

# City of Cranston

# Zoning Board of Review

*October 14, 2020*

## **Chairman of the Board**

Christopher Buonanno (Vice Chairman)

## **Members**

Joy Montanaro

Paula McFarland

Dean Perdikakis

Carlos Zambrano

Craig Norclife (1<sup>st</sup> Alternate)

Josh Catone (2<sup>nd</sup> Alternate)

Thomas Jones (3<sup>rd</sup> Alternate)

Vacant (4<sup>th</sup> Alternate)

**GORDON A. & DEBORAH A. RILEY (OWN)**  
**and DANTE CALISE(APP)** have filed an  
application to construct a new single family dwelling  
with restricted frontage and reduced lot  
size at **0 Appleton Street**, A.P. 7, lot 1943, area 5,000  
s.f. zoned A6. Applicant seeks relief per  
17.92.010 Variance, Sections 17.20.120 Schedule of  
Intensity Regulations, 17.88.010  
Substandard Lots of Record. Application filed  
9/2/2020. Robert D. Murray Esq.

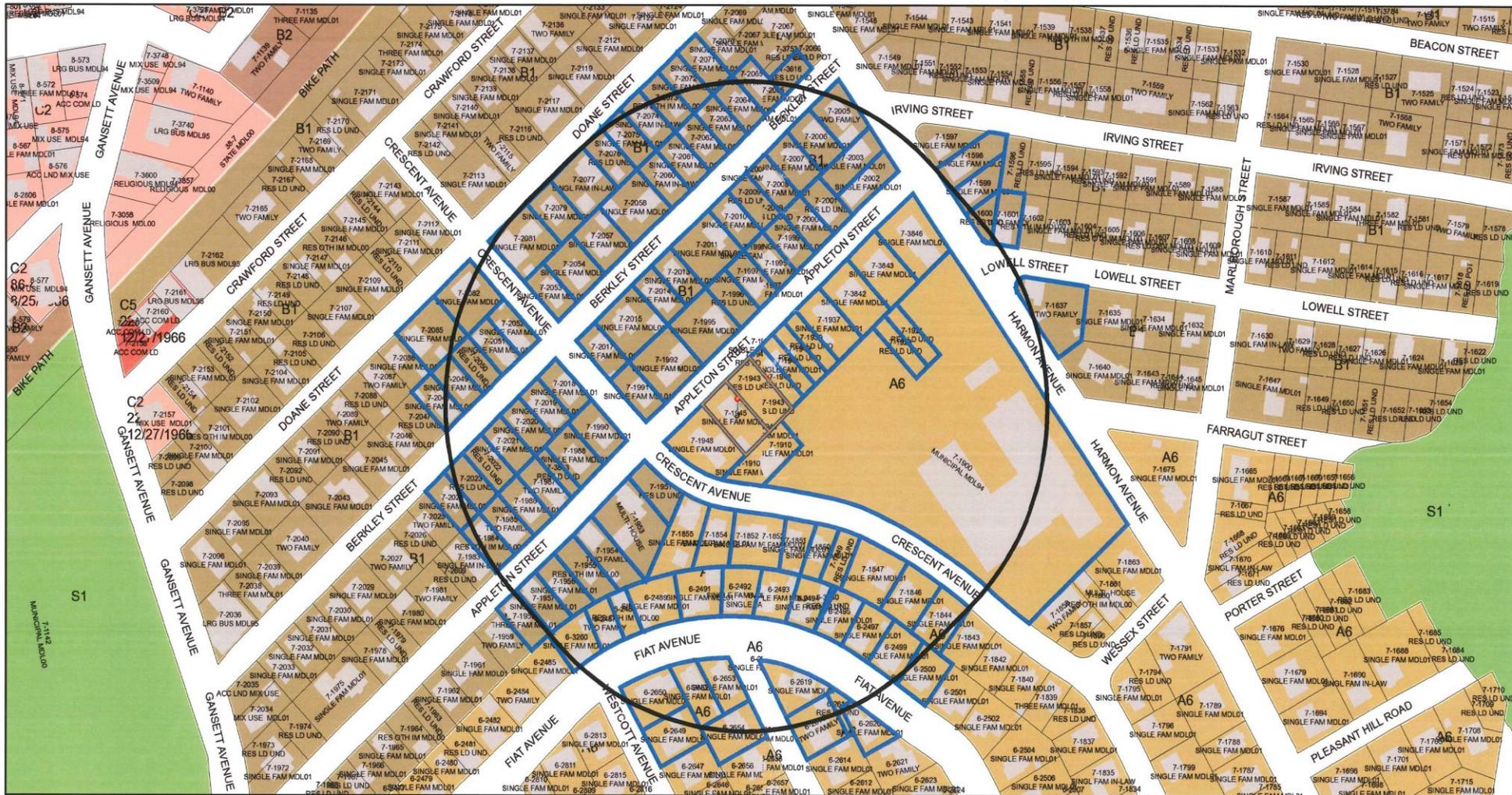
# Staff Analysis

The applicant proposes to unmerge 2 lots in order to develop a single family house on a vacant lot. No subdivision approval is required by the Plan Commission to unmerge the lots. The Zoning Board of Review holds the authority to grant a variance from Zoning Sec. 17.88.010 to recognize the 2 existing lots as separate, developable parcels.

The lot with the proposed new house will be designed with a new driveway and the existing house will be left with its own separate driveway on its own lot. This will ensure that the action of unmerging the 2 lots and constructing the new house will not result in any nonconformity with regard to off-street parking.

The applicant provided a neighborhood assessment that concluded the proposed lot size (5,000 ft<sup>2</sup>) is greater than the average lot size in the area (4,035 ft<sup>2</sup>). The proposed development of a new house on a 5,000 ft<sup>2</sup> lot is denser than the Comprehensive Plan's Future Land Use Map (proposed density of 8.71 units/per acre with a FLUM designation of "Single Family Residential 7.26 to 3.64 units per acre"). However, the Comprehensive Plan also supports the development of undersized lots and provides clear policy direction relevant to this proposal. The proposal is also consistent with the Comprehensive Plan Housing Element in that development of infill lots is encouraged in Eastern Cranston. In consideration of the City's overall policy for infill lots, as well as the existing conditions of the subject lot and surrounding neighborhood, staff finds that the application is consistent with the Comprehensive Plan.

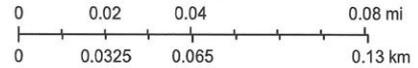
# 38 Appleton St 400' Radius Plat 7 Lots 1943, 1945



