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STAFF COMMENTS

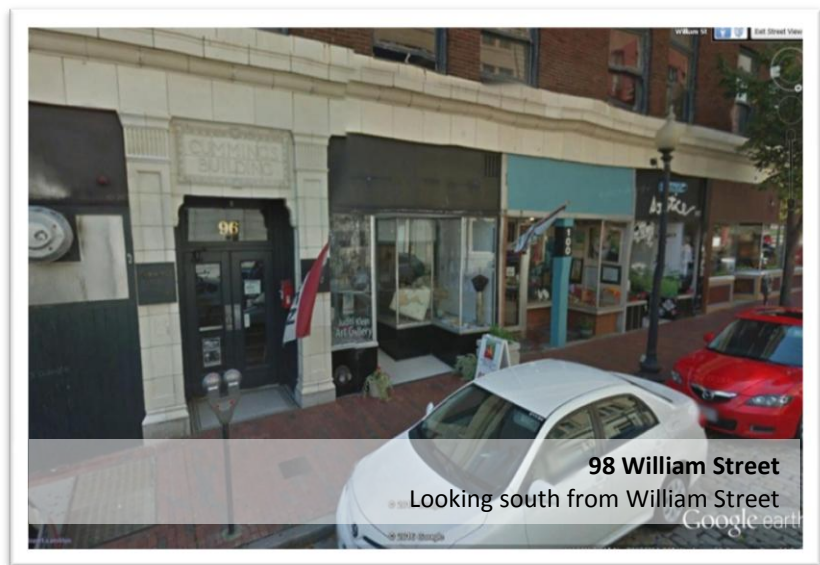
ZONING BOARD OF APPEALS MEETING

August 17, 2016

Case # 4243: **VARIANCE**
801-803 Purchase
Street & 98 William
Street
Map: 52, Lot: 289

Owner: 813 Real Estate LLC
813 Purchase Street
New Bedford, MA
02740

Applicant: Jeff St. Pierre
367 Main Street
Fairhaven, MA
02719



Overview of Request: The petitioner has submitted an application for a **Variance** relative to the subject property located within a Mixed Use Business [MUB] zoning district. The petitioner proposes to operate a barber shop with five (5) barber chairs as [plans filed]. The City's Inspectional Services Department deems the proposed use as being a different use from what was previously there which changes the parking requirement; as such a variance is required for parking. The petitioners propose zero parking spaces, where 70 total parking spaces and one loading space are required for the property with the use as proposed.

Parking requirements are calculated for the entire building and are determined by uses at the property. The entire building has commercial uses. The building requires 70 spaces total (1 space per 400 sq. ft.), 2 of which are required for the proposed barbershop.

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 8,776 sq. ft. corner lot, located in downtown New Bedford, has 68.8' frontage on Purchase Street and 126.27' on the adjacent William Street. There are no parking or loading spaces as the existing three story commercial building encompasses the entire lot. The building, known as the Cummings Building, has 9 units including: a restaurant (No Problemo), skateboard store, wine store, and art studio/galleries. A bicycle shop previously occupied the vacant storefront, where the petitioner proposes the barbershop. The storefront is identified as unit #3 on plans submitted.

Located within the city's downtown, less than a block from City Hall, the surrounding neighborhood is mixed use with commercial, residential and governmental uses present. Directly across William Street is a multi-unit commercial building with tenants including a bank and offices for nonprofits and government agencies.

Metered street parking is located on Purchase Street, William Street and the surrounding streets. The Elm Street and Zeiterion municipal public parking garages are each located within a 5 minute or less walking distance of the site. With the exception of the very narrow publicly-owned Sears Court alley way and a vacant lot caused by a building collapse and subsequent demolition, there is no open space on the entire block.

