

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 June 13, 2018 at 6:30 pm**. Also present were Thomas Barbieri, Christopher E. Buonanno, Joy Montanaro, 2nd alternate Lori Carlino, and 4th alternate Josh Catone, Jr., Assistant Solicitor Stephen Marsella, Esq. was Counsel to the Board.

The Board heard the following applications:

OLD BUSINESS

FORTY SOCKANOSSET, LLC (OWN) AND POYANT SIGNS, INC. (APP) property at 40 Sockanosset Crossroad,

This application was continued to the July 11, 2018 meeting.

NEW BUSINESS

ANDREW N. JORDAN & JODIE L. JORDAN (OWN/APP) property located at 0 Western Promenade

ANDREW KEANG & KONG KEANG (OWN/APP) property located at 620 Reservoir Avenue,

This application was continued to the July 11, 2018 meeting.

DIANA ESPINAL (OWN/APP) property located at 23-25 Frances Avenue

ROSE COPPOLA (OWN) & RALPH CAPPOLA (APP) Property located at 50 Frances Drive

This application was continued to the July 11, 2018 meeting.

GRINNELL LLC & TYCO FIRE PRODUCTS LP (OWN) AND JOHNSON CONTROLS INTERNATIONAL (APP) property located at 1467 & 1473 Elmwood Avenue

KATHLEEN CLOXTON (OWN/APP) property located at 28 Elmhurst Avenue

THE CITY OF CRANSTON (OWN/APP) property located at 131 Park Avenue

NEW BUSINESS

ANDREW N. JORDAN & JODIE L. JORDAN (OWN/APP) have filed an application to construct a new single family dwelling on an undersized lot with restricted street frontage and reduced front yard setbacks at **0 Western Promenade A/P 3**, lot 1465, 4,750 sq.ft. area, zoned A6. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.10 Schedule of Intensity. Joseph Brennan, Esq.

Decision: On a motion made by Ms. Montanaro, and seconded by Ms. McFarland, The Board voted unanimously **to Approve** the variances necessary to allow a new single family dwelling to be constructed on the lot.

The Board made the following findings of fact based on the evidence in the record as submitted to the Board and presented at the hearing:

FINDINGS OF FACT:

1. The Applicant is proposing a single family residence on an undersized (4,750 sq. ft.) lot in A6 zoning,.
2. The lot width is 50'.
3. The lot is currently being used as a lawn and garden by the owner/applicant who owns the adjacent property to the rear.
4. No front yard variance is required - the proposed 20' front setback complies per the application of Section 17.20.110.c. which allows the averaging the front setbacks of developed blocks.
5. The Comprehensive Plan encourages the development of infill lots in Eastern Cranston in order to mitigate the demand for development in Western Cranston.
6. The Comprehensive Plan Future Land Use Map designates this site as Single Family Residential 7.26 – 3.64 units/acre. The proposed density is 9.17 units/acre, 1.91 units/acre (26%) above the maximum.
7. The adjacent lots to the north and south are both single family residences on 4,750 sq. ft. lots. The vast majority of lots on Western Promenade have substandard lot area.
8. The attorney for the applicant gave a presentation as to the project.
9. There was not additional testimony in favor or against 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 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.

DIANA ESPINAL (OWN/APP) has filed an application to allow an addition constructed without benefit of permits to be utilized as a third dwelling unit on an existing two family dwelling at **23-25 Frances Avenue**, A/P 3, lot 1207, 6,000 sq.ft. area, zoned B2. Applicant seeks relief per Section 17.92.010 Variance, Section 17.20.090(A) Specific requirements, Section 17.20.120, Schedule of Intensity. Application filed 5/2/18. Brian LaPlante. Esq.

Decision: On a motion made by Mr. Barbeiri, and seconded by Mr. Buonanno, The Board voted unanimously to **Deny** the variance necessary to allow a third unit to be added on the third floor of the two family dwelling.

The Board made the following findings of fact based on the evidence in the record as submitted to the Board and presented at the hearing:

FINDINGS OF FACT:

1. The Applicant's lot is 6,000 sq. ft.
2. The Applicant testified that the property was used as a three family dwelling prior to receiving a Notice of Violation from the City Building Official
3. The Applicant testified that She did not seek or obtain a zoning variance to use the dwelling as a three family.
4. The applicant testified that there was substantial renovations done to the property without permits including raising the roof line
5. The Board finds that the minimum lot area for a three-family dwelling is 14,000 sq. ft. Therefore, relief is requested in the amount of 8,000 sq. ft.
6. The minimum lot area for a two-family dwelling is 8,000 sq. ft. Therefore, the existing two-family dwelling is a legal nonconforming by 2,000 sq. ft.
7. The applicant acknowledged that she was taxed as a two family while renting the property as a three family.
8. The applicant did not present any expert testimony concerning the standards for granting a variance.
9. In voting to deny the application for a variance, the Board finds that the hardship claimed by the applicant was primarily from the desire of the applicant to realize greater financial gain.
10. The applicant testified that all the improvements were performed while she was the owner of the property
11. The Board further found that the hardship was due to a prior action of the applicant, namely creating a three family dwelling without building permits or zoning relief.
12. Based upon the testimony from the applicant and the evidence in the record, the Board voted to deny the application finding that the applicant failed to meet all the necessary criteria pursuant to 45-24-41.

