

# CITY PLANNING DEPARTMENT



## Memorandum – Unified Development Review

**To:** City Plan Commission  
**From:** Beth Ashman, AICP | Assistant Planning Director  
**Date:** November 20, 2024  
**RE:** Replat: 76-82 Batcheller Avenue and 75 Urbana Street  
**Application for Minor Subdivision where Existing Buildings Require Variances**

**Owner / Applicant:** Cranston Duplexes LLC / Priscilla Szneke  
**Location:** 76-82 Batcheller Avenue and 75 Urbana Street  
**Parcels:** Assessors Plat 8-1, Lots 258, 259, 260, 261, and 293  
**Zoning:** B-1 – Residential single-family and two-family dwellings (8,000 sq. ft.)  
**FLUM Designation:** Single/ Two Family Residential Less than 10.89 Unit Per Acre

### I. Applicant | Property | Proposal

The subject properties are in the Knightsville neighborhood, abutting Batcheller Avenue, Urbana Street, and Randall Pond. They are identified as Assessors Plat 8-1, Lots 258, 259, 260, 261, and 293. There are four two-family dwellings on the site constructed around 40 years ago spanning 5 lots under common ownership. The applicant does not propose any modifications to the structures.

The Proposal is to reconfigure the existing five (5) record lots into four (4) new lots with one structure on each lot. This would be a simple Administrative Subdivision were it not for the substandard front-lot setback on two of the existing structures. The proposed replat makes the development more conforming with zoning.

Development and building records from 1980 are not easily accessible. Having searched the accessible City of Cranston records and finding no evidence of variances granted for front setbacks, staff recommends that this be reviewed under Unified Development Review by the City Plan Commission requesting the waivers that legalize the existing structures.

This project requires relief from dimensional requirements for a replat and residential development project in B-1 (two-family) zone (17.20.120 – Schedule of Intensity Regulations, 17.92.010 – Variances). Two of the structures have less than the required front yard setback.

### Relief from 17.20.120 - Schedule of intensity regulations:

	Lot	Lot Area (sq. ft.)	Lot Width & Frontage (ft.)	Front (ft.)	Rear (ft.)	Side (ft.)
<b>B-1 (2-family) Required</b>		8,000	60	25	20	8
75, 77 Urbana St	293	8106	81	20.6	23.9	13
72, 74 Batcheller Ave	261	8004	60	>25	20	10
76, 78 Batcheller Ave	260	8696	60	25.4	>20	8
80, 82 Batcheller Ave	258	12826	179	18.1	42	10.3

## II. Documents Submitted for This Application

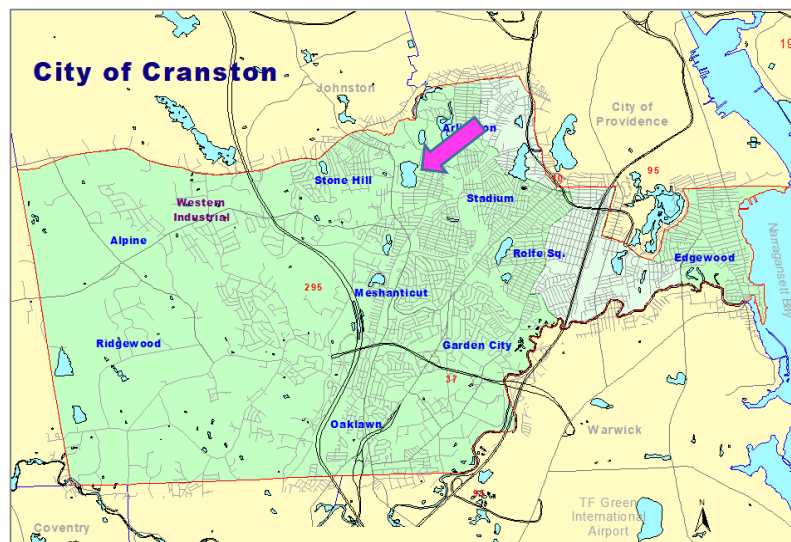
1. Minor Subdivision Application and Checklist prepared and signed by Priscilla Szneke.
2. Class 1 Boundary Survey and Subdivision Plan entitled "76-82 Batcheller Avenue and 75 Urbana Street, Cranston, RI." prepared by John D Andrews, Registered Professional Land Surveyor; dated July 24, 2024.
  - a. Minor Subdivision Application Fee of \$400.00 for pre-application and preliminary plan; both dated November 14, 2024
  - b. Zoning fee of \$600 dated November 14, 2024.
3. Municipal Lien certificates for all five lots dated November 4, 2024
4. Abutter Documentation
  - a. 400' Abutters List
  - b. 400' Abutters Map
  - c. Signed affidavit certifying mailing of 400' abutter notices; sent on November 19, 2024; is outstanding.