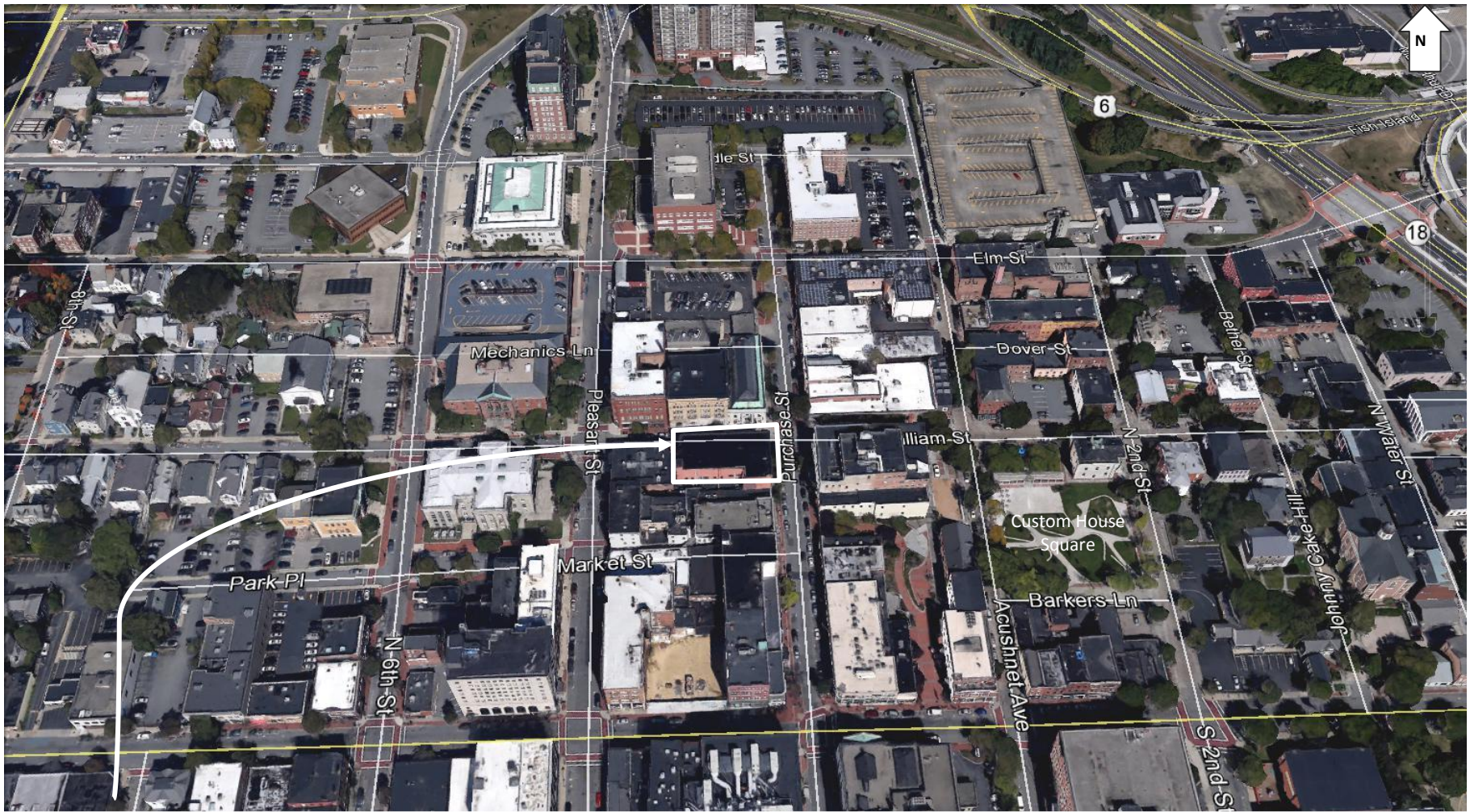
Proposal: The petitioner proposes to operate a five chair barbershop in the 628 sq. ft. commercial space in the building. The barbershop proposes to have four full-time and one part-time employee (4.5 employees), serve 30 customers per day, and be open 6am-8pm Monday through Saturday. Deliveries will be made as needed.

With regard to the criteria necessary to grant the appeal the petitioner states "the building takes up the whole lot, leaving no room for a parking lot or structure to support the additional spaces required". The petitioner further notes "the current layout of the downtown area within MUB zone allows for no required space and diminishes room for parking. To renovate the building would create a hardship to accommodate parking." Further, the petitioner writes customers "will be foot traffic who already live/work in the area" and a municipal parking garage is nearby. They expect as a result of the barbershop that the surrounding businesses will be exposed to new potential customers.

In speaking with Planning Staff, the petitioner expects half of the estimated 30 customers will be walking to the business as they live or work in the area. Customers coming in vehicles, he expects will park on street at the meters. The petitioner stated he has an agreement with a church on County Street for his employees to park in their lot.

For Board Member Consideration: Like many downtown sites, this particular property has been in existence without parking for a long time. The proposal reactivates a currently vacant storefront in the City's Downtown. The city seeks to promote development that supports the pedestrian experience and walkability throughout the city and particularly within the Downtown. The proposal encourages pedestrian activity in this area while municipal/public parking areas and garages are available within a reasonable distance for vehicular demand.

Outside of providing information to their customers about the availability of public garages, the petitioner has no recourse to provide/offer on-site parking, a condition that would exist with anyone altering the use of the rental space.



801-803 Purchase Street 98 William Street Map: 52, Lot: 289

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

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41°38'06.60" N 70°55'34.55" W elev 102 ft eye alt 1459 ft