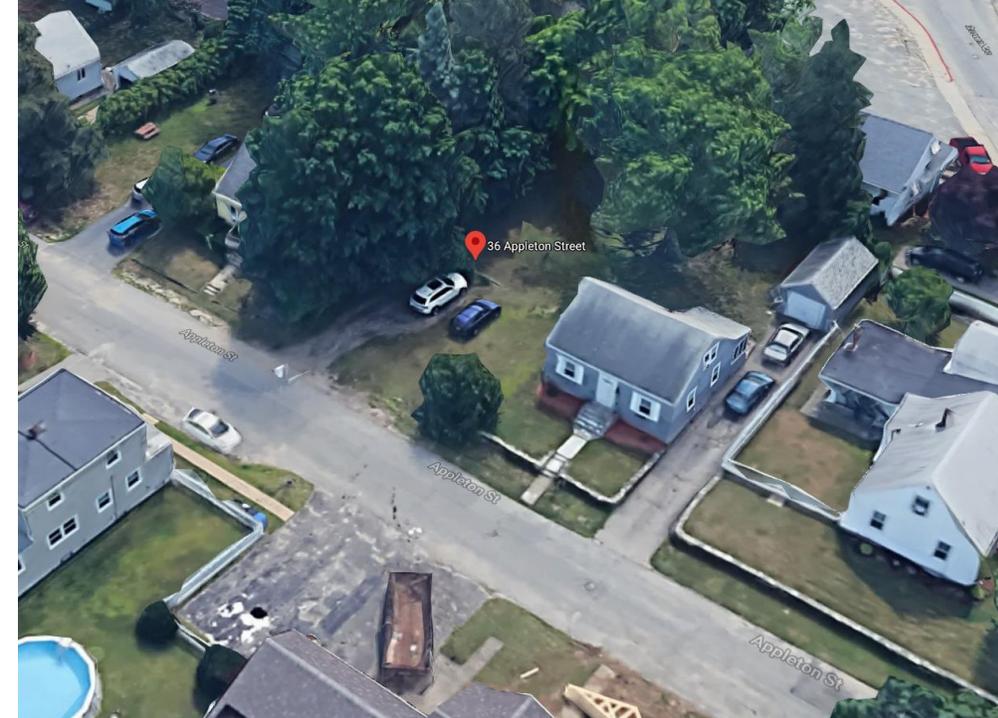
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- |  |                   |  |                           |  |     |  |    |  |       |
|--|-------------------|--|---------------------------|--|-----|--|----|--|-------|
|  | Parcel Outlines   |  | Buildings                 |  | A20 |  | C1 |  | M2    |
|  | Plat Boundaries   |  | Zoning Dimensions         |  | A12 |  | C2 |  | EI    |
|  | Parcel ID Labels  |  | Historic Overlay District |  | A8  |  | C3 |  | MPD   |
|  | Streets Names     |  | Zoning                    |  | A6  |  | C4 |  | S1    |
|  | Cranston Boundary |  | none                      |  | B1  |  | C5 |  | Other |
|  | Parcels           |  | A80                       |  | B2  |  | M1 |  |       |

1:1,771



City of Cranston  
City of Providence, Department of Planning and Development



**REFERENCES:**

CITY OF CRANSTON, CLERK'S OFFICE

PLAT CARD # 25 ENTITLED  
"WEST ARLINGTON"

DEED BOOK 4115, PAGE 209

**A-6 ZONING REQUIREMENTS:(Single Family)**

AREA	6,000 S.F. MIN.
FRONTAGE	60' MIN.
FRONT SETBACK	25' MIN.
REAR SETBACK	20' MIN.
SIDE SETBACK	8' MIN.
BLDG. HEIGHT	35' MAX.
LOT COVERAGE	30% MAX.

**PROPOSED LOT COVERAGE:**

TOTAL LOT AREA = 5,000 S.F.

PROPOSED DWELLING 840 S.F.

840 S.F./5,000 S.F.= 16.8%

**FEMA INFO:**

ALL LOTS ARE LOCATED WITHIN A DESIGNATION  
"X" (AREAS OF MINIMAL FLOODING) ZONE  
PER F.I.R.M. 44007C0312H, 10/02/2015.

**DIGSAFE:**

All underground utilities have been located using the best available information. It is advised that prior to any excavation or construction, all utilities be verified by the appropriate utility companies and by DIGSAFE (1-888-344-7233)

**CERTIFICATION:**

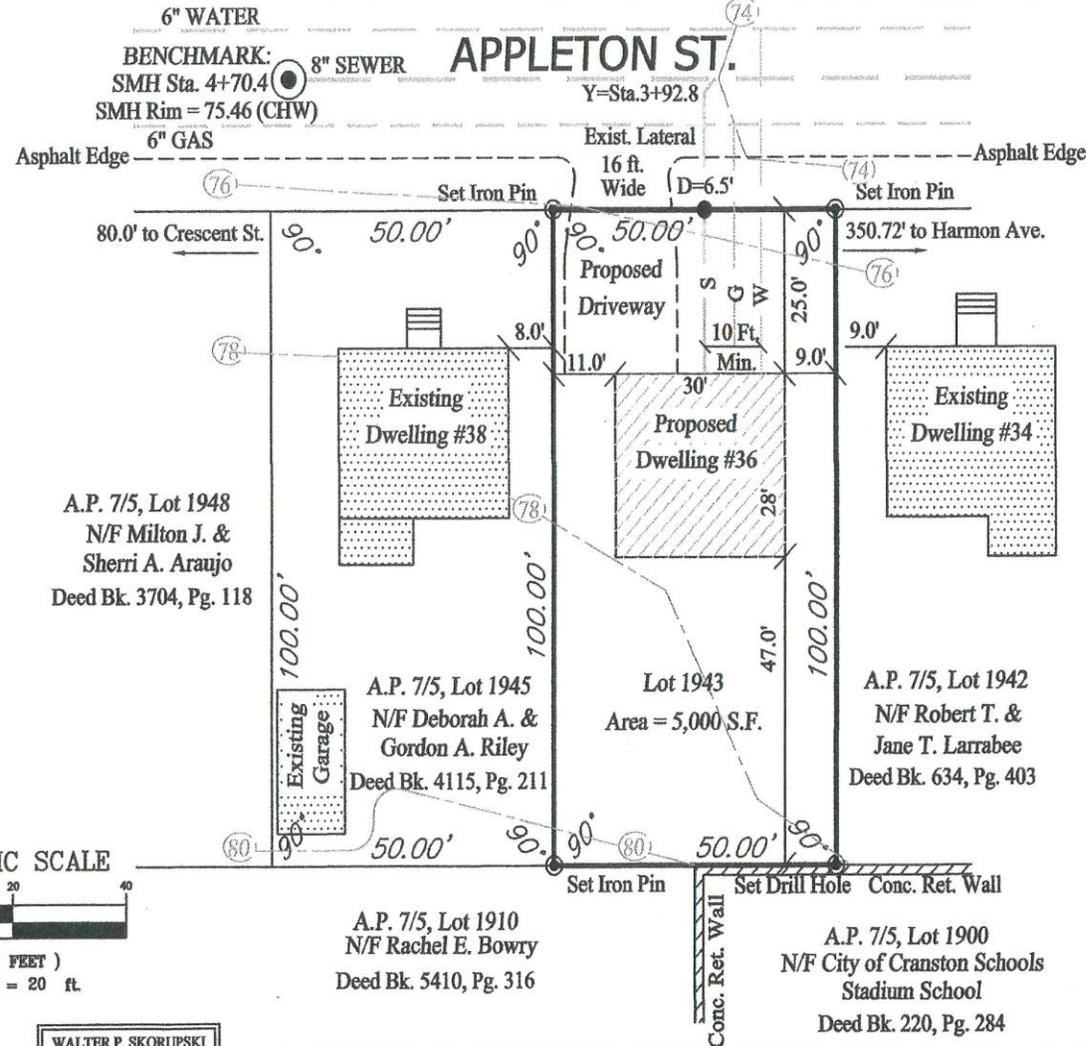
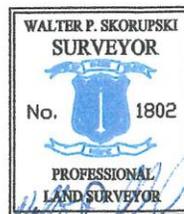
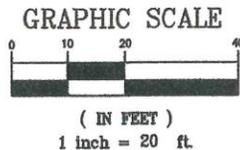
This Survey has been conducted and the Plan prepared pursuant to Section 9 of the Rules and Regulations adopted by the Rhode Island Board of Registration for Professional Land Surveyors.

