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## STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

November 10, 2016

**Case # 4253: VARIANCE**

11 Nautilus Street  
Map: 5, Lot: 197

**Owner/** Nicki and Nitza La Roca  
**Applicant:** 11 Nautilus Street  
New Bedford, MA 02744

**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 seek approval for the location of a generator installed on the property as plans filed. The petitioners seek approval for the generator being located in the side yard rather than the rear yard, and the location being 7'5" from the south side property line, where 10' is required under zoning ordinance.

The required side yard setbacks are 10' on one side, and 12' on the other and further the zoning code specifies that "the side yard shall be unobstructed from the line of the street to the rear lot line except that open porches, decks, steps, patios and pools (including any projections therefrom), which are located behind the dwelling within the rear yard, may extend to six (6) feet of a side lot line..."<sup>1</sup>

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.



<sup>1</sup> New Bedford Code of Ordinances Chapter 9, Section 2755

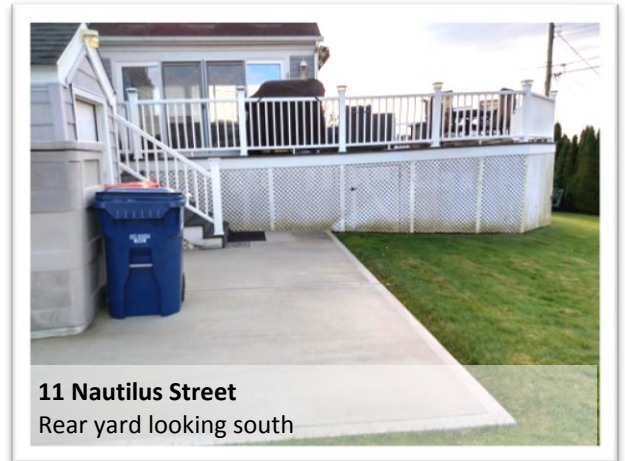
**Existing Conditions:** The existing 8,169 sq. ft. lot has 75' of frontage on Nautilus Street and is a slight parallelogram shape with 112' depth on the south side and 108' on the north side. The property has a single-family house with a front porch, rear sun room, rear deck, and enclosed rear and north side entries. The property has a chimney and a central air conditioning unit on the north side of the house. Another central air conditioning unit is located behind the rear northwest corner of the house. There is a 29' wide x 54'± driveway on the north side of the dwelling and a shed located in each rear corner of the property. The property slopes down westward toward West Rodney French Boulevard. Located on the City's south end peninsula the neighborhood is comprised entirely of single family houses.

**Proposal:** The petitioner seeks approval for the location of a generator installed on the south side of the house 7'5" from the property line. The petitioners informed staff they were unaware of location restrictions when they poured a concrete foundation and placed the unit in the location. They told staff, they learned of the requirements when filing for a plumbing permit to connect the generator to the house. The stand-by generator proposed is 11 KW, natural gas powered, and produces 63 decibels at normal operation.

In regards to the criteria necessary to grant the appeal, the applicants' petition that the location of the [rear] deck, the two sets of stairs [to access the deck], and the rear entrance to the cellar at the back of the house make placement of the generator anywhere else difficult. Planning staff note the location of existing structures along the rear of the house does limit the location of the generator. Further, the generator could not be located under the deck due to fire safety.

Further they indicate the utilities are located on the south side of the house and the location allows for the least extension of these lines. The petitioners indicate the hardship is that there is no other location on the property it can be relocated to. Further the generator is needed in the event of a power outage in order to run an electric breathing machine. They petition that the generator does not obstruct anything and is barely visible from the street and The generator can be programmed to control the cycle time. They indicate the abutter most impacted by the proposal has no objections.

**For Board Member Consideration:** Planning staff recommend, if granted, the board consider screening around the generator be made a condition of approval. Screening is recommended in order to reduce



visual and any potential noise impact to the neighborhood, preferably additional landscaped screening particularly in the front (east side) and south side of the generator.

Planning staff noted at the site visit the abutter to the north side of this property has a generator located in the side yard. Therefore, this proposal may not be out of character with the neighborhood.





Clarks Cove



# 11 Nautilus Street Map: 5, Lot: 197

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

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Imagery Date: 8/22/2016 41°35'54.26" N 70°54'40.81" W elev 11 ft eye alt 640 ft

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