



MAYOR
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ZONING BOARD OF APPEALS

STAFF REPORT

ZONING BOARD OF APPEALS MEETING

MEETING DATE: November 12, 2020

STAFF REPORT: November 6, 2020

Case#4430: Special Permit

Property: 4080 Acushnet Avenue
Map: 136 Lot: 248

Zoning: Residential A (RA)

Owner: Kalyn Andrade
4080 Acushnet Avenue
New Bedford, MA 02745

Applicant: Kalyn Andrade
4080 Acushnet Avenue
New Bedford, MA 02745



Overview of Request: The petitioner has submitted an application for a **Special Permit** relative to the subject property located within a Residential A [RA] zoning district. Notice is given of a public hearing on the petition of: **Kalyn Andrade** (4080 Acushnet Avenue, New Bedford, MA 02745) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2500 (home occupations), 2520-2528 (home occupations by special permit) and 5300-5330 & 5360-5390 (special permit); relative to property located at **4080 Acushnet Avenue**, Assessors' map 136 lot 248 in a Residential A [RA] zoned district. The petitioner proposes to change the use of the sunroom into a spa room to allow for a home occupation per plans filed.

Under the zoning ordinance a change of use to allow for a home occupation requires a special permit from the Zoning Board of Appeals.

As with all **Special Permits**, the ZBA must determine that the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use. To this end the board shall consider each of the following in its determination:

- a) social, economic, or community needs which are served by the proposal;
- b) traffic flow and safety, including parking and loading;
- c) adequacy of utilities and other public services;

- d) neighborhood character and social structures;
- e) impacts on the natural environment; and potential fiscal impact, including impact on city services, tax base, and employment.

Existing Conditions: The 1,615± SF, single family, California-style, one story residential property is located on the corner of Acushnet Avenue and Rosa Drive in the far north end of the city, in a Residential A (RA) zoned district. The immediate vicinity is comprised of residential dwellings and commercial uses present.

The site's parcel encompasses a 14,585± SF corner lot, with 115.37' of frontage on Acushnet Avenue and 133.28' of frontage on the adjacent Rosa Drive. The subject property currently hosts a single family, one level, residential dwelling.

There is an existing asphalt driveway and curb cut located on Acushnet Avenue on the south side of the property. The front yard of the property is predominately a green space. Additionally, the property has a 6ft. wooden fence encompassing the entire perimeter of the rear yard.

Proposal: The proposal is to change the use of the sunroom into a spa room to allow for a home occupation per plans filed. The proposed spa would be located in the rear of the structure easterly. The spa would offer facials, lashes and waxing services.

Per plans depicted; an existing bedroom labeled #3 would be also be converted into a restroom for the proposal.

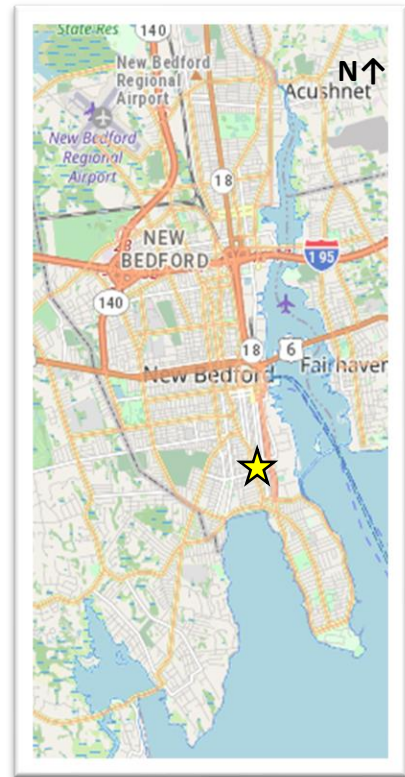
The proposed number of clients is 6 per day, with no employees, other than the applicant. The proposed hours of operation are Tuesday-Friday 9am-8pm, and Saturday's 9am-3pm, with biweekly deliveries. The proposed establishment would be by appointment only, with no walk-in services.

There is a proposed hanging sign to be located on the exterior door of the spa room on the southeast side of the property. The proposed sign dimensions are 24"X12". The sign wording is to include "Complexions", "Skin Care, Waxing & More" also included is the phone number.

The proposal to change the use of the sunroom into a spa room to allow for a home occupation per plans submitted, **requires a Special Permit from the Zoning Board of Appeals.**

In regard to the criteria necessary to grant the **Special Permit**, staff offers the following:

a.) Social, economic or community needs which are served by the proposal. The applicant is seeking relief to change the use of a sunroom into a spa, offering facials, lashes and waxing services. The petitioner notes the proposal would continue to provide needed services in the City, while also giving back to the community.



The application indicates that the establishment hosts an Annual October Breast Cancer Fundraiser and donates the proceeds to someone in need. Staff acknowledges the proposal could potentially continue to provide beauty related services, while giving back to the community.

b.) Traffic flow and safety including parking/unloading. The petitioner states the spa would be appointment only, while servicing one client at a time. Additionally, the application indicates that the client would have access to off-street parking in the existing driveway. Therefore, there would be no negative impact on traffic flow or parking. Staff acknowledges there is an existing driveway located on the southside of the property.

c.) Adequacy of utilities and other public services. The petitioner states no new utilities are required; the existing utilities will be utilized for the proposal. Staff notes that there are adequate utility services serving this area.



d.) Neighborhood character. The petitioner states the neighborhood is a mix of commercial and residential properties. The application indicates Iglesias Pentecostal Church is directly across Acushnet Avenue, while a residential neighborhood is directly abutting in the rear (easterly). Staff acknowledges that the subject property is located in the far north end of the city, in a residential A zoned district. Additionally, staff acknowledges the surrounding neighborhood has commercial and residential uses present.

e.) Impacts on the natural environment. The petitioner indicated that there will be no impact to the natural environment as a result of this project. Staff acknowledges the impacts on the natural environment are neutral as proposed. Staff does not anticipate a substantial change in the existing impacts on the natural environment at this site.

f.) Potential fiscal impact, etc. The application indicates no fiscal impact other than the proposed use potentially providing continued beauty related services. The petitioner states she would be the only employee and would continue to pay personal taxes. Staff acknowledges the proposal would change the use of an existing sunroom into a spa that would continue to provide beauty related services in the city.

4080 Acushnet Avenue Map: 136 Lot: 248

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

