

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 May 9, 2018 at 6:30 pm**. Also present were Thomas Barbieri, Christopher E. Buonanno, Joy Montanaro, 1st alternate Craig Norcliffe, and 3rd alternate Donald J. Roach, Jr., Assistant Solicitor Stephen Marsella, Esq. was Counsel to the Board. The Board heard the following applications:

OLD BUSINESS

WARD 6

FORTY SOCKANOSSET, LLC (OWN) AND POYANT SIGNS, INC. (APP) have filed an application to allow increased signage to a site previously granted signage relief at **40 Sockanosset Crossroad**, A/P10, lot 40 142,006 sq.ft. zoned C4. Applicant seeks relief per 17.92.010 Variance; Section 17.72.010(5).

NEW BUSINESS

ST. MATTHEW'S CHURCH CORPORATION (OWN) AND ERISSA, LLC. (APP.) have filed an application to create a minor subdivision of existing properties at **1291 & 1301 Elmwood Avenue**, A/P 3, lots 616,623, & 1198, total area 63,586 sq. ft. zoned B2. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.10 Schedule of Intensity, 17.64.010 Parking.

POWERHOUSE REALTY, LLC (OWN/ APP) has filed an application to construct a new single family dwelling on an undersized lot with restricted street frontage at **0 Cleveland Avenue**, A/P 8, lot 544. Area 3,200 sq.ft. zoned B2. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.10 Schedule of Intensity.

POWERHOUSE, LLC (OWN) & POWERLINE TATTOO II, INC (APP) has filed an application to expand an existing non-conforming mixed use building to utilize the entire structure as a business on an under-sized lot with restricted frontage, side and front setbacks; without off street parking at **706 Reservoir Avenue**, A/P 9, lot 321, 3,084 sq. ft. area, zoned C-4. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.10 Schedule of Intensity, 17.64.010 Parking

DAVID SPAZIANO (OWN/APP) has filed an application to install a 450 sq.ft. addition to an existing structure with restricted setbacks at **52 Bald Hill Road**, A/P 18/3, Lots 855 & 2041, area 1589 +/- SF, zoned C-4. Applicant seeks relief per Section 17.92.010 Variance, Section 17.20.120 Schedule of Intensity Regulations.

HERITAGE RESERVOIR LLC (OWN) & HERITAGE LIQUORS (APP) have filed an application to alter an existing sign and to install a new LED electronic message board with increased size at **529 Reservoir Avenue**, A/P 6, lot 821 42,491 sq.ft. area, zoned C4. Applicant seeks relief per Section 17.92.010 Variance, Section 17.72.010 Signs.

WARD 5

JOHN S. SPICOLA, II (OWN/APP) Has filed an application to construct an addition with restricted setbacks to an existing home at **114 Mockingbird Drive**, A/P 37 lot 520, 14897 sq.ft. area, zoned A8. Applicant seeks relief per Section 17.92.010 Variance, Section 17.20.120 Schedule of Intensity Regulations.

OLD BUSINESS

WARD 6

FORTY SOCKANOSSET, LLC (OWN) AND POYANT SIGNS, INC. (APP) have filed an application to allow increased signage to a site previously granted signage relief at **40 Sockanosset Crossroad**, A/P10, lot 40 142,006 sq.ft. zoned C4. Applicant seeks relief per 17.92.010 Variance; Section 17.72.010(5). Application filed 3/12/18. Moses Ryan Ltd, Esq.

This application was continued to the June 13, 2018 meeting.

NEW BUSINESS

WARD 1

ST. MATTHEW'S CHURCH CORPORATION (OWN) AND ERISSA, LLC. (APP.) have filed an application to create a minor subdivision of existing properties at **1291 & 1301 Elmwood Avenue**, A/P 3, lots 616,623, & 1198, total area 63,586 sq. ft. zoned B2. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.10 Schedule of Intensity, 17.64.010 Parking Application filed 4/2/18. Robert D. Murray, Esq.

On a motion made by Mr. Roach, and seconded by Ms. Montanaro, The Board voted unanimously **to approve** the variances necessary to sub-divide the two properties, allowing relief from parking and the required setbacks for the existing buildings.

Mr. Barberi recused himself from the testimony and abstained from voting on this matter.

