

**City of Cranston
Zoning Board of Review
Application**

Application for exception or variation under the zoning ordinance "City of Cranston Zoning Code, December 1994 Edition as amended."

To: Cranston Zoning Board of Review
35 Sockanosset Crossroad Suite 6
Cranston, RI 02920

Date: 9/10/2024

THE UNDERSIGNED HEREBY APPLIES TO THE ZONING BOARD OF REVIEW FOR AN EXCEPTION OR A VARIATION IN THE APPLICATION OF THE PROVISIONS OR REGULATIONS OF THE ZONING ORDINANCE AFFECTING THE FOLLOWING DESCRIBED PREMISES IN THE MANNER AND ON THE GROUNDS HEREINAFTER SET FORTH.

OWNER: Cobble Hill Development, LLC

ADDRESS: 51 Jefferson Blvd, 4th Floor, Warwick, RI 02888 ZIP CODE: 02888

APPLICANT: SAME

ADDRESS: SAME

ZIP CODE:

LESSEE: N/A

ADDRESS: N/A

ZIP CODE:

1. ADDRESS OF PROPERTY: Vacant lot on Hemlock Avenue

2. ASSESSOR'S PLAT #: 5-3 5-4 BLOCK #: ASSESSOR'S LOT #: 967 & 968 2087 WARD:

3. LOT FRONTAGE: 50 feet LOT DEPTH: 188.5 feet LOT AREA: 8,524 sq. feet

4. ZONING DISTRICT IN WHICH PROPERTY IS LOCATED: A6 6,000 s.f. 35 feet
(ZONE) (AREA LIMITATION) (HEIGHT LIMITATION)

5. BUILDING HEIGHT, PRESENT: N/A PROPOSED: 28 feet

6. LOT COVERAGE, PRESENT: N/A - vacant lot PROPOSED: 15% lot coverage

7. HOW LONG HAVE YOU OWNED THE ABOVE PREMISES? since 9/1/2023

8. ARE THERE ANY BUILDINGS ON THE PREMISES AT PRESENT? No

9. GIVE SIZE OF EXISTING BUILDING(S): N/A

10. GIVE SIZE OF PROPOSED BUILDING(S): 30' x 38' single family with deck

11. WHAT IS THE PRESENT USE? vacant lot

12. WHAT IS THE PROPOSED USE? single family home

13. NUMBER OF FAMILIES FOR WHICH BUILDING IS TO BE ARRANGED: 1

14. DESCRIBE IN DETAIL THE EXTENT OF PROPOSED ALTERATIONS: _____

Applicant seeks a dimensional variance for 1) lot frontage; and 2) width. Relevant zone requires 60 ft., but only 50 feet exists, resulting in 10 ft. relief request.

15. HAVE YOU SUBMITTED PLANS TO THE BUILDING OFFICIAL? No

16. WERE YOU REFUSED A PERMIT? No

17. PROVISION OR REGULATION OF THE ZONING ORDINANCE OR STATE ENABLING ACT UNDER WHICH APPLICATION FOR EXCEPTION OR VARIANCE IS MADE.

Section 17.20.120 - Regulations for the relevant zone

Section 17.92(B) and 17.92(C)


18. STATE GROUNDS FOR EXCEPTION OR VARIANCE IN THIS CASE: _____

Applicant seeks a dimensional variance (aka deviation under case law precedent) for the relevant substandard lot of record.

Applicant will provide expert testimony to demonstrate that all relevant standards will be satisfied to obtain 10 ft. of relief for lot frontage and width.

SIGNATURE OF APPELLANT(S) AND ATTORNEY (IF APPLICABLE) IS REQUIRED AND MUST BE LEGIBLE.

RESPECTFULLY SUBMITTED,

 (John S. Shekarchi) Esq. / 3rd Member
(OWNER SIGNATURE)
Cobble Hill Development, LLC

1-401-722-3600
(PHONE NUMBER)

(OWNER SIGNATURE)

(PHONE NUMBER)

(APPLICANT SIGNATURE)


(PHONE NUMBER)

(LESSEE SIGNATURE)

(PHONE NUMBER)

John Shekarchi Esquire
(ATTORNEY SIGNATURE)

401.722-3600
(PHONE NUMBER)

 Esquire
(ATTORNEY NAME-PLEASE PRINT)

ATTORNEY ADDRESS: 51 Jefferson Blvd Warrick RI 02888

PRE-ZONING APPLICATION MEETING:

