

**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  
1090 CRANSTON STREET  
CRANSTON, RI 02920

DATE: 7/8/21

**MEMBERS:**

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: Vasquez Properties, LLC

ADDRESS: 130 Byron Blvd, Warwick, RI ZIP CODE: 02888

APPLICANT: Marisela Vasquez

ADDRESS: 130 Byron Blvd, Warwick, RI ZIP CODE: 02888

LESSEE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

1. ADDRESS OF PROPERTY: 455 Reservoir Ave.

2. ASSESSORS PLAT # 6 LOT # 1011 WARD: 2

3. LOT FRONTAGE: 100.91' LOT DEPTH: 40' LOT AREA: 3,963 sq. Ft.

4. ZONING DISTRICT IN WHICH PROPERTY IS LOCATED: C4  
(ZONE) (AREA LIMITATION) (HEIGHT LIMITATION)

5. BUILDING HEIGHT, PRESENT: \_\_\_\_\_ PROPOSED: \_\_\_\_\_

6. LOT COVERAGE, PRESENT: \_\_\_\_\_ PROPOSED: \_\_\_\_\_

7. HOW LONG HAVE YOU OWNED ABOVE PREMISES? \_\_\_\_\_

8. ARE THERE ANY BUILDINGS ON THE PREMISES AT PRESENT? Yes

9. GIVE SIZE OF EXISTING BUILDING(S): 1,900.28 sq. Ft.

10. GIVE SIZE OF PROPOSED BUILDING(S): no change

11. WHAT IS THE PRESENT USE? Commercial

12. WHAT IS THE PROPOSED USE? no change

13. NUMBER OF FAMILIES FOR WHICH BUILDING IS TO BE ARRANGED: 0

14. DESCRIBE IN DETAIL THE EXTENT OF PROPOSED ALTERATIONS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. HAVE YOU SUBMITTED PLANS TO THE BUILDING INSPECTOR? YES

16. WERE YOU REFUSED A PERMIT? YES

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

Cranston Zoning Ordinance Chapter 17.72.010  
Table 5 - Maximum allowable Square Footage  
for wall signs in C4 zone

18. STATE GROUNDS FOR EXCEPTION OR VARIATION IN THIS CASE: See memorandum  
in support attached.

SIGNATURE OF OWNER, APPLICANT, LESSEE AND ATTORNEY (IF APPLICABLE) IS REQUIRED AND MUST BE LEGIBLE.

  
\_\_\_\_\_  
(OWNER SIGNATURE)

401-499-6945  
\_\_\_\_\_  
(PHONE NUMBER)

\_\_\_\_\_  
(OWNER SIGNATURE)

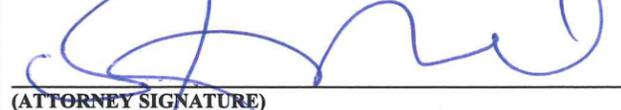
\_\_\_\_\_  
(PHONE NUMBER)

  
\_\_\_\_\_  
(APPLICANT SIGNATURE)

401-499-6995  
\_\_\_\_\_  
(PHONE NUMBER)

\_\_\_\_\_  
(LESSEE SIGNATURE)

\_\_\_\_\_  
(PHONE NUMBER)

  
\_\_\_\_\_  
(ATTORNEY SIGNATURE)

401-453-1200  
\_\_\_\_\_  
(PHONE NUMBER)

Nicholas Hernandez, Esq.  
\_\_\_\_\_  
(ATTORNEY NAME-PLEASE PRINT)

ATTORNEY ADDRESS: One Tanks H&AP Ave, Suite 1200, Pawtucket, RI

**Memorandum**

**To: Zoning Board of Review**

**From: Nicholas Hemond, Esq.**

**Date: July 1, 2021**

**Re: Application of Vasquez Properties, LLC – 455 Reservoir Ave., Cranston, RI**

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**Request for Dimensional Variance**

The application filed by Vasquez Properties, LLC (“Applicant”) seeks approval by this Board of a request for a dimensional variance to allow the Applicant to construct two street facing building mounted signs on real property located at 455 Reservoir Avenue (Plat 6, Lot 1011) (the “Property”).<sup>1</sup> The Property is located in a C4 Highway Business zone. It is abutted by business and residential uses, including a home health care service and Reservoir Ave. The Property is located directly on the corner of Reservoir Avenue and Carlton Street with its main entrance facing Reservoir Ave. The Property is located in a commercial district and the proposed building wall sign will not have any impact on residential properties or quality of life. The sign is tastefully designed and not brightly illuminated. The building mounted signs are facing the adjacent roadways, Reservoir Avenue and Carlton Street. The building mounted sign use is well suited for the area in which the proposed sign would be located. There are many signs in close proximity to the Property which are similar, if not larger, in size and scope all along the Reservoir Avenue corridor and this Board has previously granted dimensional relief for

