

A meeting of the Cranston Zoning Board of Review was called to order in Cranston City Hall Council Chambers by Chairman Christopher Buonanno on **Wednesday December 14, 2022 at 6:33 pm**. Also present were Dean Perdikakis, Carlos Zambrano, Paula McFarland., 1<sup>st</sup> alternate Craig Norcliffe and 3<sup>rd</sup> alternate Frank Correo.III

The following matters were heard before the Board:

## **NEW BUSINESS**

### **Ward 5**

**ROBERTO PICCOLINO (OWN/APP)** has filed an application to grant relief on an existing single family dwelling encroaching into the side setback on an under-sized lot merged by zoning at **85 Randall Street**, A.P. 12, lot 16; area 5,000 s.f.; zoned B1.

### **Ward 5**

**ROBERTO PICCOLINO (OWN/APP)** has applied to the Board to allow a new single-family dwelling to be constructed on an under-sized lot merged by zoning at **0 Randall Street**, A.P. 12, lot 15; area 5,000 s.f.; zoned B1.

### **Ward 3**

**GARFIELD AVE FOODS, LLC. (OWN)** and **LAMAR CENTRAL OUTDOOR, LLC (APP)** have applied to the Board to convert an existing over-sized billboard sign to a digital LED billboard display of same size at **110 Garfield Avenue**, A.P. 7, lots 2561-62, 2593-97, and 3768, area 29,091 s.f. zoned M2.

### **Ward 4**

**295 INDUSTRIAL PARK, LLC (OWN)** and **WASTEXPRESS LLC (APP)** have filed an application to request approval of a motor vehicle and container storage use to be allowed at **60 Amflex Drive**, A.P. 36, lot 114, area 60,000 s.f., zoned M2.

### **Ward 2**

**MATTHEW B NELSON 50 BLACKAMORE AVENUE CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to convert an existing detached 2 story garage with new addition into a residential dwelling unit with restricted rear and corner side yard setback at **50 Blackamore Avenue**. AP 9/3, Lot 724, 723, area 8000+/- SF; zoned B-1.

### **Ward 1**

**SOKHENG RITHY (OWN/APP)** has applied to the Board to construct a new two-family dwelling on an under-sized lot and exceeding allowable lot coverage at **0 Narragansett Street**, A.P. 2, lot 672; area 6,450 s.f.; zoned B2.

## **NEW BUSINESS**

### **Ward 5**

**ROBERTO PICCOLINO (OWN/APP)** has filed an application to grant relief on an existing single family dwelling encroaching into the side setback on an under-sized lot merged by zoning at **85 Randall Street**, A.P. 12, lot 16; area 5,000 s.f.; 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 11/3/2022. Robert D. Murray, Esq.

On a motion made by Ms. McFarland and seconded by Ms. Montanaro, this variance was unanimously **approved** as presented to the Board on December 14, 2022.

## **PLANNING STAFF FINDINGS**

1. The subject parcels (AP 12, Lots 15-16) are located on two adjacent, substandard lots (each with 50 feet of frontage and 5,000 ft<sup>2</sup> of area) which are merged to form one conforming lot of 10,113 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 46 lots hosting single-family residential uses, and roughly half (20) of these lots are 5,000 ft<sup>2</sup> or less in size.
3. An existing single-family house located on AP 12, Lot 16 stands just over 19 feet from the front lot line and just under 4.5 feet from the western side lot line. The house appears to be a pre-existing non-conforming structure.
4. The proposed single-family house to be built on AP 12, Lot 15 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 8.61 units/acre, which is consistent with the FLUM.
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 spoke about the project and there were no objectors to the project.

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

**ROBERTO PICCOLINO (OWN/APP)** has applied to the Board to allow a new single-family dwelling to be constructed on an under-sized lot merged by zoning at **0 Randall Street**, A.P. 12, lot 15; area 5,000 s.f.; 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 11/3/2022. 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 December 14, 2022.**

### **PLANNING STAFF FINDINGS**

1. The subject parcels (AP 12, Lots 15-16) are located on two adjacent, substandard lots (each with 50 feet of frontage and 5,000 ft<sup>2</sup> of area) which are merged to form one conforming lot of 10,113 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 46 lots hosting single-family residential uses, and roughly half (20) of these lots are 5,000 ft<sup>2</sup> or less in size.
3. An existing single-family house located on AP 12, Lot 16 stands just over 19 feet from the front lot line and just under 4.5 feet from the western side lot line. The house appears to be a pre-existing non-conforming structure.
4. The proposed single-family house to be built on AP 12, Lot 15 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 8.61 units/acre, which is consistent with the FLUM.
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 spoke about the project and there were no objectors to the project.

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 3

**GARFIELD AVE FOODS, LLC. (OWN) and LAMAR CENTRAL OUTDOOR, LLC (APP)** have applied to the Board to convert an existing over-sized billboard sign to a digital LED billboard display of same size at **110 Garfield Avenue**, A.P. 7, lots 2561-62, 2593-97, and 3768, area 29,091 s.f. zoned M2. Applicants seek relief per Section 17.92.010- Variances; Table 17.72.010 (7)- Signs. Application filed 11/4/2022. Dylan Conley, Esq.

On a motion made by Mr. Perdikakis and seconded by Ms. McFarland, this application was unanimously voted to **continue to the January 11, 2023 meeting**

### Ward 4

**295 INDUSTRIAL PARK, LLC (OWN) and WASTEXPRESS LLC (APP)** have filed an application to request approval of a motor vehicle and container storage use to be allowed at **60 Amflex Drive**, A.P. 36, lot 114, area 60,000 s.f., zoned M2. Applicants seek relief per Section 17.92.020- Special Use Permit. Application filed 11/7/2022. Robert D. Murray, Esq.