GRINNELL LLC & TYCO FIRE PRODUCTS LP (OWN) AND JOHNSON CONTROLS

INTERNATIONAL (APP) have filed an application to construct additions to two existing non-conforming structures with restricted setbacks and construct a pedestrian bridge connecting another non-conforming structure at **1467 & 1473 Elmwood Avenue**, A/P 4, lots 1614 and 2645, 6.5 ac.+/- area zoned M2. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.10 Schedule of Intensity. Application filed 5/8/18. Robert D. Murray, Esq.

Decision: On a motion made by Mr. Buonanno, and seconded by Ms. Montanaro, The Board voted unanimously to **Approve** the variances necessary to construct additions to two existing non-conforming structures with restricted setbacks and construct a pedestrian bridge connecting another non-conforming structure on the campus.

The Board made the following findings of fact based on the evidence in the record as submitted to the Board and presented at the hearing:

1. The proposed major land development conforms to the City of Cranston Comprehensive Plan – Future Land Use .
2. The Engineer for the applicant was recognized as an expert and testified to the different sections of the project.
3. The Applicant testified about the need and use of each addition or structure.
4. The property is in an M-2 Zone and is used for research and testing
5. Multiple additions and canopies were discussed and reviewed.
6. The Board found that the relief requested was due to the current non-conforming setbacks of the existing structures.
7. There was no testimony from the public either for or against 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 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.

KATHLEEN CLOXTON (OWN/APP) has filed an application to raze an existing non-conforming dwelling and construct a new single family home exceeding allowed lot coverage at **28 Elmhurst Avenue**, A/P 12, lot 266, 6,000 sq. ft. area, zoned A6. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.10 Schedule of Intensity. Application filed 5/9/18

Decision: On a motion made by Mr Barbeiri, and seconded by Ms. McFarland, The Board voted unanimously to **approve** the variances necessary to allow a new single family dwelling to be constructed on the lot.

The Board made the following findings of fact based on the evidence in the record as submitted to the Board and presented at the hearing:

FINDINGS OF FACT:

1. The Applicant proposes 2,039 sq. ft. one-story ranch single family home, with a proposed height of 20'3".
2. The lot parameters are compliant with A6 zoning, meeting the minimum of both 6,000 sq. ft. lot area and 60 ft. width/frontage requirements.
3. The Board accepted staffs finding that the building coverage pre-demolition was approximately 1842 sq.ft.
4. The demolition of the previous residence eliminated two nonconformities: a 17' encroachment into the 20' rear setback and a 3' encroachment into the 8' side yard setback on the west side on the lot.
5. The adjacent lots to the sides and rear all comply with the lot coverage maximum.
6. The 2010 Comprehensive Plan Future Land Use Map designates this site as Single Family Residential 7.26 – 3.64 units/acre.
7. The Comprehensive Plan Housing Element states, “. . . the regulatory environment and city programs should support the existing neighborhoods in terms of maintaining their character.”
8. The applicant testified about how the new ranch would fit into the character of the neighborhood.
9. There was no testimony from the public either for or against 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 per Section 17.92.010, Section 17.20.120 - Schedule of Intensity Regulations.

WARD 1

THE CITY OF CRANSTON (OWN/APP) has filed an application to expand a non-conforming structure to construct an addition to an existing fire station with restricted rear yard setbacks at **131 Park Avenue**, A/P 2, lot 1319, 19,755 sq.ft. area, zoned A6. Applicant seeks relief per 17.92.010 Variance; Section 17.20.10 Schedule of Intensity, Section 17.88.030 Extension. Application filed 5/9/18. Joseph C. Manera, Esq.

Decision: On a motion made by Ms. Montanaro, and seconded by Mr. Barbeiri, The Board voted unanimously to **Approve** the variances necessary to allow an addition to be constructed on the existing fire station. The Board made the following findings of fact based on the evidence in the record as submitted to the Board and presented at the hearing:

FINDINGS OF FACT:

1. The applicant is seeking authorization to construct a single story 1528 ± SF addition to a fire station on a 20,269 SF lot with 245' of frontage in a Residential A-6 [Single-family] zoning district. The addition is being proposed to accommodate new and larger fire vehicles that are to be housed on site.
2. A fire station is classified as a Public Safety Facility and is a use allowed by right in a A-6 zone [Section 17.20.030 Schedule of Use of the City Code]
3. The Future Land Use Map of the Comprehensive Plan assigns a Land Use Classification [**LUC**] of Single Family Residential 7.26 to 3.64 Units per Acre for Assessor's Plat 2 Lot 1319 and the Land Use

Element states the A-6 zoning classification is consistent with said LUC designation. Therefore, The Board finds both the use and zoning designation is consistent with the Comprehensive Plan.

4. The existing fire station has a rear yard setback of 10'±. The addition proposes a rear yard setback of 10'±. The Board finds that, it will not create any new nonconformities.
5. Section 17.64.010.F.2 [Street Access] requires a maximum curb cut of 35' for a nonresidential development. Assessor's Plat 2 Lot 1319 has an existing curb cut of 85"±. The placement of the addition allows for use of the curb cut in its current configuration.
6. The applicant proposes to construct 12 off street parking spaces for the site and is working owht the architect to minimize loss of green space.
7. The Deputy Fire Chief testified that the need for the new garage is because the new equipment will not fit in the old structure.
8. The was testimony in favor of the application from the public but none in opposition

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 17.92.010 Variance; Section 17.20.10 Schedule of Intensity, Section 17.88.030 Extension. .

Stanley Pikul
Secretary, Zoning & Platting Boards

The meeting was adjourned at 8:30 PM
