

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 October 12, 2022 at 6:33 pm**. Also present were Joy Montanaro, Dean Perdikakis, Carlos Zambrano, Paula McFarland, 1st alternate Craig Norcliffe, and 3rd alternate Frank Corrao III.

The following matters were heard before the Board:

NEW BUSINESS

RICHARD and ELIZABETH RUGGIERIO (OWN) and CARMIN AQUINO (APP) have applied for permission to convert an existing legal non-conforming retail store into a Religious Place of Worship with reduced number of parking spaces at **132 Gansett Avenue**, A.P. 6, lot 2449, area 6,400 s.f. zoned C2.

ANNYONG SUK WOO (OWN/APP) has filed an application for permission to construct an addition to an existing two-family house to create two additional living units at **1340 Plainfield Street A/P 12**, Lots 406 & 409, zoned C2.

FJ INVESTMENT, LLC (OWN) and INGRID GUZMAN d/b/a DULCE VIDA (APP) Have applied for permission to operate a banquet facility with reduced number of parking spaces from a portion of an existing building at **804 Reservoir Avenue**, A.P. 9, lots 572, 573; area 9,189 s.f.; zoned C1.

NEW BUSINESS

Ward 3

RICHARD and ELIZABETH RUGGIERIO (OWN) and CARMIN AQUINO (APP) have applied for permission to convert an existing legal non-conforming retail store into a Religious Place of Worship with reduced number of parking spaces at **132 Gansett Avenue**, A.P. 6, lot 2449; area 6,400 s.f.; zoned C2. Applicant seeks relief per 17.92.010- Variances, Section 17.64.010- Off-Street Parking. Application filed 9/6/22. John J. Garrahy, Esq.

On a motion made by Mr. Perdikakis and seconded by Mr. Zambrano, this variance was unanimously **approved with conditions** as presented to the Board on October 12, 2022.

CONDITIONS

1. Existing free-standing signposts to be removed.

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

FINDINGS:

1. The applicant proposes to use an existing commercial building at 132 Gansett Ave for a "Place of Religious Worship".
2. The subject lot comprises 6,400 sq.ft. and is zoned C-2.
3. A Place of Religious Worship is allowed in the C-2 zone so only dimensional relief for parking is needed.
4. A Place of Religious Worship is defined in the zoning code as "...means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purposed. This use includes synagogues, temple, mosque or other such place for worship and religious activities."
5. The property is surrounding by commercial uses to the north and south along Gansett Ave., and residential uses directly to the east.
6. Per the zoning code, the applicant is required to provide 1 parking space for every 10 seats. The applicant is required to provide 5 parking spaces per code and they are only proposing 3 spaces, therefore they are substandard by 2 spaces.
7. The site currently has 5 parking spaces but they are all non-conforming, a situation that the applicant is attempting to address through this proposal. Namely, the

applicant is adding an ADA accessible space and the applicant is changing the parking and circulation arrangement around the building so that the vehicles will no longer need to cross over abutting commercial properties in order to pull in and back out of the parking spaces.

8. The plan offers a unique siting arrangement for the ADA vehicle parking space due to the existing conditions of the property and building. Such an arrangement has been reviewed by the City's traffic engineer through multiple iterations as part of a pre-application process, and the City does NOT have concerns regarding the public safety aspects of this proposal.
9. The applicant gave a brief presentation on the merits of the application and the hours of worship
10. No one spoke in favor 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 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 17.64.010- Off-Street Parking Regulations

Ward 5

ANNYONG SUK WOO (OWN/APP) has filed an application for permission to construct an addition to an existing two-family house to create two additional living units at **1340 Plainfield Street** A/P 12, Lots 406 & 409, zoned C-2. Applicant seeks relief per 17.92.010 Variances, Section 17.20.120- Schedule of Intensity Regulations. Application filed 9/14/2022. Robert D. Murray, Esq.

On a motion made by Mr. Zambrano and seconded by Ms. McFarland, this variance was unanimously **approved with conditions** as presented to the Board on October 12, 2022.

CONDITIONS

1. Remove 2 existing free-standing signs.

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

FINDINGS:

1. The subject parcel is composed of two adjacent, substandard lots of record which are merged for zoning purposes to create one conforming lot of 10,450 ft² in a C-2 zone.
2. The applicant proposes to construct a two-story addition in the rear of the existing two-story building, which will render the structure a multifamily building by adding two new units to the existing two units. This will increase the lot coverage from 15% to 27%, well below the maximum allowable lot coverage (60%) in a C-2 zone. New by-right construction of a four-unit multifamily building would require 18,000 ft² of lot area.
3. The parcel is a corner lot, so its buildable envelope is inherently constrained by the additional front setback. The proposed addition would come within 12 feet of the lot line it shares with AP 12, Lots 407 and 408. If this lot line is interpreted as a side lot line instead of a rear lot line, the addition would conform to the 8-foot setback requirement.
4. The applicant also proposes to demolish the existing garage in the rear of the property (nearer to Fletcher Ave) and replace it with three surface parking spaces. The site plan shows a total of 11 off-street parking spaces being provided on the Fletcher Ave side of the parcel, which would exceed the minimum 8 required spaces (two for each of the four residential units) and comply with Section 17.64.010(F)(1)'s requirement that "vehicles will leave and enter the street with a forward motion" for multifamily residential uses.

