

A meeting of the Cranston Zoning Board of Review was called to order via a Zoom conference meeting by Chairperson Christopher E. Buonanno on **Wednesday July 14, 2021 at 6:33 pm**. Also present were Joy Montanaro, Dean Perdikakis, Carlos Zambrano, and 1<sup>st</sup> alternate Craig Norcliffe

### Zoom Meeting

The following applications will be heard via Zoom conference call as indicated below.

**Wednesday July 14, 2021 at 6:30 p.m.**

The items listed may be subject to final action.

City Of Cranston is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/82493606141?pwd=YjhudytXRjhoMU5HUEppcWhWk2NCdzO9>

Meeting ID: 824 9360 6141

Passcode: 125569

Call In: 888 788 0099 (US Toll-free)

### OLD BUSINESS

#### APPEAL OF THE DECISION OF THE ZONING OFFICIAL IN ACCORDANCE WITH SECTION 17.116.010.

**ELMWAY REAL ESTATE, LLC** an appeal of the decision of the Zoning Official on the legal use of two lots located at **0 Elmhurst Ave.** A.P. 12, lots 276 and 277

### NEW BUSINESS

**PLATTING BOARD OF APPEALS: DISCUSSION OF AVAILABILITY OF BOARD MEMBERS FOR THE POSSIBILITY OF SCHEDULING OF A SPECIAL MEETING TO HEAR LEGAL ARGUMENTS CONCERNING THE BELOW ENTITLED APPEAL**  
**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.**

**NICHOLAS J. GUADAGNO (OWN /APP)** an application to legalize an existing basement unit to create a three family dwelling at **142 Chestnut Hill Avenue**, A.P. 8, lot 1443

**PHOENIX PROPERTIES,LLC.(OWN/APP)** an application to construct a 3,300 s.f. addition to an existing Motor Vehicle Repair and Service facility at **86 Calder Street**, A.P. 11, lot 2064

**DAVID A. RUSSO (OWN/APP)** an application to install an in ground pool on a on a corner lot at **32 Yard Street**, A.P. 12, lots 1979, 1980, 1981

**JENNIFER MINUTO (OWN/APP)** an application to construct an accessory structure for personal storage and a music studio use at **169 Bluff Avenue**, A.P. 2, lot 3775

**MICHELE L. CAPRIO (OWN/APP)** an application to allow a sign company and print shop business to operate in a residential zone at **68 Gansett Avenue**, A.P. 7, lot 2036

**BRUCE D. LANE and MINDY B. LANE (OWN/APP)** an application to leave a single family dwelling and a non-conforming accessory structure on an existing under-sized lot merged in accordance with 17.88.010 (B) at **76 Myrtle Avenue**, A.P. 9, lot 1861

**BRUCE D. LANE and MINDY B. LANE (OWN/APP)** an application to construct a new single family dwelling on an under-sized lot merged in accordance with 17.88.010 (B) at **0 Myrtle Avenue**, A.P. 9, lot 1860

### OLD BUSINESS

#### APPEAL OF THE DECISION OF THE ZONING OFFICIAL IN ACCORDANCE WITH SECTION 17.116.010.

**ELMWAY REAL ESTATE, LLC** has filed an appeal of the decision of the Zoning Official on the legal use of two lots located at **0 Elmhurst Ave.** A.P. 12, lots 276 and 277 area 8,000 s.f. zoned A6. Appellant disputes Zoning Certificates issued on two sub-standard lots considered to be merged under Section 17.88.010 (B) - Contiguous Substandard Lots of Record. Application filed 4/26/2021. Louis A. DeQuattro, Jr. Esq.

On a motion made by Ms. Montanaro and seconded by Mr. Zambrano, the Board voted 4-1 to uphold the decision of the Building Official. Mr Buonanno voted nay.

### **NEW BUSINESS**

#### **PLATTING BOARD OF APPEALS: DISCUSSION OF AVAILABILITY OF BOARD MEMBERS FOR THE POSSIBILITY OF SCHEDULING OF A SPECIAL MEETING TO HEAR LEGAL ARGUMENTS CONCERNING THE BELOW ENTITLED APPEAL**

**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 Mr. Norcliffe, the Board voted unanimously to hear the appeal at the next regularly scheduled meeting to be held on August 11, 2021, at 6:30 pm in City Hall Council Chambers.

