

A meeting of the Cranston Zoning Board of Review was called to order in Cranston High School East Auditorium by Chairperson Matthew Gendron on **Wednesday April 11, 2018 at 6:30 pm**. Also present were Thomas Barbieri, Paula McFarland, Christopher E. Buonanno, Joy Montanaro, 1st alternate Craig Norcliffe, 3rd alternate Donald J. Roach, Jr., and 4th alternate Josh Catone. Assistant Solicitor Stephen Marsella, Esq. was Counsel to the Board. The Board heard the following applications:

OLD BUSINESS

WARD 5

275 ATWOOD LLC(OWN) AND 275 ATWOOD LLC C/O MOSES AFONSO RYAN LTD (APP) Have filed an application to allow additional wall and a freestanding signage to be installed on the property currently under development at **275 Atwood Avenue** A/P 12 lot 2700, 92,603 s.f. area zoned C4. Applicant seeks relief per Sections; 17.92.010 Variance, Section 17.72.010 (P) Table 17.72.010 (5) Signs. Application filed 11/21/17. Moses Afonso Ryan, Ltd.

Ms. Montanaro **recused** herself; not participating in the decision.

On a motion made by Mr. Buananno, and seconded by Mr. Barbieri, The Board voted unanimously to **Approved this application with conditions:**

Conditions:

1. **The applicant has agreed to install fencing along the area designated as parking for the baseball field after consultation with and at the discretion of the Parks and Recreational Department/Director.**

Findings of Fact:

1. The 2010 Comprehensive Plan Future Land Use Map designates this area of Atwood Avenue as Highway Commercial.
2. One 30' curb opening is provided for the two commercial buildings on site
3. One freestanding sign (pylon or monument) is allowed per street frontage.
4. The approved Development Plan Review Site Plan depicts a proposed pylon sign to be located on the Northerly side of the entrance driveway to the site.
5. A total of 663.27 sq. ft. of signage is proposed.
6. The proposal is to install an additional 21'-7" high x 14'-6 wide, freestanding, solid **monument** sign, on the southerly side of the same driveway opening.
7. A 47.53 sq. ft. "**Enterprise**" sign is proposed on the South side elevation for the 2 unit building.
8. The **Dairy Queen** building signs have already been approved by the Building and Zoning Department and installed.
9. The was additional wall signage proposed for the second structure
10. The applicant presented testimony on the construction and design of the monument sign and the building signage
11. There was no opposition 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 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 from Section 17.92.010, Section 17.72.010 (P) Table 17.72.010 (5) Signs is granted

NEW BUSINESS

WARD 3

JOSEPHINE ALIFERAKIS AND KAREN DRAGER (OWN/APP) have filed an application to create a new lot to construct new single family dwelling, and convert an existing single family residence to a legal non-conforming two family dwelling with restricted side yard setback at

15 Bank Street A/P 11, Lots 2300, 2301, 2302, 2303; 14,958 s.f. area, zoned A6. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity. Application filed 2/14/18. Joseph C. Manera, Jr. Esq.

The applicant Withdrew this application.

WARD 4

BRIAN & MARINA FLANNERY (OWN/APP) have filed an application to construct an addition to a single family dwelling to be used as a garage and living space with restricted rear yard setbacks at **34 Oak View Drive** A/P 22, Lot 76; 18,739 s.f. area, zoned A8. Applicant seeks relief per 17.92.010 Variance; Section 17.20.120 Schedule of Intensity. Application filed 3/5/18.

On a motion made by Ms. Montanaro, and seconded by Mr. Buonanno, this application was **Approved.**

Findings of Fact:

1. The existing residential use is consistent with the Comprehensive Plan Future Land Use Map that designated this area of the City as Residential, Single Family.
2. There is an existing foundation for a 20' x 24' garage on the back of the house. The rear yard setback of 8.7' for the garage, conforms to the minimum Zoning 5' rear yard setback for a garage.
3. According to the plan submitted, the proposed 14' x 18' living space is over a portion of the new garage, and will have a 15' rear yard setback, where 20' is the minimum.
4. The neighbor's lot abutting the applicant's rear lot line contains an in ground pool and a shed.
5. There was no testimony in opposition 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 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 from Section 17.92.010 Section 17.20.120 is granted

WARD 5

CARPIONATO PROPERTIES, INC. AND ALFRED CARPIONATO (OWN), AND WEST BAY, LLC (APP) have filed an application to construct and utilize a building as an adult day care and a medical clinic at **320 Scituate Avenue**, A/P 20, lots 2112 & 2116 30,322 s.f. zoned B2. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses. Application filed 3/12/18. Moses Ryan Ltd, Esq.

Ms. Montanaro and Mr. Norcliff **recused** themselves; not participating in the decision.

On a motion made by Ms. McFarland, and seconded by Mr. Buonanno, this application was **Approved with conditions:**

- 1. Any proposed signage must comply with the requirements allowed per the zoned lot or be approved by variance granted from the ZBR in the future.**

Findings of Fact:

1. The Property is located in an A-20, single family zone.
2. The commercial project received Master Plan Approval from the Plan Commission on October 3, 2017, with the condition that Zoning approval be granted for an adult day care center and medical clinic only.
3. The application is for a 5,480 square foot, single story building with 47 parking spaces.
4. The lots are surrounded on all sides (and across the street) by multi family, high density housing, and a large apartment building for the elderly.
5. The Applicant presented testimony about the project and the need for the services at this location.
6. The Applicant presented testimony of Thomas Sweeney, who was sworn in as an expert in Real Estate.
7. Mr. Sweeney testified that in his opinion should the relief not be granted, it would amount to a loss of all beneficial use to the property given the surrounding conditions and projects.
8. There was no opposition 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 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 use variance, the Board finds that the hardship suffered by the owner of the subject property if the variance is not granted would be a loss of all beneficial use and therefore relief from Sections 17.20.120 Schedule of Intensity and 17.20.030 Schedule of Uses is Granted with conditions.