

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 November 10, 2021 at 6:33 pm**. Also present were, Joy Montanaro, Dean Perdikakis, Paula McFarland, Carlos Zambrano and 2nd alternate Doug Fredette.

OLD BUSINESS

VASQUEZ PROPERTIES, LLC (OWN) and MARISELA VASQUEZ have filed an application to allow signage installed without benefit of a permit exceeding the allowable square footage to remain at **455 Reservoir Avenue** A.P. 6, lot 1011 zoned C4.

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.

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 C2.

NEW BUSINESS

GANSETT ENTERPRISES, LLC (OWN) and DAVID MEDEIROS (APP) have filed an application to convert an existing non-conforming residence above first story business use to a two family dwelling with restricted lot size at **50 Gansett Ave**, A.P. 7, lot 2157; area 5,405 sq.ft. zoned C2.

WILLIAMS I. PENEFIEL and LESBIA SANTOS (OWN/APP) Have filed an application to legalize a third living unit in an existing two family dwelling at **234 Garden Street**, A.P. 5, Lot 345; area 5,000 s.f. zone B1.

BETHANY MURGA (OWN/APP) has filed an application to construct an addition to an existing dwelling encroaching into the required side yard setback at **74 Priscilla Drive**, A.P. 21, lot 86; area 111,315 s.f; zoned A8

ALBERT CASALI and THE ALBERT CASALI REVOCABLE LIVING TRUST (OWN/APP) have filed an application to construct an addition encroaching into the required rear yard setback at **1776 Cranston Street**, A.P. 11, lots 275, 276; area 14,962 s.f; zoned C5.

F9 PROPERTIES, LLC (OWN/APP) has filed an application to convert an existing building to be used as a showroom and for retail sales at **115 Niantic Avenue** A.P. 7, lot 2190; area 8,917 sq. ft. ; zoned M2.

OLD BUSINESS

Ward 2

VASQUEZ PROPERTIES, LLC (OWN) and MARISELA VASQUEZ have filed an application to allow signage installed without benefit of a permit exceeding the allowable square footage to remain at **455 Reservoir Avenue** A.P. 6, lot 1011 zoned C4. Applicant seeks relief per Sections; 17.92.010 Variance, Section 17.72.010 (C) (4) Table 17.72.010 (5) Signs. Application filed 8/11/2021 Nicholas Hemond, Esq.

On a motion made by Ms. McFarland and seconded by Ms. Montanaro, the Board voted unanimously to **CONTINUE** this application to the December 8, 2021 meeting.

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; Sections 17.20.030-Schedule of Uses; 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 Ms. Montanaro and seconded by Ms. McFarland, the Board voted unanimously to **Approve** this variance as presented at the meeting.

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

FINDINGS OF FACT

1. The owner/applicant has enclosed a second-story porch area that encroaches into the required 25' front setback in B-1 zones without benefit of a permit. The building footprint did not change.
2. The subject property, building and use (four-family) are legally nonconforming, established prior to the enactment of zoning in 1966.
3. Based on the city's GIS, on Terrace Avenue between Farmington Avenue and Webster Avenue there are 6 other dwellings and the requested encroachment is not out of character with the surrounding area.
4. The request to enclose the porch area within the setback does not change the number of dwelling units (4).
5. 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 significantly detract from the visual resources that define the neighborhood.
6. The applicant testified about the need for a play area for small children as the reason for the enclosure.
7. There was no other testimony either for or against the project by any party

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, 17.20.110- Residential yard exceptions;

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 C2. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.72.010(6)-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 **Approve** the **REVISED SIGN** variance **WITH CONDITIONS** as presented at the meeting.

CONDITIONS

1. No less than one minute change rate for any screen image
2. No animation or flashing
3. Only advertisement for business' located at the premises

4. No illumination between the hours of 1am- 6am daily.

The Board made their decision based on the following:

1. The applicant submitted a revised sign package and addressed the Board's concerns about site line and safety.
2. The applicant testified that the sign upgrade was done in conjunction with building improvements
3. The applicant agreed to the Board placing restrictions on the illumination and operation of the sign
4. There was no testimony 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, 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 17.92.010-Variance; Sections 17.72.010(6)-Signs

NEW BUSINESS

Ward 3

GANSETT ENTERPRISES, LLC (OWN) and DAVID MEDEIROS (APP) have filed an application to convert an existing non-conforming residence above first story business use to a two family dwelling with restricted lot size at **50 Gansett Ave**, A.P. 7, lot 2157; area 5,405 sq.ft. zoned C2. Applicant seeks relief per Section 17.92.010-Variance; Sections, 17.20.120- Schedule of Intensity Regulations; Application filed 8/24/2021. No Attorney

On a motion made by Ms. Montanaro and seconded by Mr. Perdikakis, the Board voted unanimously to **Approve** this variance as presented at the meeting.

