

# City Planning Department



## Memo

To: Cranston City Plan Commission  
From: Beth Ashman, AICP – Assistant Planning Director / Administrative Officer  
Date: August 29, 2024  
Re: **Dimensional Variance @ 173 Niantic Avenue**

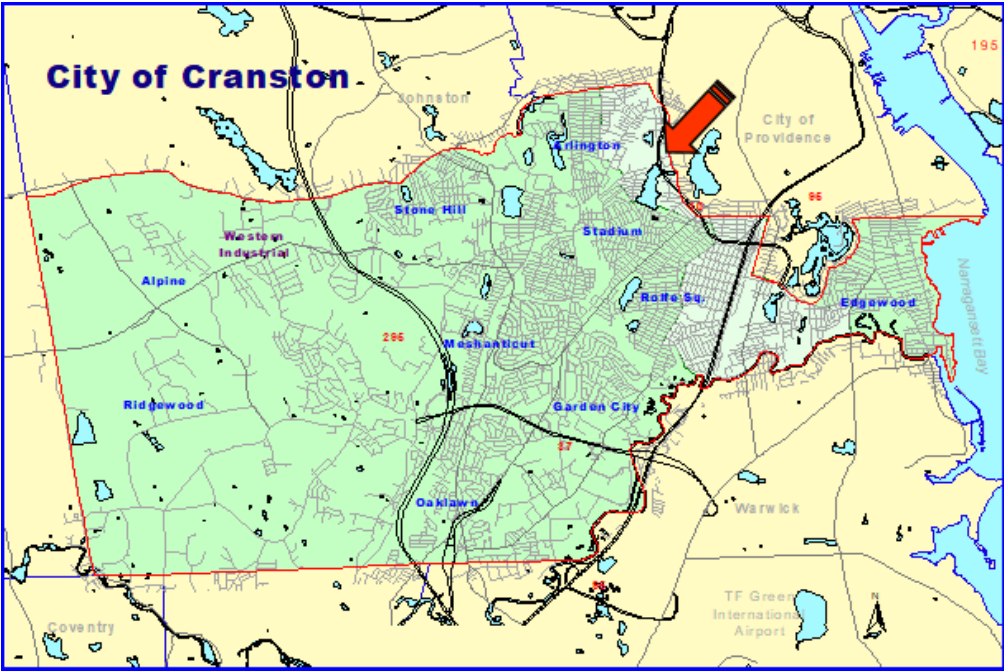
---

**Owner:** Frank Zincone  
**Applicant:** Ercilio Electro Auto Inc.  
**Location:** 173 Niantic Avenue, AP 7, Lot 2204  
**Zone:** M-2 (General Industry)  
**FLU:** Industrial