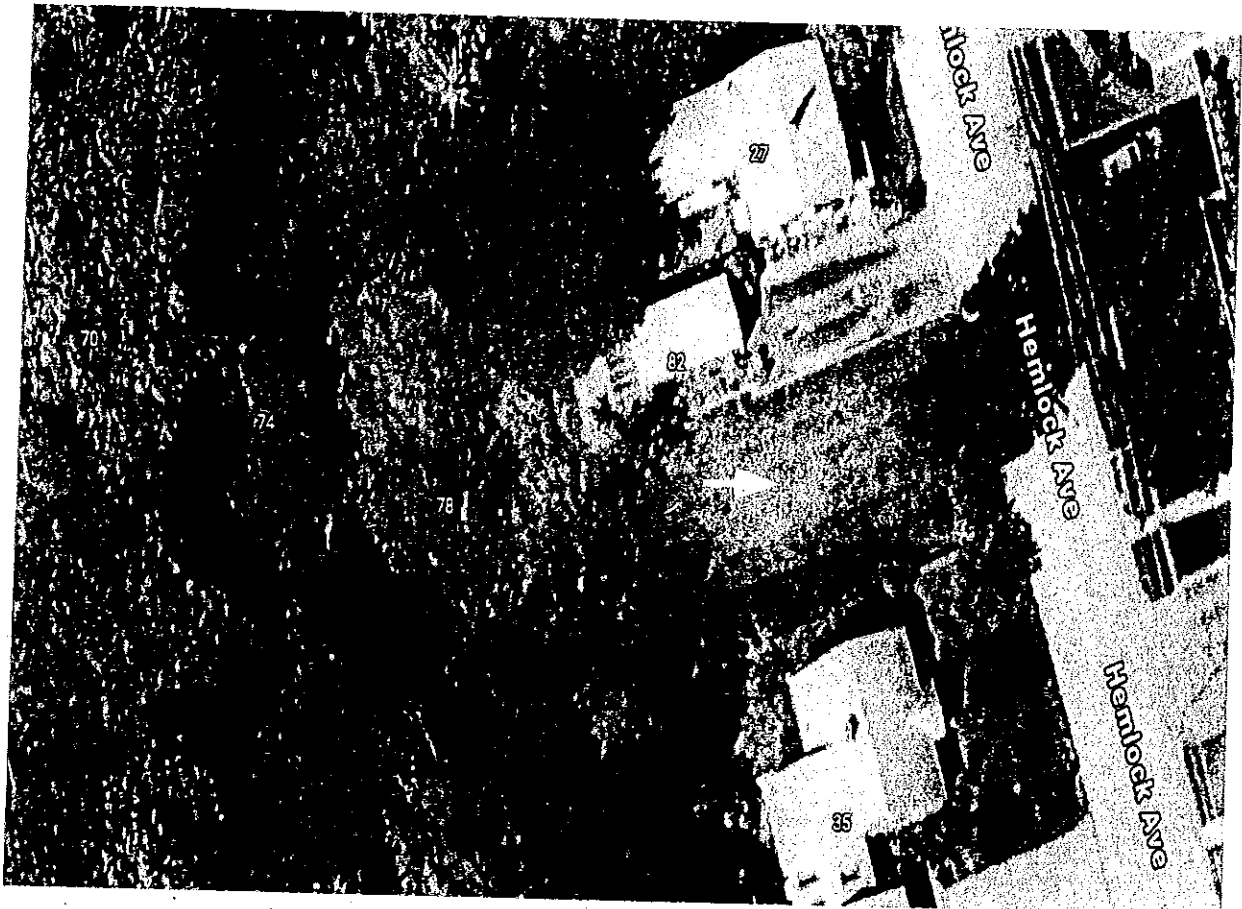
(PLANNING DEPT. SIGNATURE)

(DATE)

City of Cranston Zoning Board of Review

Prior-Recorded Lot - Dimensional Variance Application

0 Hemlock Avenue
Assessor's Plat 5-3 - Lot(s) 967 and 968
Assessor's Plat 5-4 - Lot 2087



Prepared for: Cobble Hill Development, LLC

By: Pimentel Consulting, Inc.

21 October 2024

INTRODUCTORY STATEMENT

Cobble Hill Development, LLC ("Applicant") has retained the professional land use planning and zoning consulting services of Pimentel Consulting Inc. ("Consultant"), in order to evaluate the appropriateness of developing a pre-existing substandard lot of record for single-family purposes; substandard characteristics resulting from being a long-standing platted parcel, pre-dating zoning regulations adoption. In light of the subject single-family development proposal, this Consultant has thoroughly reviewed the Applicant's submitted surveyed site plan and associated materials, as well as the following regulatory documents:

- o City of Cranston Comprehensive Plan - June 2012 Amendment ("Comprehensive Plan");
- o Land Development and Subdivision Regulations, including recent statutory amendments ("Subdivision Regulations");
- o City of Cranston, Rhode Island, Zoning Ordinance, including recent statutory amendments ("Ordinance"); and,
- o Pertinent Rhode Island General Law ("RIGL"), inclusive of recent amendments, and case law.

In addition, this Consultant has conducted a general analysis of the immediately surrounding neighborhood, for the express purpose of evidencing neighborhood compatibility. This report will ultimately conclude that development of the subject property for single-family purposes is most assuredly appropriate, considering a denial will literally realize a regulatory taking (or 'Loss of All Beneficial Use'). This report will likewise evidence 'consistency' with the Comprehensive Plan, particularly affirming agreement with the respective goals and objectives of the Land Use and Housing Elements.

