



**JONATHAN F. MITCHELL**  
MAYOR

## City of New Bedford

### ZONING BOARD OF APPEALS

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# STAFF COMMENTS

**TO: ZONING BOARD OF APPEALS**

**Date: December 10, 2015**

**Case # 4214:** Variance  
235 North Front Street  
Map: 93, Lot: 81

**Applicant/Owner:** Our Lady of Perpetual Help/  
Roman Catholic Bishop of Fall River  
c/o Rev. Conrad Salach  
235 North Front Street  
New Bedford, MA 02746



**235 N. Front Street –Rectory & driveway**  
(Looking westerly from N. Front Street)

**Overview of Request:** The petitioner proposes to erect a 12'x24' residential garage at the subject property in a Mixed Use Business [MUB] zoning district. A **variance** is required for the front setback from the street line to allow the proposed garage to be set back 22 feet from the street line, where 30 feet is required for accessory structures.

As with all variances, the board must find that 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. The ZBA must find that 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, that in granting the desired relief it would not take away from the purpose of the zoning ordinance, and that the granting of the relief would be without substantial detriment to the public good.

**Existing Conditions:** The subject lot, commonly known as Our Lady of Perpetual Help church and rectory, is located just north of I-195 and Coggeshall Street. The lot is held in common ownership with a set of eleven adjoining lots at the southwest corner of the North Front Street and Beetle Street intersection (Map: 93, Lots: 77, 78, 79, 80, 81, 82, 83, 183, 184, 185, and 190). These lots are considered merged for zoning purposes. The merged property has 229'± of frontage on North Front Street and 180'± depth along Beetle Street. The property contains a church (130'x58'), parking area for the church parishioners, a manicured garden area, and a rectory (58'± x 38'±) with an adjoining two car driveway. The existing two car driveway is separated from the garden area by a fence and plantings. It is also buffered from the parishioner parking area by dense evergreen bushes. The parishioner parking area is buffered from the street by a fence, trees, and bushes around the perimeter of the property. The slope changes downward southeasterly across the property.

The neighborhood in which this site is located has mixed uses including restaurants, social clubs, and multifamily residential units. Directly abutting the proposed garage location are the lots held in common ownership by the petitioner; across the street is the Centro Luzo Americano Club.

**Proposal:** The petitioner proposes to erect a 12'x24' garage 22' from the street line. The proposed garage is intended for the pastor's use and therefore is proposed within the driveway adjacent to the rectory dwelling. The petitioner indicates that the grade change necessitates the location and that it would be a hardship for the applicant to remove the manicured landscaped area behind the proposed location. The petitioner notes the proposal uses the existing driveway and curb cut, therefore does not take away from the purpose of the zoning ordinance. Lastly, the petitioner states the proposal will not negatively impact abutting properties, as the structure will be screened by the existing landscaping.

**For Board Member Consideration:** The proposed location of the garage appears reasonable given the existing conditions on the site. While, the petitioner has enough space to move the garage back the additional eight feet required [and would therefore *not* require a variance], staff finds the existing site topography and presence of existing dense landscape screening that would require removal would pose some hardship were the petition to be denied. Retaining the green space would be a benefit for the site and neighborhood, over meeting the required setback from the street line on this site. The retention of green space is more desirable given the amount of existing hardscape on this site. The location would have little impact on the neighborhood as the proposal utilizes the existing driveway and screening is provided around the structure.



**235 North Front Street (Map: 93, Lot: 81)**

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

Google earth

44°39'23.73" N -70°55'33.00" W elev 26 ft eye alt 547 ft