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STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

October 20, 2016

Case # 4247: VARIANCE
 310 Park Street
 Map: 57, Lot: 60

Owner/ Applicant: Lau Van Luu
 310 Park 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] zoned district. The petitioner seeks approval of a driveway that was installed without permits or meeting the required setback. The driveway as installed has a 6" south side setback, where 1' 4" is required.



310 Park Street
 Looking east from Park Street

Board members should note that because the lot is less than 5,000 sq. ft. it falls under the city Zoning Ordinance c.9 section 2756-special driveway requirements. Because of this, the setback is required to be "ten (10) percent of the distance between the side lot line and the principle dwelling." In this case, the Inspectional Services department has determined a 1'6" setback is required. Additionally, the installation of the driveway reduced the green space on the property to 15%, where 35% of green space is required.

	Existing	Required	Proposed
South side yard <i>(right from street view)</i>	6"	1'4"	6"
Green space	15%	35%	15%

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 1,935 sq. ft. lot has 42'± of frontage on Park Street and is 45''± in depth. The property has a 40'± x 24'± single family house with cement walkway and an 12' 4''± x 40'± cement driveway on the south side of the house. A white vinyl gate opens to the driveway, and fencing surrounds the property. A raised planting bed area approximately 4' wide runs the length of the rear property line. The house is positioned along the north side property line.

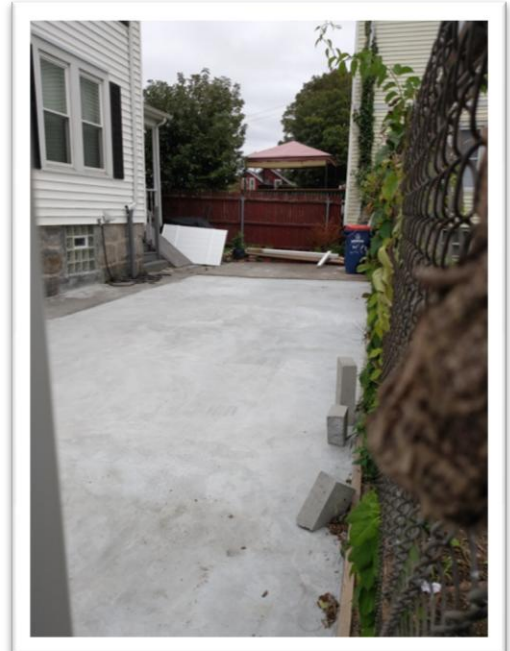
Located a block away from the Andrea McCoy Recreation Center the surrounding neighborhood is comprised of primarily single, two- and three-family residential properties on Park Street and a few commercial use properties (auto repair, laundry and private storage) along Hillman Street and North Street.