LIMITED CONTENT BOUNDARY SURVEY & SITE FEATURES - CLASS I

The Purpose and the Conduct of the Survey and for the Preparation of the Plan is as Follows:

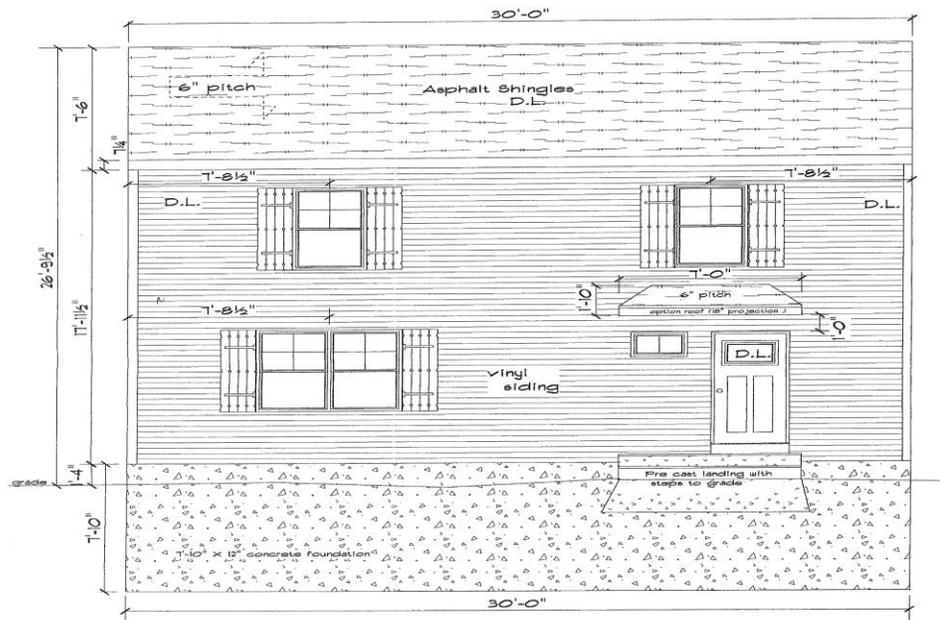
To Demonstrate the Location and Dimensions of Existing Site Features, Proposed Dwelling and Perimeter Property Lines at 36 Appleton St., City of Cranston, A. P. 7/5, Lot 1943.

By: Walter P. Skorupski 8/21/2020 Date:  
Walter P. Skorupski  
Registered Professional Land Surveyor  
LS A378-COA



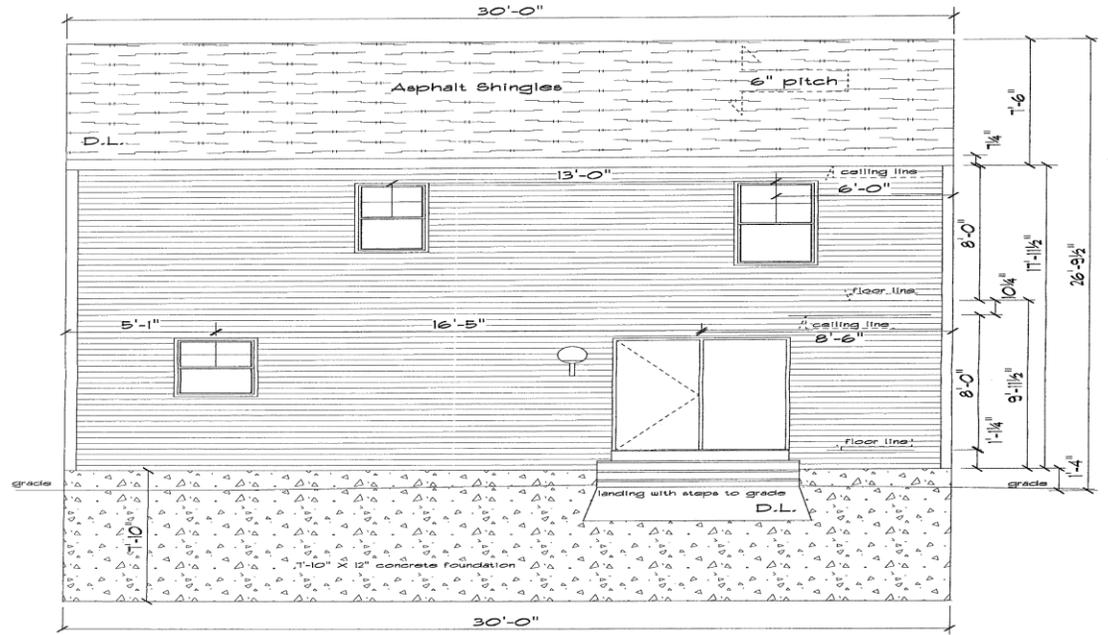
**Owners:**  
Deborah A. & Gordon A. Riley  
38 Appleton St.  
Cranston, R.I.02910  
August, 2020