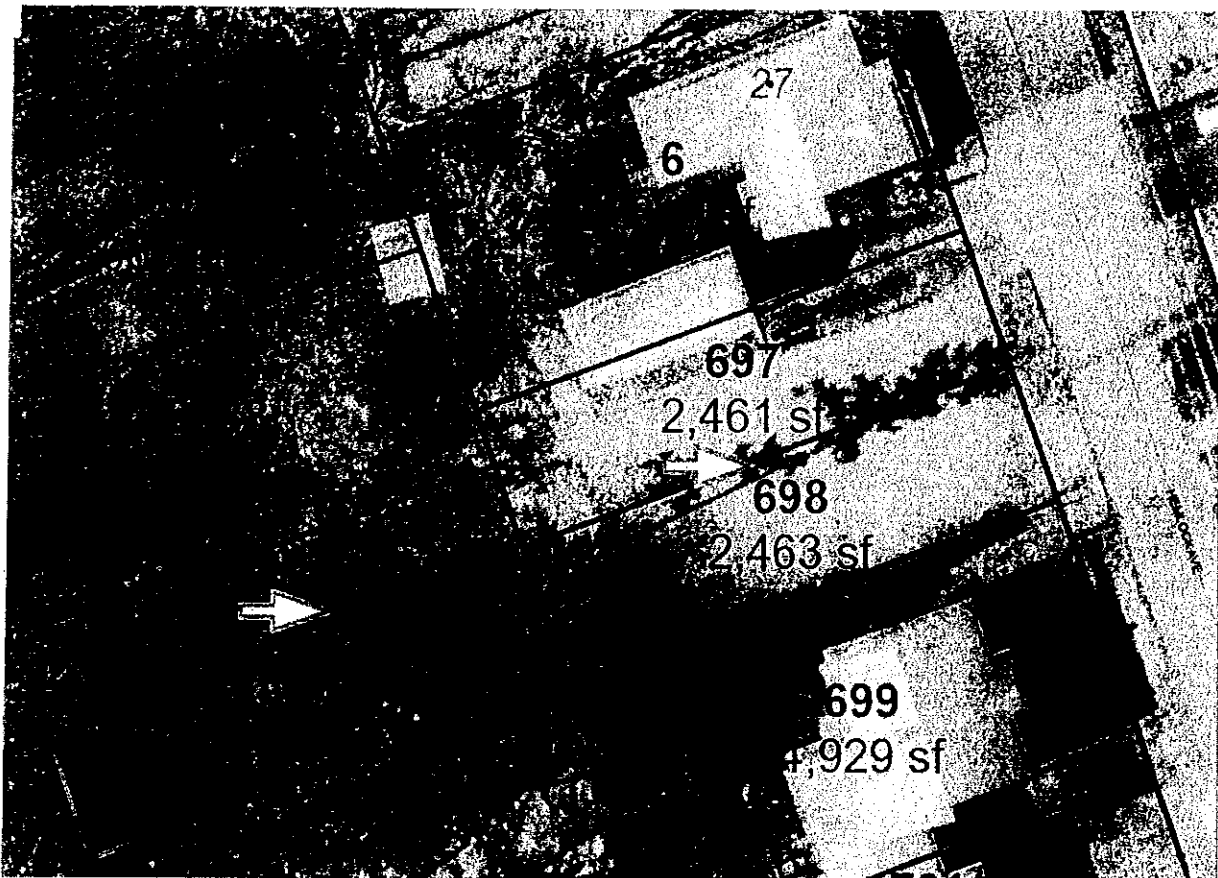
Section 5.7.2 'Housing Opportunities' - ncourage Neighborhood and Village Re-investment - *"The population and number of households in Cranston has steadily grown, with projections indicating further increases. This presents an opportunity for the city to capitalize on the growing demand for housing, potentially by creating housing for all age groups and incomes."* [Page 5-20]

PRESENT PROPERTY CONDITIONS

The subject property is addressed 0 Hemlock Avenue, being comprised of several prior-recorded lots, to include Assessor's Plat 5-3, Lot(s) 967 and 968, and Assessor's Plat 5-4, Lot 2087, containing a combined approximately 8,524 square feet of total land area ("Property"). The Property is presently unimproved, and is entirely comprised of suitably developable 'upland' land resources. The Property is in fact a pre-existing, prior-recorded lot, meaning that it is a stand-alone parcel that is legitimately entitled to reasonable land usage. There does not appear

to be any encumbrances to development of the Property for single-family purposes. And in fact, as will be evidenced by the results of the personally completed extensive neighborhood analysis, development of the Property for single-family purposes is in-keeping with the surrounding character; specifically in regard to similar substandard residential lot characteristics.

The Property is configured in typical rectangular fashion, thereby realizing a building envelope that is most appropriate for residential development purposes. The Property has approximately 50 linear feet of lot frontage along Hemlock Avenue. Furthermore, the Property has approximate lot dimensions of 50-feet by 188-feet. All utilities are present, to include public water and sewer, and will be accordingly connected. Existing Property conditions are illustrated below, as excerpted from City's Geographic Information System ("GIS").



The Property, and all surrounding parcels, are presently zoned in a Residential A-6 District ("A-6 District") manner, requiring a minimum of 6,000 square feet for a single-family dwelling. The A-6

District is defined per Section 17.08.010 'Zoning Districts' of the Ordinance, in the following manner:

A-6 District - "Single-family dwellings on lots of minimum areas of six thousand (6,000) square feet."

Furthermore, the Comprehensive Plan - Future Land Use Map ("FLUM") is in agreement with the respective zoning designation, classifying the Property and immediate neighborhood in a 'Single Family Residential 3.64 to 7.26 Unit Per Acre' manner. The referenced density translates to one-unit per 11,967 square feet on the low-end, to a permissible high-density of one-unit per 6,000 square feet. Therefore, considering the Property has approximately 8,524 square feet, it is most appropriate for single-family residential development purposes. In addition to a regulatory analysis, a general neighborhood analysis was completed for the express purpose of evidencing neighborhood compatibility and how limited is further residential development. The analysis entailed all parcels situated within the subject and block to the east, across Hemlock Avenue. In total, 59 individual parcels were investigated, averaging 7,648 square feet. Furthermore, 36-lots, or 61% was even smaller than the Property, and yet upwards of 95% of the referenced neighborhood is already developed. Therefore, this not only evidences the appropriateness of developing an approximately 8,524 square foot parcel for single-family purposes, but also just how limited is any future lot development.

Regardless of the fact that the Property exceeds both the regulatory and neighborhood minimum lot area, it is nevertheless defined as a pre-existing lot of record, due to deficient lot frontage and width. A substandard lot is entitled to by-right land usage, regardless of deficient lot frontage and width, being legally protected in accordance with Section 17.88.010 'Substandard Lots of Record and Lot Mergers' of the Ordinance. The law entitles all property owners reasonable usage of their Property; realizing a reasonable sized dwelling that is consistent with surrounding neighborhood character.

All of the referenced lot and neighborhood characteristics are illustrated below and on the following page, as excerpted from the Town's GIS and Google Earth, respectively.