### **Ward 3**

**NICHOLAS J. GUADAGNO (OWN /APP)** has filed an application to legalize an existing basement unit to create a three family dwelling at **142 Chestnut Hill Avenue**, A.P. 8, lot 1443; area 4,800 s.f.; zoned B1. Applicant seeks relief per 17.92.010-Variance; Sections 17.20.090- Specific Requirements; 17.20.120- Schedule of Intensity Regulations; 17.20.030- Schedule of Uses. Application Filed 6/7/21. Robert D. Murray, Esq.

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

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

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

1. The subject property has an existing legal nonconforming two-family residence as confirmed by a Zoning Certificate issued by the City on 12/28/20. The City's records show that the property was appraised and taxed as a two-family in 1984, but then as a three-family in 2006. The owner/applicant, Nicholas J. Guadagno, purchased the property in 2010, well *after* the two-family was converted into a three-family.
2. The subject property is 4,800 ft<sup>2</sup>.
3. The Survey Plan provided by the applicant demonstrates that there is sufficient existing off-street parking on-site, 6 spaces are required and 6 spaces are provided.
4. The Comprehensive Plan Future Land Use Map (FLUM) designates the property as Single/Two-Family Residential Less Than 10.89 Units/Acre.
5. The applicant provided a neighborhood analysis with an itemized breakdown of the number of land use within a 400' radius. Among the 106 lots, there are 37 single-family, 28 two-family, 7 three-family and two four-family lots. The analysis states that the average lot size within 400', (excluding the Arlington School and Calise Field) is 5,158 ft<sup>2</sup>. The average lot size for the 7 other three-family residences is 5,083 ft<sup>2</sup>.
6. The Cranston Comprehensive Plan's Housing Element supports the development of housing stock in Eastern Cranston. This proposal does not create sprawl, requires no environmental disturbance or extension of roadways or utilities.

7. There are a variety of residential uses in the area, including single, two, three and four-family dwelling all on Chestnut Hill Ave. A third dwelling unit would not be out of character with the surrounding area.
8. The applicant testified about the history of the property and how he purchased the property in this configuration.
9. There was no testimony by any abutters either for or against the proposal

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 5**

**PHOENIX PROPERTIES,LLC.(OWN/APP)** Has filed an application to construct a 3,300 s.f. addition to an existing Motor Vehicle Repair and Service facility at **86 Calder Street**, A.P. 11, lot 2064; area 20,480 s.f. zoned M1. Applicant seeks relief per 17.92.010- Variance; Sections 17.20.120- Schedule of Intensity Regulations. Application filed 6/7/21. John S. DiBona, Esq.

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

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

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

1. The applicant is proposing to add a 3,300 ft<sup>2</sup> to the rear on an existing Motor Vehicle Repair and Service Establishment light operation.
2. The new building addition will be located 35.7 feet from the front property line of the Macklin Street right-of-way whereas 40 feet is required in an M-1 zone.
3. The new addition meets all other dimensional requirements of the zoning code, including side setback, lot coverage, and parking.
4. The property is known as a “through parcel” meaning it abuts 2 separate public right-of-ways on opposite sides of the parcel. Because of this, the Macklin Street side of the property is regulated as a front property line, although it should be noted the front of the building/business operation is oriented toward the Calder Street right-of-way.
5. As a result of the building addition, a new parking layout and interior circulation plan has been provided for the Macklin Street side of the property. There will also be a new access point from Macklin Street as part of this proposal. This will result in cleaning up the Macklin side of the property with regard to the current fence and vehicle storage.
6. The relative amount of relief requested is 4.3 feet in comparison to the 40-foot setback standard. Therefore, the applicant is seeking relief for approximately 10% of the length of the required standard.
7. The Cranston Comprehensive Plan’s Future Land Use Map designates the subject parcels as “Industrial”. The proposed use fits within this designation and thus the project is consistent with the Comprehensive Plan.
8. The applicant testified to the project and how he would improve the property with upgrades.

