

A meeting of the Cranston Zoning Board of Review was called to order in Cranston City Hall Council Chambers by Chairperson Christopher E. Buonanno on **Wednesday December 13, 2023 at 6:35 pm**. Also present were, Paula McFarland, Dean Perdikakis, Carlos Zambrano, 1st alternate Craig Norcliffe, and 3rd alternate Frank Corrao III

The following matters were heard before the Board:

OLD BUSINESS

Ward 6

DOMAIN REALTY, LLC (OWN/APP) has applied to the Board to construct a new free-standing sign within the required setbacks from the street(s) and within the area required as to not impede corner visibility; and to waive the required Development Review Process for the site at **846 Oaklawn Avenue**, A.P. 15, lot 361; area 15,490 s.f. zoned C3. Applicant seeks relief per 17.92.010- Variances; Sections 17.20.100(A)- Corner Visibility; 17.72.010- Signs; 17.84, et seq- Development Plan Review. Application filed 7/06/2023. Joseph P. Carnevale, Esq.

On a motion made by Mr. Perdikakis and seconded by Ms. McFarland, this matter was unanimously voted on to be continued to the January 10, 2024 meeting at the request of the applicant.

Ward 1

NICHOLAS & DONNA USENIA (OWN/APP)) have applied to the Board for permission to convert an existing detached garage to be used as personal recreation with restricted setbacks at **96 Armington Street**, A.P. 2, lot 3283; area 6,930 SF, zoned B2. Applicant seeks relief per 17.92.010 -Variances; Sections 17.20.120- Schedule of Intensity Regulations; 17.60.010 (B)- Accessory Uses. Application filed 10/11/2023. Edward R. McCormick, Esq.

On a motion made by Mr. Zambrano and seconded by Mr. Perdikakis, this matter was unanimously voted on to be continued to the January 10, 2024 meeting at the request of the applicant.

APPEAL OF THE DECISION OF THE BUILDING OFFICIAL

AN APPEAL HAS BEEN TAKEN IN ACCORDANCE WITH THE CITY OF CRANSTON MUNICIPAL CODE TITLE 17, SECTION 17.116.010- APPEAL POWERS FOR THE SUBJECT PROPERTY LOCATED AT **846 Oaklawn Avenue**, A.P 15, lot 361. The Building Official has determined that a proposed sign does not meet the required setbacks, height, or area for the C3 zone as required by 17.72.010 (4)- Signs. The sign base constructed without benefit of permit has been determined to encroach into the required corner visibility area and impede vision as indicated in 17.20.100 (A)- Corner visibility Application filed 9/13/2023. Joseph P. Carneval, Esq.

On a motion made by Mr. Zambrano and seconded by Mr. Perdikakis, this matter was unanimously voted on to be continued to the January 10, 2024 meeting at the request of the applicant.

Ward 1

BRIDGE GROUP, LLC (OWN/APP) has filed an application for permission to convert an existing industrial building to residential use with two dwelling units at **5 Aborn Street**. AP 1, lot 30, area 5217+/- SF, zoned C-3. Applicant seeks relief per 17.92.010 -Variances; Sections 17.20.030- Schedule of uses; 17.20.120- Schedule of Intensity Regulations. Application filed 9/24/2023. Robert D. Murray, Esq.

On a motion made by Ms. McFarland and seconded by Mr. Zambrano, this matter was unanimously Approved as presented to the Board on December 13, 2023

The Board made their decision based on the following findings of facts:

Findings of Fact:

- The Applicant has requested specific relief in their application, namely:
 - 17.92.010 – Variances (Use & Dimensional)
 - 17.20.030 – Schedule of Uses

