

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 February 8, 2023 at 6:33 pm**. Also present were Joy Montanaro, Dean Perdikakis, Paula McFarland, Carlos Zambrano, 1st alternate Craig Norcliffe, and 3rd alternate Frank Corrao III

The following matters were heard before the Board:

OLD BUSINESS

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

NEW BUSINESS

Ward 1

BASSIL ELKHOURY and LORI YEREMIAN (OWN/APP) have filed an application to legalize second dwelling unit in an existing single-family dwelling at **5 Beckwith Street**, A.P. 3, lot 65

Ward 3

CRANSTON PUBLIC SCHOOLS (OWN/APP) has applied to the Board to construct a new elementary school building exceeding the allowable height at **50 Gladstone Street**, A.P. 7, lot 2357

Ward 6

CHRISTY, LLC and MARLEY ROSE, LLC (OWN) and CHRISTY, LLC have filed an application for permission to install an electronic message board and to allow all signage to exceed the allowable areas at **1350 Oaklawn Avenue**, A.P. 15, lot 47

Ward 1

THE CITY OF CRANSTON (OWN/APP) has applied to The Board to sub-divide a parcel of land with an existing vacant school building into four substandard lots to allow future development of a new single-family dwelling to be built on a 5,640 s.f lot at **41 Heath Avenue**, A.P. 4, lot 300, **A.K.A. Parcels A, B, C, and D**

Ward 4

COLBEA ENTERPRISES LLC (OWN/APP) has filed an application to construct a new fuel station minimart and drive-in use with increased curb opening sizes, reduced driveway to property line separation, landscape buffer, and signage requirements at **2050 Plainfield Pike**, A.P. 36, lot 116 & 117.

Ward 2

FORCE REALTY LLC (OWN) and ANTLER ALE WORKS LLC (APP) has applied to the Board to request permission to operate a brewery at **72 Rolfe Square**, A.P. 5, lots 604 & 1835

Ward 6

PAUL DAVID CARTER (OWN/APP) has filed an application to request permission to construct an addition on an existing garage extending into the required front yard setbacks at **62 Eden Crest Drive**, A.P. 10, lot 1148,

OLD BUSINESS**Ward 3****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. Perdikakis, this variance was **approved 4-1** as presented to the Board on February 8, 2023. Ms. Montanaro voted Nay on this matter.

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

FINDINGS OF FACT:

- The applicant proposes to convert an existing garage into a single-family residence on a lot that contains a two-family residence and 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)
 - 17.20.070 More than one dwelling structure on any lot prohibited
 - A two-family dwelling structure currently exists on this lot, more than one dwelling structure on any lot is prohibited per this section of code.
 - 17.20.120 Schedule of Intensity
 - B-1 lots are restricted to single-family and two-family dwellings, with a minimum lot area of 8000sq ft. Lots with 3 or more units are categorized as multi-family which are not permitted in B-1 lots.
- 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 ~16 Units per acre.
 - However, many of the existing lots in this neighborhood far exceed the proposed density of the subject lot at ~32 units per acre.
- Existing non-conforming single, two and three family dwelling units with lot area's of 4000 sq-ft are common in this neighborhood and more specifically within a 400ft radius of the subject lot:
 - There are 40 lots (zoned A-6, B-1 & B-2), each with a lot area of 4000 sq-ft containing single-family dwelling units.
 - There are 6 lots (zoned B-1 & B-2), each with a lot area of 4000 sq-ft containing three-family dwelling units.
 - There are 14 lots (zoned A-6, B-1 & B-2), each with a lot area of 4000 sq-ft containing two-family dwelling units.
- Given the frequency of these existing non-conforming lots planning staff find this property to be consistent with the *Cranston Comprehensive Plan Housing Action-14*: "Preserve the quality and character of the built environment in selected areas throughout Cranston."
- *Housing Action 5* "Reduce the burden of zoning and building regulations" in the *Cranston Comprehensive Plan* supports the applicants request by reducing the burden of zoning and building regulations to allow the conversion of the existing structure into a single-

family dwelling on a lot that does not meet the minimum lot size for its proposed use and to allow more than one dwelling structure on the subject lot.

- The applicant testified that the project was approved in 2010 but he was unable to start due to financial circumstances.
- There was no testimony either in favor or against 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; 17.20.070 More than one dwelling structure on any lot prohibited.