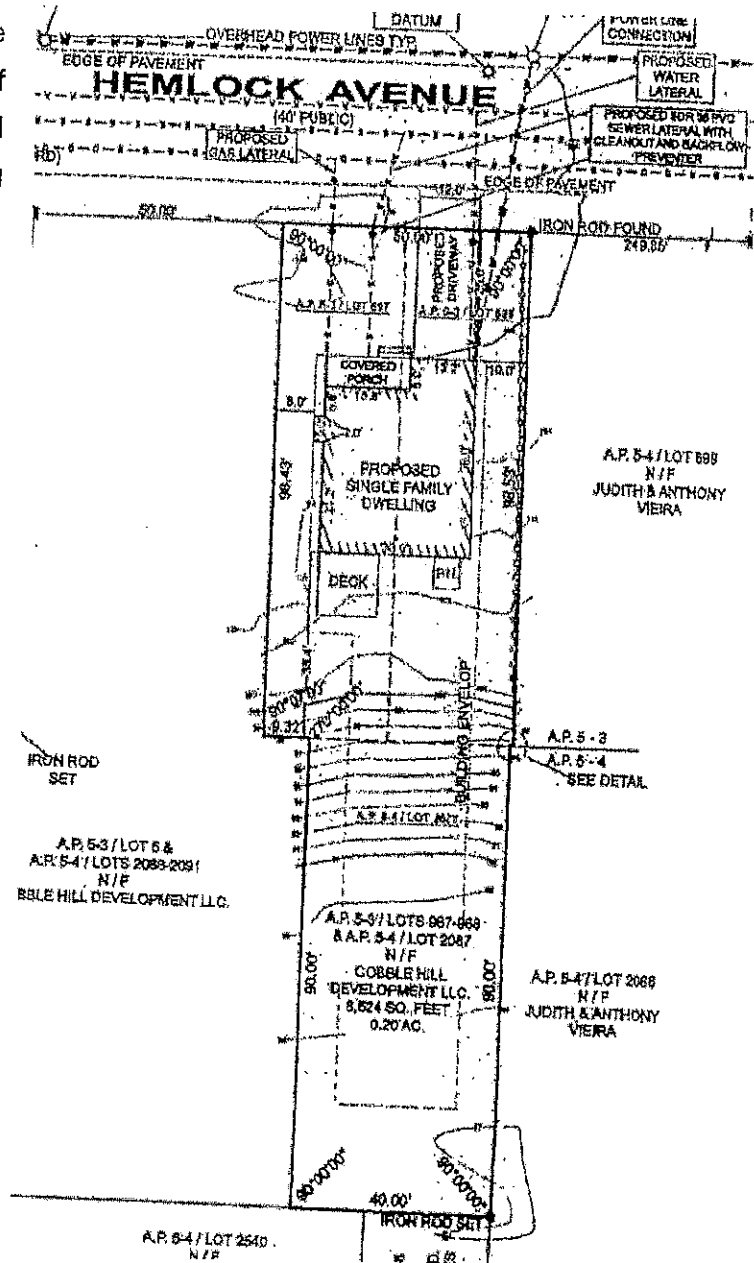
PROPOSED DEVELOPMENT

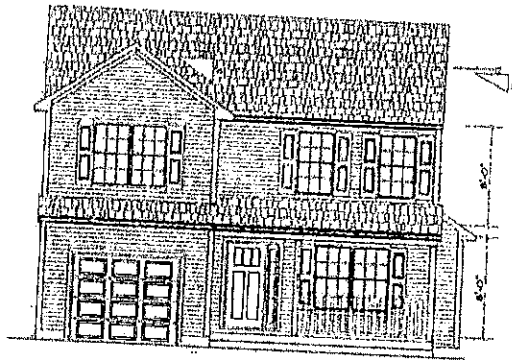
Construction of a two-story, contemporary-style three-bedroom single-family dwelling, is proposed on the Property. Development activity, especially in regard to development of substandard lots, is not unique as evidenced by the fact that there are a number of surrounding substandard parcels that are already improved with single-family residences. The proposed residence will have an approximate 38-foot by 30-foot building footprint, or approximately 1,140 square feet. In addition, an approximately 144 square foot rear-yard deck and 34 square foot

rear-yard bulkhead will be introduced. This increases building footprint to approximately 1,318 square feet. This translates to an approximate 15.46% building coverage. Finally, inclusion of a requisite driveway to ensure compliant off-street parking, total impervious lot coverage approaches 19.3%. The Applicants' aspiration is to maintain the vast majority of the overall land area in a pervious, naturally vegetated state, or some 80% of the overall Property.

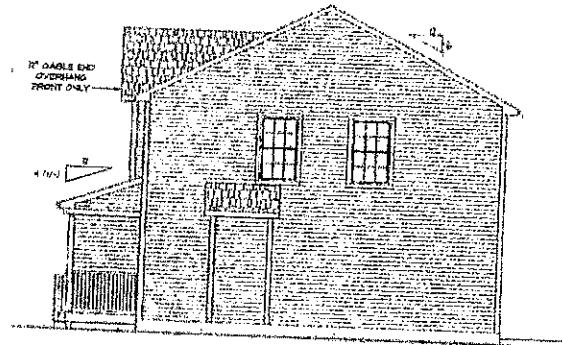
Best management practices will be instituted during all phases of construction to ensure limited disturbance on the surrounding neighborhood. The proposed layout and design, building dimensions, and overall living area literally result from an analysis of the surrounding neighborhood. The applicant's desire is to construct a single-family dwelling that is in-keeping with the character of the surrounding neighborhood. The illustration(s) to the right and on the following page, as excerpted from the applicant's submission package, detail all proposed site improvements [Credit: Ocean State Planners, Inc.].

The proposed development will merely realize two (2) dimensional irregularities, both of which result from being a recognized substandard lot of record. Regardless, the actions of development, meaning physical introduction of a single-family residence, will realize full dimensional compliance, to include all setbacks and maximum height, lot coverages, and off-street parking. In many instances, the development exceeds the stated dimensional criteria.

