

A meeting of the Cranston Zoning Board of Review was called to order in Cranston High School East in the auditorium by Chairperson Matthew Gendron on **Wednesday April 10, 2019 at 6:30 pm**. Also present were Thomas Barbieri, Christopher Buonanno, Joy Montanaro, Paula McFarland, 1st alternate Craig Norcliff, and 2nd alternate Robert Coupe. Assistant Solicitor Stephen Marsella, Esq. was Counsel to the Board.

The Board heard the following applications:

OLD BUSINESS

PER SECTION 17.108.030; A CHAIRPERSON SHALL BE ELECTED.

On a motion made by Mr. Buonanno, and seconded by Ms. Montanaro, the Board voted unanimously to re-elect Mr. Gendron as Chairperson of the Board.

NEW BUSINESS

ROBERT C. SALMANI (OWN/APP) Has filed an application to add a 4th unit to an existing 3 family dwelling at **187-189 Grand Ave**, A.P. 2, Lot 787 area 10,107 s.f. zone B1.

LINDA MONELLO (OWN/APP) Has filed an application to sub-divide an existing lot to create two lots with restricted frontage at **24 Stoneham Street**, A.P. 18, lot 713, area 16,874 s.f. zone A6.

EXPO REATY, LLC. (OWN/APP) has filed an application to construct a new single family dwelling with restricted frontage and reduced lot size at **0 Boxwood Street**, A.P. 5, lot 1405, area 4,250 s.f. zone A6.

At the request of the applicant, this matter was requested to be continued to the May 8, 2019 meeting without prejudice.

EXPO REATY, LLC. (OWN/APP) has filed an application to construct a new single family dwelling with restricted frontage and reduced lot size at **0 Beech Avenue**, A.P. 5, lot 1426, area 4,250 s.f. zone A6.

At the request of the applicant, this matter was requested to be continued to the May 8, 2019 meeting without prejudice.

G3 SLATER ROAD, LLC. (OWN) AND TASCA ENTERPRISES, INC. (APP) have filed an application to convert an existing warehouse to be used as automobile repair and service, motor vehicle storage, and automobile body repair/paint establishment at **25 Slater Road**, A.P. 13, lot 86, area 83,567 s.f. zone M2.

WARD 1

ROBERT C. SALMANI (OWN/APP) Has filed an application to add a 4th unit to an existing 3 family dwelling at **187-189 Grand Ave**, A.P. 2, Lot 787 area 10,107 s.f. zone B1. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.090(A) Specific Requirements; 17.20.120 Schedule of Intensity Regulations. Application filed 2/14/19. John S. DiBona Esq.

On a motion made by Ms. McFarland, and seconded by Mr. Buonanno, the Board voted unanimously to **DENY** the application.

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

1. The B-1 zoned property is currently being occupied by an illegal nonconforming four-family residence with two accessory detached garages. The Cranston Tax Assessor's Office property cards show the property was considered a three-family in 1954 but then a four-family in 1984 (there is no data in between the two stated years). The applicant acquired the property from his parents S. Robert & Antoinette Salmani in 2013 as a four-family.
2. Benedetto Salmani and S. Robert Salmani applied for a variance in 1968 which requested permission to add an additional dwelling unit to the first floor of a three-family residence. The Plan Commission recommended denial and the Zoning Board of Review unanimously denied the request. The dwelling unit was constructed irrespective of the City's denial. The current application requests relief for the illegally constructed fourth dwelling unit.
3. The surrounding neighborhood (within a 400' radius of the subject property) is comprised of B-1, B-2, C-1 and C-2 zones, and a mix of uses including single-family, two-family, three-family, multifamily/apartments, mixed use, residential condo, large business, municipal and school uses (uses determined by tax assessor's office do NOT reflect compliance to zoning or legal status). The properties that are solely within the B-1 zone are single-family, two-family, three-family as well as one four-family and one residential condo.
4. The Cranston City Code has scaled requirements for lot area that increase with the number of dwelling units on a parcel. The Code does not have an area standard for four-family in B-1 (as it is not an allowed

use), however, the evaluation of the use variance request should consider that approval would result in a use which would be substandard in area when compared to the requirements of B-2 zoning, a designation which is intended for higher density such as multifamily. Granting the use variance would allow a four-family on a lot with 10,107 ft² where 18,000 ft² is required in B-2 zoning. The subject site is substantially deficient in lot area.