FINDINGS OF FACTS:

1. The application involved two preexisting buildings, a church and a school.
2. The applicant testified that that they currently lease the school and was going to purchase the school and maintain the use as a school
3. There was testimony about parking at the school and church
4. The Plan Commission unanimously voted to forward a positive recommendation to the Zoning Board of Review as the proposed subdivision conforms to the City of Cranston Comprehensive Plan and the zoning Board accepted the recommendation
5. The Board incorporates the testimony of the applicant into its findings
6. There was no testimony in opposition to the application.

In this case, 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, and that the Board finds that the applicant has met their legal burden with respect to the requirements necessary for the applicable relief. In conclusion based upon the testimony and the documentation in the record, the Board unanimously voted to **grant** the requested relief from 17.92.010 Variance; Sections 17.20.10 Schedule of Intensity, 17.64.010 Parking Application.

WARD 3

POWERHOUSE REALTY, LLC (OWN/ APP) has filed an application to construct a new single family dwelling on an undersized lot with restricted street frontage at **0 Cleveland Avenue, A/P 8, lot 544**. Area 3,200 sq.ft. zoned B2. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.10 Schedule of Intensity. Application filed 4/3/18. Robert D. Murray, Esq.

On a motion made by Mr. Norcliff, and seconded by Mr. Roach, The Board voted unanimously **to approve** the request to construct a new single family dwelling on A/P 8, lot 544 as presented.

Mr. Barberi recused himself from the testimony and abstained from voting on this matter.

FINDINGS OF FACTS

1. The applicant is seeking authorization to construct a single family residence on a 3,200 SF lot with 40' of frontage in a Residential B-2
2. A single family residential use is allowed by right in a B-2 zone.
3. In a B-2 zone, minimum lot size for a single family use is 6,000. Other than lot size and lot width/frontage, the site plan submitted with the application indicates that the residential structure to be constructed will comply with all other dimensional and density requirements.
4. On April 15, 1993 the Zoning Board of Review granted a variance on Assessor's Plat 8 Lot 544 to allow for the construction of a single family residence [the Plan Commission recommend favorable]. This variance was not implemented and lapsed.
5. The applicant did not request any relief from lot coverage or setbacks.
6. There was no testimony in opposition to this application.

In this case, 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, and that the Board finds that the applicant has met their legal burden with respect to the requirements necessary for the applicable relief. In conclusion based upon the testimony and the documentation in the record, the Board unanimously voted to **grant** the requested relief from 17.92.010 Variance; Sections 17.20.10 Schedule of Intensity.

WARD 2

POWERHOUSE, LLC (OWN) & POWERLINE TATTOO II, INC (APP) has filed an application to expand an existing non-conforming mixed use building to utilize the entire structure as a business on an under-sized lot with restricted frontage, side and front setbacks; without off street parking at **706 Reservoir Avenue, A/P 9, lot 321, 3,084 sq. ft. area, zoned C-4**. Applicant seeks relief per 17.92.010

Variance; Sections 17.20.10 Schedule of Intensity, 17.64.010 Parking Application filed 4/9/18. Robert D. Murray, Esq.

On a motion made by Mr. Buonanno, and seconded by Mr. Roach, The Board voted unanimously **to approve** the request to grant relief from parking, and to allow an expansion of the non-conforming use at 706 Reservoir Avenue for a tattoo business as presented.

Mr. Barberi recused himself from the testimony and abstained from voting on this matter.

FINDINGS OF FACTS

1. The applicant is seeking authorization to establish a Body Art Establishment at land identified as Assessor's Plat 9 Lot 321 [708 Reservoir Avenue] from the Zoning Board of Review. The proposal is to relocate the Body Art Establishment from 706 Reservoir.
2. Assessor's Plat 9 Lot 321 is currently zoned Commercial C-4 [Highway Business].
3. The Future Land Use Plan of Cranston's Comprehensive Plan assigns **LUC** of Highway Commercial and Services to Assessor's Plat 9 Lot 321. With a LUC of Highway Commercial and Services, both a C-4 Zoning Classification and a use of Body Art Establishment are consistent with the Comprehensive Plan.
4. Assessor's Plat 9 Lot 321 existed prior to 1965 and site's building was constructed in 1929.
5. The site plan submitted in support of the zoning application shows no off street parking spaces. The absence of parking is a condition that existed with the site's prior use [hair salon] and with the applicant's business at 706 Reservoir Avenue.
6. The Plan Commission stated that the application was in conformance with the Comprehensive Plan.
7. The applicant testified that his business was by appointment only and that there is street parking
8. There was no opposition to the application.