5. Multifamily dwellings are a permitted use in the parcel's C-2 zone; however, they are not permitted under the parcel's Future Land Use Map designation of Highway Commercial Services. In instances where a parcel's Zoning and Future Land Use disagree on permitted uses, Zoning controls. Staff would also note that the Highway Commercial Services FLUM designation is intended to encompass C-3, C-4, and C-5 zoned parcels. Parcels zoned C-1, C-2, and C-3 are typically given a FLUM designation of Neighborhood Commercial Services, and multifamily buildings are an allowed use under this designation.
6. A variance application for this same proposal was conditionally approved by the Zoning Board of Review during its January 11, 2017 meeting. The previous owner sold the property before pursuing the construction of the proposed addition; the new owner now wishes to pursue the project, but needed to resubmit due to the amount of time that has passed since the Zoning Board originally granted its conditional approval.
7. The contractor for the applicant spoke of the project and the changes for the 2017 approval.
8. No one spoke in favor 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 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 17.20.120- Schedule of Intensity Regulations.

Ward 2

FJ INVESTMENT, LLC (OWN) and INGRID GUZMAN d/b/a DULCE VIDA (APP)

Have applied for permission to operate a banquet facility with reduced number of parking spaces from a portion of an existing building at **804 Reservoir Avenue**, A.P. 9, lots 572, 573; area 9,189 s.f.; zoned C1. Applicant seeks relief per 17.92.010, Sections 17.20.030- Schedule of Uses; 17.64.010- Off-Street Parking. Application filed 9/14/2022. Robert D. Murray, Esq.

On a motion made by Mr. Zambrano and seconded by Mr. Perdikakis, this variance was approved with conditions as presented to the Board on October 12, 2022. The vote was 4-1 with Ms. Montanaro voting against the application.

CONDITIONS

1. **Dumpster to be relocated to a location as approved by the Building Official and screened on three sides as required by Ordinance.**

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

FINDINGS:

1. The applicant proposes to use a portion of a commercial building at 800-804 Reservoir Ave as a venue to host events, such as weddings, showers, birthday celebrations, and other social occasions. The property is the site of the former Rainbow Bakery.
2. The subject lot comprises 9,189 sq.ft. and is zoned C-1.
3. The property is surrounding by commercial uses to the north and south along Reservoir Ave., and residential uses directly to the east.
4. A "banquet facility" (the closest defined zoning use) is not allowed in the C-1 zone and it is only allowed in the C-4 and C-5 zones.
5. A "banquet facility" is defined in the Cranston zoning code as: "...an establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations.

Such a use may include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.”

- 6 Staff is of the view that a banquet facility is a more intense land use than a bakery as it relates to peak vehicle trip generation and peak parking needs.
- 7 The applicant has stated they will limit events to approximately 75 people.
- 8 The applicant has stated that most events would occur on weekends.
- 9 The applicant has stated that there will be no kitchen facilities included with this use and all food or beverage will be brought in from an outside source.
- 10 The property has 10 existing parking spaces. The existing parking spaces are non-conforming in their layout as they require cars to back out directly onto the public right-of-way. It is staff's understanding that broad relief from the parking code has been requested as part of this petition.
11. The 10 existing parking spaces serve the entire property, including the other commercial tenant space within this building.
12. The applicant has stated that they have agreed to lease an addition 15 parking spaces located on a nearby property. The ability to allow parking on a separate site is an authority granted to the Zoning Board of Review and the applicant has requested such consideration.
13. It is unclear based on the information provided how many parking spaces would be required by code for the subject property, inclusive of the proposed banquet facility and the other commercial tenant space on the property. Based on the fact that the applicant is seeking relief from the parking code, it is assumed that some amount of parking variance may be needed beyond the 10 on-site and 15 off-site spaces proposed.
14. The subject lot is located on Reservoir Avenue – a state-owned major arterial roadway in the City of Cranston. It is unclear if RIDOT would have any role in reviewing the proposed application based on the potential increase in traffic generation.
15. Although the Comprehensive Plan is not explicit in discussing the use of banquet facilities, the Future Land Use Map designation of this property of “Highway/Commercial Services” is supportive of heavier commercial uses. Therefore, staff finds the application is consistent with the Comprehensive Plan.
16. The applicant testified about her business and address the parking concerns of the Board and the neighbors
17. There were two neighbors who spoke in opposition to the application citing the parking concerns.

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 17.20.030- Schedule of Uses; 17.64.010- Off-Street Parking.

Stanley Pikul
Secretary, Zoning & Platting Boards

The meeting was adjourned at 9:15 PM
