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STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

September 20, 2016

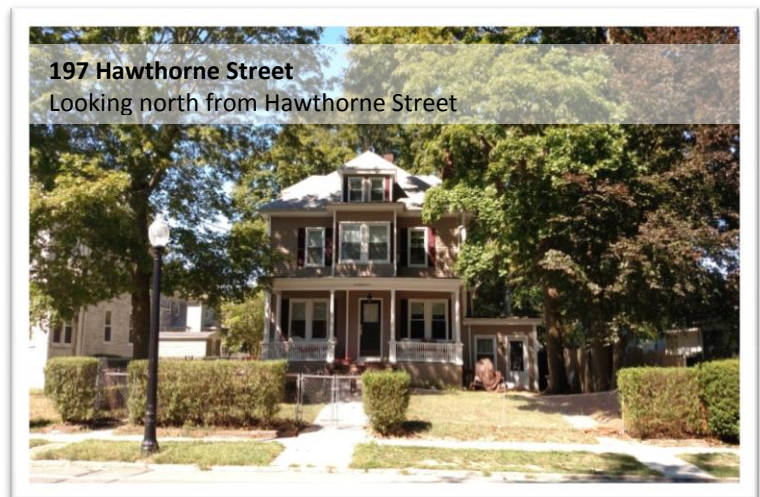
Case # 4246: VARIANCE
197 Hawthorne Street
Map: 45, Lot: 356

Owner/ Cynthia and James
Applicant: Cammarata
197 Hawthorne 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 Residential A [RA] zoning district. The petitioner proposes to construct a ribbon style driveway¹ as plans filed. The petitioner proposes the location in front of the dwelling, which requires a variance as the location in front of a dwelling is not allowed under zoning ordinance.

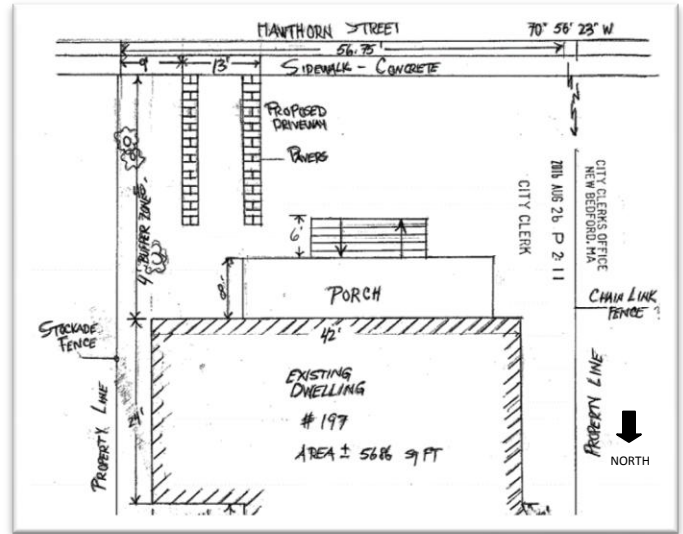
As with all variances, the board must find:

- 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 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.



¹ Example image source: "Storm water friendly Driveway: Ribbon Driveway" Burlington, VT Public Works. Accessible online 9/12/16, https://www.burlingtonvt.gov/sites/default/files/DPW/Stormwater/Driveways/05_Ribbon_driveways_20140102.pdf

Existing Conditions: The existing 5,311 sq. ft. trapezoidal-shaped lot has 56.75' of frontage on Shawmut Avenue and is 100'+ in depth. The property has a 42'x 42'+ single family house with a fenced in yard. Shrubby and trees are planted around the perimeter. The property is located across from the Jewish Convalescent Home, and near Saint Luke's Hospital. The surrounding neighborhood is residential on the north side of Hawthorne Street with medical facilities on the south side. Hawthorne Street is an important and heavily-traveled minor arterial roadway with bicycle lanes marked on both sides. There is no parking along this section of Hawthorne Street as it is used heavily by emergency medical vehicles serving the hospital.



Proposal: The petitioner proposes to install a ribbon driveway (comprised of two tire track strips made out of pavers with a grass center strip) and a 13' width curb cut such that the driveway would be located in an area considered to be front yard under the city's zoning ordinance. As proposed, the driveway would be located parallel to, and nine feet (9') west of, the east side line of the property. As a result, vehicles parking on the driveway would be in front of the house rather than alongside as required under ordinance.

IMPORTANT: Ribbon driveways (as the applicant proposes here) with grass center strips are not allowed under the city's zoning ordinance. The center strip must be of a material allowed under zoning ordinance chapter 9, section 3147: "All parking spaces and loading areas or berths in the open-air and the access drives or aisles, shall be provided with a concrete or asphalt surface. Compacted gravel or stone shall be permitted only for single- or two-family residential dwellings."

In light of this, while the ZBA can take action on the petitioner's request for a driveway in the front of the dwelling (front yard) as noted, it can neither waive nor modify the city's restriction prohibiting ribbon style driveways. In other words, any ZBA approval of a driveway in the front yard must be for a driveway type as permitted under the city's ordinance. Staff has advised the petitioner of this regulation prior to the publication of these staff comments and encouraged them to consult with the city's Department of Inspectional Services for further assistance in identifying acceptable driveway materials.

With regards to the criteria necessary to grant the appeal for a driveway in front of the dwelling, the applicant cites that "there is not sufficient room to place it [the driveway] besides the dwelling." The applicant also notes trees would need to be removed if the parking area were any closer to the east side property line. Further, the petitioner highlights there is no parking allowed on Hawthorne Street in front of the house and they must park on the side streets (Ocean Street and Tremont Street). The petitioner writes "having a parking area would alleviate congestion on Ocean and Tremont Street and enhance the community". They indicate that abutting properties have off-street parking and this proposal would not detract from property values or neighbors' curb appeal.

For Board Member Consideration: The proposed ribbon driveway is a historical design known to have been in this area of the city. It is also more environmentally friendly than a completely paved driveway, as there is less impervious area. As noted previously, if approved, the area between the pavers will be grass and must be at minimum compact gravel or stone.

The location of the house on the undersized slight trapezoid shaped lot does not leave enough space for a driveway in either of the side yards of the property. Any driveway proposed on this property would be in front of some portion of the house. The petitioner's inability to park on this section of Hawthorne Street (which forbids on-street parking) further compounds the need for a parking solution.



197 Hawthorne Street Map: 45, Lot: 356

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

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Imagery Date: 5/6/2015 41°37'45.88" N 70°56'22.22" W elev 82 ft eye alt 998 ft