and lot area as follows:
 - a. The lots currently have approximately 100 and 200 feet of frontage, for lots 32 and 25 respectively. The proposed lots would have approximately 155 and 145 feet of frontage for lots 32 and 25 respectively.
 - b. The lots currently have approximately 89,210 ft² and 129,103 ft² of lot area, for lots 32 and 25 respectively. The proposed lots would have approximately 124,803 ft² and 93,510 ft² of lot area for lots 32 and 25 respectively.
- 6) The lot that is increasing in both frontage and acreage is the lot that contains the existing single family home.
- 7) The proposed irregular side lot line stems from a pre-existing condition relating to the abnormal depths of the 2 existing lots.
- 8) There are wetlands on the subject properties that do not change their upland calculations for lot area in a pertinent way.
- 9) There is an existing field on the back of lot 32 that appears to be used for agricultural purposes. This field does not impact the proposed variances.
- 10) The Cranston Comprehensive Plan's Future Land Use Map designates the subject parcels as "Single Family Residential Less Than 1 unit per acre". The proposed density of the project, assuming the vacant lot would be developed with a single family residence, is 0.4 units/per acres so the project is in conformance with the Future Land Use Map despite the need for a frontage variance.
- 11) No party spoke either for or against this 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 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, is the least relief necessary. In granting a dimensional variance, the Board finds that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience and that the Applicant met the requirements of the Zoning Code and relief per Sections 17.92.010 Variance; 17.20.120 – Schedule of Intensity Regulations. 17.20.090(E). Specific Requirements.

Ward 4

TIMOTHY J. AND MARIE HICKEY (OWN/APP) have filed an application to re-plat two existing lots, to create a new lot with reduced frontage, and to construct a new single family dwelling at **0 Scituate Avenue**, A.P. 34, lot 25; area 129,103 sq. ft.; zoned A80. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.120 Schedule of Intensity Regulations; 17.88.010 Application filed 10/13/2020. Robert D. Murray Esq.

On a motion made by Mr. Perdikakis and seconded by Ms. McFarland, the Board voted unanimously to **approve** this application according to the plans and testimony presented at the meeting.

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

FINDINGS OF FACT:

- 1) The overall proposal is to relocate an existing side property line that would result in 2 variance requests for substandard frontage (for lots 25 and 32 respectively) and a variance request to allow an irregular side lot line (for lot 32) that does not extend straight from the front of lot to the rear of lot.
- 2) The application does not require relief for lot size.
- 3) The purpose of the administrative subdivision is to relocate the lot line so that all of the driveway improvements to the existing single family home would be located on one lot. This would ensure that any future development of the currently vacant lot would not create the need for realigning the driveway and/or an access easement.
- 4) The 2 subject lots have the same owner (Timothy and Ann Hickey) but they are not considered merged for zoning purposes as per Zoning Sec 17.88.010. This is because the lot that is currently vacant is a lot of record that meets all dimensional standards.
- 5) The result of the administrative subdivision is that the 2 lots would have a more even distribution of frontage and lot area as follows:
 - a. The lots currently have approximately 100 and 200 feet of frontage, for lots 32 and 25 respectively. The proposed lots would have approximately 155 and 145 feet of frontage for lots 32 and 25 respectively.
 - b. The lots currently have approximately 89,210 ft² and 129,103 ft² of lot area, for lots 32 and 25 respectively. The proposed lots would have approximately 124,803 ft² and 93,510 ft² of lot area for lots 32 and 25 respectively.
- 6) The lot that is increasing in both frontage and acreage is the lot that contains the existing single family home.
- 7) The proposed irregular side lot line stems from a pre-existing condition relating to the abnormal depths of the 2 existing lots.
- 8) There are wetlands on the subject properties that do not change their upland calculations for lot area in a pertinent way.
- 9) There is an existing field on the back of lot 32 that appears to be used for agricultural purposes. This field does not impact the proposed variances.
- 10) The Cranston Comprehensive Plan's Future Land Use Map designates the subject parcels as "Single Family Residential Less Than 1 unit per acre". The proposed density of the project, assuming the vacant lot would be developed with a single family residence, is 0.4 units/per acres so the project is in conformance with the Future Land Use Map despite the need for a frontage variance.
- 11) No party spoke either for or against this 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 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, is the least relief necessary. In granting a dimensional variance, the Board finds that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience and that the Applicant met the requirements of the Zoning Code and relief per Sections 17.92.010 Variance; 17.20.120 – Schedule of Intensity Regulations.

The meeting was adjourned at 8:45 pm

Stanley F. Pikul

Zoning / Platting Board Secretary