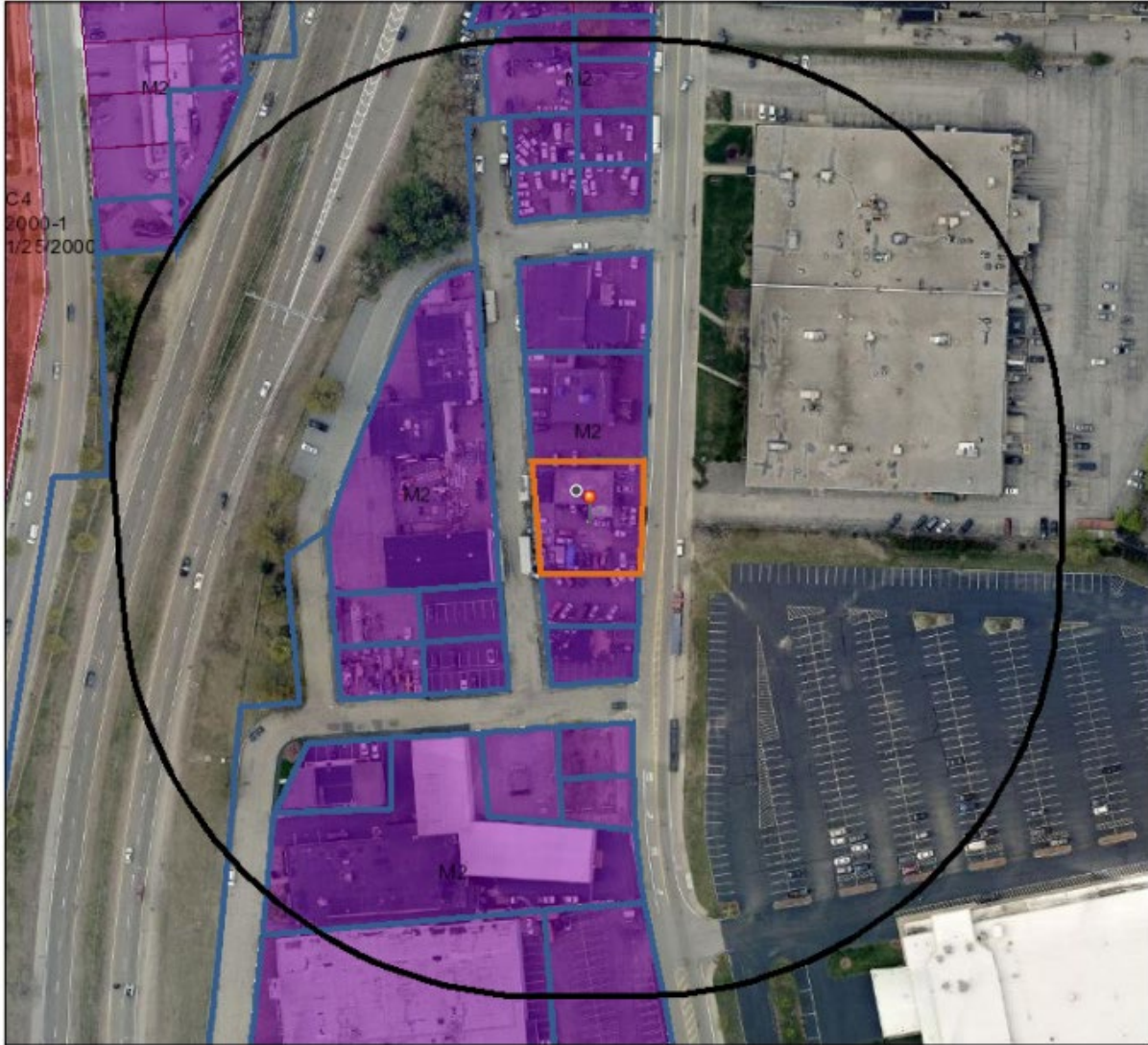
### DIMENSIONAL VARIANCE REQUEST:

1. To allow the enclosure of the 2,784 ft<sup>2</sup> (60' x 47') canopy added to the auto-repair facility in 2021. The enclosure would encroach into a front and side setback on a double-fronting lot. The canopy received a variance in 2021 for these same encroachments. [17.20.120 – Schedule of Intensity]

