

## MINUTES

**November 3, 2009**

Vice Chairman Charles Rossi called the Planning Commission Meeting to order in the City Council Chamber at 7 p.m. The following Commission members were in attendance:

Charles Rossi, Vice Chairman  
Robert Strom, Finance Director  
Michael Smith  
Gene Nadeau

Also present were:

Peter Lapolla, Planning Director  
Lynn Furney, Senior Planner  
J. Resnick, Senior Clerk  
Stephen Marsella, Esq., Assistant City Solicitor

Those members of the public in attendance were: Ken Mahoney, Eric Costantino, David Geddes attorney Robert Murray and attorney John DiBona.

## MINUTES

Upon motion made by Mr. Smith and seconded by Mr. Nadeau, the Commission unanimously voted to *approve* the minutes of the October 6, 2009, Planning Commission Meeting.

## ZONING BOARD OF REVIEW

**RICHARD & GAIL SABORIO 81 MAYFLOWER DRIVE CRANSTON RI 02905 (OWN/APP)** have filed an application for permission to build a 10' X 20' one story enclosed porch with restricted corner side-yard set back on an undersized lot at **81 Mayflower Drive**. AP 4, lot 31, area 4692+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

### Findings of Fact:

1. The current residential use conforms with the Comprehensive Plan's Future Land Use Map, which designates this area as residential.
2. The dwelling has a restricted front yard setback of 20'-1.4" from Mayflower Drive, where 25' is required by the Zoning Code.
3. The existing restricted corner yard setback from the Astle Street property line is 19'-5" (where 25' is required).

4. The proposed porch addition will have a corner side yard setback of 9'-5" from Astle Street.
5. There are 20 corner lots within the 400' Zoning notification radius. The City's GIS aerials show that 18 (90%) of those corner lots have restricted side or front yard setbacks. At least half of those dwellings have setbacks of 10' or less. Therefore, the applicant's proposed side yard setback of 9'-5" will not alter the general character of the neighborhood, or impair the intent or purpose of the Zoning code, or the Comprehensive Plan upon which the code is based.

Recommendation: Based on the above findings of fact, upon motion made by Mr. Strom and seconded by Mr. Smith, the Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the condition that the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Vice Chairman Charles Rossi, Mr. Strom, Mr. Nadeau and Mr. Smith. Nay votes: none.

**NARIN CHHOUN 15 HARMON AVENUE CRANSTON RI 02910 (OWN/APP)** has filed an application for permission to build a 20' X 22' two story addition onto an existing single family dwelling with restricted frontage, front side and corner side yard set back on an undersized at **15 Harmon Avenue..** AP 7/5, lot 2129, area 3578+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Substandard Lot of record.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The current residential use conforms with the Comprehensive Plan's Future Land Use Map, which designates this area as residential.
2. The existing garage and breezeway will be removed for the addition. The proposed addition will have a corner side yard setback of 14' from Crawford Street. The existing dwelling's setback from Crawford Street is approximately 10 feet; therefore, the addition does not alter (decrease) the existing restricted corner yard setback of the dwelling.
3. The existing side yard setback of 3 feet for the garage (that will be removed) will be increased to 6 feet for the new addition. This continues the existing 6' setback for the single family house.
4. There are 11 corner lots within the 400' Zoning notification radius. The City's GIS aerials show that 9 (82%) of those corner lots have restricted side or front yard setbacks similar or less than the applicant's request. Therefore, the applicant's proposed side yard setback will not alter the general character of the neighborhood, or impair the intent or purpose of the Zoning code, or the Comprehensive Plan upon which the code is based.

Recommendation: Based on the above findings of fact, upon motion made by Mr. Smith and seconded by Mr. Nadeau, the Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the condition that the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Vice Chairman Charles Rossi, Mr. Strom, Mr. Nadeau and Mr. Smith. Nay votes: none.

**A & G SCIOLTO 536 DYER AVENUE CRANSTON RI 02920 (OWN) AND CAMBIO PLYWOOD 515 DYER AVENUE CRANSTON RI 02920 (APP)** have filed an application for permission to erect a double sided 25 sf freestanding sign with restricted front and side yard setback at **515 Dyer Avenue**. AP 8/3, lot 1616, area 7880+/- SF, zoned C-5. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.72.010 (6) Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The proposed sign conforms in area for signs in a C-5 zone (50 sq. ft. total).
2. Per the Zoning code, there is a 5' property line setback requirement for freestanding signs. The proposed sign will be 1'-6" from the side property line, and 6" from the front property line.
3. Placing the sign the required 5' from the property line would eliminate parking space #1 on the plan, and interfere with the existing curb opening. Placing the sign elsewhere on the lot would interfere with the parking spaces and the overhead door in the front of the building.
4. The proposed sign is 12' high, where a 15' high sign is permitted by code.
5. The abutting lot #1611 is vacant, with a chain link fence along the property line, therefore the proposed sign placement next to the fence will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance.

