



MAYOR
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ZONING BOARD OF APPEAL

STAFF REPORT

ZONING BOARD OF APPEALS MEETING

MEETING DATE: November 12, 2020

STAFF REPORT: November 6, 2020

Case# 4428:VARIANCE

Property: 130 Summer Street
Map:58 Lot:150

Zoning: Residential B (RB)

Owner: Kevin Welch
283 Sawyer Street
Unit 1E
New Bedford, MA 02746

Applicant: Kevin Welch
283 Sawyer Street
Unit 1E
New Bedford, MA 02746



130 Summer Street
Looking northeast from Summer St.

Overview of Request: Notice is given of a public hearing on the petition of: **Kevin Welch** (283 Sawyer Street, Unit 1E, New Bedford, MA 02746) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 2700 (dimensional regulations), 2710 (general), 2720 (table of dimensional requirements - Appendix B, minimum lot size, lot frontage, front yard, side yard, rear yard & Lot coverage by building %), 2750 (yards in residence district), 2751 (front yard), 2753 (rear yard) and 2755 (side yard); relative to property located at **130 Summer Street**, Assessors' map 58 lot 150 in a Residential B [RB] zoned district. The petitioner proposes to modify a shared lot line between two non-conforming lots to create space for off street parking on the lot which its intended to serve per plans filed.

Note: The project also requires Site Plan Review (Case # 20-29) and a Special Permit (Case #20-30) for a parking reduction from the Planning Board. The applications will be heard on November 4, 2020 via Zoom. Both properties are held in common ownership. The current lot configuration was the result of an 81L plan previously recorded. An 81L plan allows an existing nonconforming property, with more than one structure on the lot, to be divided so that each structure may be located on its own lot without meeting the current zoning requirements. The 81L process may only be done once. Therefore, the current proposal, which proposes to change the lot lines once more, requires the variance relief from the Zoning Board of Appeals and relevant permits from the Planning Board.

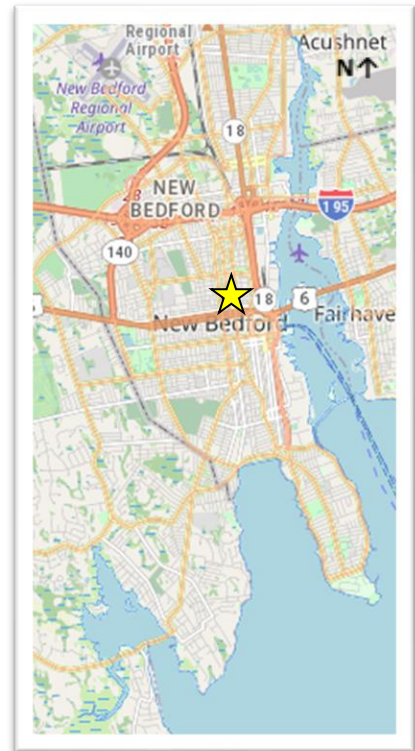
As with all variances, the board must find:

- 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 project site is located on the east side of Summer Street on the block between Hillman Street (to the south) and Maxfield Street (to the north). The property is currently comprised of two parcels/addresses 130 Summer Street and 130 ½ Summer Street. Combined the parcels are 8,579 SF in area with 64'± of frontage on Summer Street and a depth of 133'±.

At the front of the site is a 3-family residential structure (130 Summer Street) and a single-family residential structure (130 ½ Summer Street) is located in the rear. Various fencing is already existing on site.

Nonetheless, the current locations of the fencing do not match the property lines for these lots. The current proposal is requested to make the formal property lines match the fencing layout that has been installed on site. The rear lot (130 ½ Summer Street) is surrounded by various fencing making it flag shaped. There is low chain-link fencing along the north property line, six-foot-tall wooden fencing in the rear (west) and along a portion of the south most property line. Hedges complete the south property line to the street. In the approximate middle of the combined site a six-foot vinyl fence was installed to enclose the proposed parking area for the three family dwelling as shown on plans submitted. The area proposed for the three-family parking is currently grass.



A 13' wide driveway opening along the frontage leads to a two-space parking area located in the rear southwest corner of the site for the single-family dwelling (130 ½ Summer Street). Loose stone has already been poured in this area. A built structure landscape bed and concrete stairway separates the parking area from the house which is located at a lower elevation.

The surrounding neighborhood on Summer Street consists of multifamily residential properties. Directly abutting in the rear of the site is Dillion's restaurant.

Proposal:

The petitioner proposes to modify a shared lot line between two non-conforming lots to create space for off street parking on the lot which its intended to serve per plans filed.

The applicant proposes to reconfigure the existing lot line to match the installed fence line and to provide parking for both dwellings. The proposed lot lines are as shown on plans submitted. The proposal allows for a parking area to accommodate four (4) vehicles directly adjacent to the 3-family structure (130 Summer Street); and provides a 13' wide driveway to access a parking area adjacent to the rear single family dwelling (130 ½ Summer Street). The single-family driveway is already existing. No changes are proposed to the structures on site.

The reconfiguration of the lot lines to provide a designated parking area for both dwellings would not comply with minimum lot size, lot frontage, front yard, side yard, rear yard, and lot coverage by building requirements, and therefore, requires a variance.

For consideration:

- 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 petitioner states that the shape of the lots restrict the ability to provide off street parking to each of the lots within their respective extents of ownership. Staff acknowledges that the proposal to modify the shared lot lines between two non-conforming lots could potentially add additional off street parking for each prospective parcel.
- 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 petitioner states that the two lots depicted on the plan reflect a property divided in 2019 by virtue of an 81L plan. The application indicates if the ordinance was enforced, it would inhibit the potential to provide off street parking on each prospective lot. Staff acknowledges the subject parcels are pre-existing non-conforming lots that had been created by virtue of an 81L plan filed in 2019.
- 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. The petitioner states granting the proposed relief would not be detrimental to the zoning ordinance as the lot size and frontage has always been non-conforming, the structures are not being brought into further non-compliance, and would in fact be beneficial in that off-street parking would be supplied. Additionally, the petitioner notes the relief would not inhibit or discourage any abutting lots from any of the sought improvements. Staff acknowledges the proposed expansion could potentially alleviate on-street parking and provide additional off-street parking for each parcel.

130 Summer Street: 58, Lot:150,151,477

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