## III. Surrounding Land Use & Context

Analysis using the Cranston Geographic Information System and the FEMA Flood Map Service Center indicates that:

1. The subject property is located on the southerly side of Bacheller Ave and northerly side of Urbana Street.
2. The surrounding area in Knightsville is zoned B-1.
3. The subject property fronts on Randall Pond and includes areas inside the 50' regulated resource areas under jurisdiction of the Rhode Island Department of Environmental Management, (RIDEM). Because the applicant is not proposing any construction or land alternation, there is no permitting requirement. Restoration of vegetation within the 50' buffer of the pond would be recommended to protect water quality. No work is proposed.
4. The subject properties have more gravel and pavement coverage than predominates in this neighborhood. More trees or plantings would be in keeping with the neighborhood character.
5. The subject property is outside of any identified historic / cultural districts under jurisdiction of the Local Historic District Commission, State Historical Preservation Commission, State, or National Registers of Historic Places.
6. The subject property is identified as "Zone X – Area of Minimal Flood Hazard" on and outside of any regulated floodplain or flood hazard districts. Randall Pond is designated as AE.

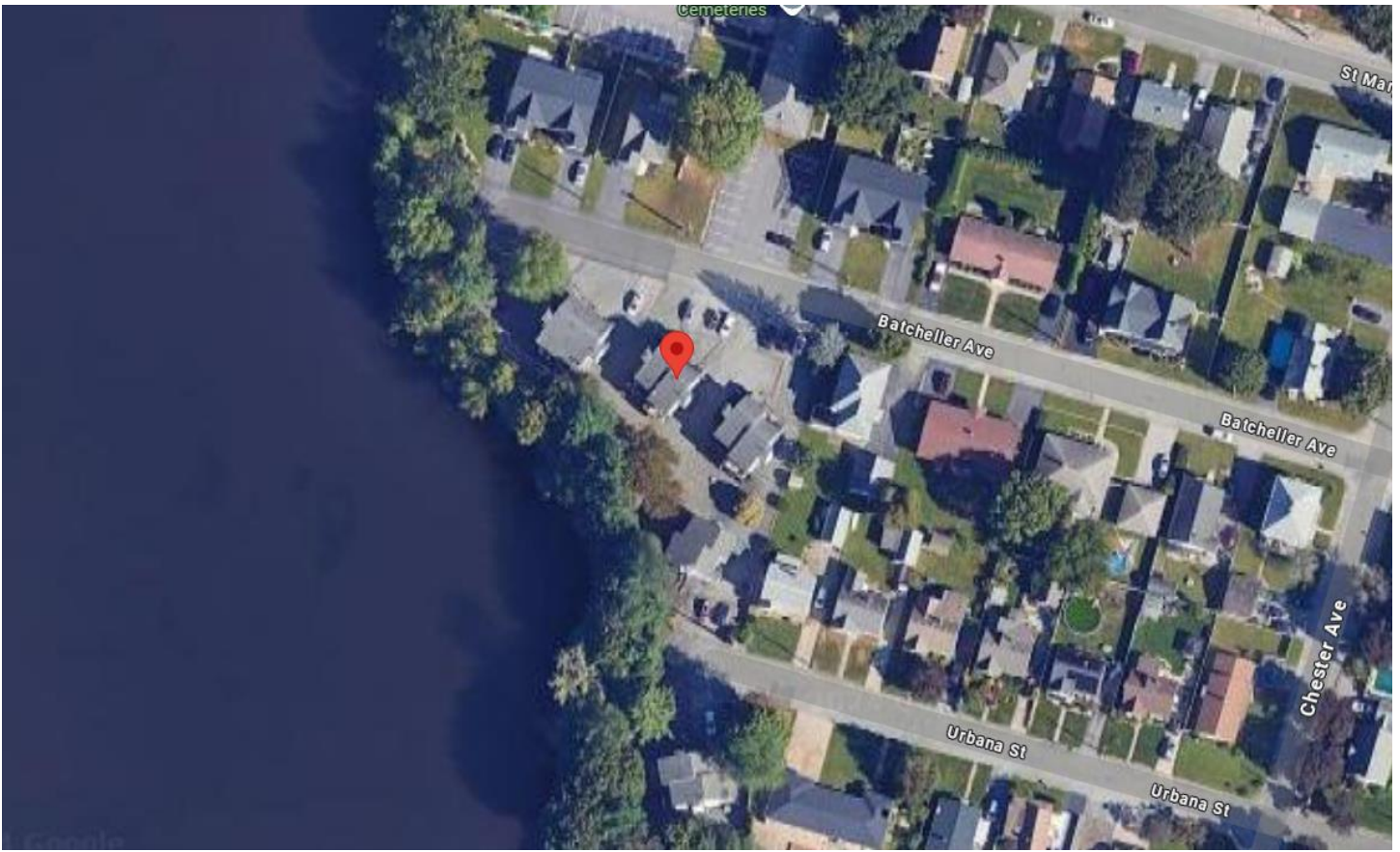
### LOCATION MAP



**NEIGHBORHOOD CONTEXT MAP HIGHLIGHTING PARCELS WITHIN 400 FT**



**AERIAL PHOTO**



**STREET VIEW**



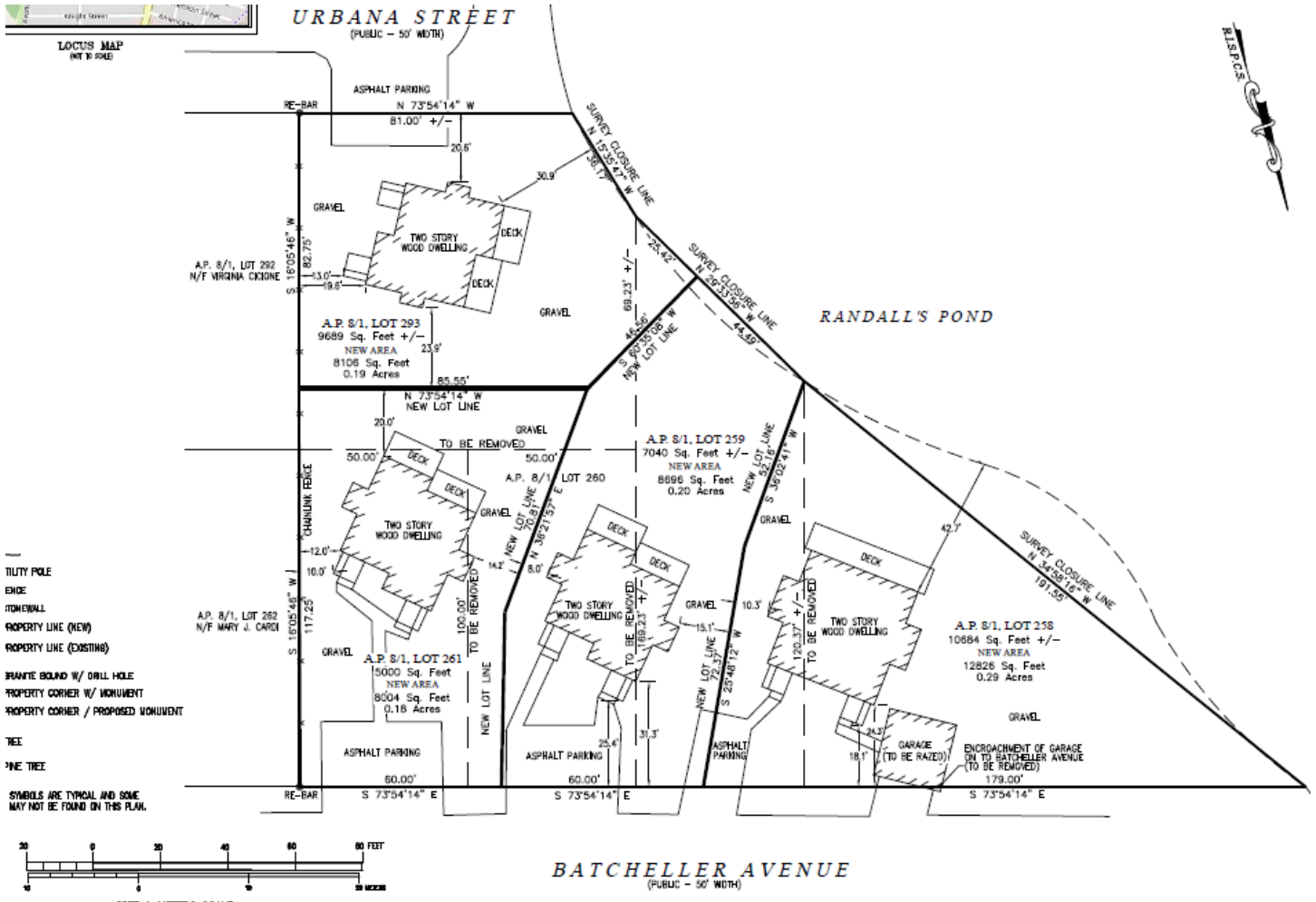
*(View from Urban St)*



(View from Batcheller Ave)

### PROPOSAL

Existing four two-family homes are shown on the plan below. The garage canopy shown will be removed by the applicant as it infringes on the right-of-way.