Recommendation: Based on the above findings of fact, upon motion made by Mr. Smith and seconded by Mr. Strom, the Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the condition that the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Vice Chairman Charles Rossi, Mr. Strom, Mr. Nadeau and Mr. Smith. Nay votes: none.

**LISA C GOLDE 85 COHASSET LANE CRANSTON RI 02921 (OWN/APP)** has filed an application for permission to build a 26'5" X 22' one story family accessory apartment addition onto an existing single family dwelling at **85 Cohasset Lane**. AP 22/2, lot 296, area 3578+/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.020 Special Permit, 17.24.010 (F) Accessory Family Apartment, 17.20.030 Schedule of Uses.

Findings of Fact:

1. Accessory family apartments are allowed in single family dwellings with specific performance standards.
2. The maximum allowed area for an accessory apartment is 600 sq. ft. The plan submitted shows a new 26' x 30' addition that contains the accessory apartment (Of the 780 sq. ft. total for the addition, approximately 573 sq. ft. is for the accessory family apartment.)
3. The primary dwelling's total living space before the addition, is 1952 square feet. (32' x 30.5' x 2 floors)
4. The proposed addition which almost doubles the footprint of the existing house, (not counting the garage) would increase the total living space for the dwelling to 2,732 square feet. The proposed accessory family apartment is less than 25% of that area as permitted by the zoning ordinance.
5. The zoning code states that the dwelling containing an accessory apartment shall retain the appearance of a single family dwelling with no major structural alterations to the

exterior. The plans are for an addition that will contain the accessory apartment, but still retains the appearance of a single family house.

6. By ordinance, the accessory apartment shall have no additional external entrance that faces a street. The addition contains an exterior door installed perpendicular to the street on the front of the house with its own covered landing and stairs, which serves as an entrance to the addition and common living area. However, the fact that the dwelling is the last house on the right on a cul-de-sac, the proposed new door to the common living area will not be visible from the street.
7. The floor plan shows a common door between the primary dwelling's family room and the addition's new common living area, with double doors from that new room that accesses the family apartment.
8. Photographs show 3 large evergreen trees along the front property line parallel to the new addition.
9. The application does not state who the family apartment is for.

Recommendation: Based on the above findings of fact, upon motion made by Mr. Nadeau and seconded by Mr. Strom, the Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the following conditions:

1. As required by the Zoning Code, the principal single family homeowners are to sign an affidavit stating that the occupant of the apartment addition is either a parent(s) or grandparent(s) by blood or marriage.
2. Retain the 3 evergreen trees along the front property line to minimize the addition's visual appearance.

Aye votes: Vice Chairman Charles Rossi, Mr. Strom, Mr. Nadeau and Mr. Smith. Nay votes: none.

**KENNETH MAHONEY 100 LAKEVIEW ROAD CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to build a 1000+/- SF second story and 50+/- SF first floor addition onto an existing legal non-conforming single family dwelling with restricted front and corner side-yard set back at **100 Lakeview Road**. AP 17, lot 1468, area 8018+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

**Note:** Though the application only lists lot # 1468, the actual square footage of 8,018 sq. ft. includes lot #1469, which is also owned by the applicant.

Findings of Fact:

1. The current residential use conforms with the Comprehensive Plan's Future Land Use Map, which designates this area as residential.
2. The dwelling's existing, restricted, front corner yard setback from Plymouth Street is approximately 10 feet. (25 feet is required by code). Because the addition is for a second floor, the existing restricted front yard setback will not change.
3. The new 50 S.F. addition to enlarge the kitchen will be constructed within the building envelope permitted in an A-6 zone.
4. The existing restricted front corner yard setback from the Lake View Road property line will not change.

Recommendation: Based on the above findings of fact, upon motion made by Mr. Smith and seconded by Mr. Strom, the Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board as the second floor addition will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code or

the Comprehensive Plan upon which the Code is based, and with the condition that the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Vice Chairman Charles Rossi, Mr. Strom, Mr. Nadeau and Mr. Smith. Nay votes: none.

**ADJOURNMENT**

Upon motion made by Mr. Smith seconded by Mr. Nadeau, the Commission unanimously voted to adjourn at 7:25 p.m.

**NEXT MEETING:** Tuesday, December 1, 2009, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Secretary