

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 September 14, 2022 at 6:33 pm**. Also present were Joy Montanaro, Dean Perdikakis, Carlos Zambrano, 1st alternate Craig Norcliffe, and 3rd alternate Frank Corrao III.

The following matters were heard before the Board:

OLD BUSINESS

APPEAL OF A NOTICE OF VIOLATION DATED MARCH 25, 2022 ISSUED BY THE CITY OF CRANSTON BUILDING OFFICIAL REGARDING A USE NOT PERMITTED IN A RESIDENTIAL ZONE. APPEAL TAKEN IN ACCORDANCE WITH THE CITY OF CRANSTON MUNICIPAL CODE TITLE 17, SECTION 17.116.010- APPEAL POWERS. SUBJECT PROPERTY LOCATED 1231 HOPE ROAD, A.P. 30, LOT 68, AREA 18.23 AC., ZONED A80; ADELAIDE KNIGHT TRUSTEE (OWN), GREENWICH WOOD PRODUCTS/ MIKE HENDERSHOT (APPELLANT).

NEW BUSINESS

JOCKS HORSE FARM, LLC (OWN) and ANGELA BAXTER (APP) have applied to the Board to allow a kennel to operate within an existing barn at **504 Laten Knight Road, A.P. 29, lot 11, area 53 ac.; zoned A80.**

16 WINDSOR ROAD, LLC (OWN/APP) has filed an application to allow a garage to be constructed in a front corner yard(s) within the required front yard setback(s) at **16 Windsor Road, A.P. 2, lot 3434; area 9,117 s.f. zoned B1.**

LUC REALTY HOLDINGS, LLC (OWN/APP) has applied to the Board to convert a professional office into a dwelling unit in a mixed-use building converting it to a multi-family four unit use at **1732 Broad Street, A.P. 2, lot 2524; area 8978 s.f.; zoned C-1**

DAVID C. & LIANNE DiMAIO and DAVID DiMAIO (APP) have filed an application to construct a single-family dwelling on an under-sized lot at **0 Woodland Avenue, A.P. 37, lot 20; area 3,223 s.f.; zoned A8.**

PARK AVENUE PLAZA, LLC (OWN) and FIVE RIVERS, LLC (APP) has applied to the Board to allow a drive-up window to be installed for a pharmacy use in an attached unit of a shopping plaza at **1375 Park Avenue, A.P. 11, lots 749,3599, 3600; area 67,001s.f.; zoned C3.**

OLD BUSINESS:

APPEAL OF A NOTICE OF VIOLATION DATED MARCH 25, 2022 ISSUED BY THE CITY OF CRANSTON BUILDING OFFICIAL REGARDING A USE NOT PERMITTED IN A RESIDENTIAL ZONE. APPEAL TAKEN IN ACCORDANCE WITH THE CITY OF CRANSTON MUNICIPAL CODE TITLE 17, SECTION 17.116.010- APPEAL POWERS. SUBJECT PROPERTY LOCATED 1231 HOPE ROAD, A.P. 30, LOT 68, AREA 18.23 AC., ZONED A80; ADELAIDE KNIGHT TRUSTEE (OWN), GREENWICH WOOD PRODUCTS/ MIKE HENDERSHOT (APPELLANT).

On a motion made by Mr. Perdikakis and seconded by Mr. Zambrano, the Board voted 3-2 to overturn the first notice of violation of the Building Official issued on March 25, 2022. Ms. Montanaro and Mr Norcliffe voted nay on the motion. No further action was taken by the Board.

NEW BUSINESS

Ward 4

JOCKS HORSE FARM, LLC (OWN) and ANGELA BAXTER (APP) have applied to the Board to allow a kennel to operate within an existing barn at **504 Laten Knight Road, A.P. 29, lot 11, area 53 ac.; zoned A80.** Applicant seeks permission to operate per 17.92.020-

Special Use Permit in accordance with 17.20.030- Schedule of Uses. Application filed 7/29/2022. No Attorney

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

CONDITIONS

1. Operation to be limited to the interior of the existing barn.
2. Number of dogs not to exceed 10 for boarding purposes.
3. Maximum number of kennels not to exceed 8.