- 17.20.120 – Schedule of Intensity
- It should be noted that that this Application requires a use variance, which calls for a higher standard of review.
- In 2002 the Zoning Board of Review approved a variance application allowing the conversion of the previously existing industrial building to two (2) residential units, though it appears, and the application states, the conversion did not occur, and is currently used as storage space.
- The current zoning is C-3 (General Commercial) and the Future Land Use Map identifies the area as “Neighborhood Commercial Services.” Both maps have zoning “clustered” rather than following corridors. Thirty-three (33) other residential uses currently exist in the C-3 zone adjacent to the subject property, including two (2) four-family structures as direct abutters. Only 18 of the 50 parcels in the 400’ buffer that are zoned commercial are NOT used for residential purposes.
- The proposed density of the lot is 16.51 units/acre. The density of the neighboring residential lots is approximately 33 units/acre (both long pre-date the adoption of zoning).
- Other residential properties in the 400’ range were built from 1760-1930 and contain 2-6 units. Multifamily uses predate the adoption of zoning in all cases.
- Two-family uses in the 400’ range are a mix of preexisting nonconforming and variances granted within the last ten years.
- The Comprehensive Plan supports the preservation and improvement of existing nonconforming two and three-family dwellings as well as reduction of the burden zoning places on said properties, (HP-5.1).
- The Comprehensive Plan supports the review of existing zoning to match it as closely as possible to the existing neighborhood and the protection of existing neighborhoods by ensuring zoning matches the existing built environment (HP-5.2).

Planning Analysis

If the subject property were zoned for or designated on the Future Land Use Map as residential, it would be above the highest density permitted or planned for the City. However, even in use as a two-family structure, the subject property would be less dense than many portions of Pawtuxet Village, including several properties within the 400’ buffer on the maps, the majority of which are also zoned for/depicted as commercial. A majority of these parcels and structures predate the adoption of zoning, often by decades or even hundreds of years. With this in mind, the proposed development is very much in keeping with the overall character of the surrounding neighborhood.

The existing structure is a two-story building created in stages and featuring a mix of cinderblock and vinyl siding. The proposed redevelopment of the site will present a cohesive façade, greatly improving the aesthetics of the street and bringing this parcel into greater conformity with the general look and feel of Pawtuxet Village.

Upon review of the Comprehensive Plan, it is clear that the improvement of a residential property in an existing residential neighborhood, regardless of zoning, is a priority of the City. All references to such effect specifically mention that the City’s current zoning provisions do not reflect the existing built environment. This is a particularly challenging issue in a historic area like Pawtuxet Village where the entire neighborhood itself predates the City’s Zoning Code, thus requiring variances for most modifications of the use or structure.

Recommendation:

In accordance with RIGL §45-24-41(b), Staff finds this Application generally consistent with the goals and purposes of the Comprehensive Plan and is compatible with the general character of the surrounding neighborhood. Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and forward a **POSITIVE RECOMMENDATION** on the Application to the Zoning Board of Review.

In this case, applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is not due to a physical or economic disability of the applicant, that the subject structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance, the hardship does not result primarily from the desire of the applicant to realize greater financial gain, will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan, and is the least relief necessary. In granting a variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variances; Section 17.20.030- Schedule of Uses; Section 17.20.120 - Schedule of Intensity Regulations.

NEW BUSINESS

Ward 1

NICHOLAS & DONNA USENIA (OWN/APP)) have applied to the Board for permission to convert an existing detached garage to be used as personal recreation with restricted setbacks at **96 Armington Street**, A.P. 2, lot 3283; area 6,930 SF, zoned B2. Applicant seeks relief per 17.92.010 -Variances; Sections 17.20.120- Schedule of Intensity Regulations; 17.60.010 (B)- Accessory Uses. Application filed 10/11/2023. Edward R. McCormick, Esq.

On a motion made by Mr. Zambrano and seconded by Mr. Corrao, this matter was unanimously voted on to be continued to the December 13, 2023 meeting at the request of the applicant.

Ward 1

BRIAN LONGO (OWN/APP) has filed an application for permission to convert an existing industrial building to residential use with two dwelling units at **45 Windsor Road**, A.P. 2, lot 2406; area 6,000 SF, zoned B2. Applicant seeks relief per 17.92.010 -Variances; Sections 17.20.030- Schedule of uses; 17.20.120- Schedule of Intensity Regulations. Application filed 10/11/2023. Joseph C. Manera, Esq.

