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ZONING BOARD OF APPEALS

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STAFF COMMENTS

TO: ZONING BOARD OF APPEALS

Date: December 11, 2015

Case # 4213: Special Permit
124 Locust Street
Map: 70, Lot: 111

Applicants/ Lindsey Freire & Marcio Brito
Owners: 124 Locust Street
New Bedford, MA 02740

Overview of Request: The petitioners have submitted an application for a **Special Permit** relative to the property listed above in a Residential B [RB] zoned district. The petitioners propose to legalize the existing third floor apartment. The property is a nonconforming structure under current zoning as the property does not meet minimum dimensional requirements. The proposal therefore requires a special permit for altering an existing nonconforming structure for the same purpose but to a substantially greater extent. The board must determine if the proposed alteration to the structure –the third floor apartment—will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Additionally, as with all Special Permits the board must determine that the benefit to the City and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site.



124 Locust Street
Looking southeasterly from Locust Street

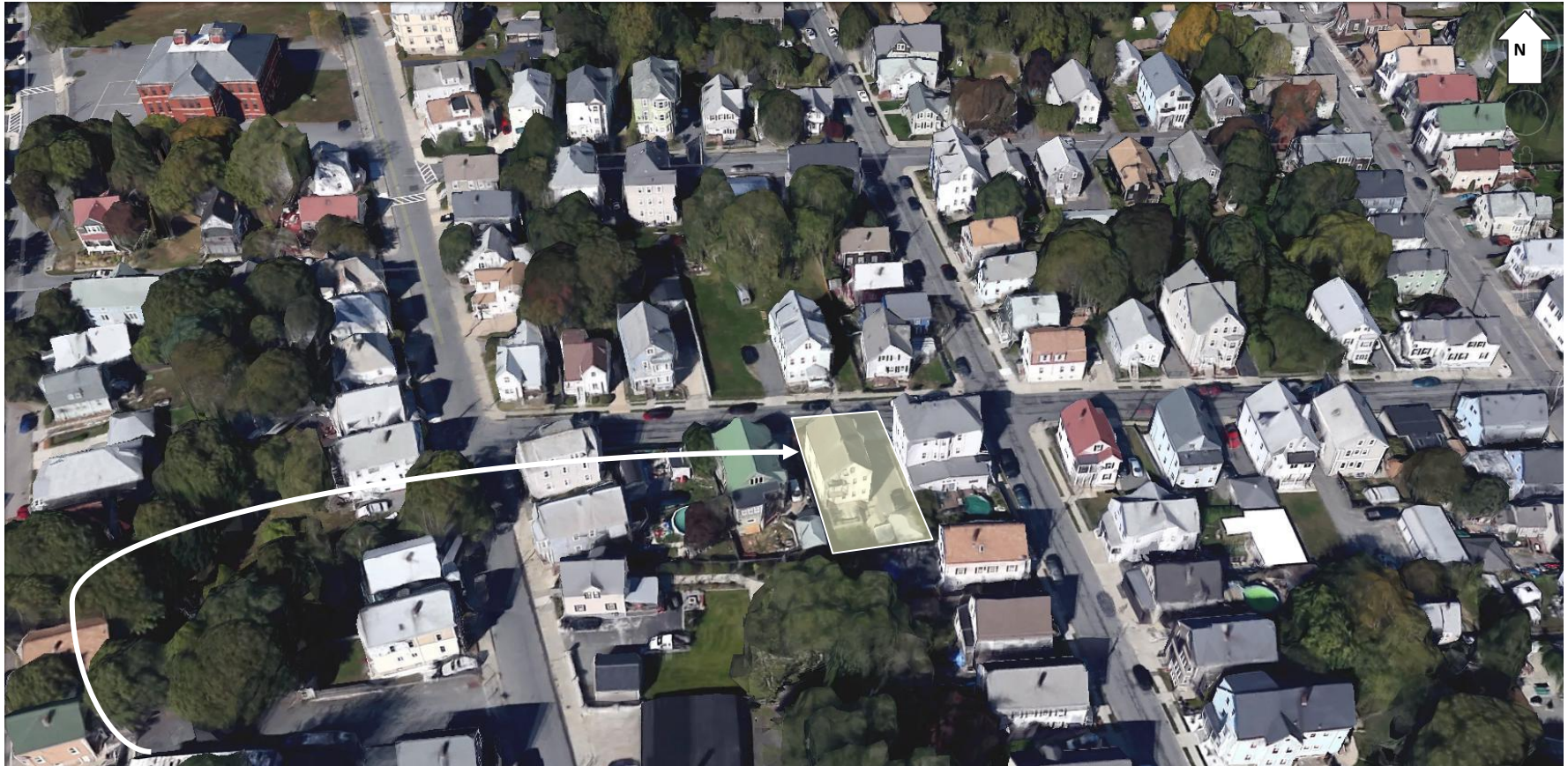
Existing Conditions: The 4,385 sq. ft lot is undersized for current zoning with 51'± frontage and 87'± depth. The property has a 25'x40' three unit dwelling, 16'x20' garage at the rear of the property, and a 13'±x 60'± driveway. The lot size and structures are similar to other properties in the neighborhood. The neighborhood has a mixture of housing including single, two, and three family homes. The properties abutting this project on the east and to the rear are multifamily (three family) dwellings. The properties abutting to the west and directly across the street are two-family dwellings.

The third floor apartment exists in violation of current zoning. No more than a two-family dwelling is allowed under current zoning in the RB Zone. Therefore, the addition of the third apartment changes and extends the existing nonconformity of the property. The Board should note the other three-family dwellings in the neighborhood are also considered nonconforming for the zoning district.

Proposal: The petitioners propose to legalize the existing third floor apartment, which they indicate existed prior to their purchasing the home. The petitioners were informed the apartment was in violation of zoning when they replaced the roof of the home. The apartment proposed for approval is a 680 sq. ft. one bedroom, one bathroom, with a kitchen and living room area in the attic/third floor space of the home.

The petitioners claim in their application that the proposal provides for safe housing, with adequate parking and utilities. They believe there would be no impact to the neighborhood of multifamily dwellings and have a positive impact on taxes for the city.

For Board Member Consideration: If approved, neither the structure nor use of the property would change, only the density and correlating parking demand. Because of this, it could be argued that the proposal would have a minimal impact on existing conditions within the neighborhood. The property fits within the context of the neighborhood, as other nonconforming multifamily dwellings are present. If this petition is approved the required off-street parking spaces would increase from four to six; the site has the adequate number of off-street parking spaces, therefore it is not part of this application. The Board may consider any impacts of the existing apartment raised by abutters in determining the impact of the added third floor dwelling unit on the surrounding neighborhood.



124 Locust Street Map:70, Lot: 111

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

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Google earth

41°38'41.57" N 70°56'17.38" W elev 117 ft eye alt 651 ft