### LOCATION MAP



# ZONING MAP

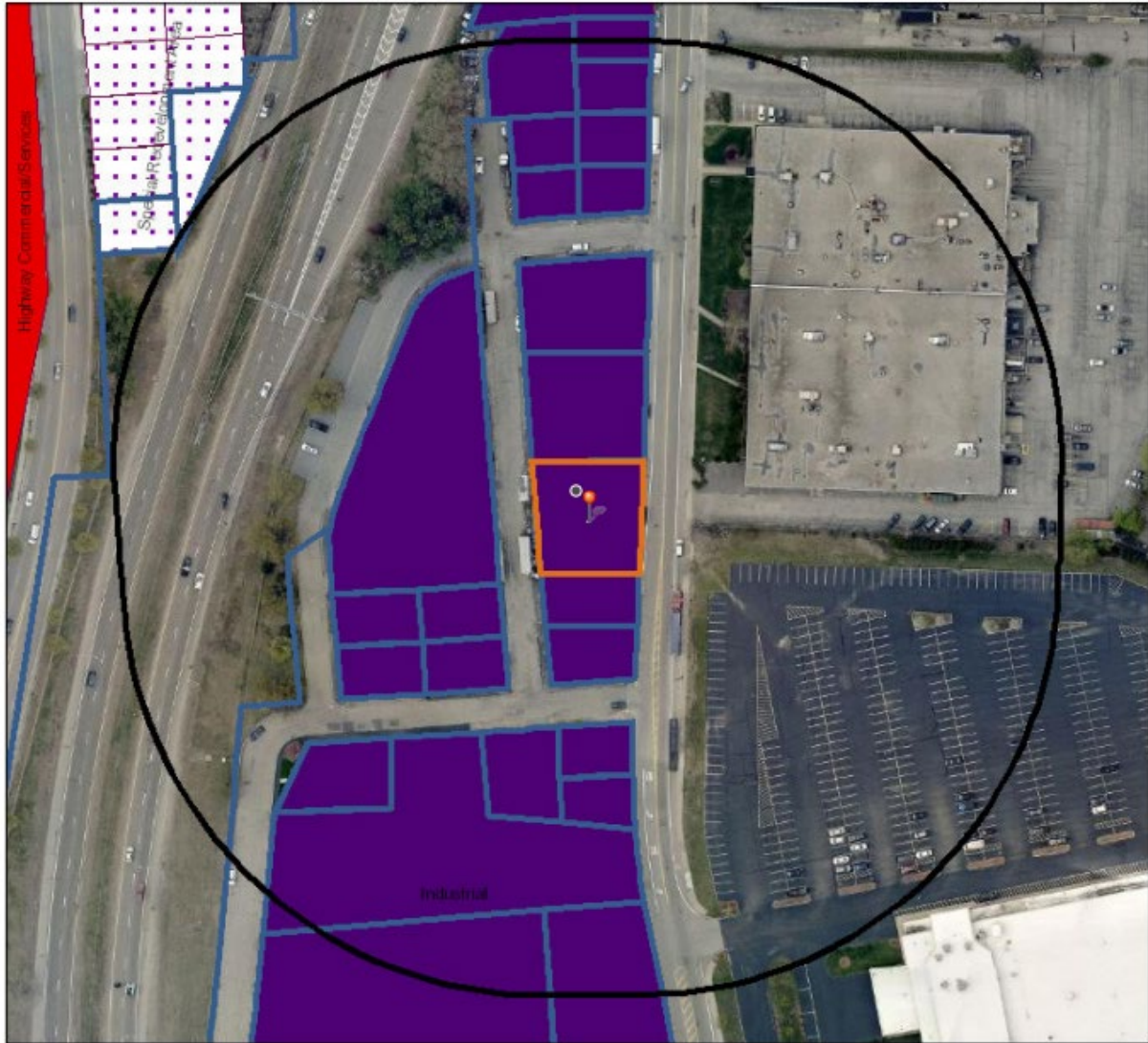


This map/data/geospatial product is not the product of a Professional Land Survey. It was created for general reference, informational, planning and guidance use and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this data may require the assistance of appropriate professional services. The City of Cranston makes no warranty, expressed or implied related to the spatial accuracy, reliability, completeness or currentness of this map/data.



City of Cranston

# FUTURE LAND USE MAP



This map/data/geospatial product is not the product of a Professional Land Survey. It was created for general reference, informational, planning and guidance use and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this data may require the assistance of appropriate professional services. The City of Cranston makes no warranty, expressed or implied related to the spatial accuracy, reliability, completeness or currentness of this map/data.



City of Cranston

## AERIAL VIEW



Source: Cranston GIS Parcel map and Aerial Photos 2024 March (3 inch)

## 3-D AERIAL VIEW (facing northeast)



Source: Google Earth accessed on 8/27/2024. Showing storage of materials on roof and in Dewey Avenue.