Ward 1

BASSIL ELKHOURY and LORI YEREMIAN (OWN/APP) have filed an application to legalize second dwelling unit in an existing single-family dwelling at **5 Beckwith Street**, A.P. 3, lot 65; total area 5,000 s.f.; zoned M2. Applicant seeks relief per 17.92.010- Variances; Section 17.20.030- Schedule of Uses. Application filed 12/28/22. No attorney.

On a motion made by Mr. Zambrano, and and seconded by Mr. Perdikakis, this variance was unanimously **approved as presented to the Board on February 8, 2023.**

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

FINDINGS OF FACT:

1. The applicant is proposing to legalize a second dwelling unit in an existing single-family dwelling, thus the immediate request amounts to a Use Variance due to the proposed change in use. And there is no proposed development or expansion of the existing dwelling.
2. The property is located in the M-2 zone (General Industry).
3. The property directly abuts an automotive repair shop, Precision Collision, located north of the property.
4. The surrounding neighborhood along Wellington Avenue, Station Street, and Beckwith Street in a north and south direction contains a mix of uses, including industrial and non-conforming single-family and two-family residential.
5. The Comprehensive Plan and Future Land Use map designate the property as a Special Redevelopment Area, further defined as:
 - a. "Areas in which the City anticipates undertaking redevelopment through mixed-planned development ordinances such as the Elmwood/Wellington industrial corridor".
6. The Comprehensive Plan supports the preservation of existing residential neighborhoods through Land Use Element Principle 4, which seeks to "Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life" and Housing Action 14, to "Preserve the quality and character of the built environment in selected areas throughout Cranston".
 - a. No additional evidence has been submitted that negates consistency with the Comprehensive Plan.
7. Existing parking is sufficient for the proposed, intensified use. Per Section 17.64.010 Off-street parking, single and two-family dwellings require only one space for each dwelling unit. The applicant has proposed four parking spaces between the two units.
8. As the surrounding neighborhood includes predominantly 2-family residencies, staff finds that this application does not detract from the surrounding residential area, is not inherently destabilizing to the neighborhood, and that the increase in activity is not felt at street level.
9. The applicant spoke about the request and there was no testimony 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 not due to a physical or economic disability of the applicant, that the subject structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance, 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 17.20.030- Schedule of Uses.

Ward 3

CRANSTON PUBLIC SCHOOLS (OWN/APP) has applied to the Board to construct a new elementary school building exceeding the allowable height at **50 Gladstone Street**, A.P. 7, lot 2357; area 7.96 ac; zoned B1. Applicant seeks relief per 17.92.010-Variance, Section 17.20.120 Schedule of Intensity Regulations. Application filed 1/6/2023. No Attorney.

On a motion made by Ms. Montanaro and seconded by Mr. Zambrano, this variance was unanimously **approved** as presented to the Board on February 8, 2023.

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

FINDINGS OF FACT:

1. The project will entail the demolition and removal of the existing Gladstone Elementary School building and the construction of a new 109,970 s.f Gladstone Elementary School building and associated site improvements in its place.
2. This existing structure is a multi-story structure and houses ~503 students. The proposed new school will be a 5 story structure and will house ~800 students.
3. The total area of the site is 7.82 acres which will contain the new school as well as existing site elements, such as a playground and associated parking lot along Lawrence Street and the existing driveway along the east side of the site, between Asia Street and Gladstone Street.
4. The use of a public school and public playgrounds is allowed by-right at this location.
5. DPRC members have been asked for initial comments regarding the variance, none have been provided at this time.
6. The proposed redevelopment of the existing school is consistent with the Comprehensive Plan – Future Land Use Map designation of the parcel as “Government/Institutional” because this designation is suitable for the public school uses as being proposed.
7. The school department and their experts gave testimony about the project and the requested relief.
8. There was no testimony in opposition 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; Section 17.92.120 - Schedule of Intensity Regulations

Ward 6

CHRISTY, LLC and MARLEY ROSE, LLC (OWN) and CHRISTY, LLC have filed an application for permission to install an electronic message board and to allow all signage to exceed the allowable areas at **1350 Oaklawn Avenue**, A.P. 15, lot 47; area 124,581 s.f, zoned C4. Applicant seeks relief per 17.92.010-Variance, Section 17.72.010 (5) Signs. Application filed 1/10/2023. Robert D. Murray, Esq.

