



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

September 15, 2016

Case # 4245: SPECIAL PERMIT
331-337 Wood Street
Map: 117, Lot: 26

**Owner/
Applicant:** JMP Property and Development
24 Jocelyn Street
New Bedford, MA 02745

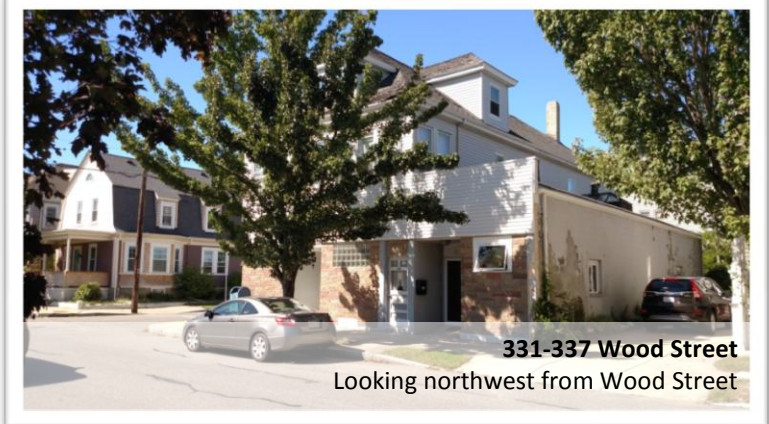
Overview of Request: The petitioner has submitted an application for a **Special Permit** relative to the subject property located within a **Residential B [RB]** zoning district. The property is an existing nonconforming use and structure under the city's code of ordinances with two residential units and one commercial space. The petitioner proposes to convert the existing repair shop on the west side of the first floor to a residential unit resulting in a 3-unit multifamily residential use, where a maximum of a two-family residential use is allowed in the zoning district. A change to an existing nonconforming property requires a Special Permit.

As with all Special Permits, the ZBA must determine that the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use. To this end the board shall consider each of the following in its determination:

- a.) social, economic, or community needs which are served by the proposal;
- b.) traffic flow and safety, including parking and loading;
- c.) adequacy of utilities and other public services;
- d.) neighborhood character and social structures;
- e.) impacts on the natural environment; and potential fiscal impact, including impact on city services, tax base, and employment.



331-337 Wood Street
Looking northeast from Wood Street



331-337 Wood Street
Looking northwest from Wood Street

Additionally, the ZBA must determine that the proposed change to the nonconforming structure shall not be:

f.) substantially more detrimental than the existing nonconforming structure to the neighborhood.

Existing Conditions: This north-end 3,400± sq. ft. corner lot located one block north of Brooklawn Park has 40' frontage on Wood Street and 80' on the adjacent Vernon Street. The property consists of a 60'x26' two story building with a 60'x13' one story addition on the east side. The property has two existing residential units and one commercial space. The second story is a two-bedroom apartment while the east side addition is a one bedroom apartment. The petitioner told staff the commercial space, on the west side first floor, previously was a pinball machine repair shop. The commercial space is primarily an open space with two storage rooms and a half bath. The property also has curb cut in the rear accessing a grassy area shown on plans as a four car driveway.



The surrounding neighborhood is residential with a mix of single and multifamily housing. Directly abutting this property in the rear is a 6 unit multifamily. There is a two-family dwelling to the west and single family houses are across the street at all three opposite corners of the Wood Street and Vernon Street intersection.

Proposal: The petitioner proposes to convert the existing commercial space into a single two bedroom apartment with one full bathroom and in doing so also reconfigure the rear west entrance to a shared laundry and storage area. The petitioner also proposes to pave the rear yard which presently has a curb cut already in place. Should the ZBA grant the requested special permit, applicant would then seek permission for the parking lot through the Planning Board's site plan approval process.

In regards to the criteria necessary to grant the special permit, staff offers the following:

- a.) **Social, economic or community needs which are served by the proposal.** The applicant notes in the petition that "by converting the repair shop to a residential unit there is traffic relief to the neighborhood, creating housing and economic stimulus".
- b.) **Traffic flow and safety including parking/unloading.** The applicant points out there are four (4) proposed off-street parking spaces available for parking and existing utility service adequate for the proposed use. Zoning Board members should note the proposal requires a Special Permit for the reduction in parking requirements from the Planning Board. The proposal includes four off-street parking spaces, where six are required (2 per unit). The petitioner has not yet submitted materials to the Planning Board.
- c.) **Adequacy of utilities and other public services.** Petitioner's application notes there is existing utility service adequate for the proposed use.
- d.) **Neighborhood character.** The proposed special permit would allow for one additional residential unit on a lot that already has two such units. However, the neighborhood is heavily residential and comprised of a combination of single, two family and multi-family dwellings. This includes several such buildings like the subject property that appear to have had first floor commercial uses but have since converted from retail to residential uses. In this respect, conversion for this unit would not be entirely out of character with the neighborhood.
- e.) **Impacts on the natural environment/potential fiscal impact, etc.** Although the applicant makes no explicit statement relative to such impacts, staff would argue that the proposed conversion to residential from

commercial in this location may provide a greater likelihood for tenant occupancy and thus, generate positive return/impact financially.

- f.) **Nonconforming structures.** With respect to criteria for nonconforming structures the applicant states “the proposed alteration does not substantially change nor does it create a more detrimental impact than the existing nonconforming structure to the neighborhood because all the work is occurring on the interior or a building with that blends in with the character of existing building in the neighborhood.”

For Board Member Consideration:

- Located in a residentially-zoned neighborhood flanked by two commercial corridors of Ashley Boulevard and Acushnet Avenue, the location is not well-suited for a commercial use. Most commercial uses are not allowed in the RB zone under the current zoning ordinance; on the contrary, residential uses are more appropriate and encouraged in this zone.
- The proposed use exceeds the allowed number of units in the RB zone under the current zoning ordinance; however other nonconforming properties with more units are also present in this neighborhood.
- Planning Staff have noted an error on the plan submitted and have requested the applicant correct the name of the adjacent street name to “Vernon Street”. It currently is labeled as “Waldo Street”. The property sits at the north east corner of the Wood Street and Vernon Street intersection (see aerial image on next page).
- Should the ZBA move to grant the requested special permit, it may wish to consider adding a condition that stipulates that the applicant shall receive approval to construct a rear parking area so as to ensure the offset of parking impact on the street, meaning, without site plan approval any ZBA relief would be negated as it relies on that parking offset.



331-337 Wood Street Map: 117, Lot: 26

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

© 2016 Google

Google earth

41°40'43.85" N 70°55'41.77" W elev 57 ft eye alt 568 ft