

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

The following matters were heard before the Board:

NEW BUSINESS

DANIEL SWEET (OWN) and GIAN VENTILATO (APP) have filed an application to convert an existing legal non- conforming accessory structure on a lot previously merged by zoning into a new single-family dwelling with reduced width, frontage, side, and rear setbacks at **0 Queen Street**, A.P. 8, lots 624, 2788, and 2790; total area 4,124 s.f.; zoned B2.

GIANTA, LLC (OWN) and ARMANDO PEREZ(APP) have applied for permission to convert an existing Business, Professional Office into a Religious Place of Worship and to construct an addition with reduced front yard setback at **565 Dyer Avenue**, A.P. 8, lots 2766 and 2804; area 6,400 s.f.; zoned C5

ALPHONSE CARDI III (OWN/APP) has filed an application to sub-divide two parcels of land, leaving an existing single-family dwelling with reduced required lot size, front(s) and side yard setbacks at **51 Cleveland Avenue, Parcel A**, A.P. 8, lot 768, area 4,756 s.f. zoned C2.

ALPHONSE CARDI III (OWN/APP) has filed an application to sub-divide two parcels of land, leaving an existing mixed-use building with reduced required lot size, front(s) and side yard setbacks at **1303 Cranston Street, Parcel B**, A.P. 8, lot 767, area 4,844 s.f. zoned C2.

HASSAN HASABA (OWN/APP) has applied for permission to subdivide a lot, leaving an existing single-family dwelling with reduced side and rear setbacks at **189 Kearney Street, Parcel B**, A.P. 10, lots 316 and 317, area 8,091 s.f., zoned A8.

HASSAN HASABA (OWN/APP) has applied for permission to subdivide a lot, and to build a new single-family dwelling on an under-sized lot at **0 Capuano Avenue, Parcel A**, A.P. 10, lots 223, 224, 225, and 226, area 7,869 s.f., zoned A8.

GARFIELD AVE FOODS, LLC. (OWN) and LAMAR CENTRAL OUTDOOR, LLC (APP) have filed an application for special permit to modify an existing double-sided billboard to an electronic double-sided billboard at **110 Garfield Avenue**, A.P. 7, lots 2561-62, 2593-97, and 3768, area 29,091 s.f. zoned M2.

At the request of the applicant this application was continued to the April 12, 2023 meeting.

NEW BUSINESS

DANIEL SWEET (OWN) and GIAN VENTILATO (APP) have filed an application to convert an existing legal non- conforming accessory structure on a lot previously merged by zoning into a new single-family dwelling with reduced width, frontage, side, and rear setbacks at **0 Queen Street**, A.P. 8, lots 624, 2788, and 2790; total area 4,124 s.f.; zoned B2. Applicant seeks relief per 17.92.010- Variances; 17.20.120- Schedule of Intensity Regulations; 17.88.010 (B) Substandard lots of record. Application filed 1/16/23. No attorney.

On a motion made by Ms. McFarland and seconded by Mr. Norcliffe, this variance was **approved** by a 4-1 vote as presented to the Board on February 8, 2023. Mr. Buonanno voted nay on this application.

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

FINDINGS OF FACT:

- 1. The subject parcel is comprised of three adjacent, substandard lots of record which collectively have 4,124 ft² of area and 40 feet of frontage. The minimum standards for by-right

development of single-family houses in a B-2 zone are 6,000 ft² of area and 60 feet of frontage.

2. The applicant seeks to convert an existing garage/workshop on the subject parcel into a single-family house, which would entail an interior retrofit (no conditions relating to the building's footprint will change as a result of the proposal). It does not appear to be accessory to any nearby residential building and has not been under common ownership with a neighboring parcel since c.1900.
3. The existing structure encroaches into three of the four setbacks (by 7 feet into the 8-foot northern side setback; by 9.7 feet into the 20-foot rear setback; and by 0.6 feet into the 25-foot front setback, respectively). An informal measurement using the City's GIS software suggests lot coverage is around 40%, which also slightly exceeds the 35% coverage limit for that zone.
4. The Future Land Use Map (FLUM) designates the subject parcel as Residential less than 10.39 Units/Acre. The density that would result from the proposal is 10.56 units/acre, which slightly exceeds the FLUM's prescribed density.
5. The applicant did not submit a neighborhood analysis as part of the application. Staff notes that a basic review of the surroundings via GIS suggests there are around twice as many two-family homes as single-family homes within a 400-foot radius of the subject parcel, with a few multifamily and mixed-use buildings scattered throughout. A more detailed review of all lots within the radius that front on Queen Street indicates the average record lot size is 4,430 ft², while the average unit density is 12.37 units/acre.
6. The applicant testified about the project and there was no opponents 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 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; 17.92.010- Variances; 17.20.120- Schedule of Intensity Regulations; 17.88.010 (B) Substandard lots of record.