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 5

**DAVID A. RUSSO (OWN/APP)** has filed an application to install an in ground pool on a on a corner lot at **32 Yard Street**, A.P. 12, lots 1979, 1980, 1981, area 12,000s.f. zoned A8. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.120- Schedule of Intensity Regulations; 17.60.010(D) -Accessory Uses; Application filed 6/8/2021. Robert D. Murray, Esq.

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

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

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

1. The applicant is seeking to construct an in-ground 18'X38' swimming pool and deck in a front yard setback in an A-8 zone. The proposed deck will be 22 inches above grade and the edge of deck will be located 5 feet from the t front property line abutting Cannon Street.
2. The combined subject lots conform to all A-8 standards for required lot dimensions.
3. Section 17.60.010 "Accessory Uses" of the zoning code establishes specific setbacks for pools and decks in an A-8 zone (5' for rear setback and 5' for side setback).
4. The property does not have the benefit of a typical size backyard because it is a corner lot and is required to have 2 front yard setbacks. A front yard setback must be measured from both the Yard Street right-of-way and the Cannon Street right-of-way. Because the existing dwelling conforms to both front setbacks, there is limited space for improvements in the backyard area. The unique circumstance of this property being a corner lot creates a hardship with regard to locating customary accessory uses in the backyard.
5. There are additional site conflicts with locating the pool in the backyard of the property because there is an existing rear deck and stairs that serves as an emergency second egress from the dwelling.
6. The area where the pool is proposed is surrounded by a 6' white PVC fence. The views of the proposed pool from the surrounding public rights-of-way are largely screened by the existing fence.
7. The fact that this proposal is for an in-ground pool (as opposed to an above ground pool), along with the fact that there is an existing 6' PVC fence surrounding the proposed pool, combines to create an effective visual mitigation strategy to provide privacy from abutting neighbors and public rights-of-way.
8. The applicant testified about the project and there was no testimony in opposition to 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 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; 17.60.010(D)- Accessory Uses.

### Ward 1

**JENNIFER MINUTO (OWN/APP)** has filed an application to construct an accessory structure for personal storage and a music studio use at **169 Bluff Avenue**, A.P. 2, lot 3775, 9,610 s.f., zoned A6. Applicant seeks relief per Section 17.92.010 Variance; Section 17.60.010 - Accessory Uses; 17.20.030- Schedule of Uses. Application filed 6/9/2021.

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

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

#### **FINDINGS OF FACT**

1. The applicant proposes an accessory structure which is to be used as a storage space and art/music studio. It will have water and electricity and a restroom, but does not have a kitchen and is not a dwelling unit. No business operations are proposed as part of this application, nor is it proposed as a home occupation. The proposed use is accessory to the primary residential use.
2. Due to the unique shape of the lot and considering the width and the existing residence, pool, and deck, there is no way to expand the primary residence without encroaching into the setbacks or removing existing features.
3. The proposed accessory structure will comply with the 5-foot accessory structure side yard setback.
4. The visual impacts to the abutting neighbors will be minimal due to existing chain-link fencing that is covered with vegetation which, according to the survey plan, is right on the property line.
5. The Comprehensive Plan does not specifically address accessory structures. The 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). Allowing accessory structures that comply with building setbacks is consistent with promoting neighborhood needs and quality of life, and therefore the application is generally consistent with the Comprehensive Plan.
6. The applicant, an attorney, presented her own case before the Board. She presented a site map showing the unique shape of the lot and the project. She stated that no business operations would take place in the structure.
7. There was one abutter who spoke in favor of the project and no one spoke in opposition to 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 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; 17.60.010(D)- Accessory Uses

#### **Ward 3**

**MICHELE L. CAPRIO (OWN/APP)** has filed an application to allow a sign company and print shop business to operate in a residential zone at **68 Gansett Avenue, A.P. 7**, lot 2036; area 5,628 s.f.; zoned B1. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.030- Schedule of Uses; Section 17.20.120- Schedule of Intensity Regulations; Section 17.64.010- Parking, Section 17.72.010-Signs. Application filed 6/9/2021. 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 to the Board