**SURVEY & PROPOSED SITE PLAN**  
CITY OF CRANSTON  
36 APPLETON STREET  
ASSESSOR'S PLAT 7/5  
LOT 1943



Proposed House For:  
 DANTE CALISE /  
 APPLETON STREET  
 LOT(s) 1943 Plat 7

**FRONT**

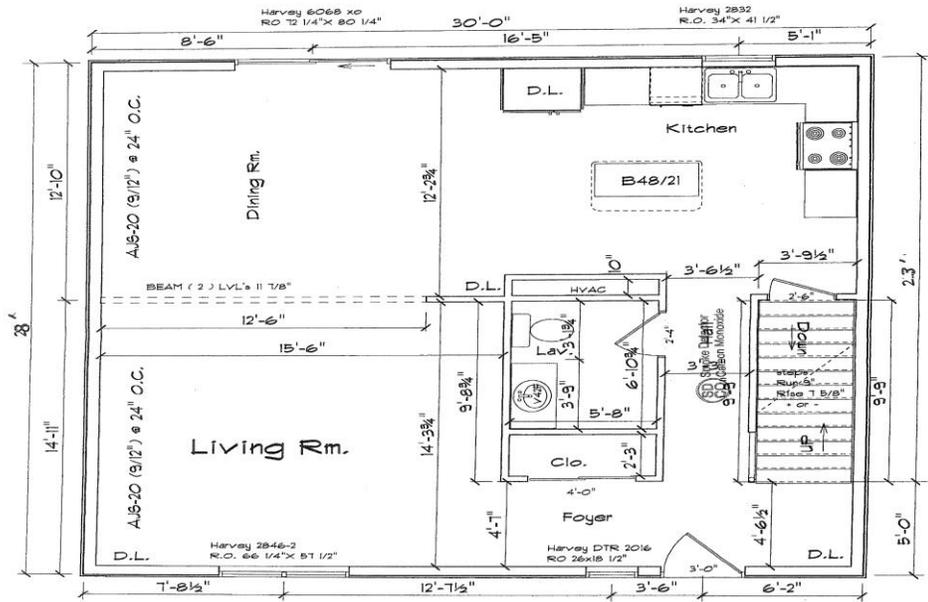


Proposed House For:  
 D.L. \_\_\_\_\_  
 LOT(s) \_\_\_\_\_ Plat \_\_\_\_\_

**REAR**

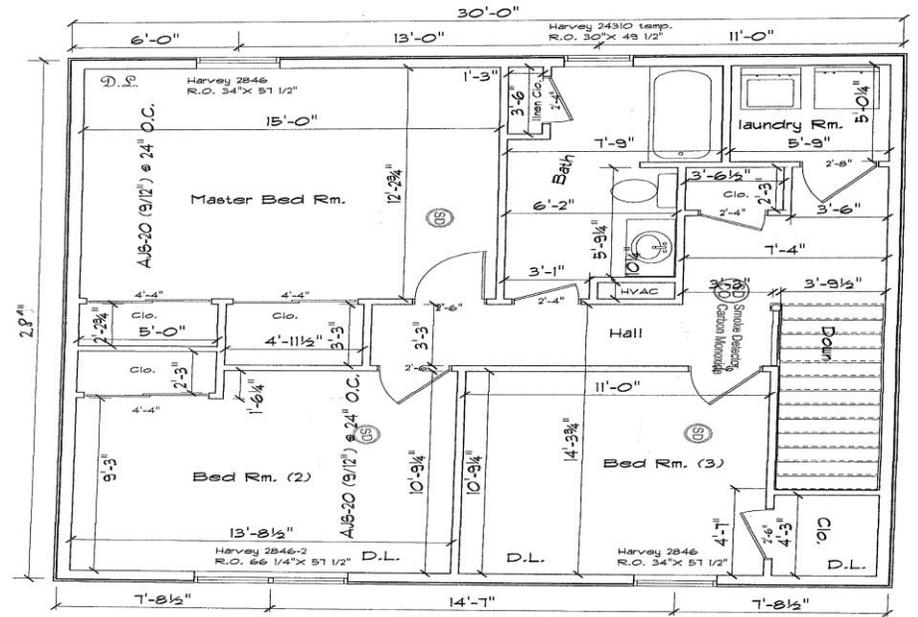
LOCATION OF SMOKE  
 AND CO DETECTORS  
 APPROVED BY: JT  
 DATE: 4/28/20

① of ②



FRONT 1st Floor  
 D.L.  
 scale as noted

Proposed House For:  
 \_\_\_\_\_  
 LOT(s) \_\_\_\_\_ Plat \_\_\_\_\_



FRONT 2nd Floor  
 D.L.  
 scale as noted

Proposed House For:  
 \_\_\_\_\_  
 LOT(s) \_\_\_\_\_ Plat \_\_\_\_\_

# Recommendations

Due to the fact that the application is consistent with the Cranston Comprehensive Plan, and due to the fact that the proposed lot size is consistent with the character of the surrounding neighborhood, staff recommends the Plan Commission forward a *positive recommendation* to the Zoning Board of Review.

**KIMBERLY A. CAPIRCHIO (OWN/APP)** has filed an application to install a 16'x26' inground pool in front side yard location on a corner lot at **361 Magnolia Street A.P. 5, lot 2599,** area 6435, zoned A6. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.110 (B), (D) Residential yard exceptions; Sections 17.20.120 Schedule of Intensity Regulations; 17.60.010 Accessory Uses; Application filed 9/2/2020.  
Robert D. Murray Esq.

# Staff Analysis

The applicant is requesting to construct a below ground swimming pool in a front yard setback that would be 5' from the front property line. In staff's discussions with the applicant, they have acknowledged that an existing above ground swimming pool was constructed without benefit of a city permit approximately 15-20 years ago. While the current property owner also owned the subject application when the existing pool was constructed, they stated that the pool was installed at the direction of an individual who previously co-owned the property. The applicant has stated in their application that they wish to "clear the record" on this matter and the application includes a statement that the existing above ground pool will be removed.

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. The aerial imagery and site photos included as part of this memo provide additional evidence that there are site conflicts to locate the pool in the backyard of the property because of limited space behind the house and an existing rear deck and stairs that serves as an emergency second egress from the dwelling.

The front yard area where the pool is proposed is surrounded by a 6' white PVC fence that screens the views from surrounding properties and public rights-of-way. Staff finds that 1) lowering the height of the pool to ground level and 2) maintaining the fence, both combine to provide an effective visual mitigation. As such, staff is of the view that maintaining the fence is a critical component to considering a positive recommendation on this matter.

Staff reviewed the Cranston Comprehensive Plan for policies relating to swimming pools, accessory uses, front setbacks, and corner lots. No such specific policies exist in the plan. In staff's view, the closest relatable policies in the plan (identified in Finding #10) are related to maintaining community character. Based on these policies, in combination with the visual mitigations included as part of the application, staff finds that the application is consistent with the Cranston Comprehensive Plan.

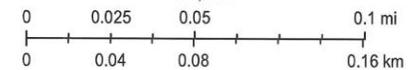
# 361 Magnolia St 400' Radius Plat 5 Lot 2599



9/4/2020, 8:52:12 AM

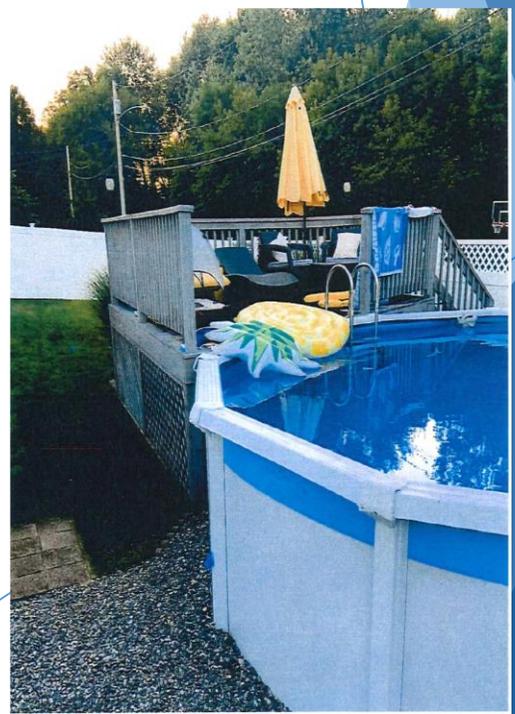
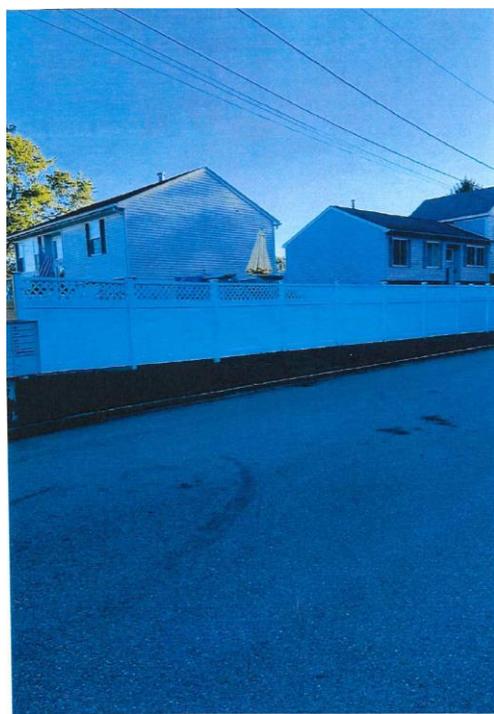
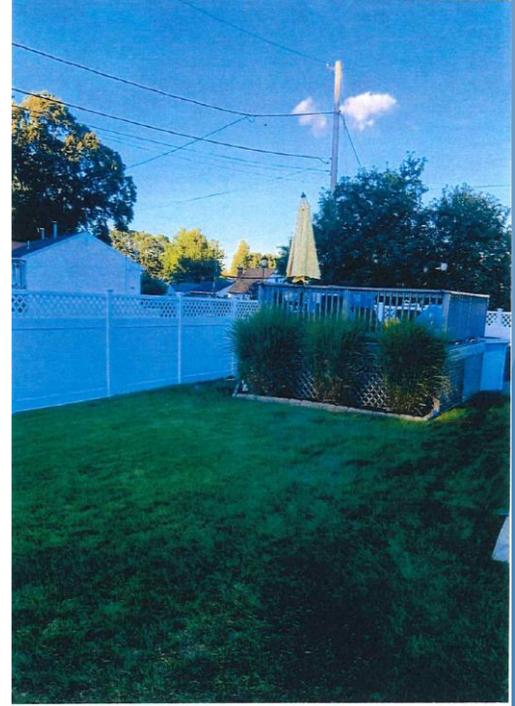
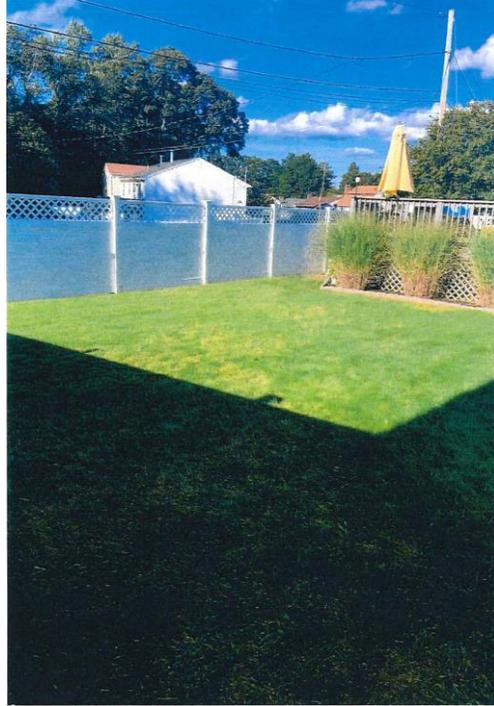
- Parcel Outlines
- Plat Boundaries
- Parcel ID Labels
- Streets Names
- Cranston Boundary
- Parcels
- Buildings
- Zoning Dimensions
- Historic Overlay District
- Zoning**
- none
- A80
- A20
- A12
- A8
- A6
- B1
- B2
- C1
- C2
- C3
- C4
- C5
- M1
- M2
- EI
- MPD
- S1
- Other