5. The City of Cranston Comprehensive Plan's Future Land Use Map (FLU) designates the subject parcel as "Single/Two Family Less Than 10.89 units / acre." The requested density 17.24 units / acre. Therefore, the request is inconsistent with the Comprehensive Plan Land Use Element.
6. City Code Section 17.92.010 (C).(1) prohibits the consideration of nonconforming land uses and of adjacent districts in granting a use variance. The average density of conforming uses within 400' of the subject parcel within the same zoning district is 4,937 ft² / unit where 2,527 ft² / unit is requested.

WARD 4

LINDA MONELLO (OWN/APP) Has filed an application to sub-divide an existing lot to create two lots with restricted frontage at **24 Stoneham Street**, A.P. 18, lot 713, area 16,874 s.f. zone A6. Parcel one would leave an existing single family dwelling; parcel two would be to construct a new single family dwelling. Applicant seeks relief per 17.92.010 Variance, Section 17.20.120 Schedule of Intensity Regulations. Application filed 2/28/19. John S. DiBona, Esq.

On a motion by Ms. Montanaro and seconded by Mr. Buonanno, this application was **APPROVED** as presented.

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

1. Currently, the A-6 zoned property is being occupied by a single-family residence which is an allowed use under zoning. The site plan indicates that the existing slab on proposed Parcel 2 will be removed.
2. The surrounding neighborhood is comprised of A-6, single-family residential lots. With the exception of Oaklawn Elementary School, the only land use on Stoneham Street is single-family residential.
3. The applicant proposes a subdivision that will result in the creation of 2 lots that do not meet the A-6 lot width/frontage requirement of 60'. Both proposed parcels have 51' of width/frontage.
4. The applicant provided an analysis of the surrounding neighborhood which states that there are 53 developed properties within a 400' radius of the property, thirteen (13) of which have less than 50' of width/frontage, and another three (3) lots have less than 55' of width/frontage. The proposal would not be out of character with the surrounding area.
5. The proposed subdivision and its resulting density of approximately 5.26 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as "Single Family Residential 7.26 to 3.64 units / acre."
6. The Comprehensive Plan encourages the development of infill lots in Eastern Cranston in order to improve the City's housing stock and to mitigate the demand for development in Western Cranston.
7. The Comprehensive Plan Housing Element Housing Action Program HA-5 requests that the City "Reduce burden of zoning and building regulations" on existing housing resources. This policy supports the variances for existing nonconforming conditions.
8. The proposed subdivision would not have a negative impact on safe and adequate local circulation of pedestrian and vehicular through traffic. The project proposes to install a sidewalk, which will improve potential pedestrian traffic to the abutting school.

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 due to the unique characteristics of the property, and 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, is the least relief necessary. In granting a dimensional variance, the Board finds that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience and that the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010, Section 17.20.120 - Schedule of Intensity Regulations

WARD 6

G3 SLATER ROAD, LLC. (OWN) AND TASCA ENTERPRISES, INC. (APP) have filed an application to convert an existing warehouse to be used as automobile repair and service, motor vehicle storage, and automobile body repair/paint establishment at **25 Slater Road**, A.P. 13, lot 86, area 83,567 s.f. zone M2. Applicant seeks relief per Section 17.92.020 Special Use Permit. Application filed 3/15/19. Robert D. Murray, Esq.

On a motion by Mr. Norcliffe and seconded by Ms. McFarland, this application was **APPROVED** as presented.