On a motion made by Mr. Norcliffe and seconded by Ms. McFarland, this matter was unanimously Approved with conditions as presented to the Board on December 13, 2024

CONDITIONS:

1. Existing tree shared with abutter to be preserved.

The Board made their decision based on the following findings of facts:

Planning Staff Analysis

- This application is sought to allow for the conversion of a pre-existing non-conforming structure, from a non-conforming use to a conforming use (two-family residential) on an undersized lot.
- The Applicant has *not* requested specific relief from the Zoning Ordinance in their application.
 - However, given the pre-existing nature of the structure to be altered and the contents of the Proposal, it appears that the relief necessary would fall under:
 - *17.20.120 – Schedule of Intensity Regulations – Minimum Lot Area*
- The required minimum lot area for a two-family residential building in a B1 zone is 8,000 sq. ft., where the Applicant is proposing 6,000 sq. ft.
- The required density for this area as prescribed by the Comprehensive Plan's Future Land Use Map (FLUM) is 10.89 units per acre, where the resulting density via this Proposal is 14.52 units per acre.
- Parcels of higher density than what is prescribed in the FLUM are not uncommon in this neighborhood; 16% of the parcels in the surrounding area have a density ranging between 13 and 78 Units Per Acre.
- Staff find that there are goals and policies outlined in the Comprehensive Plan which are relevant to this Proposal:

- *LUG-9 Protect and stabilize existing residential neighborhoods.*
 - *LUP-9.1 Protect and stabilize existing residential neighborhoods by increasing open space, improving roadway conditions, and making the zoning conform to existing uses.*
 - *LUP-9.2 Continue to give attention to neighborhood revitalization through code enforcement and financing mechanisms, particularly in areas of aging housing stock and low median incomes.*
 - *LUP-9.3 Preserve the existing density of established neighborhoods.*
 - *HG-2 Permit a variety of residential development types to achieve multiple community objectives.*
 - *HP-2.2 Enact flexible development standards that attain desired community objectives, but also provide a wide range of building types, uses, subdivisions, and site plans.*
 - *HG-4 Promote housing opportunity for a wide range of household types and income levels.*
 - *HP-4.1 Maintain a varied housing stock, with units of different age, size and type that are affordable to a wide range of incomes.*
 - *HG-5 Conserve housing resources, especially affordable housing units, to preserve the base housing stock, as the costs of locating and constructing new housing units are significant.*
 - *HP-5.1 Reduce the burden of zoning and building regulations, to enable two- and three-family unit dwellings to be easily modified, maintained, and improved within the existing neighborhoods.*
 - *HP-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.*
- It is Staff's view that converting from a non-conforming commercial use to a conforming residential use brings the property into further compliance with the intentions set forth in the general purposes of the Zoning Ordinance and is seen to be supported by more of those goals and policies in the Comprehensive Plan than not as shown in Staff's Findings.

Findings of Fact:

As supported by the analysis, Staff has made the following Findings:

- Staff finds that there are some inconsistencies between the proposal as submitted and the Comprehensive Plan, namely:
 - The required density for this area as prescribed by the FLUM is 10.89 units per acre, whereas the density offered via this proposal is 14.52 units per acre.
 - *LUP-9.3 Preserve the existing density of established neighborhoods.*
 - *LUP-9.2 Continue to give attention to neighborhood revitalization through code enforcement and financing mechanisms, particularly in areas of aging housing stock and low median incomes.*

Add in density is right on the mark, slightly lower, and that density is based on a number of high-density residential developments in the immediate area.

- Staff finds the proposal to be consistent with following policies, goals, and/or actions as outlined in the Comprehensive Plan:
 - *LUP-9.1 Protect and stabilize existing residential neighborhoods by increasing open space, improving roadway conditions, and making the zoning conform to existing uses.*
 - *LUP-9.3 Preserve the existing density of established neighborhoods.*
 - *HP-2.2 Enact flexible development standards that attain desired community objectives, but also provide a wide range of building types, uses, subdivisions, and site plans.*
 - *HP-4.1 Maintain a varied housing stock, with units of different age, size and type that are affordable to a wide range of incomes.*
 - *HP-5.1 Reduce the burden of zoning and building regulations, to enable two- and three-family unit dwellings to be easily modified, maintained, and improved within the existing neighborhoods.*
 - *HP-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 finds that the proposal is consistent with the general character of the surrounding neighborhood in the following ways:
 - Two-Family, Three-Family and Multi-Family dwellings are not uncommon in this neighborhood, the vast majority (87%) of which are on undersized lots and have densities far exceeding the FLUM designation, (see discussion above).

