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STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

August 17, 2016

Case # 4243: **VARIANCE**
401 Ashley Boulevard
Map: 108, Lot: 314

Owner: Santo P. Rodriguez
332 Belair Street
New Bedford, MA 02745

Applicant: Pedro Rodriguez
401 Ashley Boulevard

Apt. 1N
New Bedford, MA 02745



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 four (4) barber chairs as plans filed. The petitioners propose zero parking spaces, where 14 total parking spaces and one loading space are required for the proposed uses under zoning ordinance.

Parking requirements are for the entire building and determined by all uses at the property. This is a mixed use property which includes residential and commercial uses. In this particular case, the residential use includes 6 units and therefore requires 12 parking spaces (2 spaces per unit). The commercial use requires 2 additional parking spaces (1 space per 200 sq. ft.). The property therefore requires a total of 14 parking spaces.

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 2,865 sq. ft. corner lot, located in the north end two blocks south of Lincoln Elementary School, has 56.57' frontage on Ashley Boulevard and 50.5' on the adjacent Eugenia Street. The property has a 50' x 39'± mixed use structure. The structure is has 6 residential units and a vacant 240 sq. ft. commercial space protruding out from the basement. The commercial space was previously a salon with two chairs/stations. The basement level is at street grade on Ashley Boulevard.

Located along a primary arterial roadway, the surrounding neighborhood has commercial and residential uses present. Directly abutting to the north is an auto sales and repair shop while multifamily properties directly abut in the rear and across the street. The block also contains similar properties with residential above and commercial storefronts at the street level.

Proposal: The petitioner proposes to operate a barbershop in the 240 sq. ft. commercial space in the building. The plans submitted show four barber chairs/stations which is an increase of two chairs from the previous business at this location. The petitioner indicates there will be two employees serving 10 customers per day. The proposed hours of operation are 9am-9pm daily.

The petitioner highlights that there is no off-street parking provided because the "house takes up the entire lot" and it would be a hardship for the petitioner to demolish the building, in order to provide parking. The petitioner further writes "some clients will be walking/public transportation".

