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STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

September 15, 2016

Case # 4244: VARIANCE
 176 Shawmut Avenue
 Map: 76, Lot: 126

Owner/ Applicant: Dennis Costa
 176 Shawmut Avenue
 New Bedford, MA
 02740



Overview of Request: The petitioner has submitted an application for a **Variance** relative to the subject property located within a Residential B [RB] zoning district. The petitioner proposes to erect an 18'x20' prefabricated garage on the north side of the property as plans filed. The petitioner proposes a 4' side yard setback where 12' is required under zoning ordinance.

The side yard setback requirements are the same for detached accessory garages as for the principal building on a site. The required side yard setbacks are 10' on one side, and 12' on the other. The table below shows the existing, proposed, and required side yard setback for this property.

	Existing	Required	Proposed
North side yard <i>(left from street view)</i>	19' 5"	12'	4'
South side yard <i>(right from street view)</i>	4' 4"	10'	4' 4"

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 4,639 sq. ft. lot has 51'± of frontage on Shawmut Avenue and is 98'± in depth on the north side and 87'± in depth on the south side – due to the angle of Shawmut Avenue. The property has a 30'± x 24'± single family house, a fenced in rear yard with three sheds of varying sizes, and a driveway on the north side of the house. Located in the City's west end near Rua's West End Pizza and New Bedford High School the surrounding neighborhood is primarily single and two-family houses.

Staff noted multiple cars on the driveway in the course of conducting site visits to this property.

Proposal: The petitioner proposes to erect a prefabricated 18'x20' single car garage in the north side yard, ten feet behind the existing rear yard fence gate

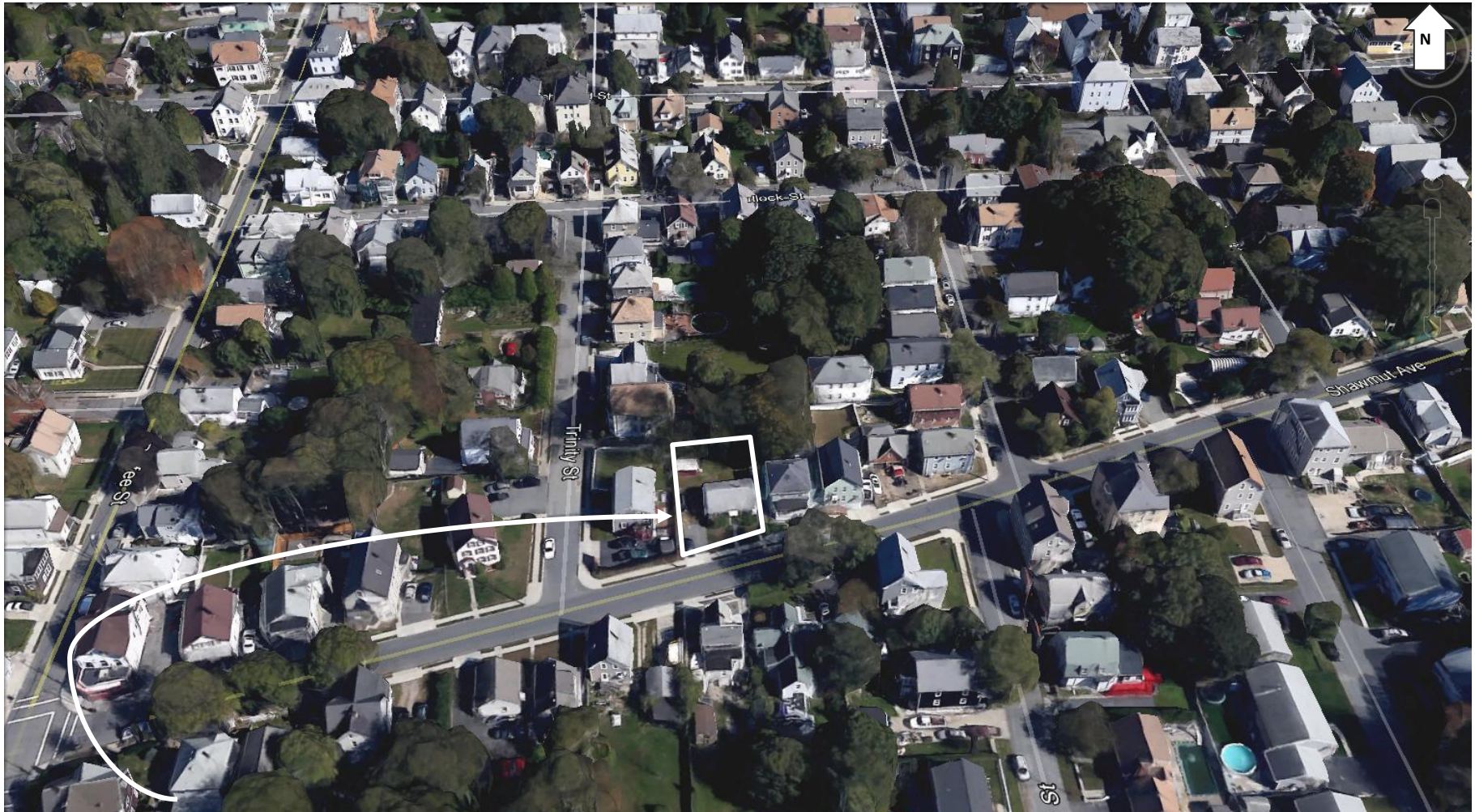
and four feet from the shared north side property line. The 14'x10' shed currently in this location will be relocated farther into the rear yard and the smallest shed will be removed. The sheds are required to be 18" from the rear and side yard fence.

The petitioner states that due to the placement of the house, the garage will only fit as proposed. The petitioner described to planning staff that placing the garage anywhere else behind the house would create a difficult angle for a car to enter a garage; either the door opening would face the side yard or be close to the corner of the house. Therefore, the petitioner states that placing the garage door facing the street would give the homeowner the ability to drive his vehicle into the garage without any "problem turns". He claims the proposal would not take away from the city zoning ordinance nor impact the neighbor's quality of life.

For Board Member Consideration: The neighboring properties are similarly-sized with structures positioned close to the shared property lines. The shape and width of the lot in combination with the location of the existing house does limit the placement of structures on the site. The petitioner could locate the garage more southerly behind the house to meet the setback requirement however staff acknowledged vehicular access would be difficult.

As proposed the garage door is off-set from the existing gate entry, which the petitioner wishes to retain. The petitioner informed staff if granted, he plans to later seek a permit to pave the additional driveway necessary to access the new garage. Staff notes more impervious pavement would need to be added to the yard to access a garage in any other configuration other than proposed.





176 Shawmut Avenue Map: 76, Lot: 126

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

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41°38'53.37" N 70°56'26.24" W elev 134 ft eye alt 736 ft