In this case, 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, and that the Board finds that the applicant has met their legal burden with respect to the requirements necessary for the applicable relief. In conclusion based upon the testimony and the documentation in the record, the Board unanimously voted to **grant** the requested relief from 7.92.010 Variance; Sections 17.20.10 Schedule of Intensity, 17.64.010 Parking Application.

WARD 4

DAVID SPAZIANO (OWN/APP) has filed an application to install a 450 sq.ft. addition to an existing structure with restricted setbacks at **52 Bald Hill Road**, A/P 18/3, Lots 855 & 2041, area 1589 +/- SF, zoned C-4. Applicant seeks relief per Section 17.92.010 Variance, Section 17.20.120 Schedule of Intensity Regulations. Application filed 4/9/18. Robert D. Murray, Esq.

On a motion made by Ms. Montanaro, and seconded by Mr. Buonanno, the Board voted 3-2 in favor of granting the relief necessary to construct an addition to the existing building. As four (4) votes are necessary to approve an application, the variance was **DENIED**. Mr. Norcliff and Mr. Gendron voted "nay" on this request.

Mr. Barberi recused himself from the testimony and abstained from voting on this matter.

FINDINGS OF FACTS

1. The applicant is seeking authorization to construct a 450 SF addition to an existing building on properties identified as Assessor's Plan 18 Lots 855 and 2041 [52 Ball Hill Road]. The addition will allow for the addition of refrigeration equipment and storage to support of a food commissary and catering use.
2. Assessor's Plan 18 Lots 855 and 2041 are zoned Commercial C-4 [highway business] and a catering service is a uses allowed within the zone.
3. The Future Land Use Plan of Cranston's Comprehensive Plan assigns **LUC** of Highway Commercial and Services to Assessor's Plan 18 Lots 855 and 2041. With a LUC of Highway

Commercial and Services, both a C-4 Zoning Classification and a Catering use are consistent with the Comprehensive Plan.

4. The application proposes to use both Lots 855 and 2041 to support the additions. Lot 2041 was created by a city street abandonment and acquired in 1991 separate from Lot 855.
5. Assessor's Plan 18 Lots 855 and 2041 is a triangular shaped parcel that does not conform to the standards set by Section 17.20.120 Schedule of Intensity Regulation
6. The Board finds that in a C-4 zone, minimum lot area is 12,000 SF and 1,291 SF is provided, minimum front yard setback is 40' and 0' is provided and the addition is proposed to be set back 3'± from the front lot line], minimum rear yard setback is 20 and 0' is provided, minimum side yard setback required is 8' and 24' on the northern side and 0' on the southern side is proposed and lot coverage is 50% and the building as proposed will cover most of the lot.
7. On July 12, 2017 the Zoning Board of Review granted a variance to allow the 8' by 8' freezer on site that the applicant has not acted on as of yet.
8. The Board found that the site plan submitted in support of the zoning application shows no off street parking spaces.
9. The members of the Board that voted against the application had concerns with the lot coverage, parking and future operations at the location
10. The members of the Board that voted against the application had concerns with trash because of the limited space on the lot.

WARD 2

HERITAGE RESERVOIR LLC (OWN) & HERITAGE LIQUORS (APP) have filed an application to alter an existing sign and to install a new LED electronic message board with increased size at **529 Reservoir Avenue**, A/P 6, lot 821 42,491 sq.ft. area, zoned C4. Applicant seeks relief per Section 17.92.010 Variance, Section 17.72.010 Signs. Application filed 4/10/18. Robert D. Murray, Esq.

On a motion made by Mr. Buonanno, and seconded by Mr. Roach, the Board voted unanimously **to approve the application with conditions.**

Mr. Barberi recused himself from the testimony and abstained from voting on this matter.