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

1. The subject site is a 82,764 +/- ft² lot in M-2 zoning (General Industry). The applicant is proposing 4 new uses at this location: 1) motor vehicle repair and service establishment; 2) motor vehicle storage; 3) automobile body repair/paint shop and business; and 4) business/professional office. Note that 3 of the 4 proposed uses are allowed with a special use permit in M-2 zoning per Sec. 17.20.030 *Schedule of Uses*. Business/professional office is allowed by-right in the M-2 zone.
2. The application narrative states: *"Tasca intends to utilize the building as an extension of its existing internal operation in buildings at 1300 Pontiac Avenue (the main dealership) and 26 Slater Toad (Tasca Truck Center). The 25 Slater Road building will not be used for public use or invitation."*
3. The applicant is not proposing any major structural additions to the building and is proposing only minor alterations to the site for landscaping and an additional driveway. The uses of motor vehicle repair and body paint shop are intended for minor work only arising in the reconditioning of used cars prior to sale at the main dealership located at 1300 Pontiac Avenue.
4. The City of Cranston Comprehensive Plan's Future Land Use Map designates the subject parcel as "Industrial." This designation recommends that land should remain zoned either M-1 or M-2 and that industrial uses are most appropriate to be sited here. It should be noted that 2 of the 3 proposed uses that require a special use permit at this location (motor vehicle storage; and automobile body repair/paint shop and business) are categorized in the "Industrial" section of the Zoning Code - Schedule of Uses. The 3rd proposed use (motor vehicle repair and service establishment light) is categorized in the "Business" section of the Zoning Code - Schedule of Uses, however this use is specifically allowed through a special use permit in both the M-1 and M-2 zones.
5. The Cranston Zoning Code Section 17.92.020 (A).(2). provides the following standards for the review of any Special Use Permit in the City:
 - a. *"It shall be compatible with its surroundings;*
 - b. *It shall not be injurious, obnoxious or offensive to the neighborhood;*
 - c. *It shall not hinder the future development of the city;*
 - d. *It shall promote the general welfare of the city; and*
 - e. *It shall be in conformance with the purposes and intent of the comprehensive plan."*
6. With regard to Special Use Permit standards "a", "b", and "c" above, the subject property is located at the edge of the M-2 zoning district, across the street from a C-5 zoned property (Tasca main dealership). The unique location of the subject property could be viewed as a "transition zone" in which the allowance of a special use permit is more appropriate given the abutting land uses and surrounding conditions. The introduction of auto-oriented uses at this site would not be foreign to this corridor and would be compatible with the general area. Additionally, the allowance of these uses would not be injurious, obnoxious or offensive to the neighborhood and would not hinder the future development of the City.
7. With regard to Special Use Permit standards "d" and "e" above, The City of Cranston Comprehensive Plan Economic Development Element, page 73, provides the following objective: *"Increase the tax base with new private investment in commercial and industrial properties."* It should be noted that the immediate application, if approved, would result in additional private investment in the property and would activate a business use at this location for increased tax revenue to the City.
8. With regard to Special Use Permit standards "d" and "e" above, the City of Cranston Comprehensive Plan Economic Development Element, page 76, provides the following objective: *"Support for Small, Growth-Oriented, Value-Adding Businesses: Cranston has a healthy, diverse portfolio of businesses in a variety of industries and sectors. It is recommended that the City continue its policy of encouraging growth and expansion of small- and medium sized companies rather than putting valuable resources into attempts to bring in the larger companies."* It should be noted that the immediate application, if approved, would allow for the expansion of an existing, medium-sized business in the City.
9. The City of Cranston Comprehensive Plan Land Use Element, page 23, provides the following objective: *"Strengthen controls on non-industrial development in industrial areas while still providing for limited commercial services for on-site industries."* It should be noted that the immediate application, if approved, would introduce land uses to the site the majority of which are categorized as industrial (see finding of fact #3) and would provide support to an "on-site" business across the street.

10. With specific regard to Special Use Permit standard "e" above, based on findings of fact # 4, #7, #8, and #9, the proposed uses are viewed as consistent with the purposes and intent of the City of Cranston Comprehensive Plan.
11. The Cranston Zoning Code Section 17.92.020 (A).(1).(b). provides the following specific standard for the review of any Special Use permit in an industrial zone in the City: *"Within an industrial district, that the factual evidence has demonstrated that the proposed use will predominantly serve the employees and visitors to the existing industrial uses within the district."* Based on findings of fact #4-9 above, staff is of the view that the proposed uses are harmonious with the surrounding industrial uses, and that the proposal would serve to increase employment opportunities within the district.
12. Cranston's Development Plan Review Committee held a meeting on March 20, 2019, at which the project was heard and unanimously approved on its technical merits – conditional upon receiving Zoning Board of Review approval.

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 due to the unique characteristics of the property, and 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, is the least relief necessary. In the requested relief, the Board finds that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience and furthermore that the Applicant met the requirements of the Zoning Code for relief from the schedule of uses including Sections 17.20.030 Schedule of Uses, Section 17.92.020, Special Use Permit

Stanley Pikul
Secretary, Zoning & Platting Boards

The meeting was adjourned at 6:50 PM