Ward 3

GIANTA, LLC (OWN) and ARMANDO PEREZ(APP) have applied for permission to convert an existing Business, Professional Office into a Religious Place of Worship and to construct an addition with reduced front yard setback at **565 Dyer Avenue**, A.P. 8, lots 2766 and 2804; area 6,400 s.f.; zoned C5. Applicant seeks relief per 17.92.010- Variances, Section 17.20.120- Schedule of Intensity Regulations, Section 17.92.020 Special Permit. Application filed 9/6/22. John J. Garrahy, Esq.

On a motion made by Mr. Norcliffe, 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 is proposing to convert an existing Business, Professional Office into a Religious Place of Worship and to construct an addition with reduced front yard setback, thus the immediate request amounts to a Special Use Permit within the C-5 zone.
2. The property is located in the C-5 zone (Heavy business, industry).
3. The surrounding neighborhood along Dyer Avenue in a north and south direction contains a mix of uses, including commercial and non-conforming residential uses.
4. Under the Special Use Permit requirements (Zoning Sec. 17.92.020), the applicant the board finds that the applicant complied with the following standards;
 - a. The proposed use will substantially conform to the scale and context of the surrounding developments;
 - b. It shall be compatible with its surroundings;
 - c. It shall not be injurious, obnoxious, or offensive to the neighborhood;
 - d. It shall not hinder the future development of the city;
 - e. It shall promote the general welfare of the city; and

f. It shall be in conformance with the purposes and intent of the comprehensive plan

5. Existing parking is sufficient for the proposed use. Per Section 17.64.010 Off-street parking, places of religious worship require “one space for each ten (10) seats in main room or area in which services are held”. a. The applicant has proposed 55 seats in total within the main service area, requiring, at a minimum, 5.5 parking spaces. 1. The applicant has fulfilled this requirement, proposing (18) parking spaces and (1) ADA compliant parking space.

6. As the surrounding neighborhood includes a mix of uses, staff finds that this application does not detract from the surrounding area, is not inherently destabilizing to the neighborhood, and that the proposed use is not injurious, obnoxious or offensive.

7. The applicant testified to all the appropriate standards and there was no 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 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 17.20.120- Schedule of Intensity Regulations, and 17.92.020- Special Use Permit

Ward 3

ALPHONSE CARDI III (OWN/APP) has filed an application to sub-divide two parcels of land, leaving an existing single-family dwelling with reduced required lot size, front(s) and side yard setbacks at **51 Cleveland Avenue, Parcel A**, A.P. 8, lot 768, area 4,756 s.f. zoned C2. Applicant seeks relief per 17.92.010- Variances; Section 17.20.120- Schedule of Intensity Regulations. Application filed 1/24/23. Robert D. Murray, Esq.

On a motion made by Mr. Zambrano, 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:

1. The subject parcel is comprised of two adjacent lots of record. AP 8, Lot 767 conforms to the dimensional standards of the C-2 zone but hosts two buildings: a single-family house with frontage on Cleveland Avenue (built in 1949), and a mixed-use building (ground-floor office with two apartments above) at the corner of Cranston St and Cleveland Ave (built in 1920). AP 8, Lot 768 is a substandard lot of record and serves the parking needs of the mixed-use building.
2. The applicant seeks to realign the shared lot line through an Administrative Subdivision so that each building will be located on its own lot. The administrative officer approved the Administrative Subdivision application on March 2, 2023 subject to the condition that the applicant secures the Zoning Board of Review’s approval of its variance applications.
3. Both lots would become substandard in area as a result of the Administrative Subdivision. Although neither of the two buildings would conform to contemporary setback standards, both predate zoning and are considered pre-existing non-conforming structures, so each lot only requires relief for the side yard setback that would be created by the realignment of the shared lot line, which is drawn halfway between the existing buildings and leaves around 2 feet on each side. Both lots therefore need relief for around 6 feet of encroachment into the 8-foot side setback.
4. The applicant also intends to convert the ground floor office in the older, Cranston Street-facing building into an additional apartment, which would make the building a three-unit multifamily building. The newer, Cleveland Avenue-facing building would remain a single-family building. Both single-family and multifamily dwellings are allowed uses in the C-2 zone.
5. It is unclear if Lot 768 would require additional relief for parking configuration if the mixed-use building is converted into a multifamily dwelling. Staff notes the applicant did not request

parking relief as part of this application and that this judgment is outside of Planning Staff's purview and properly rests with the Zoning Board of Review.