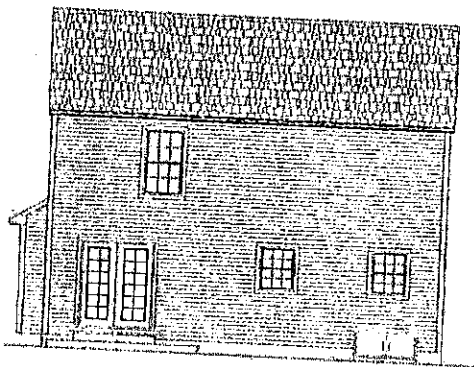




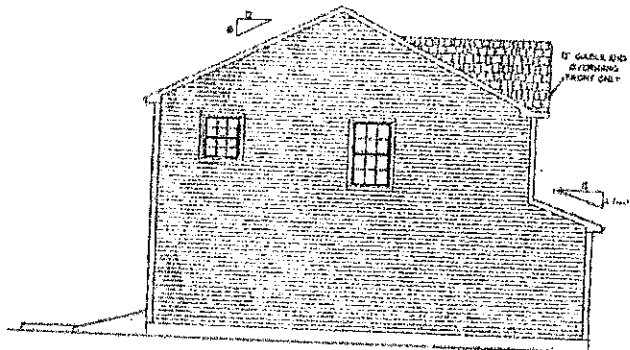
FRONT ELEVATION 1/4"=1'-0"



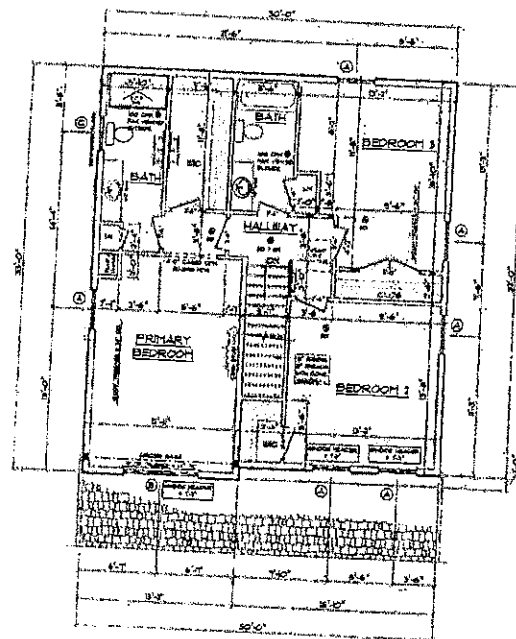
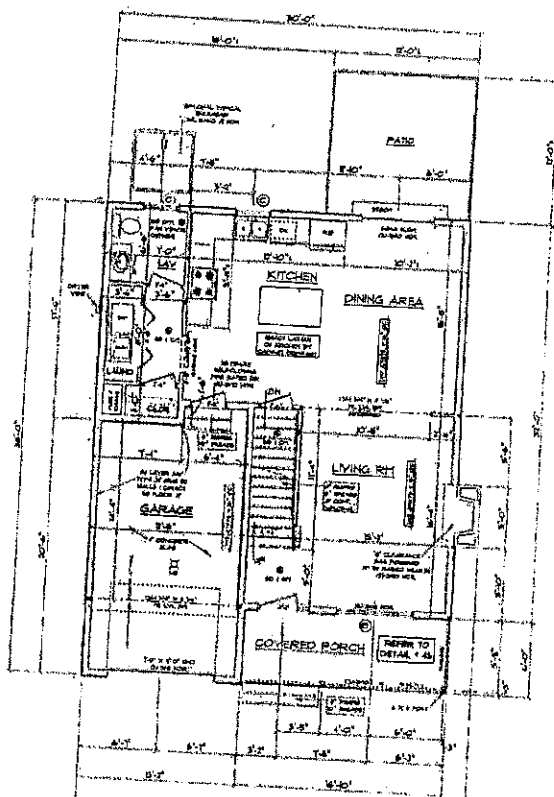
RIGHT SIDE ELEVATION 1/4"=1'-0"



BACK ELEVATION 1/4"=1'-0"



LEFT SIDE ELEVATION 1/4"=1'-0"



SECOND FLOOR PLAN 1/4"=1'-0"

ALL FINISHES TO BE
 AT ALL EXTERIOR WALLS
 AND ALL EXTERIOR WALLS
 TO BE FINISHED WITH
 1/2\"/>

All of the referenced site conditions are pre-existing, and therefore unavoidable. It also necessitates emphasizing that development of the Property for single-family residential purposes is most assuredly 'consistent' with the Comprehensive Plan. Housing is much-needed, and therefore every opportunity to assist in reasonable residential development must be well-supported. This is not mere conjecture, but evidenced by the Comprehensive Plan, as corroborated by the following.

"The City may also look to infill development, where appropriate, to mirror housing types within existing neighborhoods if the density matches the existing neighborhood."
[Page 5-21]

Regardless, dimensional relief is being requested because of the Applicants' outright entitlement to lot development and overall reasonableness of the subject proposal.

ZONING ORDINANCE CONSISTENCY ANALYSIS

The proposed single-family residential development is a 'by-right' land use in accordance with the Table of Use Regulations of the Ordinance, regardless of deficient lot frontage and lot width. However, the referenced development does incur two (2) minor lot configuration deficiencies. The referenced variances are as follows:

1. Section 17.20.120 'Schedule of Intensity Regulations - Dimensional Regulations': Minimum lot frontage in the A-6 District is 60-feet. The subject prior-recorded lot has approximately 50-feet of lot frontage, incurring a ten-foot dimensional variance.

2. Section 17.20.120 'Schedule of Intensity Regulations - Dimensional Regulations': Minimum lot width in the A-6 District is 60-feet. The subject prior-recorded lot has approximately 50-feet of lot width, incurring a ten-foot dimensional variance.

Regarding the pursued variance(s), the Applicant must provide evidence to the satisfaction of the Zoning Board of Review confirming the presence of hardship and that failure to obtain the relief requested will ultimately cause the applicant to suffer hardship amounting to more than a mere inconvenience. The criteria for determining hardship are clearly outlined in Section(s) 17.92.010.B(1-3) and 17.92.010.C.2. The stated criteria will be discussed individually in greater specificity below.

• **Section 17.92.010.B(1)** *"That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant."*

The Applicant is seeking permission to introduce a permissible single-family residence that is not only consistent with the general goals and objectives of the Comprehensive Plan, but also reflective of the surrounding neighborhood. The detailed setback deficiencies result from the unique characteristics of the subject property, in addition to realizing neighborhood compatibility.