On a motion made by Ms. McFarland and seconded by Mr. Perdikakis, this variance was unanimously **approved with conditions** as presented to the Board on February 8, 2023

CONDITIONS:

1. Message center shall have a change rate of not less than 30 seconds.

2. Message center shall be static with no animation.
3. All signage shall remain off between the hours of 12 am and 7 am.

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

PLANNING STAFF FINDINGS

1. The subject parcel (AP 15, Lot 47) is located on a conforming corner lot of 124,581 ft² in a C-4 zone on Oaklawn Avenue.
2. The applicant is constructing a two-building shopping plaza on the site and seeks to install six signs, five of which would be wall signs and one of which would be a monument sign to be located near Oaklawn Avenue.
3. The applicant requires relief for overall sign area covering the entire plaza; for individual sign areas for three (potentially four) wall signs to be located on the larger of the two buildings in the plaza; and for sign height, area, and type (due to the inclusion of an LED/electronic message board component) for the monument sign.
4. The applicant does not require dimensional relief for the two wall signs proposed to be installed on the smaller of the two buildings, a future Bank RI branch.
5. The larger of the two buildings will be set back approximately 220 feet from Oaklawn Avenue.
6. All parcels with frontage on Oaklawn Avenue within a 400-foot radius of (and including) the subject parcel are zoned C-4 (Highway Business) and have a Future Land Use Map designation of Highway Commercial Services.
7. Although monument and freestanding signs are more prevalent along Oaklawn Avenue beginning about a quarter-mile north of the subject parcel, the only notable example within a 400-foot radius is located at the shopping plaza across the street, and it does not contain an electronic component.
8. The applicants attorney gave a presentation about the project and a representative from the sign company explained the details of the request.
9. There was no testimony in opposition to this 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; Section 17.72.010 (5) Signs.

Ward 1

THE CITY OF CRANSTON (OWN/APP) has applied to The Board to sub-divide a parcel of land with an existing vacant school building into four substandard lots to allow future development of a new single family dwelling to be built on a 5,640 s.f lot at **41 Heath Avenue**, A.P. 4, lot 300, **A.K.A. Parcels A, B, C, and D**; area 5,640 s.f. zoned A6. Applicant seeks relief per 17.92.010-Variance, Section 17.20.120 Schedule of Intensity Regulations. Application filed 1/10/2023. No Attorney.

On a motion made by Mr. Perdikakis and seconded by Ms. McFarland, this variance was unanimously approved as presented to the Board on February 8, 2023.

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

FINDINGS OF FACT:

- This proposed subdivision will create four (4) non-conforming lots from one parcel designated as Assessor's Plat 4, Lot 300. Lot 300 is located at the former "Sanders School," 41 Heath Avenue and is owned by the City of Cranston. The applicant is the City of Cranston. The parcel contains 22,560 +/- square feet (.52 +/- acres). The parcels are zoned A-6 residential for single-

family dwellings. The property is home to the Sanders School building, which has remained vacant for several years and is in extremely poor condition.

- The proposed use of single-family dwellings is allowed by-right in an A-6 zone, the change of use from a public-school building to single-family residential brings the subject property into greater conformity with the Cranston Zoning Code.
- The surrounding neighborhood is predominately A-6, with some C-5, and M-2 zones in the peripheral area. Most of the homes within a 400 ft radius are single-family (68), 4 (four) are multi-family and 8 (eight) are two family.
- Single-family residential homes are common in this neighborhood, therefore the outcome of this subdivision is compatible with the general character of the neighborhood.
- The proposed subdivision will yield 4 undersized lots, each with a total area of 5,640 sq ft, whereas the required area for lots in an A-6 zone are 6000 sq ft. Therefore the application does require dimensional relief. Based on the following analysis staff finds that the proposed undersized lots are compatible with the general character of the neighborhood:
 - The average lot area for all 68 single family lots within a 400 ft radius is 5478 sq ft
 - 48 of the single family lots within a 400 ft radius are under the required 6000 ft minimum lot area
 - 3 of the single family lots within a 400 ft radius meet the required 6000 ft minimum lot area
 - 17 of the single family lots within a 400 ft radius are over the required 6000 ft minimum lot area
- The Future Land Use Map (FLUM) designates the subject parcel as “Single Family Residential Less Than 10.89 unit per acre.”
 - The proposed resulting density of approximately 7.89 units per acre is less dense than and thereby consistent with the FLUM’s designation of the subject parcel

The board found this to be the best use of the property as it promotes housing development and stock within the city.