6. The Future Land Use Map (FLUM) designates both parcels as Neighborhood Commercial Services, which places no density prescriptions on residential uses.
7. Granting relief would be generally consistent with the Comprehensive Plan Land Use Element Principle 4, which advises to "*Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life.*" (p. 34), and Housing Goal 4, to "*Promote housing opportunity for a wide range of household types and income levels.*"
8. The project involved merely moving lot lines to allow the current homes to have different owners.
9. There was no testimony in opposition to the application

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 17.20.120 - Schedule of Intensity Regulations

Ward 3

ALPHONSE CARDI III (OWN/APP) has filed an application to sub-divide two parcels of land, leaving an existing mixed-use building with reduced required lot size, front(s) and side yard setbacks at **1303 Cranston Street, Parcel B**, A.P. 8, lot 767, area 4,844 s.f. zoned C2. Applicant seeks relief per 17.92.010- Variances; Section 17.20.120- Schedule of Intensity Regulations. Application filed 1/24/23. Robert D. Murray, Esq.

On a motion made by Mr. Zambrano, 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:

1. The subject parcel is comprised of two adjacent lots of record. AP 8, Lot 767 conforms to the dimensional standards of the C-2 zone but hosts two buildings: a single-family house with frontage on Cleveland Avenue (built in 1949), and a mixed-use building (ground-floor office with two apartments above) at the corner of Cranston St and Cleveland Ave (built in 1920). AP 8, Lot 768 is a substandard lot of record and serves the parking needs of the mixed-use building.
2. The applicant seeks to realign the shared lot line through an Administrative Subdivision so that each building will be located on its own lot. The administrative officer approved the Administrative Subdivision application on March 2, 2023 subject to the condition that the applicant secures the Zoning Board of Review's approval of its variance applications.
3. Both lots would become substandard in area as a result of the Administrative Subdivision. Although neither of the two buildings would conform to contemporary setback standards, both predate zoning and are considered pre-existing non-conforming structures, so each lot only requires relief for the side yard setback that would be created by the realignment of the shared lot line, which is drawn halfway between the existing buildings and leaves around 2 feet on each side. Both lots therefore need relief for around 6 feet of encroachment into the 8-foot side setback.
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5. It is unclear if Lot 768 would require additional relief for parking configuration if the mixed-use building is converted into a multifamily dwelling. Staff notes the applicant did not request parking relief as part of this application and that this judgment is outside of Planning Staff's purview and properly rests with the Zoning Board of Review.
6. The Future Land Use Map (FLUM) designates both parcels as Neighborhood Commercial Services, which places no density prescriptions on residential uses.
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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 17.20.120 - Schedule of Intensity Regulations

Ward 6

HASSAN HASABA (OWN/APP) has applied for permission to subdivide a lot, leaving an existing single-family dwelling with reduced side and rear setbacks at **189 Kearney Street, Parcel B**, A.P. 10, lots 316 and 317, area 8,091 s.f., zoned A8. Applicant seeks relief per 17.92.010- Variances; Section 17.20.120- Schedule of Intensity Regulations. Application filed 1/24/23. Robert D. Murray, Esq.

On a motion made by Ms. Montanaro and seconded by Ms. McFarland, the Board voted unanimously to continue this matter to the April 12, 2023 meeting.

Ward 6

HASSAN HASABA (OWN/APP) has applied for permission to subdivide a lot, and to build a new single-family dwelling on an under-sized lot at **0 Capuano Avenue, Parcel A**, A.P. 10, lots 223, 224, 225, and 226, area 7,869 s.f., zoned A8. Applicant seeks relief per 17.92.010- Variances; Section 17.20.120- Schedule of Intensity Regulations. Application filed 1/24/23. Robert D. Murray, Esq.

On a motion made by Ms. Montanaro and seconded by Mr. Zambrano, the Board voted unanimously to continue this matter to the April 12, 2023 meeting.

Stanley Pikul
Secretary, Zoning & Platting Boards

The meeting was adjourned at 8:45 PM