The Comprehensive Plan speaks to residential density; densifying neighborhoods that are already developed in a similar manner.

- **Section 17.92.010.B(2)** *"That the hardship is not the result of any prior action of the applicant."*

The property's physical details, specifically deficient lot frontage and width, well pre-date the Applicant's ownership. Neighborhood consistency and compatibility is the applicant's primary desire. Therefore, the referenced deviations result directly from the unique characteristics of the subject property, a condition that pre-dates the applicant's ownership of said property.

- **Section 17.92.010.B(3)** *"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 codified in this title or the comprehensive plan upon which the ordinance is based."*

The results of the generally conducted 'Neighborhood Analysis' in combination with the thorough analysis of the Comprehensive Plan, well document the appropriateness of introducing the single-family residence. Consistency with the FLUM is perhaps the greatest evidence of 'consistency', the Property being quite in-line with the prescribed density.

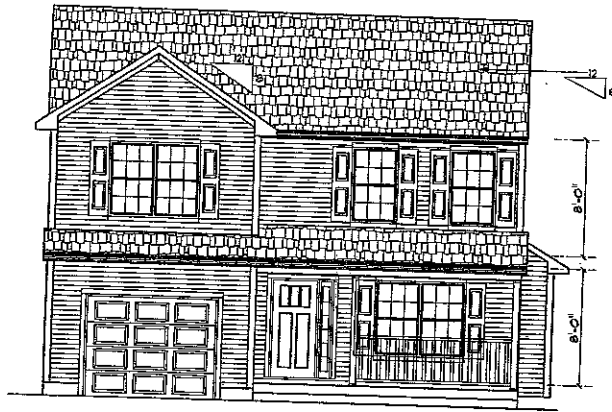
- **Section 17.92.010.B(3)** *"In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that the relief sought is minimal to the reasonable enjoyment of the permitted use to which the proposed property is devoted."*

It is rather obvious that denial of such de minimus relief, that is literally beyond the control of the Applicant, will result in hardship amounting to more than a mere inconvenience. The Applicant is entitled as a matter of RIGL to the proposed single-family residence. Finally, the proposed development realizes appropriate living arrangement(s), which ensures the Applicant realize a 'reasonable enjoyment of the property' to which he is absolutely entitled. It can literally be argued that a denial will result in loss of all beneficial land use, a burden associated with the much more difficult 'Use Variance'.

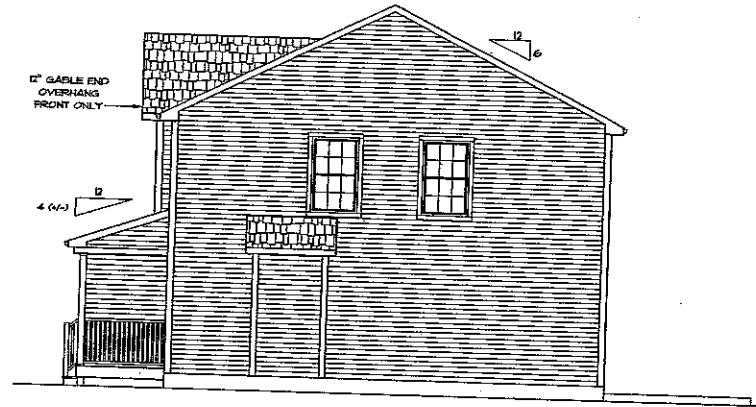
CONCLUSION

It is the professional opinion of this Consultant that the subject request to introduce a single-family dwelling amidst the neighborhood in question is not only appropriate, but actually furthers numerous goals and objectives of the Comprehensive Plan. My professional opinion is based upon the manner in which the referenced land use can be well incorporated into the overall

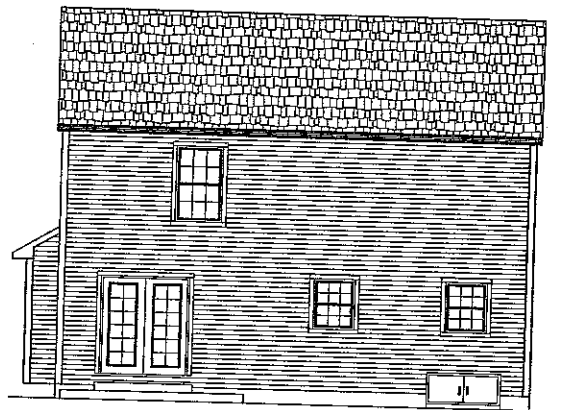
fabric of the general area, without any resulting negative impact. The resulting dimensional deficiencies are very minor, and will realize much-needed housing,



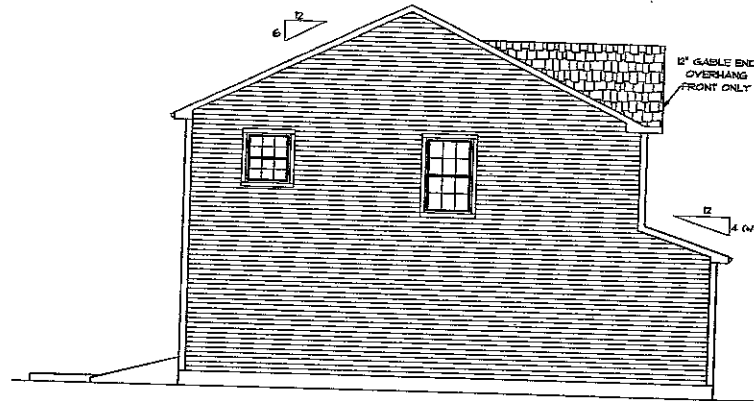
FRONT ELEVATION 1/4"=1'-0"



RIGHT SIDE ELEVATION 1/4"=1'-0"



BACK ELEVATION 1/4"=1'-0"

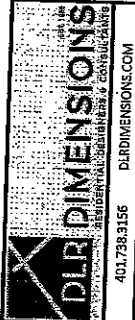


LEFT SIDE ELEVATION 1/4"=1'-0"

32 X 30 COLONIAL

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0 MAGNOLIA STREET
CRANSTON, RHODE ISLAND

CONSTRUCTION PLANS ARE DRAFTED
FOR BUILDERS ONLY.
OUR DIMENSIONS, INC.
DOES NOT PERMIT THE USE OF PLANS
THAT HAVE BEEN AMENDED WITH
BY OTHER PARTIES



ALL DIMENSIONS ARE
AS SHOWN ON THE
PLANS UNLESS NOTED
OTHERWISE. ALL
DIMENSIONS ARE
TO FACE UNLESS
NOTED OTHERWISE.