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

**FINDINGS OF FACT**

1. The applicant proposes a sign/print shop in a B-1 zone where it is not a permitted use.
2. The sign/print shop would occupy a legal nonconforming 4,018 ft<sup>2</sup> building constructed in 1958 on a 5,628 ft<sup>2</sup> lot. The existing building is a legal nonconforming structure that encroaches into all of the required setbacks and exceeds the building lot coverage.
3. The first known use of the site was an office use for a plumbing and heating business including a display showroom and garage. There have been other commercial uses at this location since, the latest being a construction/property management company, but no use variances were granted for any other use at this location since the enactment of zoning in 1966 (it is uncertain whether relief would have been required).
4. There is no work proposed (other than the proposed signage) as part of this application.
5. The Comprehensive Plan Future Land Use Map (FLUM) designates the property as Single/Two-Family Residential Less than 10.89 units/acre. The proposed use is inconsistent with the FLUM.
6. The property has been utilized as a business for well over 50 years. The continuation of a commercial use is not anticipated to have a negative impact on the surrounding area.
7. Converting the existing commercial building to a conforming residential use may be impractical and/or problematic.
8. The proposed wall signage is 10' wide x 2' high. Wall signs are not permitted in B-1 zoning. In neighborhood business districts, C-1 and C-2 zones, the maximum wall sign area is 30 ft<sup>2</sup>. The proposed sign is 20 ft<sup>2</sup>.
9. The proposed pole signage is 4' wide x 5' tall. The proposed freestanding sign is 40 ft<sup>2</sup> as area is calculated as the sum of each side.
10. The applicant has removed the unpermitted signage on site.
11. The applicant testified about the business currently occupying the property and how there would be no change to the exterior of the building.
12. There was no additional testimony either in favor 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 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 Variance; Sections 17.20.030- Schedule of Uses; Section 17.20.120- Schedule of Intensity Regulations; Section 17.64.010- Parking, Section 17.72.010-Signs

**Ward 2**

**BRUCE D. LANE and MINDY B. LANE (OWN/APP)** have filed an application to leave a single family dwelling and a non-conforming accessory structure on an existing under-sized lot merged in accordance with 17.88.010 (B) at **76 Myrtle Avenue**, A.P. 9, lot 1861, area 4,000 s.f., zoned A6. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.120- Schedule of Intensity Regulations; Section 17.88.010 (B)- Sub-Standard Lots of Record; Section 17.60.010 -Accessory Uses; Application filed 6/9/2021. Robert D. Murray, Esq.

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

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

**FINDINGS OF FACT**

1. AP 9 Lot 1860 is currently merged to AP 9 Lot 1861 per Section 17.88.010 *Substandard Lots of Record & Lot Mergers*. Lot 1860 is the last/only undeveloped lot of record on the south side of Myrtle Ave between Greenway Street and Summer Street.
2. The applicant proposes a 24' x 38' shotgun ranch single-family home on AP 9 Lot 1860. The elevations indicate that the home would be generally in conformance with the surrounding area, particularly the several homes immediately to the west of the subject properties.
3. There is an existing detached garage on AP 9 Lot 1861 that is 6" from the side lot line that would require a 5' setback. Aerial images indicate that there is a pattern of nonconforming accessory structures on in the neighborhood located in the back corners of their respective lots.
4. The visual impacts to the abutting neighbor to the east of the proposed new single-family residence would minimal due to the existing wooden fence and vegetation. The site plan and the orientation of the fence indicate that the fence is either co-owned or owned by the applicant.
5. The neighborhood analysis finds that there are 95 other single-family homes, 4 two-family homes, and 12 lots either residential land undeveloped or other within a 400' radius of the subject properties. The average lot size within the 400' radius is 5,007 ft<sup>2</sup>. On the south side of Myrtle Ave between Greenway Street and Summer Street, including the two subject lots, there are 12 lots - 9 of them are 4,000 ft<sup>2</sup>. The two subject lots are equal to the median, but below the average area of the 12 lots. Due to the numerous other 4,000 ft<sup>2</sup> lots, the proposed 4,000 ft<sup>2</sup> lots would be in general conformance to the neighborhood.
6. The Comprehensive Plan Future Land Use Map designates the property as Single Family Residential 7.26 to 3.64 units/acre. The proposal is consistent in terms of *use* but inconsistent in terms of *density* prescribed with a proposed density of 10.89 units per acre.
7. The proposal is consistent with several policies in the Comprehensive Plan, including but not limited to HG-4, HP-4.1, HP-4.6 and other excerpts addressing the inconsistency between zoning and existing lots of record.
8. The applicant testified about the project and put forth the testimony of Joseph Casale , Engineer. There was mirror testimony for both applications.
9. The Board incorporated the above findings and the testimony of the applicant and its experts in its findings.
10. The Board found that the project was in conformance with the neighborhood as many homes are on 4000 sq ft lots.
11. There was testimony in opposition to the proposed subdivision and new home by surrounding neighbors.

