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STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

December 15, 2016

Case #4258: VARIANCE

141 Union Street
Map: 53, Lot: 143

Owner: Waterfront Historic Area League
c/o Teri Bernert
128 Union Street
New Bedford, MA 02740

Applicant: Studio 2 Sustain, Inc.
412 County Street
New Bedford, MA 02740

Overview of Request: The petitioner has submitted an application for a **Variance** relative to the subject property located within a Mixed Use Business [MUB] zoning district. The petitioners propose to rehabilitate the existing building into two small restaurants, professional office space, and two two-bedroom apartments. The proposal requires a variance for parking and loading requirements. The petitioners propose zero (0) parking spaces, where 14 parking spaces and one (1) loading space are required under the zoning ordinance.

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



141 Union Street
Looking northeast from Union Street



141 Union Street
Looking southeast from Acushnet Avenue

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 1,829 sq. ft. lot located in the Downtown historic district has 15' of frontage on Union Street and 102' of frontage along Acushnet Avenue. The rear of the property fronts onto Barkers Lane. The currently vacant building previously was used as two restaurants and commercial space. As the building takes up the entire lot there are no parking or loading spaces on site.

Located within the city's downtown, the surrounding neighborhood is mixed use with both commercial and residential uses present. This particular block has multiple vacant storefronts. Directly abutting this property is a vacant building to the east (also purchased by the applicant), a mixed use building to the west (with a restaurant, professional office, hair salon, and residential units above), Custom House Square Park to the north, and The DeMello International Center professional office building (formerly known as the Santander building) across the street to the south.

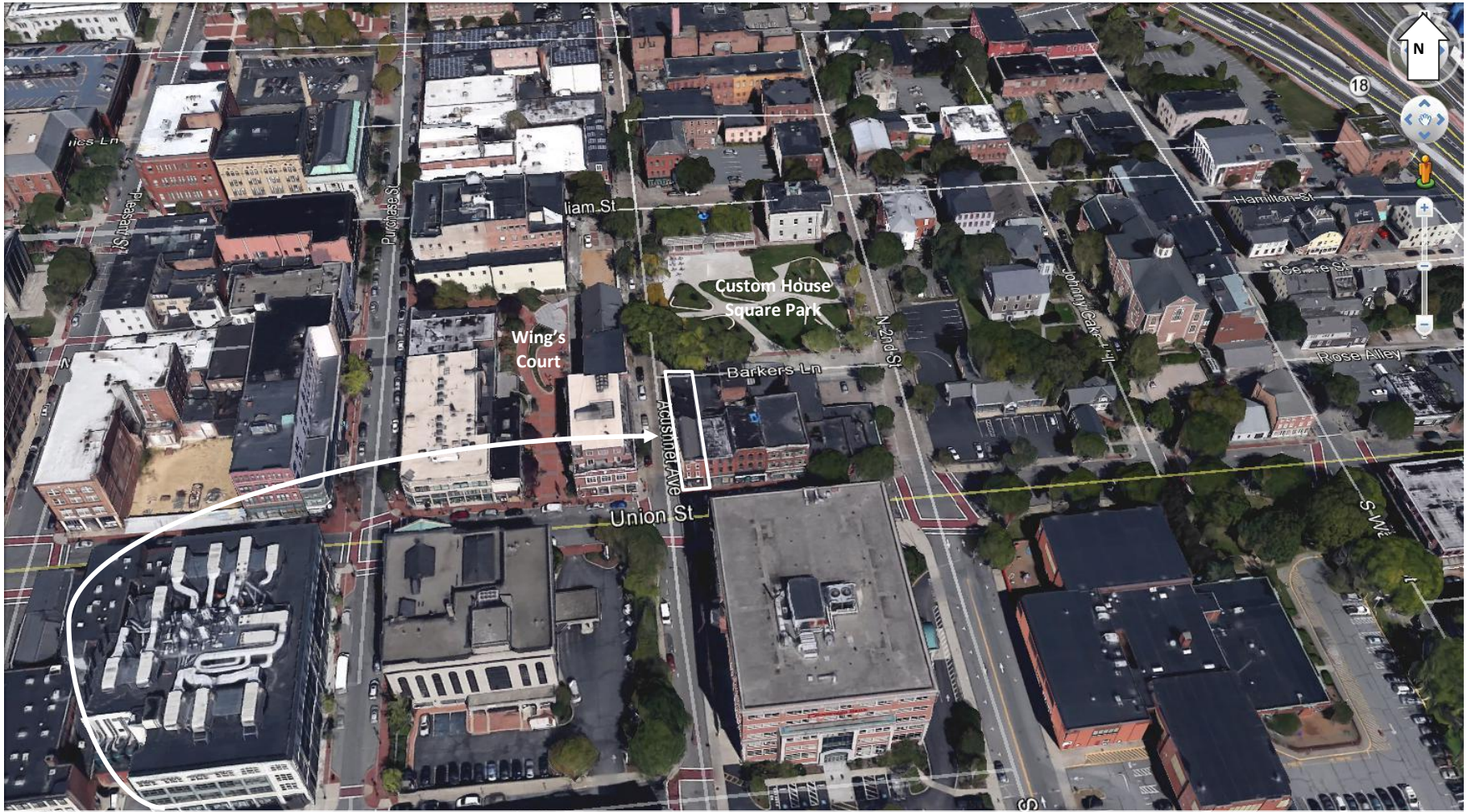
Metered street parking is located on Union Street and the surrounding streets. The Elm Street and Zeiterion municipal public parking garages are each located within less than a 5 minute walk of the site.

Proposal: The petitioner's propose to create two small restaurants, professional offices, and two two-bedroom apartments as part of a project they are branding the "Co-Creative Center". The Co-Creative Center encompasses two abutting buildings, 139 Union Street and 141 Union Street. The 141 Union Street first floor will house two small restaurants one fronting on Union Street the other on Barkers Lane, both accessible via Acushnet Avenue. The second floor will have professional office space and a two-bedroom apartment. The third floor will have a two bedroom apartment with access to a loft space in the attic. Additional information about the adjoining 139 Union Street project by the same petitioner is provided in the Staff Comments prepared for the Zoning Board of Appeals Case #4257.

The petitioners estimate that the 141 Union Street building (a part of the overall Co-Creative Center project) will serve 110 customers per day, have 4 employees and be open 7 days a week from 7am-8pm. Deliveries are expected weekly between 9am-5pm.

In regards to the criteria necessary to grant the variance, the petitioner states in the application that the building takes up the entire lot and there is no land available for parking indicating that without the requested zoning relief, "...WHALE (Waterfront Historic Area League) can't restore the building." Further they indicate relief would not derogate from the intent of the ordinance as most businesses downtown don't have parking and "there is plenty of on-street parking."

For Board Member Consideration: The proposal as it stands reactivates an existing vacant property along a very pedestrian-active, commercial area of the Downtown. The reuse aligns with the City's goals of re-activating vacant storefronts and increasing residential opportunities in the downtown. The city seeks to promote development that supports the pedestrian experience and walkability throughout the city and particularly within the Downtown. The proposal encourages pedestrian activity in this area while municipal/public parking areas and garages are available within a reasonable distance for vehicular demand.



141 Union Street Map: 55, Lot: 143

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

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41°38'03.90" N 70°55'29.04" W elev 74 ft eye alt 866 ft