## STREET VIEW (Niantic Ave Facing West)



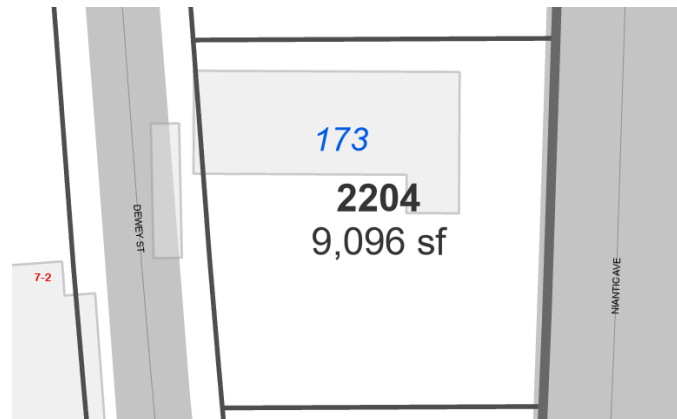
Google Streetview. Accessed 8/27, 2024. Staff confirmed that the movable letter sign captured in this photo has been removed as of 8/26/2024.

## STREET VIEW Dewey St Facing South



Source: Cranston Planning Dept Photo 8/26/2024.

## STRUCTURES



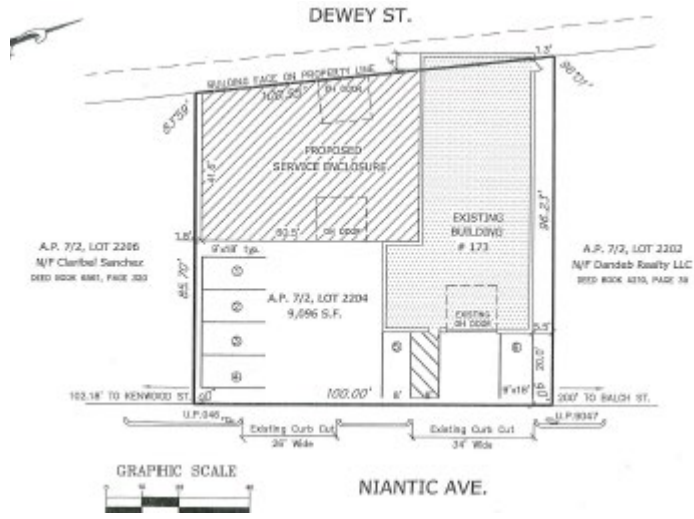
Source: Cranston GIS showing streets, parcel lines and structures. A trailer is mapped as a structure.