Recommendation:

In accordance with RIGL §45-24-41(b), Staff finds this Application consistent with the goals and purposes of the Comprehensive Plan and is compatible with the general character of the surrounding neighborhood. Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and forward a **POSITIVE RECOMMENDATION** on the Application to the Zoning Board of Review.

In this case, the Board voted to accept the staff finding of fact and applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is not due to a physical or economic disability of the applicant, that the hardship does not result primarily from the desire of the applicant to realize greater financial gain, will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan, and is the least relief necessary. In granting a variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Section 17.20.120 - Schedule of Intensity Regulations.

Ward 4

GAENSLY & ERIKA LUCEUS (OWN/APP) have applied to construct an addition to an existing single-family residence within the required front yard setback to be used as an accessory family dwelling unit at **72 Lincoln Park Avenue**, A.P. 18, lot 331; area 9,000 SF, zoned A6. Applicant seeks relief per 17.92.010 - Variances; Sections 17.20.120- Schedule of Intensity Regulations. Application filed 10/24/2023. No Attorney.

On a motion made by Mr. Norcliffe and seconded by Ms. McFarland, this matter was unanimously Approved with conditions as presented to the Board on December 13, 2024

CONDITIONS:

1. Driveway curb cut opening size to be waived.

The Board made their decision based on the following findings of facts:

Findings of Fact:

- The Applicant has requested specific relief in their Application, namely:
 - 17.20.100 – Schedule of Intensity
 - 17.92.010 – Variances
- 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 property and the surrounding area are residential in nature and the request does not propose or encourage incompatible uses that would be disruptive to the surrounding area.
- The Future Land Use Map (FLUM) designates the subject property as “*Single-family Residential.*”
 - Per the Comprehensive Plan, the A-6 zoning district is an appropriate zoning classification for single-family residential land designation.
 - 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 accessory residential development which Staff find to 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 4.3: Promote regulations that facilitate the development of affordable housing.
- Housing Policy 4.7: Promote the development of special housing alternatives for the elderly and handicapped.

Recommendation:

In accordance with RIGL § 45-24-42(b)(3) and Section 17.92.020(A)(3)¶2 of the Zoning Ordinance, Staff finds this Application generally consistent with the goals and purposes of the Comprehensive Plan and is compatible with the general character of the surrounding neighborhood. Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and forward a **POSITIVE RECOMMENDATION** on the Application to the Zoning Board of Review.

In this case, the Board voted to accept the staff finding of fact and applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is not due to a physical or economic disability of the applicant, that the hardship does not result primarily from the desire of the applicant to realize greater financial gain, will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan, and is the least relief necessary. In granting a variance the Applicant met the requirements of the Zoning Code and relief per Section 17.92.010 Variance; Section 17.20.120 - Schedule of Intensity Regulations. 17.60.010- Accessory uses.

Ward 1

HAML BRIGGS PROPERTIES(OWN) and MANDEVILLE SIGN CO (APP) have applied to the Board to request permission to install a new free-standing sign greater than which is allowed by regulations at **800 Wellington Avenue**, A.P.5, lot 2434, area 173,440 zoned M-2. Applicants seek relief per Section 17.92.010- Variances; Section 17.72.010- Signs. Application filed 11/1/2023. Brenda F. Ryan, Esq.

On a motion made by Mr. Perdikakis and seconded by Ms. McFarland, this matter was unanimously voted on to be continued to the January 10, 2024 meeting at the request of the applicant.

Stanley Pikul
Secretary, Zoning & Platting Boards

The meeting was adjourned at 8:10 PM