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<sup>1</sup> The Applicant installed the sign prior to seeking dimensional relief. The Applicant’s principal, Marisela Vasquez, selected a sign that was similar in size to the previous sign in the same area of the building. She was later told she needed a permit even though she was replacing an existing sign. She went to apply for the permit and was told at that time she needed dimensional relief. Thereafter, this office was retained to prepare the Application, secure expert testimony and gather sufficient information to file this request for a dimensional variance.

the construction of building mounted signs so that they can be adequately sign and in proportion to the dimensions of the property. This proposed wall sign will have no undue visual impact on Reservoir Avenue or Carlton Street and is designed to fit the building it is mounted out.

The Applicant seeks a dimensional variance because the property is relatively small and set back from Reservoir Ave. As a result, the Applicant must seek relief from the dimensions traditionally allowed for signs of this nature in order to ensure that information identifying the business on the sign readily viewable to vehicles passing on the road. Further, the sign is prefabricated. The Applicant could not directly control the size of the sign as this was the option most consistent with the Ordinance's dimensional requirements that was available to her. The manufacturer's other options were either too small to be adequately seen or consistent with the character of the building or too large and thus would not have been the least relief necessary. Requiring literal compliance with the dimensional requirements of the Ordinance requiring the Applicant to maintain maximum signage size of 30 sq. ft. could result in potential public safety hazards with passing motorists struggling to easily see the name and principal purpose of the business, in contravention of the Ordinance's purpose to encourage the effective use of signs as a means of communication in the city. This could result is late turns into the parking lot, U-turns on Reservoir Avenue or other hazardous traffic movements in the area which is in close proximity to the Route 10 and Route 95 on and off ramps.

Pursuant to Section 17.72.010, Table 5, the maximum square footage allowed in the C4 zone for a wall sign is 30 square feet. As such, the Applicant seeks a dimensional variance of 16 square feet in area for the front, Reservoir Avenue facing sign and 13 square feet in area for the side, Carlton Street facing wall sign so that both wall signs are safely and effectively visible from Reservoir Avenue and in conformance with industry standards as to the size of the sign face.

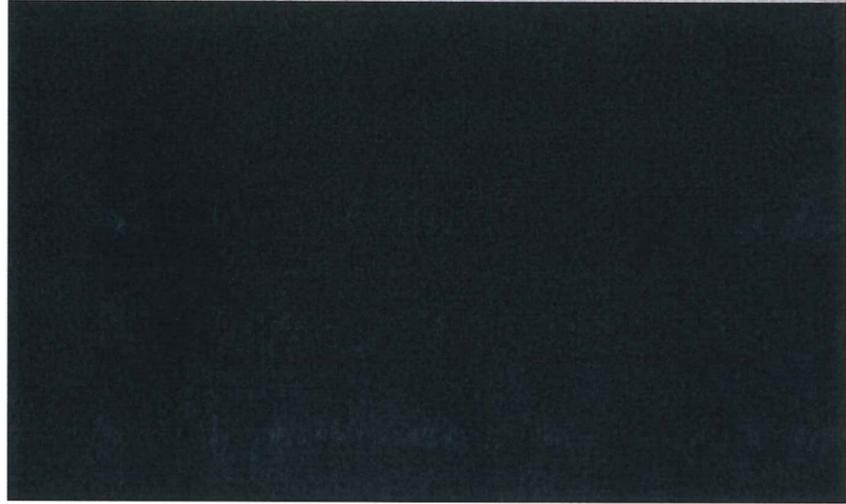
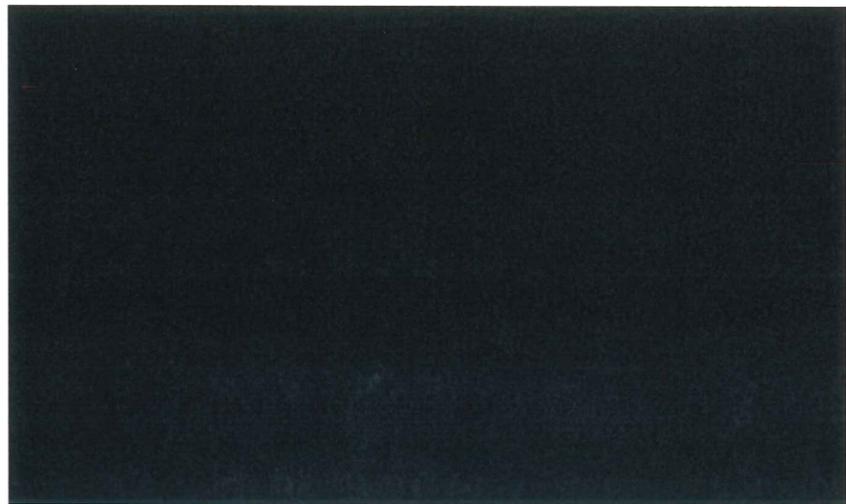
The hardship suffered by the Property is the result of the unique characteristics of the Property itself as well as the unique character of the proposed sign itself. The Applicant's building is an unassuming, single story building set back from the road to such a degree, over 30 feet in some spots, that 30 square foot signage could not be easily seen by cars passing by on either Reservoir or Carlton Street. Additionally, as previously referenced, the sign is prefabricated. The Applicant had limited options to choose from with regarding the size of the letters for the sign. The Applicant selected the smallest possible lettering for the sign which would be adequately visible given the position of the building on the lot and consistent with the signage space on the building. The prior owner/tenant of the building had signage of a similar size and scope. Said signage was not as visually appealing as this sign and therefore the proposed sign would be an improvement as to the appearance of the building which sits at an offramp from Route 10.