On a motion made by Mr. Perdikakis and seconded by Ms. Montanaro, this variance was unanimously **approved with conditions** as presented to the Board on September 14, 2022.

### CONDITION:

Plants and greenery to be placed on the southern property line.

### **FINDINGS OF FACT:**

1. The applicant proposes to relocate an existing container service business located in Johnston, RI to subject lot to include industrial container (waste/trash) services. Such a use is only allowed as a special use permit in the M-2 zone.
2. As a result of review of this application by the Cranston Development Plan Review Committee, the DPRC elected not to assume jurisdiction of this application on 11/2/22.
3. The subject lot is 60,001 ft<sup>2</sup> at 60 Amflex Drive. The existing building, parking area, as well as the proposed outdoor storage space are located on the portion of the lot.
4. There are no proposed changes to the exterior of the building.
5. It should be noted that the subject lot immediately abuts a property to the south with an industrial use (Penske trucking transportation services).
6. Under the Special Use Permit requirements (Zoning Sec. 17.92.020), the applicant must comply with the following standards:
  - a. The proposed use will predominantly serve the employees and visitors to the existing industrial uses within the district;
  - b. It shall be compatible with its surroundings;
  - c. It shall not be injurious, obnoxious, or offensive to the neighborhood;
  - d. It shall not hinder the future development of the city;
  - e. It shall promote the general welfare of the city; and
  - f. It shall be in conformance with the purposes and intent of the comprehensive plan

7. The proposed use of industrial-container service and truck storage is consistent with the Future Land Use Map which calls for industrial use in the specified area.

In this case, applying the facts above to the standard for a Special Use Permit the Board finds that the use will substantially conform to the scale and context of the surrounding area, shall be compatible with its surroundings; shall not be injurious, obnoxious or offensive to the neighborhood; shall not hinder the future development of the city; shall promote the general welfare of the city; and shall be in conformance with the purposes and intent of the comprehensive plan. In Granting the Special Use Permit the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 from Section 17.92.020 Special Use Permit.

## Ward 2

**MATTHEW B NELSON 50 BLACKAMORE AVENUE CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to convert an existing detached 2 story garage with new addition into a residential dwelling unit with restricted rear and corner side yard setback at **50 Blackamore Avenue**. AP 9/3, Lot 724, 723, area 8000+/- SF; zoned B-1. Applicant seeks relief per Section 17.92.010 Variance, Sections 17.20.120 Schedule of Intensity; 17.20.070 More than one dwelling structure on any lot prohibited. No attorney. Filed 11/09/22.

On a motion made by Ms. McFarland and seconded by Mr. Zambrano, this application was unanimously voted to **continue to the January 11, 2023 meeting**

## Ward 1

**SOKHENG RITHY (OWN/APP)** has applied to the Board to construct a new two-family dwelling on an under-sized lot and exceeding allowable lot coverage at **0 Narragansett Street, A.P. 2, lot 672**; area 6,450 s.f.; zoned B2. Applicants seek relief per Section 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations, Application filed 11/10/2022. Rosina L. Hunt, Esq.

On a motion made by Ms. McFarland and seconded by Mr. Norcliffe, this variance was unanimously **Denied** as presented to the Board on September 14, 2022. Mr. Perdikakis recused himself on this application.

- The applicant proposes to construct a two-family dwelling on an under-sized lot that also exceeds allowable lot coverage. The applicant is seeking relief from use requirements within Section 17.20 (Permitted Uses).
- The applicant itemized specific relief requests in their application form, namely the following elements:
  - Permitted Uses (Sections 17.20.070 and 17.20.120)
    - 17.20.120 Schedule of Intensity
      - Under this section of the zoning regulation, a two-family dwelling requires 8000 sq-ft whereas this lot area is 6450 sq-ft.
      - Additionally, the proposed structure exceeds the maximum lot coverage
        - Maximum lot coverage for a two-family dwelling on a B-2 district: 35%
        - Proposed lot coverage: 41.5%
- The Future Land Use Map (FLUM) indicates that the desired density is 10.89 units per acre on the subject lot.
  - The proposed density for the subject lot is higher than what the FLUM calls for, at 13.6 Units per acre.
  - However, the average number of units per acre on existing lots with two family dwellings in this neighborhood already exceeds the proposed density of the subject lot at an average of 15.37units per acre.
- Existing non-conforming two-family dwelling units with lot area's less than the required 8000 sq-ft are common in this neighborhood and more specifically within a 400ft radius of the subject lot:

- There are 11 lots (zoned B-2), each with an average lot area of 5686 sq-ft containing two-family dwelling units.
- The applicant did not present any experts at the hearing
- The Board found that the project and specifically the two family house was too dense a use for the area and the lot and did not comply with the comprehensive plan
- The Board found that the relief was not the least relief necessary by seeking a large two family home on the subject lot

In this case, the Board found that the applicant **did not** satisfy the standard for a variance, the Board further finds that the application **did not** involve a hardship due to a physical or economic disability of the applicant, that the hardship **will alter** the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan and is **not** the least relief necessary. Therefore, the Applicant **did not** meet the requirements of the Zoning Code for relief per Section 17.92.010 Variance; Sections 17.92.120 - Schedule of Intensity Regulations.

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

**The meeting was adjourned at 8:15 PM**

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