



City of New Bedford

Department of Planning, Housing & Community Development

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PATRICK J. SULLIVAN
DIRECTOR

STAFF COMMENTS

TO: ZONING BOARD OF APPEALS

Date: October 9th, 2015

Case # 4209: Variance located at 15 Junior Street (Map: 44, Lot: 375)

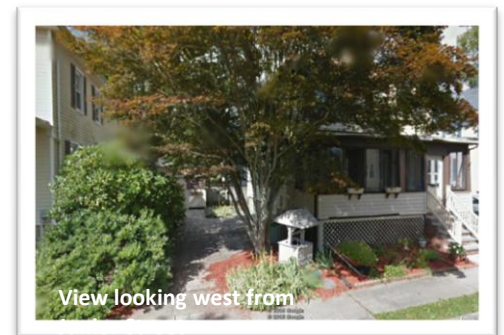
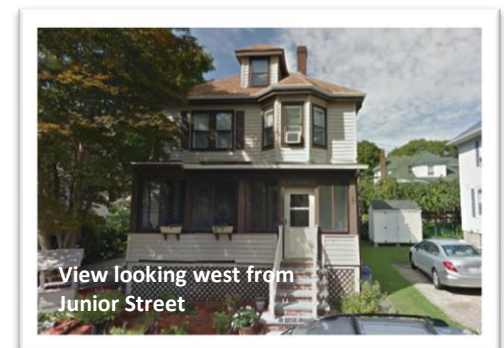
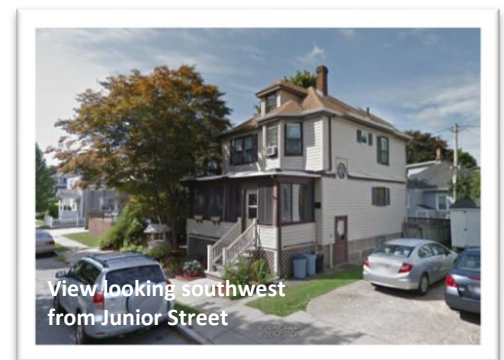
Applicant/Owner: Ernest J. Beauregard
Kevin Beauregard
15 Junior Street
New Bedford, MA 02740

Overview of Request: The petitioner has submitted an application for a **VARIANCE** proposing to locate an already built chicken coop in the side yard and keep six (6) chickens at the property listed above. Zoning Ordinance does not allow for accessory structures in the side yard except when located behind the dwelling which may then extend into the side yard. The number of heads of poultry (chickens) is based on the following formula: 1 per 1,000 sq. ft. of the net area of the lot.

Existing Conditions: The property lot is 2,600 sq. ft. with a single-family home (26'x24'), chicken coop, and driveway. The net sq. ft. of the lot is approximately: 1,976.