FINDINGS OF FACT:

1. The applicant proposed to convert a mixed-use structure (commercial on first floor, residential on second floor) into a two-family dwelling in a C-2 zone.
2. A two-family dwelling is an allowed use by-right in a C-2 zone so only dimensional relief is needed.
3. The subject property is 5,405 sqft where 8,000 sqft is required for the proposed use of a 2-family.
4. City records indicate that the subject property was a legal nonconforming mixed-use property dating back to at least 2006.
5. The site plan provided by the applicant demonstrates that there is sufficient space for off-street parking on the site (2 spaces are required).
6. The property has a Comprehensive Plan Future Land Use Map (FLUM) designation of Neighborhood Commercial/Services that allows the use of two-family dwellings and does not restrict housing density for properties within the Neighborhood Commercial/Services designation. Therefore, the board finds that the proposal is consistent with the Comprehensive Plan FLUM.
7. Furthermore, the proposal is consistent with the Comprehensive Plan Housing Element in that development of infill lots is encouraged in Eastern Cranston.
8. The applicant testified that there is a greater need for residential units than commercial units.

9. The project would make the property more conforming with the surrounding properties.
10. There was no testimony by any abutters 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 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 2

WILLIAMS I. PENEFIEL and LESBIA SANTOS (OWN/APP) Have filed an application to legalize a third living unit in an existing two family dwelling at **234 Garden Street**, A.P. 5, Lot 345; area 5,000 s.f. zone B1. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.090(A) Specific Requirements; 17.20.120 Schedule of Intensity Regulations. Application filed 9/2/21. John S. DiBona Esq.

On a motion made by Ms. McFarland and seconded by Ms. Montanaro, the Board voted unanimously to **CONTINUE** this application to the December 8, 2021 meeting.

Ward 4

BETHANY MURGA (OWN/APP) has filed an application to construct an addition to an existing dwelling encroaching into the required side yard setback at **74 Priscilla Drive**, A.P. 21, lot 86; area 111,315 s.f; zoned A8. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120-Schedule of Intensity Regulations; Application filed 10/7/21. John S. DiBona, Esq.

FINDINGS OF FACT

1. The proposed addition to the single family residence would increase the existing 1.4' encroachment into the 10' side yard setback by 0.1'. This amount is not large enough to constitute a negative impact.
2. The proposed addition does not change the use of the single family dwelling or increase the number of dwelling units.
3. The addition is designed as an extension of the existing building line. Alternative designs could comply with the setback, but are not warranted due to the de minimis encroachment proposed.
4. There is existing evergreen vegetation between the subject property and the nearest abutting property that would serve as a substantial visual buffer to the addition.
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 Board finds that the project conforms to the comprehensive plan
7. There was no testimony by any abutters 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 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

ALBERT CASALI and THE ALBERT CASALI REVOCABLE LIVING TRUST (OWN/APP) have filed an application to construct an addition encroaching into the required rear yard setback at **1776 Cranston Street**, A.P. 11, lots 275, 276; area 14,962 s.f; zoned C5. Applicant seeks relief per Section 17.92.010-Variance; Sections 17.20.120- Schedule of Intensity Regulations; Application filed 10/12/21. John S. DiBona, Esq.

On a motion made by Ms. McFarland and seconded by Ms. Montanaro, the Board voted unanimously to **CONTINUE** this application to the December 8, 2021 meeting.

Ward 3

F9 PROPERTIES, LLC (OWN/APP) has filed an application to convert an existing building to be used as a showroom and for retail sales at **115 Niantic Avenue** A.P. 7, lot 2190; area 8,917 sq. ft. ; zoned M2. Applicant seeks relief per 17.92.010-Variance; Sections 17.20.120-Schedule of Intensity Regulations; 17.64.010 -Off Street Parking; 17.72.010- Signs; 17.88.040- Change of Use. Application filed 10/13/21. Robert D. Murray, Esq.

On a motion made by Ms. McFarland and seconded by Mr. Perdikakis, the Board voted unanimously to **Approve** this variance as presented at the meeting.

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

FINDINGS OF FACT:

1. The applicant proposes to utilize an existing building at 115 Niantic Avenue for retail sales and showroom, which a use not allowed in the M-2 zone. The building was constructed in 1975 and last was used for a headquarters for a security company.
2. The subject lot is along the Niantic Avenue business corridor and is located at the off ramp of Route 10 for Niantic Avenue. It is directly across the street from the City of Providence and the varied business uses in the area.
3. The subject lot is undersized with restricted street frontage for the M-2 zone. The industrial zone requires 60,000 square feet and the lot has 8.917 square feet. The lot is required to have 200 feet of frontage and the lot has 109 feet +/-.
4. The existing building encroaches on the setback requirements for the front, rear and on the south side yard.
5. Based on the size of the building, the proposed uses require a total of ten (10) off street parking spaces. As designed and existing, a dimensional variance is required for the proposed seven (7) spaces or the shortage of three (3) spaces.
6. Because of its location on three frontages, dimensional relief is sought for signage. Four (4) wall sign are proposed for the front, side (exit ramp) and Route 10 rear side. Three wall signs of 36 square feet are proposed and an additional wall sign of 18 square feet. Total signage proposed is 126 square feet whereas 45 sqft is the required maximum.
7. The proposal does not include any changes to the building footprint.
8. The applicant testified about his business and the need for the relief.
9. There was no testimony by any abutters 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 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, 17.64.010 -Off Street Parking; 17.72.010- Signs; 17.88.040- Change of Use..

Stanley Pikul
Secretary, Zoning & Platting Boards

The meeting was adjourned at 9:15 PM