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 4

COLBEA ENTERPRISES LLC (OWN/APP) has filed an application to construct a new fuel station minimart and drive-in use with increased curb opening sizes, reduced driveway to property line separation, landscape buffer, and signage requirements at **2050 Plainfield Pike**, A.P. 36, lot 116 & 117, area 1.36 ac. zoned C5. Applicant seeks relief per 17.92.010-Variance, Sections 17.20.120 - Schedule of Intensity Regulations; 17.48.010 Construction Standards; 17.72.010 (6) Signs. Application filed 1/10/2023. Danielle DuFault, Esq.

On a motion made by Ms. McFarland and seconded by Mr. Zambrano, this variance was unanimously **approved as presented to the Board on February 8, 2023.**

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

FINDINGS OF FACT:

1. The applicant requires relief for total sign area; for individual sign height for three signs (monument, wall, freestanding); additional driveway width, and reduced distance between freestanding sign and property line, and driveway to property line.
2. The subject parcel (AP 36/2, Lots 116 & 117) is located in the C-5 zone (Heavy business, industry).

1. The proposed uses for the Premises as a fuel station full service, convenience store and a drive-in restaurant are permitted **by right** in the C-5 Zoning District, in accordance with Chapter 17.20.030 of the Ordinances.
3. This use is complementary to heavy industrial uses within the vicinity, as the property is located in the main commercial corridor of Plainfield Pike, surrounded by other gasoline service stations, and auto-oriented business/services to the north and south.
4. The Comprehensive Plan Future Land Use Map designates this area for General Industry (M-2), although zoning controls the property for C-5, which allows for *both* commercial and industrial use.
5. With freestanding, monument, and wall signs commonly found for businesses on Plainfield Pike, the proposed relief from maximum sign height and total area would not be out of character or injurious to the area and are **not** inconsistent with the general highway-commercial character of Plainfield Pike.
 - a. Given the heavy traffic area on Plainfield Pike, including an additional increase in tractor trailer use, necessitates the need for larger, taller signage.
6. Based upon the fact that this gas station proposal is designed specifically for the filling of tractor trailers, a wider opening is needed to accommodate necessary turning movements.
7. The applicant, through their attorney, gave an overview of the project and the requested variances.
8. The applicant, through their experts, put forth testimony which the Board found to be unopposed and credible. The testimony is incorporated herein.
9. The written record and oral testimony provided ample evidence to meet the necessary standards for granting a variance.

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 17.20.120 - Schedule of Intensity Regulations. Sections 17.48.010 Construction Standards, 17.72.010 (6) Signs.

Ward 2

FORCE REALTY LLC (OWN) and ANTLER ALE WORKS LLC (APP) has applied to the Board to request permission to operate a brewery at **72 Rolfe Square**, A.P. 5, lots 604 & 1835, area 10,350 s.f. zoned C3. Applicant seeks relief per 17.92.010-Variance, Section 17.20.030 Schedule of Uses. Application filed 1/10/2023. Robert D. Murray, Esq.

On a motion made by Ms. Montanaro and seconded by Mr. Perdikakis, this variance was unanimously **approved with conditions** as presented to the Board on February 8, 2023.

CONDITIONS:

1. A minimum of 2 trash receptacles must be provided at the exterior exits.

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

FINDINGS OF FACT:

- The applicant itemized specific relief requests in their application form, namely the following elements:
Permitted Uses – Schedule of Uses (17.20.30): “The code allows a brew pub in the C-3 zone but not a brewery. The State of Rhode Island issues different licenses for each type of brewery related activity.”
 - 17.92.010 Variance: “Applicant desires to operate a brewery that is not permitted in the C-3 zone”
- It should be noted that that this application requires a use variance which calls for a higher standard of review.