1:2,181



City of Cranston  
City of Providence, Department of Planning and Development

Web User



# EVANGELINE ST.

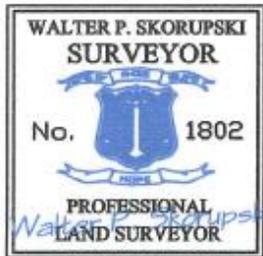
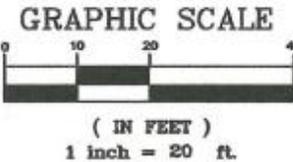


A.P. 5/2, Lot 2611  
N/F Erick E. &  
Joanne E. Hernandez  
Deed Bk. 3247, Pg. 121

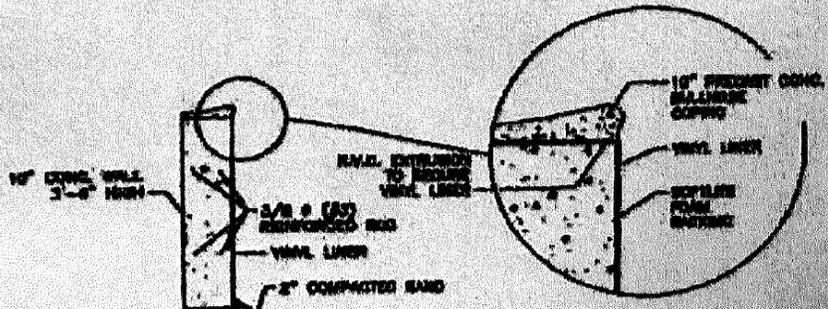
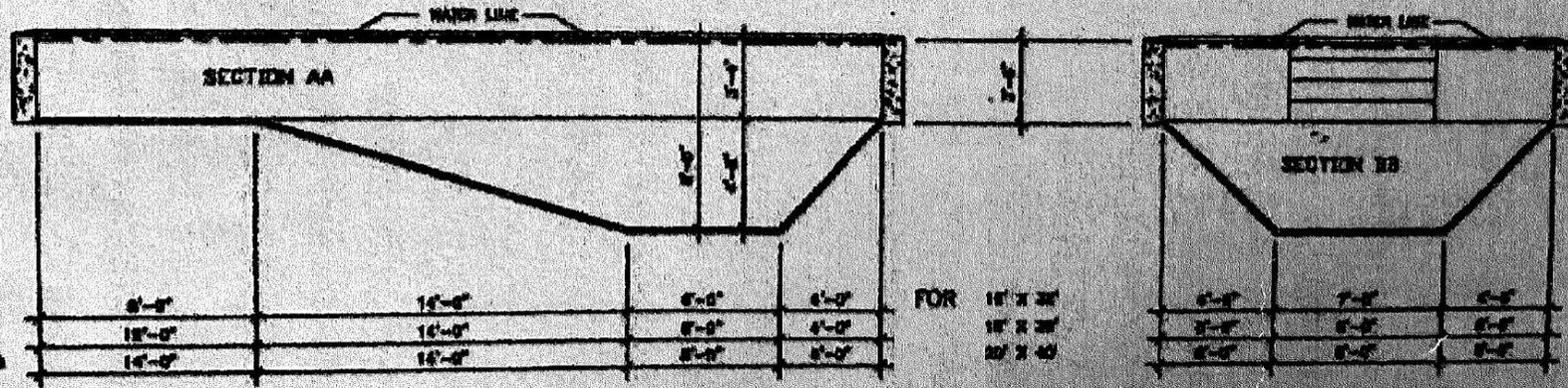
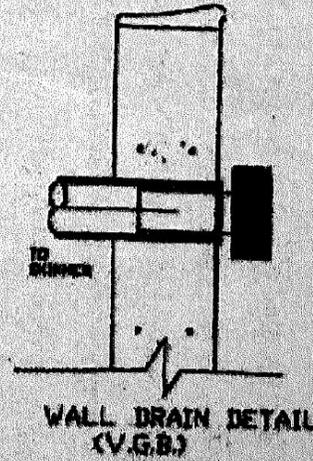
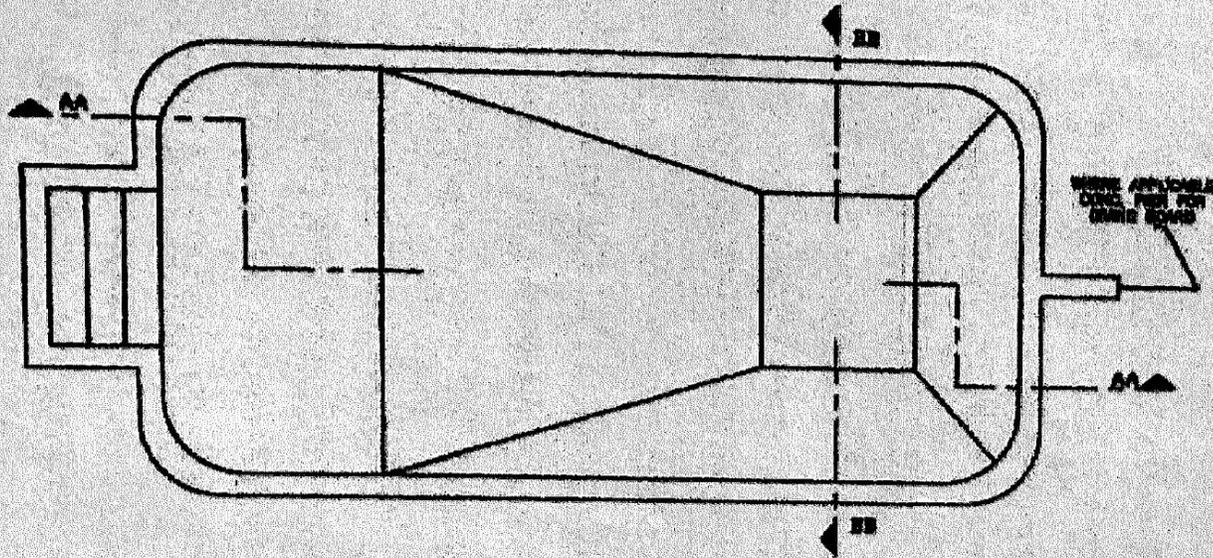
### SWIMMING POOL NOTES:

- 1) Existing 20 Ft. Diameter Above-Ground Pool to be Removed.
- 2) Location of All Mechanical Equipment to Code 17.60.010,
- 3) All 6 Ft. Fence shown is Existing White PVC.
- 3) Patio Material to be Stamped Concrete

A.P. 5/2, Lot 2445  
N/F Irma & Jorge Alvarado  
Deed Bk. 5158, Pg. 86



<p>Owners: Kimberly A. Capirchio 361 Magnolia Street Cranston, R.I. 02910</p>	<p><b>SURVEY &amp; PROPOSED POOL PLAN</b> CITY OF CRANSTON 361 MAGNOLIA STREET ASSESSOR'S PLAT 5/2 LOT 2599</p>
<p>September, 2020</p>	



JEFFREY J. CAMPOPIANO  
No. 6282  
REGISTERED PROFESSIONAL ENGINEER

5/21/20

DATE	PROJECT NO.	SCALE
BY	NO. OF SHEETS	SHEET NO.
CHECKED	DATE	1 OF 1

# Recommendation

Due to the fact that the application is consistent with the Cranston Comprehensive Plan, and due to the fact that the applicant has providing a mitigation element (fence) to reduce visual impacts and maintain the aesthetic character of the neighborhood, staff recommends the Plan Commission forward a *positive recommendation* to the Zoning Board of Review. Staff further recommends that the Plan Commission consider including a condition as part of its recommendation that that the existing fence (or equivalent replacement fence of similar height and opacity) be maintained for the life of the swimming pool.