## STREET VIEW Dewey St Facing East

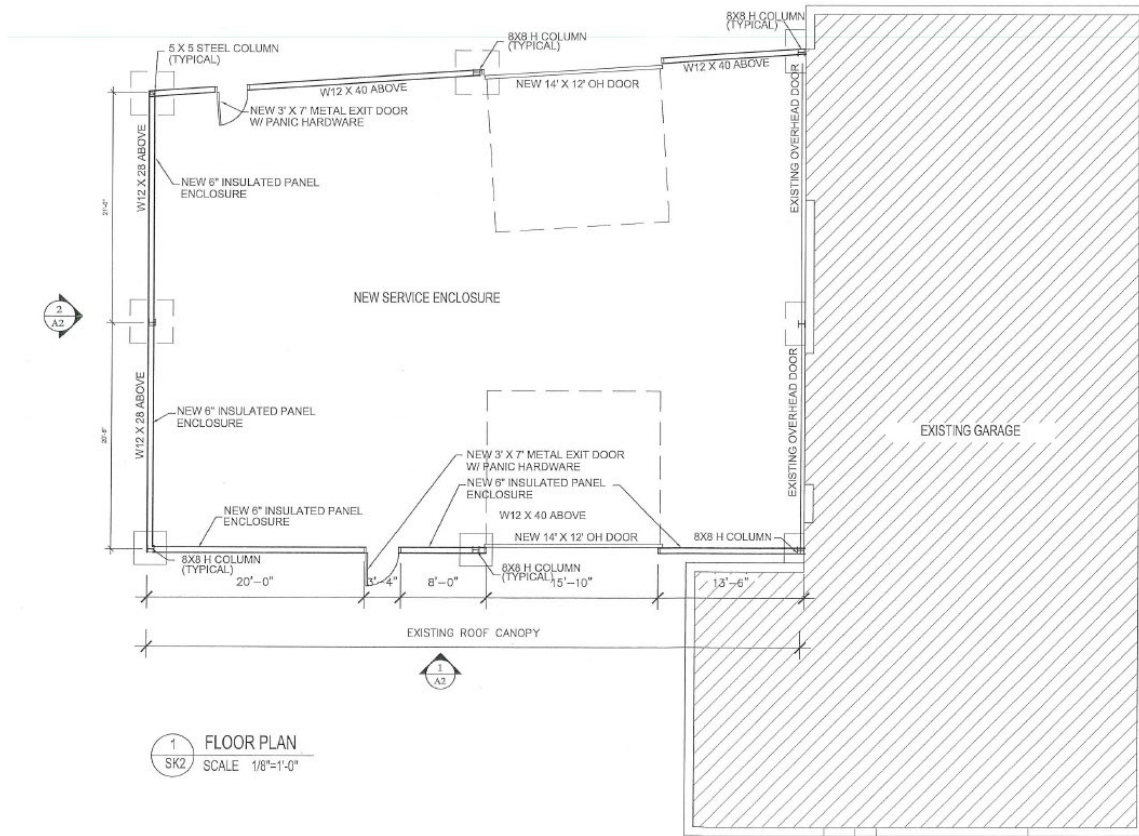


Source: Cranston Planning Dept Photo 8/26/2024. This view looking north on Dewey Street. The red box highlights fence and storage items in the public way.