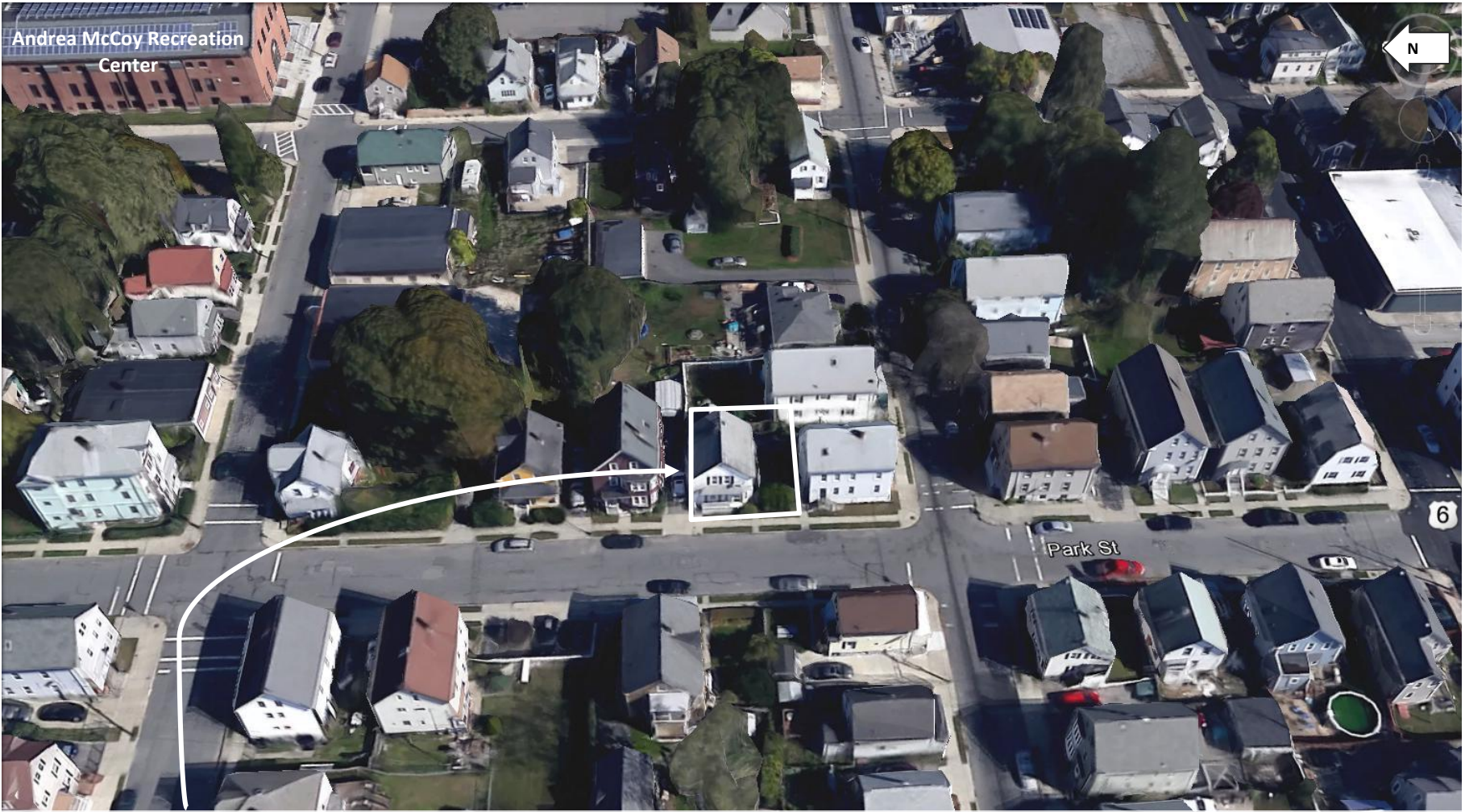
Proposal: The petitioner proposes to keep the driveway as previously installed leaving a 6" side yard setback on the south side (10" less than required) and maintaining only 15% green space on the property (where 35% is required).

The petitioner explained to planning staff that there is no other location on the property where they could place a driveway. The petitioner informed staff he knew there was supposed to be space between his driveway and his neighbor but did not know it had to be 1'4". The petitioner indicates on the application that the driveway would be too small and not have enough space to drive the car in if the driveway had to meet the required setback. The applicant petitions that the neighborhood has similar driveways and the driveway gets the car off the road.

For Board Member Consideration: During an afternoon site visit staff noticed that Park Street has steady moderate vehicular traffic and it was difficult to find parking on this block of Park Street. As noted by the petitioner, staff confirms the surrounding residential properties on Park Street have driveways with little or no setback from the shared property lines. An example of this is as close as the north side abutter's driveway is paved up to the petitioner's foundation. Staff finds that this occurrence is not altogether unusual for this neighborhood and indeed, many areas within the city.

Should the board move to approve this petition, it may wish to consider working with the applicant in determining the possibility of increasing the percentage of green space beyond the 15% provided.





310 Park Street Map: 57, Lot: 60

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

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Google Earth

41°38'16.67" N 70°56'19.66" W elev 118 ft eye alt 511 ft