#### **IV. Municipal Review**

Pursuant to RIGL §45-23-37, these Plans and submitted documents were distributed for comment to the following agencies. The project was also presented and discussed by the Technical Review Committee on November 20, 2024. Comments are as follows:

##### **1. Department of Public Works**

- a. Engineering Division: No comment.
- b. Traffic Safety Division: Mr. Steven Mulcahy, noted 76-78 Batcheller Ave is currently under Lot 260 in the assessors' database. It is requested that the lot with this address be denoted as Lot 260 rather than 259 for continuity. The asphalt parking area for 80 Batcheller St extends onto the adjacent lot. While this is irregular it does not need to be addressed because the parking requirement is met for all residential units.
- c. Sewer Division: Not applicable
- d. Veolia Water: Not applicable

##### **2. Department of Building Inspection & Zoning Enforcement**

- a. Mr. Stan Pikul, Alt. Building Official, noted the specific requirement in the Zoning Ordinance 17.20.090 E for regular lot lines, says that "side lot lines may deviate from this requirement where prudent division practices necessitate special consideration." The consensus at Technical Review Committee agreed that the lot lines are irregular, but that existing conditions of the development justify this irregularity.
- b. Fire Department: Mr. James Woyciechowski, Fire Marshal indicated that as long as the address numbers on the houses do not change, the fire department has no concerns with this proposal.

#### **V. Planning Analysis**

##### **Consistency with the Comprehensive Plan**

- The Future Land Use Map (FLUM) designates the subject property as Single/ Two Family Residential Less than 10.89 Unit Per Acre
  - Per the Comprehensive Plan, the B-1 zoning district is an appropriate zoning classification for two-family residential units.
  - The existing development falls within the density range.
  - Staff finds that the Application is directly consistent with the Future Land Use Map designation.
- The Comprehensive Plan outlines goals, policies, and action items pertaining to residential development which Staff find support the approval of this Application, specifically:
  - Housing Goal 4: Promote housing opportunity for a wide range of household types and income levels.
    - Housing Policy 4.1: Maintain a varied housing stock, with units of different age, size and type that are affordable to a wide range of incomes.
    - Housing Policy 5.2: Review zoning for existing residential neighborhoods to ensure the zoning matches, as closely as possible, the dimensions and unit types of what has already been built.
- Staff has reviewed this Application in consideration of the compatibility with the character of the surrounding area and the request does not impose undue nuisances and is not out of character beyond any other uses on this site or within the surrounding area.
  - The Proposal is a reconfiguration of five existing record lots into two. There is no proposed change to the four existing two-family homes. One garage canopy will be demolished. The proposed replat places each structure on its own separate lot. All of the new lots exceed

- the required lot size for the zone. There are two existing structures with corners that fall below the minimum required front yard setback.
- The surrounding area in Knightsville consists of one and two family residences on separate lots.

#### **VI. Interests of Others**

None to report.

#### **VII. Additional Matters**

None to report.

#### **VIII. Waivers**

None to report.

#### **IX. Findings of Fact:**

An orderly, thorough, and expeditious staff review of this Preliminary Plan has been conducted. Property owners within a 400' radius have been notified via certified mail and the meeting agenda has been properly posted.

