



PATRICK J. SULLIVAN
DIRECTOR

City of New Bedford

Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740
 Telephone: (508) 979.1500 Facsimile: (508) 979.1575

STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING
December 15, 2016

Case #4256: VARIANCE

1053 Braley Road
 Map: 136, Lot: 278

Owner/ Applicant: Edward and Jeanne Motyl
 1053 Braley Road
 New Bedford, MA 02745



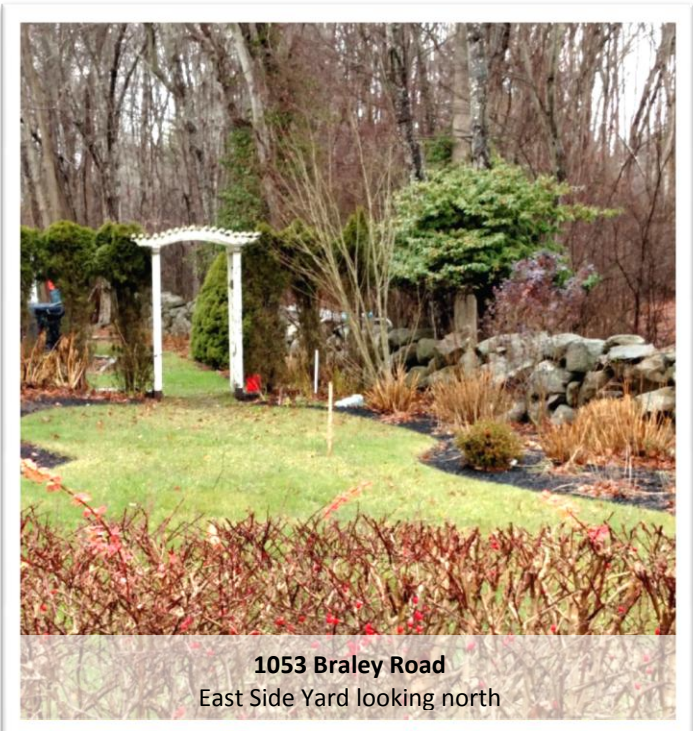
Overview of Request: The petitioner has submitted an application for a **Variance** relative to the subject property located within a Residential A [RA] zoning district. The petitioners propose to erect a 14'x36' addition on the east side of the existing house. The proposal requires a variance for side yard setbacks. The west side yard setback (where no change is proposed) is currently nonconforming at 7.4', where 10' is required; and the proposed addition will result in a 6' east side yard setback, where 12' is required.

	Existing	Required	Proposed
West side yard <i>(left from street view)</i>	7.4'	10'	7.4'
East side yard <i>(right from street view)</i>	21'	12'	6'

As with all variances, the board must find:

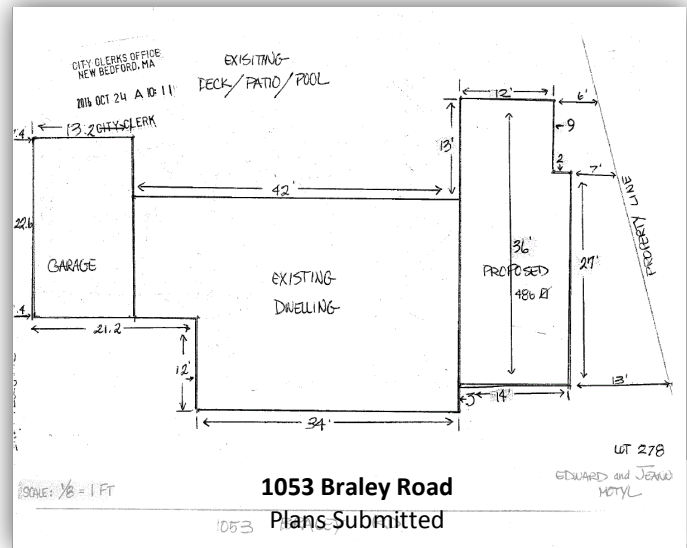
- There are circumstances relating to the soil conditions, shape or topography which especially affect the land in question, but which do not affect generally the zoning district in which the land or structure in question is located.
- If the city were to literally enforce the zoning ordinance, due to these circumstances unique to this land or structure, it would mean substantial hardship to the petitioner.
- The granting of the variance would not take away from the purpose of the zoning ordinance nor would it cause substantial detriment to the public good.

Existing Conditions: The existing 29,760 sq. ft. lot has 103'+ frontage on Braley Road and 373'+ depth on the east side and 350'+ depth on the west side. The lot shape is a trapezoid angled westerly. The property has an existing single-family cape-style house and attached garage. There is a driveway in the front leading to the garage and in the rear yard there is a deck, patio area, above-ground pool, and a shed. The house has 3 bedrooms and one bathroom. The existing side yard setbacks are 7.4' on the west side and 21' on the east side. The property is surrounded by mature trees on the east, north, and most of the western edges. A stone wall delineates the property boundary on the east and a portion of the northern edge.



Located in the north end, near Pulaski Elementary School, the surrounding neighborhood has single-family houses on lots larger than seen elsewhere in the city. The west side abutter is a single family house. The east side abutter is undeveloped land. The rear abutting property is a single family home on a 66,761 sq. ft. lot with frontage on Acushnet Avenue. Braley Road is a busy thoroughfare as it is a primary connector to Route 140 for north end residents.

Proposal: The petitioner proposes to erect a one-story addition on the east side of the existing dwelling. The addition is proposed to expand 14' easterly in the front, 36' northerly, and 12' easterly in the rear. Due to the angle of the land the east side setback from the front corner of the proposed addition will be 13', while the rear corner will be 6' from the property line therefore requiring a variance. The addition will have one bedroom, one full-bathroom, and a laundry room. The petitioners explain the addition is proposed so the petitioner's mother can move into the house with them.



In regards to the criteria necessary to grant the appeal, as they relate to the soil conditions, shape or topography; the applicant explains they are filing for the variance due to the odd shape of the lot and the lots on each side of their property. They contend that due to the angle of the lot, the addition in the back (north) will be 6' from the property line and the front 13' from the property line.

In regards to the hardship criteria, the petitioner writes "my mother would be without a home and forced into a nursing home". Further they provide detail on other scenarios explored and why they petition the east side addition is the best option. They explain in the application that the upstairs is not a viable option for their mother and there is not a bathroom upstairs. Further they explored converting the garage into living space however it is too small and they would have to go before this board in that case as well [parking in front of a dwelling]. If they

were to put an addition on the rear of the house it would require removal of the patio and shrubs, and require they move the pool, shed and bulk head. Further, there is easier access to the sewer line on the east side the petitioner highlights.

Lastly, in regards to the intent of the ordinance and impacts on the public good, the petitioners indicate the project is within their property, there are no obstructions or removal or earth or vegetation needed and the abutting property is a wooded area.

For Board Member Consideration:

This lot and those immediately around it are somewhat unique in shape and size compared to most of the city and even the north end – where lots are typically larger than elsewhere in the city. While these lots have ample square footage for buildings they are much longer than they are wide.





Pulaski Elementary School

Braley Rd

1053 Braley Road Map:136, Lot: 278

NOTE: Property line is approximate; for discussion purposes, only.

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Imagery Date: 8/22/2016 41°43'39.43" N 70°56'33.93" W elev 123 ft eye alt 734 ft