**DEBORAH & JEFFEREY ANDRADE (OWN/APP)**

have filed an application to construct an addition to a single family dwelling to be used as an accessory family apartment with restricted rear yard setbacks; exceeding lot coverage at **156 Pippin Orchard Road**, A.P. 33, lot 51, area 21,352 sf., zoned A80. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.120 Schedule of Intensity Regulations, Application filed 9/9/2020.

# Staff Analysis

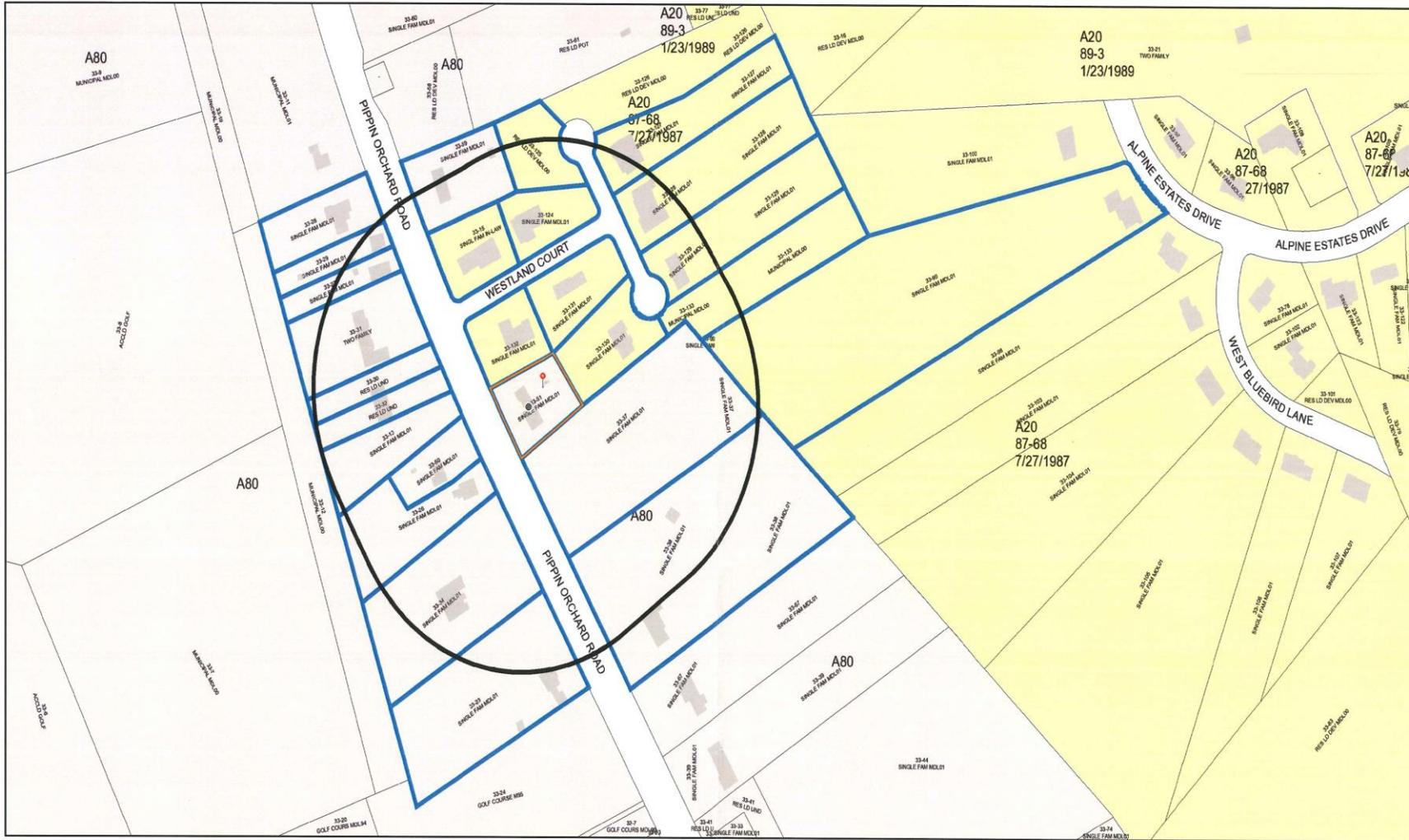
The crux of the issue lies within the fact that a 21,352 ft<sup>2</sup> lot is zoned A-80 instead of A-20. This imposes a 100' rear setback instead of a 30' rear yard setback, and a 10% maximum lot coverage instead of a 20% maximum lot coverage. The buildable envelope is only 20' in depth after the 40' front and 100' rear setbacks are applied. If the subject site was properly zoned as A-20, as suggested by the Comprehensive Plan (p.11) as described in Finding of Fact # 9, this application would not require relief. The mis-zoning of the lot creates the hardship from which relief is justified.

The ADU itself complies with State law and the performance standards in City Code Section 17.24.010.(F). It proposes only 1 bedroom within the area restrictions while the elevations show how the materials and design maintain the appearance of a single family home. It appears that there is enough existing parking with the large driveway and two car garage. The house is already serviced by public sewer and the occupant meets the relationship criteria.

The Planning Department and Comprehensive Plan recognizes that finding housing for our aging community is important. Denial of the application would be more than a mere inconvenience for the applicants and their mother, as they would need to find alternative living and care arrangements, the cost (and potentially the quality) of which cannot be compared to the proposed arrangement. The Comprehensive Plan suggest that the City “Promote the development of special housing alternatives for the elderly and handicapped” (p. 11). Relief, if granted, would be consistent with the Comprehensive Plan.

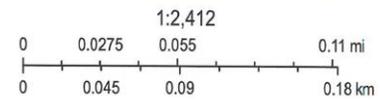
Importantly, the applicant has provided letters of support from three (3) of the four (4) abutting property owners. These letters clearly indicate that the project will not negatively impact the neighbors. Staff has not received any opposition to the proposal.