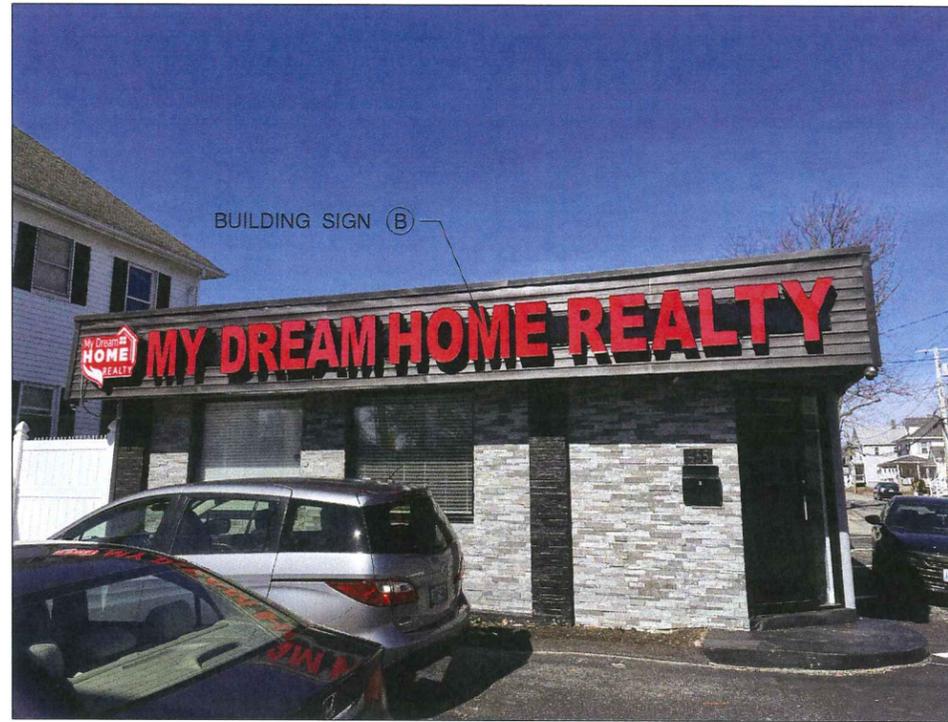
The Property sits on a Highway Business use zone along Reservoir Avenue, the immediate area includes a furniture store, gas station, home healthcare provider and hearing aid center. If held to the maximum sign area requirements for wall signs in the C4 zone, the Applicant cannot safely and adequately advertise their real estate business, effectively rendering their lot useless. Without dimensional relief, the required sign will be too small for motorists to see and could create a public safety issue as drivers will struggle to see the sign. Additionally, the amount of relief requested is only the amount necessary to build a wall mounted sign which is sufficiently visible and consistent with the signage space previously constructed on the building and occupied by the prior occupant. The property is 3,963 square feet and the preexisting building is set back over 30 feet from the roadway, at the extreme rear of the lot.