SCALE

NOTED

DATE

Issued: August 30, 2023

APPROVED

DRR

DRAWN BY

DRR

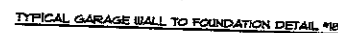
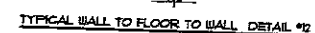
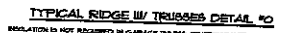
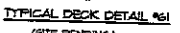
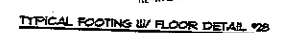
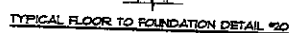
DRAWING NUMBER

6657-42

3 OF 4

STEEL ROOF TRUSS SYSTEM
TO BE DESIGNED, MANUFACTURED, INSTALLED
AND BRACED IN ACCORDANCE WITH TYPICAL
RECOMMENDATIONS. PROVIDE APPROVED
TRUSS ENGINEERING AND LAYOUT TO
COORDINATE WITH OTHERS.

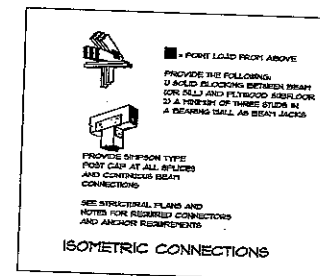
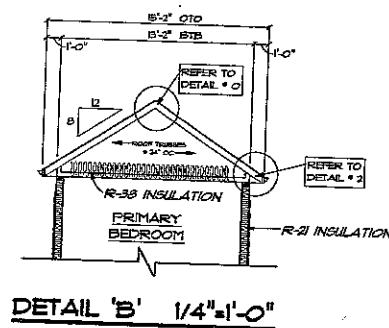
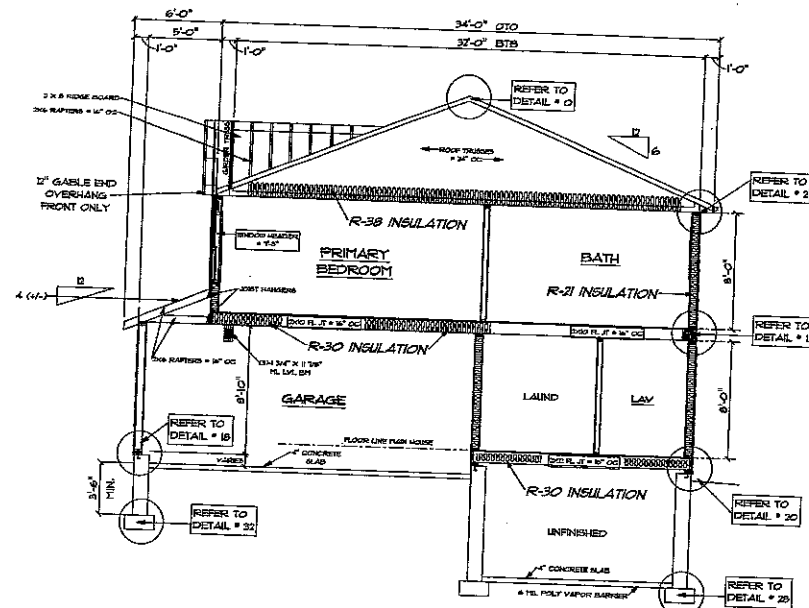
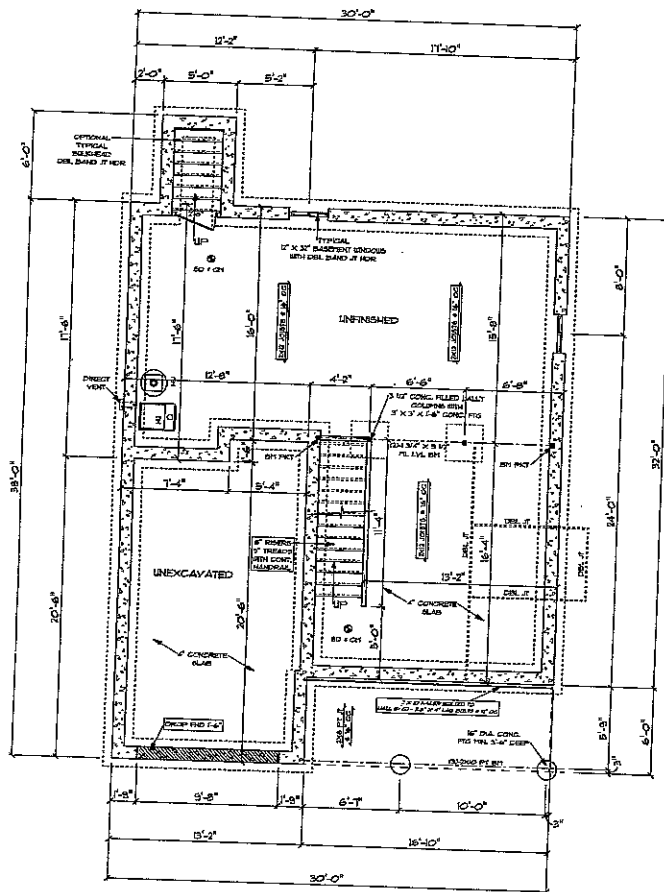
NOTE: ALL EXPOSED FRAMES AND STRUCTURAL MATERIAL
TO BE FIREPROOFED TREATED, ALL WALL, BOLTS & HARDWARE
TO BE GALVANIZED.
NOTE: IF DECK HEIGHT IS 30' OR MORE
GRUVE GRADING REQUIRED