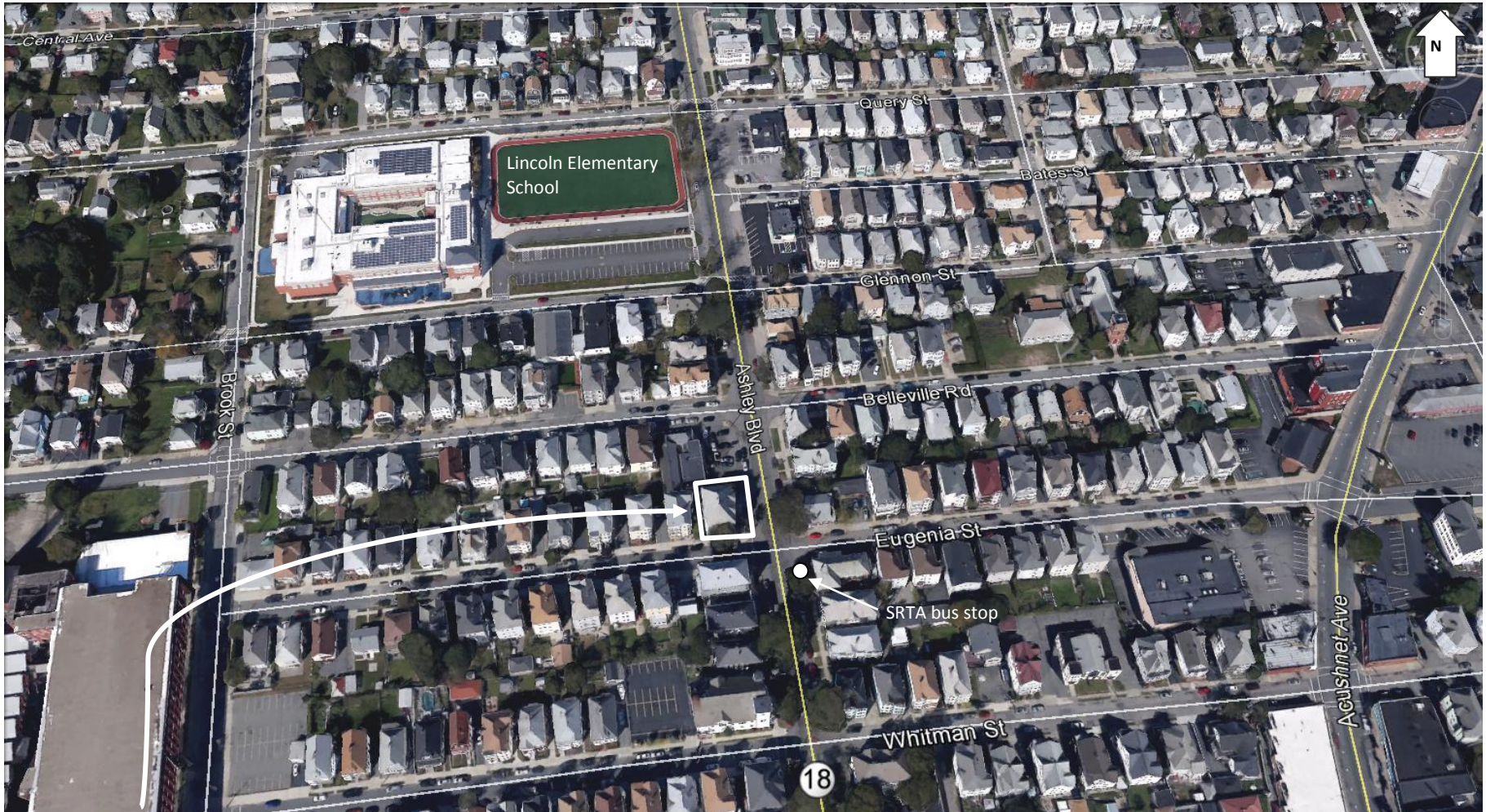
In speaking with Planning Staff, the petitioner expects out of the 10 customers per day, approximately half of the customers to be walking to the barbershop from the surrounding neighborhood, 3 to be arriving in personal vehicles, and about 2 per day to arrive by bus or be dropped off. In regards to the two proposed employees, the petitioner informed staff, one lives in a residential unit at property, the other owns the business next door and will likely park there.

For Board Member Consideration: The board should note a variance was granted to alter the property for a barber shop in 1963. Documentation of this variance has been included in the application packet. The Department of Inspectional Services underlined that the previous variance included two barber chairs/stations. The petitioner proposes four barber chairs/stations, which Inspectional Services has deemed an increase in the intensity of the use at this location. Therefore, the proposal for 4 barber chairs at the shop is considered *different* than what was granted by the previous variance.

As proposed, the applicant proposes that the building provide a mixed residential and commercial use for the neighborhood where it is already zoned MUB (Mixed Use Business). The proposal reactivates an existing vacant storefront along a busy corridor in the city.

The petitioner some states clients will be walking or taking public transportation. The city seeks to promote development that supports the pedestrian experience and walkability throughout the city. Located along Ashley Boulevard which parallels the Acushnet Avenue International Marketplace corridor, one of the highest population density neighborhoods in the city with high rates of transit bus use¹, it is plausible clients will be walking or taking public transit to this location. A bus stop is located diagonally at the southeast corner of Ashley Boulevard and Eugenia Street.

¹ Ashley Boulevard and parallel Acushnet Avenue are served by SRTA bus Routes #2 and #4. These routes are in the top 5 routes in terms of ridership for the entire SRTA regional bus system. Route #2 monthly ridership varies seasonally from 13,567-20,405 while Route #4 monthly ridership varies seasonally 9,347-15,675 Source: *Comprehensive Service Assessment Southeastern Regional Transit Authority Final Report*, pages 209, 226, and 228. Also, see Figure 1-3: SRTA Service Area Population Density pg.17. Accessible online as of 8/17/16: http://www.srtabus.com/wp-content/uploads/SRTA_2014_CSA_Final_Report.pdf



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

Google earth

41°40'05.36" N 70°55'52.80" W elev 82 ft eye alt 1511 ft