The hardship is not the result of an economic or physical disability of the Applicant. The Applicant did not take any action on its part to create the hardship, rather it is the result of the challenging character of the lot location and building size itself. While there is an element of financial gain in all proposed advertising, realizing greater financial gain is not the primary motivation for the requested variance. Rather, the Applicant is merely trying to construct a sufficiently visible sign that can be easily identified, is consistent with the surrounding area and will not jeopardize public safety or quality of life.

The relief requested is the least relief necessary. Without a dimensional variance, the Applicant cannot install this visually appealing sign in a fashion that is consistent with prior use of the space and sufficiently visible to passing traffic both on Reservoir Ave and the adjacent highway. The Applicant cannot use this sign without dimensional relief. The C4 zone allows the Applicant to have wall mounted advertising signs, but not large enough to be effective for its intended purpose.

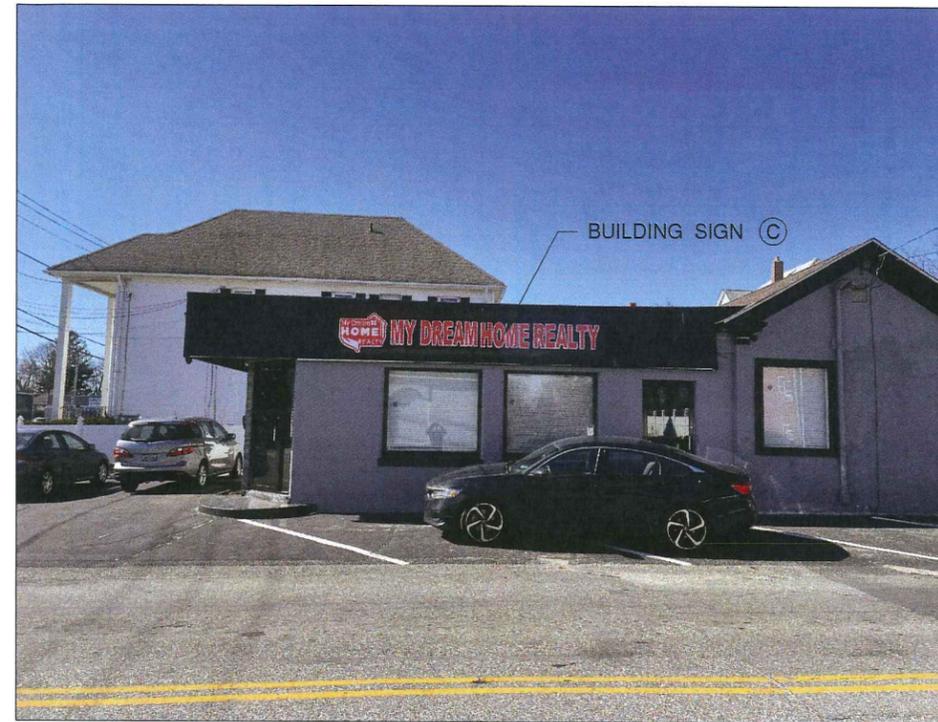






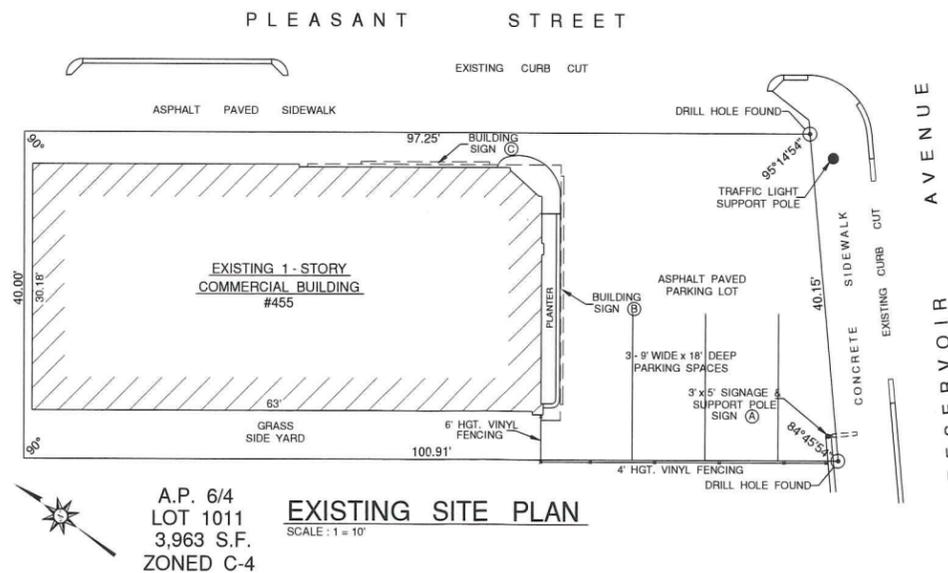
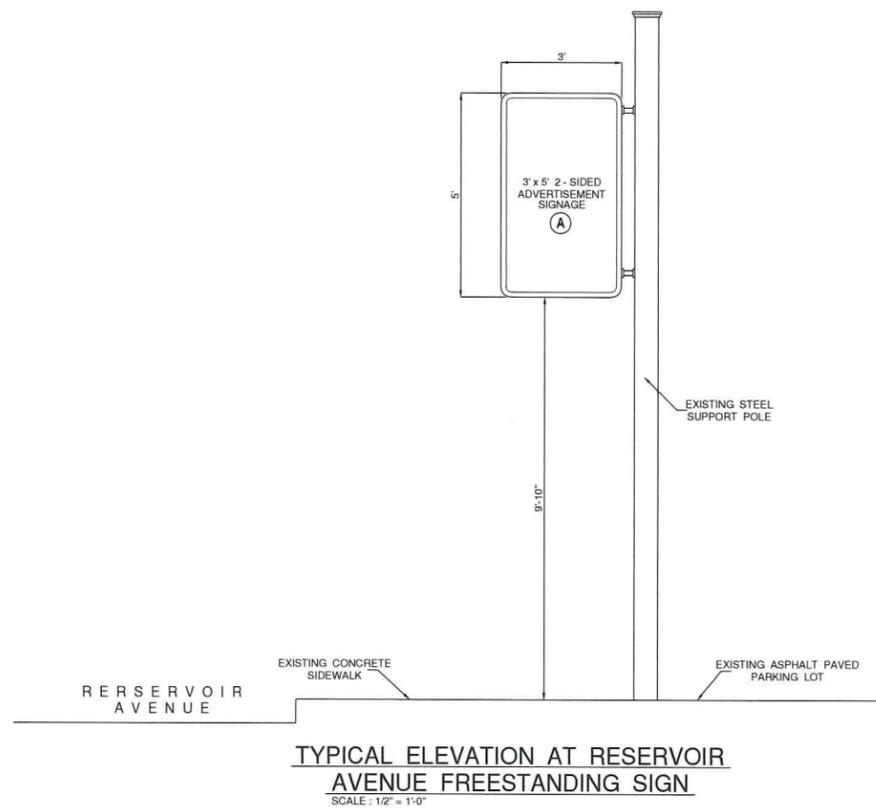
BUILDING SIGN (B)

EXISTING SOUTHEAST (FRONT) ELEVATION  
SCALE: 1/4" = 1'-0"  
(FACING RESERVOIR AVENUE)



BUILDING SIGN (C)

EXISTING NORTHEAST (RIGHT SIDE) ELEVATION  
SCALE: 1/4" = 1'-0"  
(FACING PLEASANT STREET)



**EXISTING SIGNAGE**

FREESTANDING POLE SIGN (A)	3' x 5' = 15 SQ. FT.
(RESERVOIR AVENUE)	
BUILDING SIGN (B)	28' x 2' = 56 SQ. FT.
BUILDING SIGN (C)	16' x 2'-8" = 43 SQ. FT.
TOTAL SIGNAGE SQ. FTGE. = 114 SQ. FT.	

Project :		Date :
EXISTING SITE PLAN, BUILDING ELEVATIONS & STREET SIGNAGE		3/16/21
455 RESERVOIR AVENUE CRANSTON, R.I.		Scale : As Noted
Greg W. Bagian (401)-464-2601		Drawn by : GB
Revision :		A.P. : 6/4
Date :		Lot No. : 1011
Drawing No. :		1
		1 OF 1 DWGS.