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; Sections 17.20.120- Schedule of Intensity Regulations; Section 17.88.010 (B)- Sub-Standard Lots of Record; Section 17.60.010 - Accessory Uses

## Ward 2

**BRUCE D. LANE and MINDY B. LANE (OWN/APP)** have filed an application to construct a new single family dwelling on an under-sized lot merged in accordance with 17.88.010 (B) at **0 Myrtle Avenue**, A.P. 9, lot 1860, area 4,000 s.f. zoned A6. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.120- Schedule of Intensity Regulations; Section 17.88.010 (B)- Sub-Standard Lots of Record. Application filed 6/9/2021. Robert D. Murray, Esq.

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

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

#### **FINDINGS OF FACT**

1. AP 9 Lot 1860 is currently merged to AP 9 Lot 1861 per Section 17.88.010 *Substandard Lots of Record & Lot Mergers*. Lot 1860 is the last/only undeveloped lot of record on the south side of Myrtle Ave between Greenway Street and Summer Street.
2. The applicant proposes a 24' x 38' shotgun ranch single-family home on AP 9 Lot 1860. The elevations indicate that the home would be generally in conformance with the surrounding area, particularly the several homes immediately to the west of the subject properties.
3. There is an existing detached garage on AP 9 Lot 1861 that is 6" from the side lot line that would require a 5' setback. Aerial images indicate that there is a pattern of nonconforming accessory structures on in the neighborhood located in the back corners of their respective lots.
4. The visual impacts to the abutting neighbor to the east of the proposed new single-family residence would minimal due to the existing wooden fence and vegetation. The site plan and the orientation of the fence indicate that the fence is either co-owned or owned by the applicant.
5. The neighborhood analysis finds that there are 95 other single-family homes, 4 two-family homes, and 12 lots either residential land undeveloped or other within a 400' radius of the subject properties. The average lot size within the 400' radius is 5,007 ft<sup>2</sup>. On the south side of Myrtle Ave between Greenway Street and Summer Street, including the two subject lots, there are 12 lots - 9 of them are 4,000 ft<sup>2</sup>. The two subject lots are equal to the median, but below the average area of the 12 lots. Due to the numerous other 4,000 ft<sup>2</sup> lots, the proposed 4,000 ft<sup>2</sup> lots would be in general conformance to the neighborhood.
6. The Comprehensive Plan Future Land Use Map designates the property as Single Family Residential 7.26 to 3.64 units/acre. The proposal is consistent in terms of *use* but inconsistent in terms of *density* prescribed with a proposed density of 10.89 units per acre.
7. The proposal is consistent with several policies in the Comprehensive Plan, including but not limited to HG-4, HP-4.1, HP-4.6 and other excerpts addressing the inconsistency between zoning and existing lots of record.
8. The applicant testified about the project and put forth the testimony of Joseph Casale , Engineer. There was mirror testimony for both applications.
9. The Board incorporated the above findings and the testimony of the applicant and its experts in its findings.
10. The Board found that the project was in conformance with the neighborhood as many homes are on 4000 sq ft lots.
11. There was testimony in opposition to the proposed subdivision and new home by surrounding neighbors.

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; Sections 17.20.120- Schedule of Intensity Regulations; Section 17.88.010 (B)- Sub-Standard Lots of Record

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

**The meeting was adjourned at 10:15 PM**

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