CONDITIONS:

1. The height of the sign be limited to 16 feet.
2. The change rate shall not be less than 2 minutes.
3. No animation or pictures shall appear in the electronic message portion of the sign.
4. The sign shall not be operational between the hours of 12am and 7 am.

FINDINGS OF FACT

1. The applicant is seeking authorization to replace a 54.51 SF free standing sign that has an electronic message board with a 74.375 SF [148.75 SF two sides] with an LED screen that allows illustration in support of a liquor store on properties identified as Assessor's Plan 6 Lot 921 [529 Reservoir Ave].
2. Assessor's Plan 6 Lot 921 is zoned Commercial C-4 Highway Business and a liquor store is a use allowed within the zone.
3. The Future Land Use Plan of Cranston's Comprehensive Plan designates a **LUC** of Highway Commercial and Services to Assessor's Plan 6 Lot 921.
4. The site, as developed, conforms to the standards set by Section 17.20.120 Schedule of Intensity Regulation.
5. While the site's existing free standing sign does not conform to the sign requirements for a C-4 zone a sign was constructed in reliance upon a building, a sign and electrical permit issued in 2006.
6. The free standing sign as proposed will have a height of 18' and a sign face of 8.5' by 8.75' with a total area of 74.375 SF per side.
7. The proposed free standing sign as proposed will be 2' higher than and will be 39.73 SF larger than the existing sign.
8. The applicant testified about the signage and her need to increase the height and size.

9. The Board found that it was concerned with the proposed height of sign and voted to limit the request to a height of 16 feet.
10. The Board found that the size of requested total sign was acceptable and that the size of the electronic portion of the sign was remaining the same.
11. The Board found that there should be conditions regarding change rate, animation/pictures and hours of operation and voted to condition the approval.

In this case, 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, and that the Board finds that the applicant has met their legal burden with respect to the requirements necessary for the applicable relief. In conclusion based upon the testimony and the documentation in the record, the Board unanimously voted to **grant** the requested relief from Section 17.92.010 Variance, Section 17.72.010 Signs.

WARD 5

JOHN S. SPICOLA, II (OWN/APP) Has filed an application to construct an addition with restricted setbacks to an existing home at **114 Mockingbird Drive**, A/P 37 lot 520, 14897 sq.ft. area, zoned A8. Applicant seeks relief per Section 17.92.010 Variance, Section 17.20.120 Schedule of Intensity Regulations. Application filed 4/11/18

On a motion made by Mr. Norcliff, and seconded by Mr. Barbeiri, the Board voted unanimously to **approve** the request to construct an addition on the single family dwelling on A/P 37 lot 520 as presented.

FINDINGS OF FACTS

1. The applicant is seeking authorization to repair a single family dwelling on land identified as Assessor's Plat 37 Lot 520 damaged by fire and to construct a 24' x 21' addition at the rear of the property.
2. Assessor's Plat 37 Lot 520 is currently zoned Residential A-8 and a single family dwelling is a use allowed.
3. The Future Land Use Plan of Cranston's Comprehensive Plan designates a **LUC** of Single Family Residential 7.62 to 3.64 Units per Acre. With a LUC of Single Family Residential 7.62 to 3.64 Units per Acre, both A-8 Zoning Classification and a use of single family dwelling is consistent with the Comprehensive Plan.
4. The site is located at the intersection of Mockingbird Drive and Lake Garden Drive [a corner lot]. As such the Director of Building Inspection has determined that the yard located at Lake Garden Drive is to be treated as a front yard and is to have a 25' setback. On Lake Garden Drive, the existing building to be repaired has a front yard setback of 17.3' and the proposed addition will have a front yard setback of 18.5' ±.
5. Other than the front yard setback requirement for Lake Garden Drive, the site complies with Section 17.20.120 - Schedule of intensity regulations
6. The applicant testified that there was a fire and they are rebuilding and they wanted to remain in the neighborhood.
7. There was no opposition to the application.

In this case, 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, and that the Board finds that the applicant has met their legal burden with respect to the requirements necessary for the applicable relief. In conclusion based upon the testimony and the documentation in the record, the Board unanimously voted to **grant** the requested relief from 7.92.010 Variance; Sections 17.20.10 Schedule of Intensity.

The meeting was adjourned at 9:30 PM

Stanley Pikul
Secretary, Zoning & Platting Boards