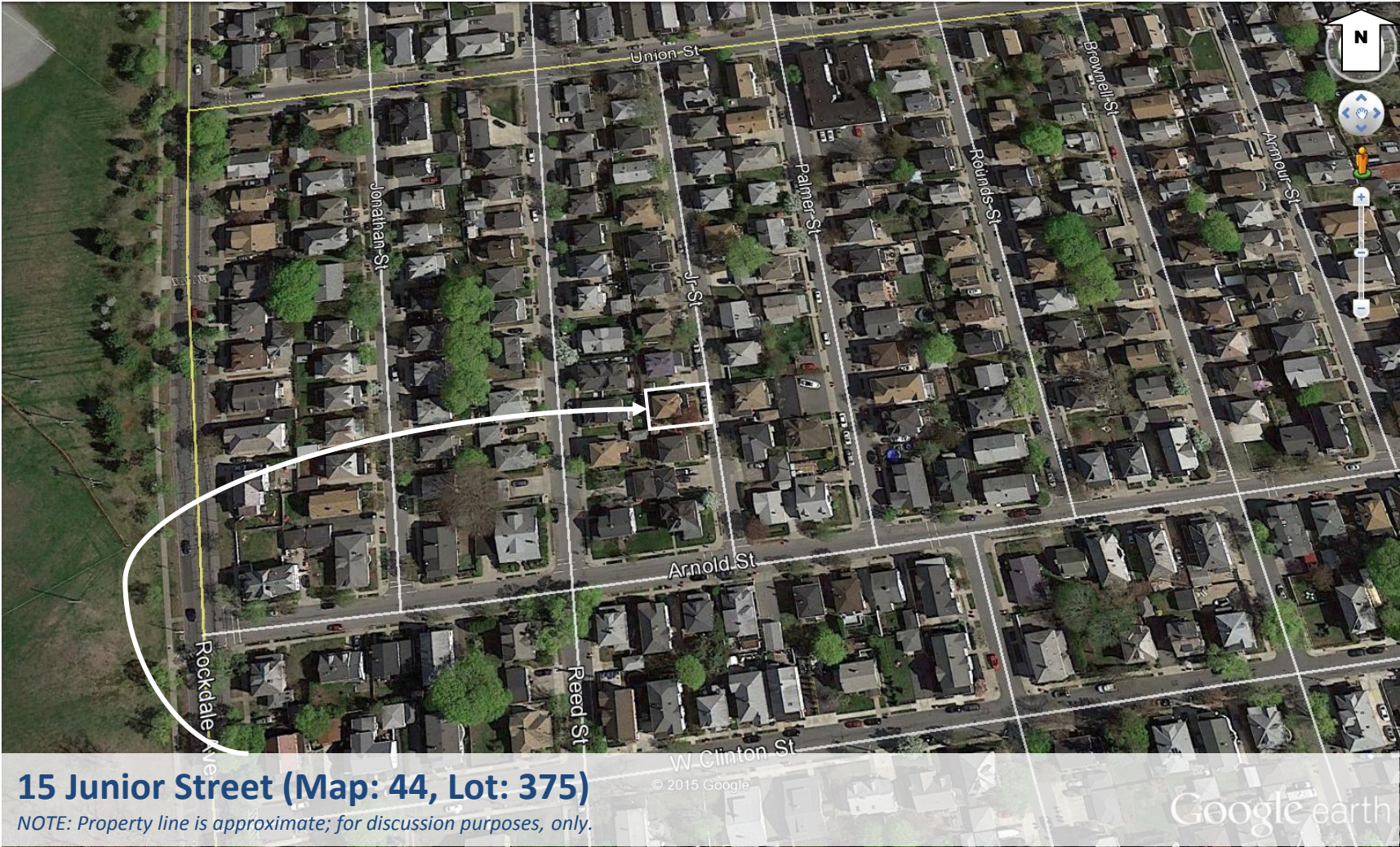
Plan Specifics:

- **Property:** The subject lot is located on the west side of Junior Street between Union Street and Arnold Street. The lot measures 2600± sq. ft with 50' frontage on Junior Street and 52' depth.
- **Buildings:** The property has a single-family home (26' x 24').
- **Proposal:** The petitioner has erected a chicken coop (7'-6" x 4') in the rear side yard. The petitioner proposes to move the existing chicken coop away from the rear line into the side yard. The proposed location results in a position 25' from the rear, 19'6" from the front, and 14' from the south side yard line.
- **Neighborhood:** The abutting properties are single-family residential with similar lot sizes.



Criteria for Granting a Variance: The ZBA's determination shall—as prescribed under Ch. 40A Sec. 10 of the Massachusetts General Law—finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

For Board Member Consideration: Given the limited rear yard space, the location of the chicken coop in the sideyard would be a better location on this site. Based on the formula for the head of poultry the petitioner would be allowed by right to keep one (1) chicken on this site. The proposal asks for six (6) chickens which greatly exceeds the established formula. However, the net lot area is 1,976 sq. ft. which is approximately 24 sq. ft. shy of being able to keep two (2) chickens at this site. Therefore, it may be reasonable to modestly increase the number of allowed chickens at this site, if the Board finds the petitioner meets the criteria to grant a variance.



15 Junior Street (Map: 44, Lot: 375)

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