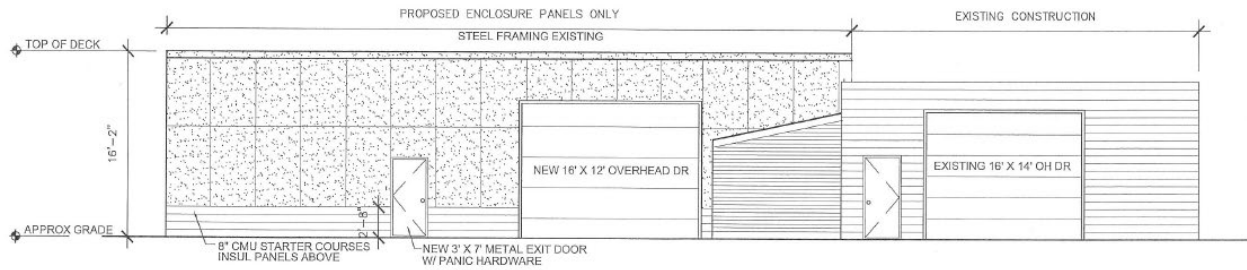
# SITE PLAN



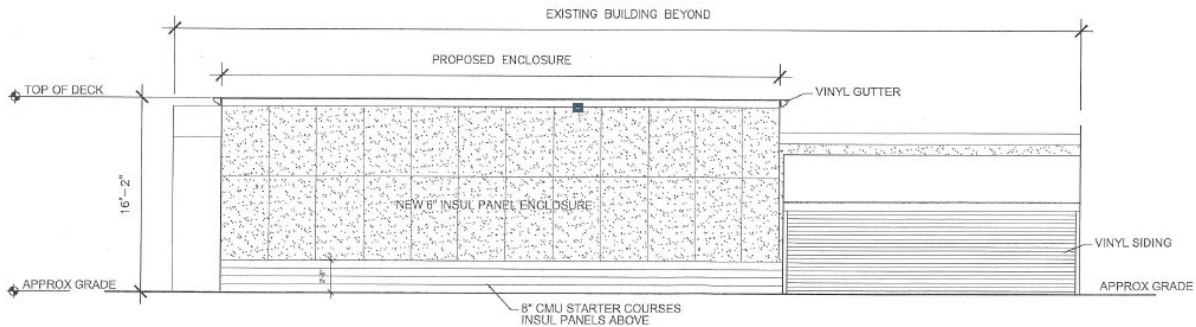
# FLOOR PLAN



# ELEVATIONS



1  
SK3  
FRONT ELEVATION (NIANTIC AVE SIDE)  
SCALE 1/8"=1'-0"



2  
SK3  
LEFT SIDE ELEVATION  
SCALE 1/8"=1'-0"

## FINDINGS OF FACT

1. This is an existing and appropriate location for an auto repair use.
2. The Zoning Board of Review approved an Auto Repair Facility with used Auto & Truck sales on an undersized lot for this location on 6/10/87. The Zoning Board found that "granting a permit will not prove detrimental to the neighborhood" and that it met the requirements of the Zoning Code.
3. The primary building is a legal nonconforming structure as it encroaches into the side and front setbacks on Dewey Street as well as the right of way on Dewey Street.
4. Zoning relief was granted on August 11, 2021 for the 2695 sq. ft. roof addition creating an open-air canopy. The decision included two conditions. The applicant complied with both.
  1. Rooftop sign to be reduced to comply with sign regulations.
  2. Message board changeable copy sign to be removed.
5. The purpose of the proposed enclosed structure is to allow for servicing and storing vehicles out of the weather.
6. The 9,096 ft<sup>2</sup> lot is undersized for any use in M-2 zoning, which requires 60,000 ft<sup>2</sup>. The substandard lot area was part of the 1987 ZBR approval by the City. The proposed enclosure would not increase the nonconformity of the lot size.



7. The subject property is a double fronting lot or through lot with its primary frontage on Niantic Avenue and secondary frontage on Dewey Street. The Planning Dept. memo from July 20, 2021 indicated the Dewey Street side is not used for vehicular or pedestrian access, building orientation, signage or otherwise. The floor plan for the proposed service enclosure shows 14' by 12' overhead doors facing Niantic Avenue and Dewey Street. This would create a point of access on Dewey Street.
8. The proposed structure would not be detrimental to or out of character with the existing aesthetic character of Dewey Street. None of the existing buildings comply with the front setback on either side of Dewey Street and none of the businesses with frontage on Dewey Street use it as their primary front.
9. The frontage on Dewey Street is obstructed by two stationary trailers and cement bins that encroach on the right of way. The larger trailer is mapped as a structure in the 2021 mapping of structures in Cranston. The large trailer was not present in in 2008 aerial photographs. The large trailer is documented to the south of the 2001 location in 2011 photographs and remains in that location in all City aerial photos through the most recent in 2024. The smaller trailer is clearly visible as far back as 2008 aerial photography. The cement bins were placed in the Dewey Street right-of-way between the spring and fall 2019 aerial photographs. These bins contain tires and are accessible from the covered service area.
10. Further debris has accumulated along the building frontage on Dewey Street since the 2021 decision. The two trailers and stacks of pallets remain. A tree is growing on top of the smaller trailer.
11. The site plan shows 6 off-street parking spaces, which meets city off-street parking requirements for industrial uses. On August 27, 2024 and on the date of the Cranston Aerial Photos 2024 March three of the six spaces were occupied by a metal container and material storage. In this state the property does not provide the required off-street parking.
12. The proposal is consistent with the Comprehensive Plan Economic Development strategy of promoting a small business-friendly environment by assisting their expansion (p. 74) and by providing relief for improving nonconforming properties when qualifying criteria such as character & compatibility are met (p. 88). This application meets said criteria.
13. The expansion of the proposed use is consistent with the Future Land Use Map allocation of Industrial.