# 156 Pippin Orchard Rd 400' Radius Plat 33 Lot 51



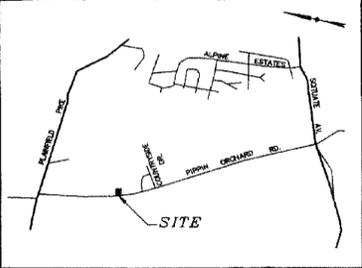
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- |  |                   |               |                           |  |     |  |    |  |       |
|--|-------------------|---------------|---------------------------|--|-----|--|----|--|-------|
|  | Parcel Outlines   |               | Buildings                 |  | A20 |  | C1 |  | M2    |
|  | Plat Boundaries   |               | Zoning Dimensions         |  | A12 |  | C2 |  | E1    |
|  | Parcel ID Labels  |               | Historic Overlay District |  | A8  |  | C3 |  | MPD   |
|  | Streets Names     | <b>Zoning</b> |                           |  | A6  |  | C4 |  | S1    |
|  | Cranston Boundary | none          |                           |  | B1  |  | C5 |  | Other |
|  | Parcels           | A80           |                           |  | B2  |  | M1 |  |       |

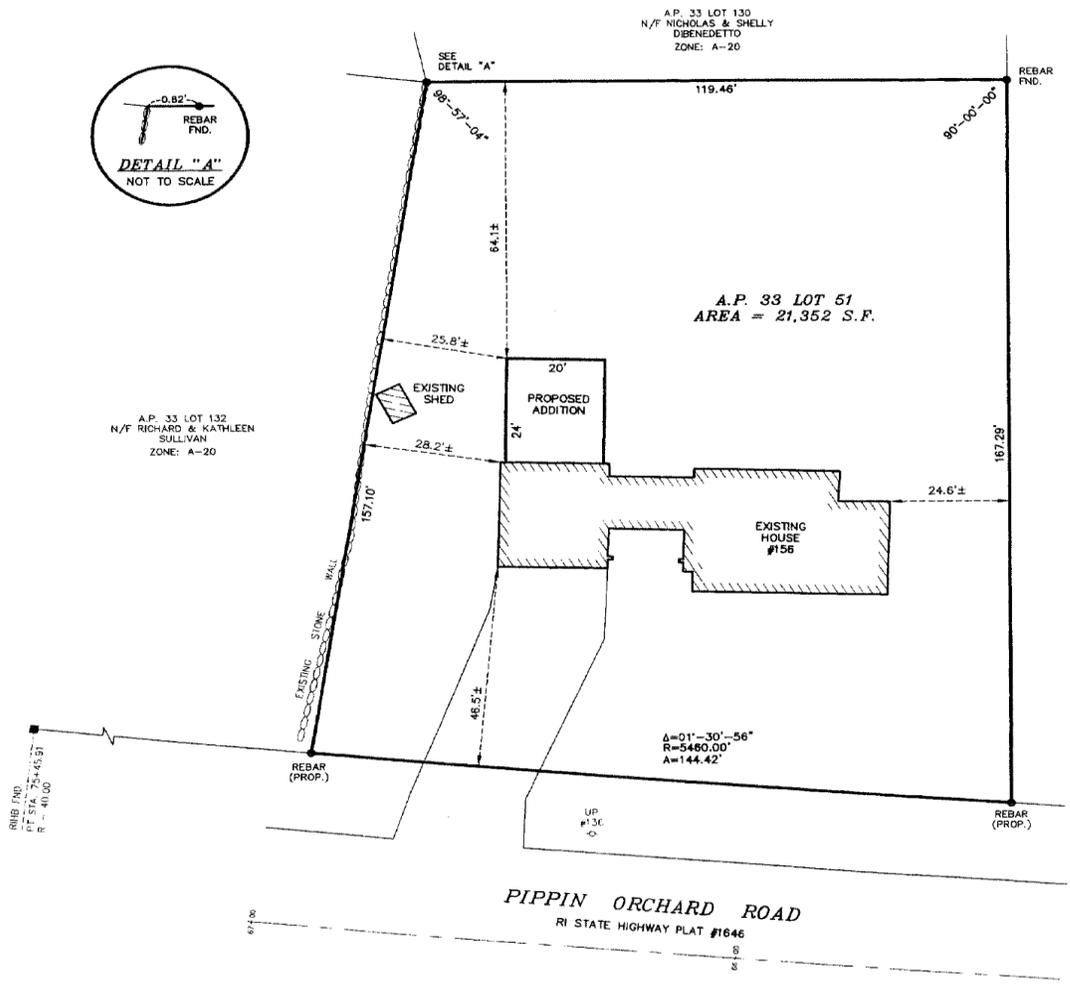


City of Cranston





LOCUS MAP  
NOT TO SCALE



**ZONING A-80**

MINIMUMS:

AREA	80,000 S.F.
FRONTAGE	200'
SETBACKS:	
FRONT	40'
SIDE	20'
REAR	100'

**REFERENCES:**

DEED BOOK 5142, PAGE 87  
RHODE ISLAND STATE HIGHWAY PLAT NO. 1646  
PLAN ENTITLED: "ORCHARD MEADOWS - FINAL PLAT RECORD PLAT PLAN ASSESSOR'S PLAT 33 LOT 15 & 124 CRANSTON, RHODE ISLAND WESTLAND COURT LLC OWNERS & DEVELOPERS", DATED JULY 2006, PREPARED BY HUDSON PLACE ASSOCIATES AND FILED AS PLAT 757 MAP NO. 601 IN THE CITY OF CRANSTON, RI.

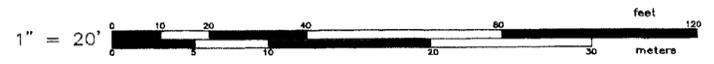
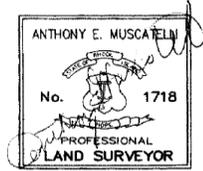
**CERTIFICATION:**

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO 435-RICR-00-00-1.9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS; ON MAY 6, 2020, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: LIMITED CONTENT BOUNDARY SURVEY  
MEASUREMENT SPECIFICATION: CLASS 1

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:  
PROPOSED BUILDING PLAN

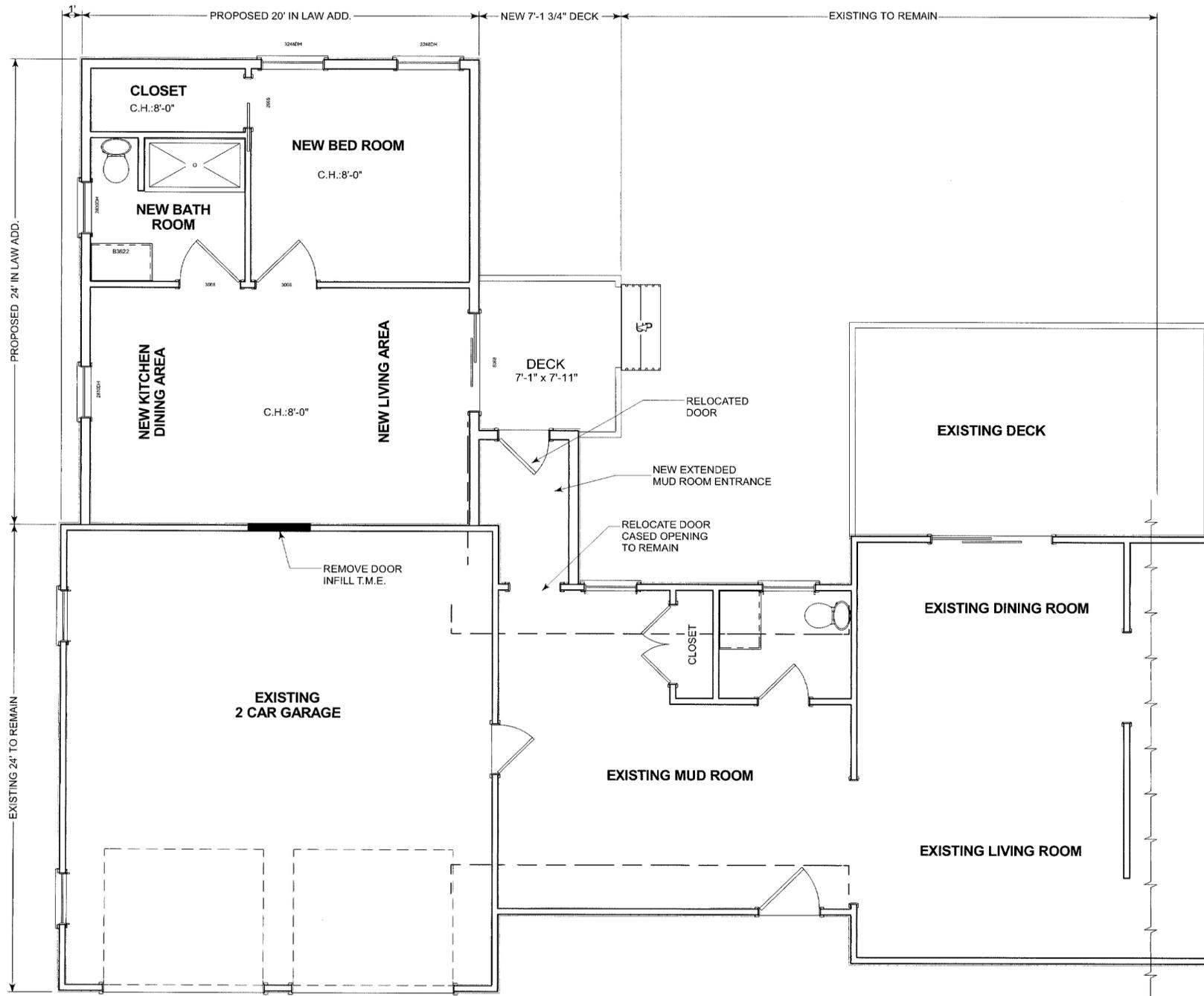
BY: *Anthony E. Muscatelli* 2-21-20  
ANTHONY E. MUSCATELLI, PLS #1718 COA #4207 DATE