##### A. Unified Development Review

Staff has reviewed this Preliminary Plan application for conformance and consistency with the required Findings of Fact in accordance with RIGL §§ 45-23-50.1(b)(1), 45-24-41(d), 45-24-41(e)(2), and 45-24-46.4(f), as well as Section VII of the Subdivision & Land Development Regulations and finds as follows:

#### **The Applicant has submitted the following response to the required Findings of Fact in accordance with RIGL § 45-24-41:**

*The hardship from which the applicant seeks relief is due to the layout of the existing structures which do not conform to zoning. The structures were built forty years ago and this replat application does not seek to alter the structures. It would be more than a mere inconvenience if the dimensional variance is not granted because relocating an existing structure is not simple and would have environmental impacts. The replat is desirable to place each two-family structure on its own lot, bringing the lots closer into conformance with the B-1 zone.*

*The hardship is not the result of any prior action of the applicant. The properties have changed ownership since the structures were constructed.*

*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 relief sought is minimal. The proposal of the applicant reduces and minimizes the dimensional non-conformities by replating the lot boundaries.*

#### **Staff has reviewed the requested dimensional relief for conformance and consistency with the required Findings of Fact in accordance with RIGL § 45-24-41 and finds as follows:**

*RIGL § 45-24-41. General provisions – variances. (d)(1) states, “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, excepting those physical disabilities addressed in § 45-24-30(a)(16);”*

- Staff notes that applicant is eliminated myriad non-conformities with the buildings straddling lot lines and thus having no side setback from the lot line.

*RIGL § 45-24-41. General provisions – variances. (d)(2) states, “That the hardship is not the result of any prior action of the applicant.”*

- The property has been owned by Cranston Duplexes LLC since 2017. There do not appear to be any prior actions by the current applicant that would have resulted in hardship.

*RIGL § 45-24-41. General provisions – variances. (d)(3) states, “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.”*

The Application is directly consistent with the Future Land Use Map designation as the proposed use falls within the Future Land Use Map density designation as “Single/ Two Family Residential Less than 10.89 Unit Per Acre. The replat results in one two-family structure per lot within the density range specified (10.59 units per acre).

*RIGL § 45-24-41. General provisions – variances. (e)(2) states, “In granting a dimensional variance, 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, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission has the power to grant dimensional variances where the use is permitted by special-use permit.”*

- Staff notes that this replat would be a simple Administrative Subdivision, if the applicant or City could find a record of variances granted at the time of development. The subdivision of the land to place each two-family structure on its own lot makes the properties more conforming. The two points where the structures have insufficient front set-back have existed for four decades. Relocating the structures would be more than an inconvenience and would have environmental impacts.

#### **B. Subdivision & Land Development Review**

Staff has reviewed this Preliminary Plan application for conformance and consistency with the required Findings of Fact in accordance with RIGL § 45-23-60 as well as the Subdivision & Land Development Regulations and finds as follows:

*RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”*

- The Proposal does not alter the residential density which is already consistent with the Comprehensive Plan’s Future Land Use Map (FLUM). The proposed resulting density of approximately 10.59 units per acre is within the FLUM’s designation of the subject property as Single/ Two Family Residential Less than 10.89 Unit Per Acre

*RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality’s zoning ordinance.”*

- Staff notes that this Proposal requires and seeks dimensional zoning relief for which if granted, will establish compliance with the Zoning Ordinance.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the preliminary plan, with all required conditions for approval.”*



- No construction or land disturbance is anticipated, therefore there are no significant environmental impacts are anticipated and there is no need to apply for a DEM permit.
- The Proposal will be subject to all state and local regulations pertaining to environmental impacts and wetlands.
- RIDEM's Natural Heritage Map shows that there are no known rare species located on the site.

*RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”*

- The Proposal will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- There are no proposed changes to the design or location of building lots, utilities, or drainage,

*RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”*

- All proposed lots have adequate permanent physical access to an improved public city street.
- The Proposal provides for safe and adequate local circulation for vehicular traffic.

**X. Recommendation – Land Development Project**

Staff finds this Proposal generally consistent with the Comprehensive Plan, the Zoning Ordinance, and the standards for required Findings of Fact set forth in RIGL § 45-23-60 and Section III(L) of the Subdivision & Land Development Regulations. Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and **APPROVE** the Unified Development Review of this subdivision submittal subject to the condition below in section XI. The newly created Lot AP 8/1 293 be granted zoning relief from the required front-yard setback for the residential structure shown on the plan with 20.6' of front setback where 25' are required. Lot AP 8/1 298 be granted zoning relief from the required front-yard setback for the residential structure shown on the plan with 18.1' of front setback where 25' are required.

**XI. Recommended Conditions of Approval**

The Final Plan submittal shall be subject to the following:

1. The garage shown in the sit plan on A.P. 8/1, Lot 248 will be removed.
2. Granite bounds be installed at the three inflection points in the lot lines.
3. The lot containing 76 and 78 Batcheller Street be labeled A.P. 8/1 Lot 260.

Respectfully Submitted,



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Beth Ashman, AICP  
Assistant Planning Director / Administrative Officer

**Cc:** City Planning Director  
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