## **PLANNING ANALYSIS**

Staff offers the following observations relating to the site plan and existing conditions:

The service enclosure would be 0' from the "front" property line on Dewey Street, which has a 40' front yard setback and 8.3' from the southern interior side lot line which has a 20' setback in M-2 zoning. The service enclosure replaces the open roof canopy approved in 2021. As the service enclosure is in the same location as the service canopy, it can be said to not create further incursion into required setbacks.

In 2021 it was observed that the steel beams for the canopy were erected without benefit of a

permit. A portion of the beams were in the right-of-way of Dewey Street and would need to be relocated to the location shown on the site plan. The Building Department is researching this to see if this correction was verified.

The service enclosure is proposed to be 16' 6" high. The building is 14' high. Both comply with the 35' height limitation.

The site plan shows 6 spaces, which meets the City's off-street parking requirements for industrial uses. However, three of the spaces are occupied by material storage.

The Zoning Board of Review approved an Auto Repair Facility with used Auto & Truck sales on an undersized lot for this location on 6/10/87. The Zoning Board found that "granting a permit will not prove detrimental to the neighborhood" and that it met the requirements of the Zoning Code. The 9,096 ft<sup>2</sup> lot is undersized for any use in M-2 zoning, which requires 60,000 ft<sup>2</sup>. The substandard lot area was part of the 1987 ZBR approval by the City.

It is very difficult (often impossible) for commercial and industrial uses to expand on undersized lots, especially when they have more than one frontage such as the case in this instance. In some circumstances, the expansion could have negative impacts on abutting property owners and/or land uses. In this particular case, the enclosure of the service area could benefit the abutting properties if the outdoor materials along the frontage with Dewey Street are removed. Dewey Street is an industrial backroad with more than one building intrusion into the right of way as well as outdoor stored materials in the right of way. None of the existing buildings comply with the 40' front setback on either side of Dewey Street and none of the businesses with frontage on Dewey Street use it as their primary front.

The proposed overhead door facing Dewey Street will require the removal of trailers, materials, and debris obstructing the frontage with Dewey Street. It would not be acceptable to install the new door to provide access to Dewey Street as a location for storage. For these reasons, **staff finds that that the expansion would not be out of character with the area as long as all trailers, materials, and debris are removed from the Dewey Street frontage.**

The enclosure would further protect the employees and vehicles from the weather while they continue their current practice. The enclosure of the service area will further shield abutters from the noise of auto service work and replace the hanging blue tarps. **Therefore, staff finds that the service enclosure would not be injurious to the abutting property owners or land uses.**



Staff has reviewed the proposal for consistency with the Comprehensive Plan. The expansion of the proposed use is consistent with the Future Land Use Map allocation of Industrial. Additionally, the proposal is consistent with the Comprehensive Plan Economic Development strategy of promoting a small business-friendly environment by assisting their expansion (p. 74) and by providing relief for improving nonconforming properties when qualifying criteria such as character & compatibility are met (p. 88). Staff believes that the application meets said criteria, and therefore **finds the request to be consistent with the Comprehensive Plan.**

**Recommendation**

Due to the findings that the proposal is consistent with the Comprehensive Plan, is consistent with the character of Niantic Avenue and Dewey Street and would not negatively impact the neighboring area, staff recommends the City Plan Commission forward a **positive recommendation** on the application to the Zoning Board of Review.

Staff recommends that, as part of the recommendation forwarded to the Zoning Board of Review, the City Plan Commission include the following statement and recommended conditions:

*Should the Zoning Board of Review approve the variance requests, the City Plan Commission respectfully requests that the Zoning Board consider the following conditions:*

1. *The six parking spaces shown on the SITE PLAN SHOWING PROPOSED SERVICE ENCLOSURE FOR ERCILIOS ELECTRO AUTO by Walter P. Skopupski, Surveyor dated 7/1/2024 will be available for parking and not used to store materials from one day to the next.*
2. *Trailers, cement bins, and stored materials be removed from the property frontage on Dewey Street and the area cleaned up before a certificate of occupancy can be issued for the new enclosure.*