**INTERNATIONAL MAPPING & SURVEYING CORP.**  
LAND SURVEYING CIVIL ENGINEERING PHOTOGRAMMETRIC MAPPING  
19 INDUSTRIAL DRIVE, SMITHFIELD, R.I. 02917 (401) 232-2620

**PROPOSED BUILDING PLAN**  
for **JEFFREY & DEBORAH ANDRADE**  
on **PIPPIAN ORCHARD ROAD**  
in **CRANSTON, RI**  
A.P. 33 LOT 51

REVISIONS	DATE	NO.
DRAWN BY	P.A.K.	
CKD. BY	A.E.M.	
APPRD. BY	A.E.M.	
DATE	08/21/20	
SCALE	1"=20'	
SHEET	1 OF 1	
DWG.NO.	200403-BP	



THIS PLAN HAS BEEN CREATED BY DRAWINGS BY YOUR DESIGN AND ASSUMES NO RESPONSIBILITY FOR DESIGN, CONSTRUCTION, IMPROPER CONSTRUCTION, MATERIALS, WORKMANSHIP OR CONSTRUCTION METHOD. ACCURACY OF THIS PLAN IS THE RESPONSIBILITY AND LIABILITY OF THE CLIENT. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO ALL LOCAL, STATE AND NATIONAL CODES AND ORDINANCES.

**SHEET TITLE:**  
**EXIST. & PROP. 1ST FLOOR PLAN**

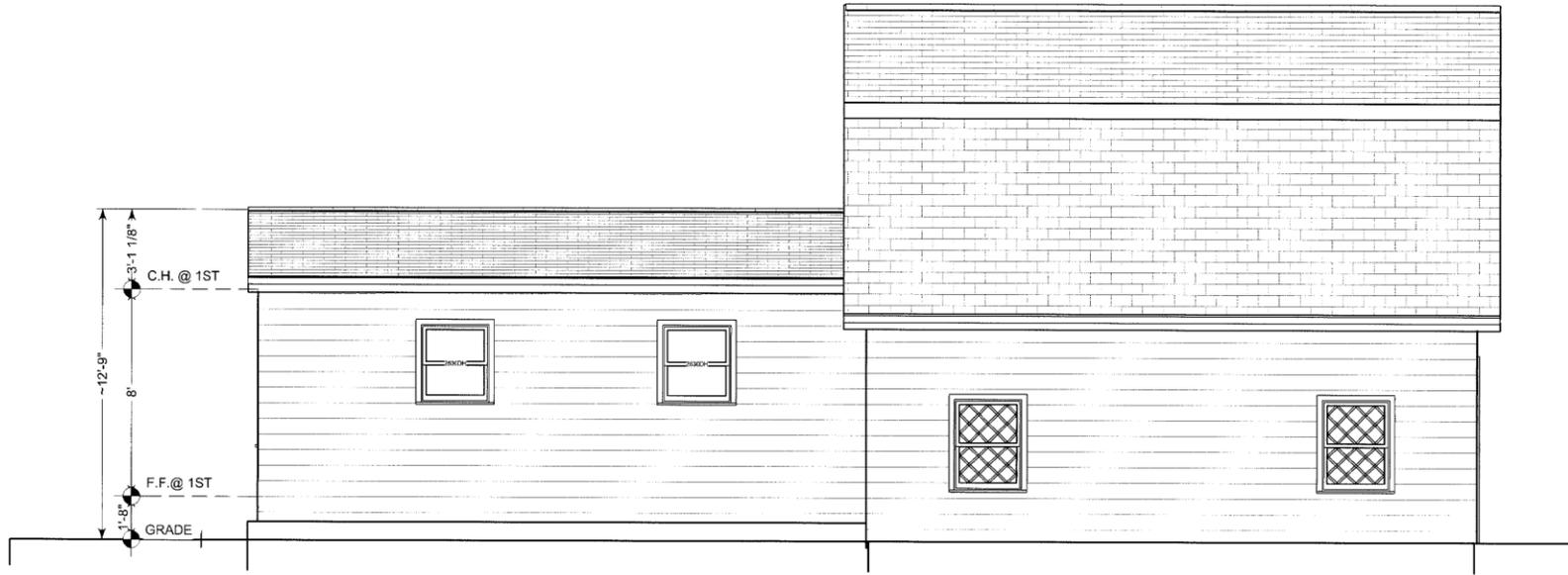
**PREPARED FOR:**  
 ANDRADE RESIDENCE  
 156 PIPPIN ORCHARD RD  
 CRANSTON, RI

**DRAWINGS PROVIDED BY:**  
**Marilyn Rojas**  
 156 Pippin Orchard Rd  
 Cranston, RI 02914  
 PH: 401-499-2844  
 email: marilynrojas\_dry@gmail.com

DATE:	9/8/2020
SCALE:	AS NOTED
SHEET:	1 - 3

NO.	DESCRIPTION	BY	DATE





DRAWINGS PROVIDED BY:

**Marilyn Rojas**  
 P.E., D.E., F.E.S.  
 4001-1000-0000  
 4001-1000-2844  
 email: marilynrojas\_dfr@yahoo.com

DATE:

9/8/2020

SCALE:

AS NOTED

SHEET:

**3 - 3**

SHEET TITLE:

**EXIST & PROP. LEFT ELEV.**

PREPARED FOR:  
 ANDRADE RESIDENCE  
 156 PIPPIN ORCHARD RD  
 CRANSTON, RI

USE BY OWNER ONLY. DESIGNED BY CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND ASSUMES NO RESPONSIBILITY FOR THE DESIGN OR THE ACCURACY OF THE INFORMATION PROVIDED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND ASSUMES NO RESPONSIBILITY FOR THE DESIGN OR THE ACCURACY OF THE INFORMATION PROVIDED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND ASSUMES NO RESPONSIBILITY FOR THE DESIGN OR THE ACCURACY OF THE INFORMATION PROVIDED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND ASSUMES NO RESPONSIBILITY FOR THE DESIGN OR THE ACCURACY OF THE INFORMATION PROVIDED.

NO.	DESCRIPTION	BY	DATE

# Recommendations

Considering that the Comprehensive Plan supports housing options for the elderly and supports the interpretation that the zoning should match the dimensions of the existing conditions of the lot, and considering the letters of support from three of the neighbors, staff recommends that the City Plan Commission forward a *positive recommendation* on this application to the Zoning Board of Review.