- The proposed use of a brewery is not allowed in a C3 zone; however, this application has received full DPRC approval with no conditions or concerns. Additionally, representatives from neighboring businesses attended the DPRC meeting on February 1st, 2023 in support of this project.
- Based on Planning staff review, in consideration with the uses compatibility with the surrounding area that the proposed use does not appear to impose undue nuisances beyond any other allowed by-right use on this site.
- The Future Land Use Map (FLUM) designates the subject parcel as *Neighborhood Commercial Services*
 - Per the Comprehensive plan, “C-1, C-2, & C-3 are appropriate zoning classifications for Neighborhood Commercial Services.”
 - Cranston’s Zoning code makes a distinction between “Brew Pubs” which are relegated to commercial zones and “Breweries” which are relegated to industrial zones.
 - The distinction is made regarding the amount of floor area taken up by brewing equipment and the total amount of beer brewed on-site. Iron Stag Brewing exceeds both of those metrics, classifying the business as a brewery as opposed to a brew pub.
 - Although this classification is technically accurate, in planning staffs view the distinctions made by the future land use map and zoning code did not account for a brewery at this scale and in this location.
 - Planning staff have no concerns with this scale of operation for a brewery at this location.
- The Comprehensive Plan outlines goals and policies pertaining to Rolfe Square which planning staff believe to support the approval of this project, specifically:
 - *Economic Development Goal 6: Target development sites for Smart Growth projects.*
 - *Economic Development Policy 6.4: Encourage redevelopment opportunities at locations near Garden City Center, **Rolfe Square**, Knightsville and along I-295*
 - *Economic Development Goal 7: Improve/build neighborhood commercial areas at various sites through formulating and implementing revitalization projects.*
 - *Economic Development Policy 7.1 Promote the development or redevelopment of neighborhood commercial centers to service local market areas to reduce cross-town traffic... Redevelopment of neighborhood centers should continue to occur at Pawtuxet Village, Knightsville, and **Rolfe Square**.*
 - *Economic Development Goal 11: Target sites for industrial and commercial projects.*
 - *Economic Development Policy 11.3: Promote leisure and/or entertainment-related businesses to compliment the Park Theater redevelopment in **Rolfe Square**.*
- In review of the comprehensive plan staff finds that the application is neither directly consistent nor inconsistent with the Future Land Use map designation. However, upon review of the goals and policy framework within the comprehensive plan that is supportive of this proposal the weight of evidence within the plan is supportive of the application.
- The applicants testified to their business plan and their desire to start a business in Rolfe Square.
- The Board found their testimony credible and relevant to the applicable standards for granting a variance.

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 subject structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance, 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.

Ward 6

PAUL DAVID CARTER (OWN/APP) has filed an application to request permission to construct an addition on an existing garage extending into the required front yard setbacks at **62 Eden Crest Drive**, A.P. 10, lot 1148, area 10,153 s.f., zoned A8. Applicant seeks relief per 17.92.010-Variance, Section 17.20.120 Schedule of Intensity Regulations. Application filed 1/10/2023. No Attorney.

On a motion made by Mr. Perdikakis and seconded by Ms. Montanaro, this variance was unanimously **approved** as presented to the Board on February 8, 2023.

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

PLANNING STAFF FINDINGS

1. The subject parcel (AP 10, Lot 1148) is a corner lot located in an A-8 zone in the Garden City neighborhood.
2. The applicant seeks relief to extend the northern and eastern walls of an existing garage which would result in a 3.6-foot encroachment into the 25-foot front setback on Laurelhurst Road. (The northern side of the garage would not encroach into the side yard setback as a result of the addition).
3. A basic visual analysis suggests that virtually all the houses within a 400-foot radius of the subject parcel have attached garages; however, in virtually all cases, the garage is either flush with or set further back from the front façade of the house to which it is attached. This being said, a house directly across Laurelhurst Road from the subject parcel (located at AP 10, Lot 1157) features a garage which protrudes beyond the house's façade to a similar degree as shown in the applicant's proposal (only about 2.5 feet).
4. The garage itself is screened by landscaping elements including planted hedges along the driveway and trees at the driveway's opening onto the street.
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). Granting relief to allow the construction of a garage would not make a substantial visual impact on the visual resources of the neighborhood, nor would it negatively alter the broader character of the neighborhood.
6. The applicant testified about the project and there was no opposition to any of the requested relief.

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; Section 17.92.120 - Schedule of Intensity Regulations

Secretary, Zoning & Platting Boards

The meeting was adjourned at 10:45 PM
