



City of New Bedford

Department of Planning, Housing & Community Development

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STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

October 7th, 2015

Case # 4207: Special Permit located at 344 Court Street (Map: 50, Lot: 402)

Applicant: Maurice Gomes
61 Robeson Street
New Bedford, MA 02740

Ownership: Cape Cod Color Associates, Inc.
344 Court Street
New Bedford, MA 02740



Overview of Request: The petitioner has submitted an application for a **SPECIAL PERMIT** proposing to change the use at the subject property from an office to a single family residence. The property is located in a residential B zoned district. The existing structure is nonconforming on the subject property. The Board must determine if the proposed alterations which provide for a substantially different purpose, are not more detrimental to the neighborhood than the existing nonconformity at the site.

Existing Conditions: The existing property does meet the requirements of current zoning. The subject parcel has a retail-style flat roofed building [24'-2" x 40'-2"] and a four car garage (24'-10" x 20'-3") served by a driveway on a 3,566 sq. ft lot. The current use at the property is as an office. The lot, itself, has 40' of frontage and an 89.15' depth and it's located on the south side of Court Street between Armour and Rotch Streets. The use of the site has been for retail, most recently, Cape Cod Color, a painting contractor business.

The abutting properties and surrounding neighborhood is predominantly residential. There is one exception, a similarly-styled retail building and use located at the southwest corner of Armour and Court Streets.

Proposed Conditions. The petitioner proposes to renovate the interior of the building to a living space, converting it from a retail use to a single family residential use. The plans submitted do not show any

exterior additions or alterations. The board may wish to question the applicant on their intention in this regard.

Criteria for Granting a Special Permit: In addition to what has already been noted in these comments under the section entitled, “overview of request,” the ZBA’s determination shall—as prescribed under Sec. 5320 of the city’s zoning ordinance—include consideration of each of the following:

- Social, economic or community needs which are served by the proposal;
- Traffic flow and safety, including parking and loading;
- Adequacy of utilities and other public services;
- Neighborhood character and social structures;
- Impacts on the natural environment, and
- Potential fiscal impact, including impact on city services, tax base and employment.

Additionally, per Sec. 2430 of the city’s zoning ordinance, the Board must determine if the proposed alterations, which provide for a substantially different purpose, are not more detrimental to the neighborhood than the existing nonconformity at the site.

For the Board’s Consideration: Since, the character of the neighborhood is residential and the proposed use is an allowed use in the zoning district, this request fits the character of the surrounding neighborhood and would be consistent with the area in which it is located. The site has sufficient parking for a single family residential use.





Aerial View of 344 Court Street

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