O MAGNOLIA STREET

BY OUTSIDE PARTIES

01.738.3156
DLRDIMENSIONS.COM



32 X 30 COLONIAL

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AG CONSTRUCTION
0 MAGNOLIA STREET
CRANSTON, RHODE ISLAND

CONSTRUCTION PLANS ARE PROVIDED
FOR SINGLE USE ONLY.
CLIP OR REMOVE AS
NECESSARY. NO
REUSE OR RENTAL OF PLANS
THAT HAVE BEEN DAMAGED WITH
ANY OTHER PARTS.

DLR DIMENSIONS
401.738.3155
DIMENSIONS.COM

SCALE
NOTED

DATE

Thursday, August 30, 2023

APPROVED

DRR

DRAWN BY

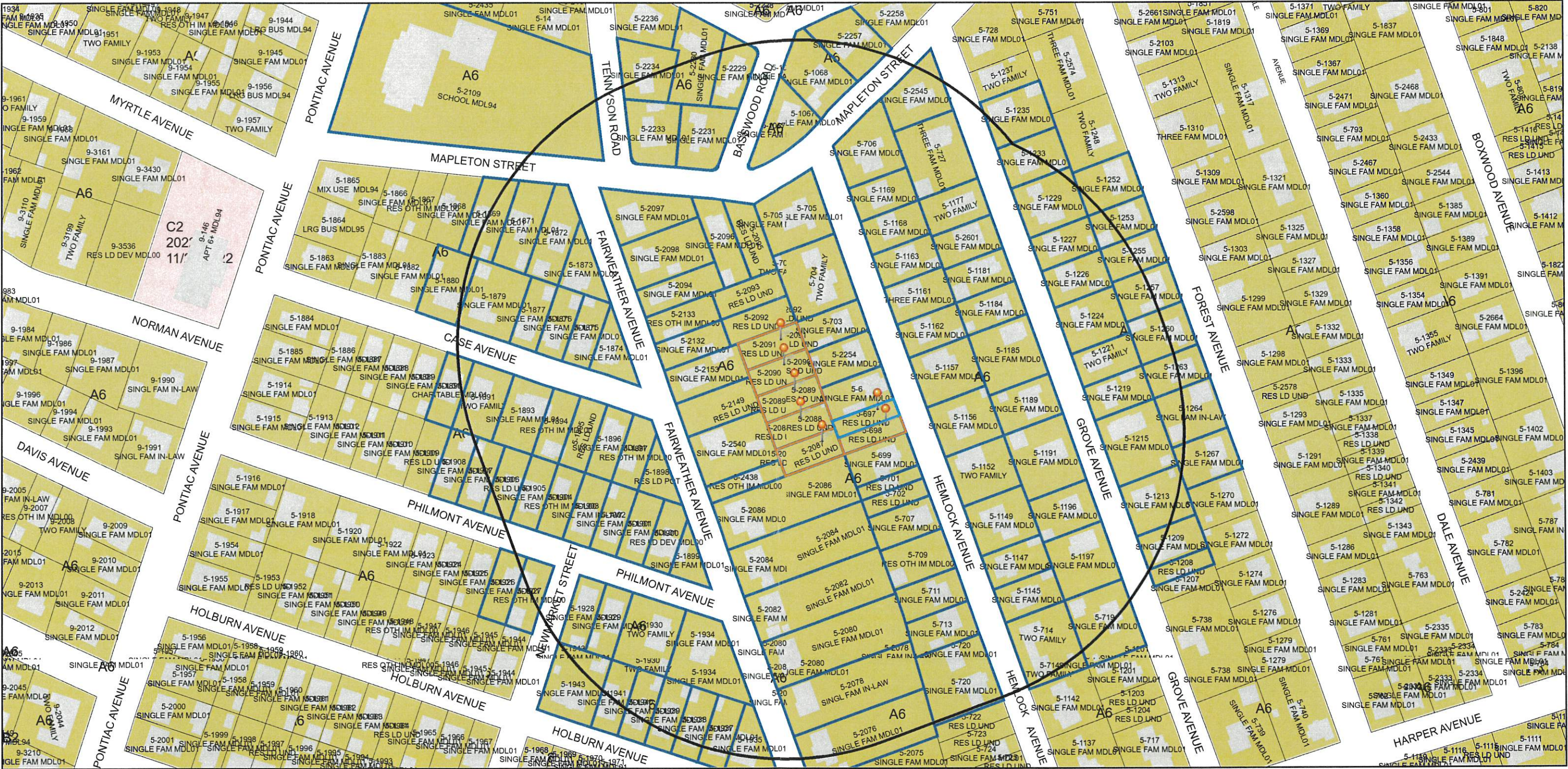
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DRAWING NUMBER

6657-42

3 OF 4

0 Hemlock Ave 400' Radius Plat 5 Lots 697-698, 2087-2091



9/6/2024, 2:28:52 PM

- Selected Parcels in Buffer

Selected Parcels

Parcels In Buffer

Parcel ID Labels

Streets Names

Cranston Boundary
- Buildings

Zoning Dimensions

Historic Overlay District

Zoning

none

A80

A20

A12

A8

A6

B1

B2

C1

C2

C3

C4

C5

M1

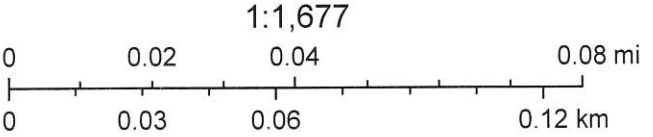
M2

EI

MPD

S1

Other



City of Cranston