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

FINDINGS OF FACT:

1. The subject site is a 53-acre lot in A-80 zoning. The applicant is proposing a kennel to be located within a portion of the existing barn at this location with no structural alterations to the exterior of the building. Kennels are allowed with a Special Permit in A-80 zoning per Sec. 17.20.030 *Schedule of Uses*.
2. The property is in a very rural area of Western Cranston. The closest residential structure is over 1,000 feet away and is buffered by a forest on municipal-owned and conserved property. Granting the special use permit would not have a negative impact on the abutters.
3. The City of Cranston Comprehensive Plan's Future Land Use Map designates the subject parcel as "Single-Family Residential Less Than 1 Unit Per Acre." Despite the wording of the FLUM designation which generally applies to A-80 parcels throughout the city, farming/agriculture is also a common use under this designation and is encouraged by the Comprehensive Plan. The kennel use will be in keeping with the nature of the horse farm and is thereby consistent with the City of Cranston Comprehensive Plan's Future Land Use Map.
4. The Comprehensive Plan Natural Resources Element recommends the "Protection of Cranston's Natural Resources" by adopting a "Farm-based Retail District" with the purpose as follows, "A farm-based retail district. . . would support the continuation of existing farms and encourage the development of new ones by allowing retail operations to expand, thereby increasing the customer base. This ordinance would allow farmers to be more competitive, maintain productive farmland, retain the rural character of the area, support historic preservation goals, and most importantly, preserve the natural resources within the district" (p. 107). The special use permit request is consistent with the intent of this recommendation as it would help keep preserve the horse farm and maintain the scenic aesthetic of the property.
5. The applicant testified that she is an active horse farm and wanted to take in some dogs in a kennel to assist her business. She testified that she met with an abutter to address any noise issue and stated that she is over 700 feet from the property line.
6. Attorney Murray, representing an abutter, spoke of concerns about dog noise and thanked the applicant for her consideration of this issue with his client

In this case, applying the facts above to the standard for a Special Use Permit the Board further 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 1

16 WINDSOR ROAD, LLC (OWN/APP) has filed an application to allow a garage to be constructed in a front corner yard(s) within the required front yard setback(s) at **16 Windsor Road**, A.P. 2, lot 3434; area 9,117 s.f. zoned B1. Applicant seeks relief per sections 17.92.010- Variance; Section 17.20.120- Schedule of Intensity Regulations. Application filed 8/4/2022. John O. Mancini, Esq.

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

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

FINDINGS OF FACT:

1. The subject parcel is a corner lot with frontage on three sides, so its buildable envelope is inherently constrained by three front setbacks. Dimensionally, it is a conforming lot of 9,117 ft² in a B-1 zone.
2. The proposed three-car garage would encroach roughly 5 feet into the 25-foot front setback along Narragansett Boulevard and roughly 12 feet into the 25-foot front setback along Windsor Road. It would also increase the lot coverage from 10% to 25%, which remains within the maximum allowable lot coverage (35%) in a B-1 zone.
3. The proposed garage would also encroach roughly 2 feet into the 8-foot side setback shared with the neighboring parcel (AP 2, Lot 3435). As the existing residence also encroaches roughly 2 feet into the side setback, the addition of the garage would not increase the degree of nonconformity along this side of the property.
4. Given the lot's dimensions, three frontages, and unique topographical conditions (land slopes downward toward Narragansett Blvd), the proposed three car garage's encroachment into the Windsor Road setback appears to be unavoidable.
5. Although it is not readily apparent why the garage cannot be located slightly further into the lot to comply with the Narragansett Blvd setback,
6. The proposed three-car garage would be set into the hillside, roughly in-line with the comparable two-car garage located on the neighboring parcel. However, the proposed garage would also include a green roof that mitigates its visual and environmental impacts.
7. The garage is a by-right accessory use and its addition would therefore be consistent with the parcel's Future Land Use Map designation of *Single Family Residential less than 10.89 units/acre*.
8. Relief would be consistent with Comprehensive Plan Land Use Principle 4, "*Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life...*" (p. 34).
9. The applicant and their expert spoke about the entire project and the garage design
10. The direct neighbor spoke in favor of the application and there was no one opposed.

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.

Ward 1

LUC REALTY HOLDINGS, LLC (OWN/APP) has applied to the Board to convert a professional office into a dwelling unit in a mixed-use building converting it to a multi-family four unit use at **1732 Broad Street**, A.P. 2, lot 2524; area 8978 s.f.; zoned C-1. Applicant seeks relief per sections 17.92.010- Variance; Section 17.20.090 (A)- Specific Requirements. Application filed 8/5/2022. Steven A. Moretti, Esq.

On a motion made by Mr. Perdikakis and seconded by Mr. Corrao, this variance was unanimously **approved** as presented to the Board on September 14, 2022. Mr. Buonanno recused himself from this matter.

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

FINDINGS OF FACT:

1. The subject parcel is a corner lot with Broad Street and Grand Avenue. Dimensionally, it is a conforming lot of 8,978 ft² in a C-1 zone. The present use of the building on site – three residential units and ground-floor commercial – is allowed within the C-1 zone.
2. The applicant is proposing to convert the ground-floor commercial unit into a residential unit. The dimensional relief requested is to allow four residential units on a roughly 9,000 ft² lot where the calculations detailed in 17.20.090(A) specify 18,000 ft² would be required for new by-right construction of a four-unit multifamily building.
3. As the existing building was built in 1904 (predating zoning and is a pre-existing non-conforming structure), and as the proposal would only entail an interior retrofit, the applicant does not need relief for other non-conformities that are not impacted by the proposal, such as for exceeding the 35-foot height limit or for encroaching into the front setback along Grand Avenue.
4. Per the Comprehensive Plan, the Neighborhood Commercial Services designation encompasses the C-1, C-2, and C-3 zones. Because multifamily residential uses are permitted by-right in the C-1 zone with no associated density standards, the proposal is consistent with the parcel's Future Land Use designation
5. Both commercial and residential uses can be found along the stretch of Broad Street within a 400-foot radius of the subject parcel. The block directly to the north on the same side of Broad Street hosts several multifamily buildings, so the proposal is consistent with the character of the existing neighborhood.
6. The project is consistent with Comprehensive Plan Land Use Principle 4, "*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 attorney for the applicant gave a brief presentation and no one spoke in opposition to the application.
8. The Board found that this proposal is a less intense use than what was at the property and conforms to the character of the neighborhood.

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 17.20.090 (A)- Specific Requirements.

Ward 5

DAVID C. & LIANNE DiMAIO and DAVID DiMAIO (APP) have filed an application to construct a single-family dwelling on an under-sized lot at **0 Woodland Avenue**, A.P. 37, lot 20; area 3,223 s.f.; zoned A8. Applicant seeks relief per sections 17.92.010- Variance; Section 17.20.120- Schedule of Intensity Regulations. Application filed 8/9/2022. Robert D. Murray, Esq.

On a motion made by Mr. Perdikakis and seconded by Mr. Corrao, this variance was **approved** by a 4-1 vote as presented to the Board on September 14, 2022. Mr. Zambrano voted nay. Ms. Montanaro recused herself from this matter.

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

FINDINGS OF FACT:

1. The project is a single-family house on an undersized lot of 3,200 ft² and 40 feet of frontage. The minimum standards for by-right development in an A-8 zone are 8,000 ft² of area and 80 feet of frontage.
2. The single-family house would be built within all required setbacks for an A-8 zone. The resulting lot coverage would be 22.5%, which also complies with the 30% coverage limit for the A-8 zone.
3. A neighborhood analysis submitted by the applicant notes that, of the 38 lots within a 400-foot radius of the subject parcels hosting single-family uses, the average lot size for was 6,361 ft², nearly double the size of the lot on which the applicants propose to build a new single-family house. The analysis also found that 29 of the 38 single-family house lots were undersized (less than 8,000 ft²).
4. The Future Land Use Map (FLUM) designates the subject parcel as Single-Family Residential 7.26 to 3.64 Units/Acre. The density that would result from the proposal is 13.61 units/acre, which is nearly double the FLUM's prescribed density.
5. The Comprehensive Plan's Land Use Principle 4 advises to "*Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life*" and to "*Protect the natural, historic and visual resources that define the neighborhoods*" (p.34). Aside from the lot abutting directly to the south (AP 37, Lot 21), compact development as envisioned by this proposal is not typical for the neighborhood.
6. The attorney for the applicant gave a brief presentation to the Board and the owner spoke about his plans for the structure.

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.

Ward 3

PARK AVENUE PLAZA, LLC (OWN) and FIVE RIVERS, LLC (APP) has applied to the Board to allow a drive-up window to be installed for a pharmacy use in an attached unit of a shopping plaza at **1375 Park Avenue**, A.P. 11, lots 749,3599, 3600; area 67,001s.f.; zoned C3. Applicant seeks relief per sections 17.92.010- Variance; Section 17.28.010 (B), (1)- Drive-In Uses. Application filed 8/10/2022. Robert D. Murray, Esq.

On a motion made by Mr. Norcliffe and seconded by Mr. Zambrano, this variance was **approved** as presented to the Board on September 14, 2022.

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

FINDINGS OF FACT:

1. The applicant seeks to install a drive-thru window on the western rear corner of an existing multi-tenant shopping center for the use of a pharmacy.
2. The proposal entails no alterations to the footprint or layout of the shopping center, so there are no new encroachments into setbacks. The proposal is also consistent with the uses permitted within the C-3 zone.
3. The rear driveway (on which the new drive-thru window would be located) offers sufficient space to allow for the minimum six-vehicle queue and appears to have enough space for a bypass lane along the side of the queue lane.
4. The Comprehensive Plan's Economic Development Element includes the following Key Strategy: "*Neighborhood commercial centers – Support neighborhood business centers to stabilize and strengthen surrounding neighborhoods*" (p.74). Staff believes granting relief to allow a drive-thru window to be opened would be consistent with supporting neighborhood business centers.
5. The lessee spoke about his pharmacy operation and answered questions from the board about security and site circulation.
6. No one spoke in opposition to 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 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 17.28.010 (B), (1)- Drive-In Uses

Stanley Pikul
Secretary, Zoning & Platting Boards

The meeting was adjourned at 10:45 PM
