



MAYOR
JON MITCHELL

City of New Bedford Department of City Planning

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ZONING BOARD OF APPEALS

STAFF REPORT

ZONING BOARD OF APPEALS MEETING

MEETING DATE: July 24, 2025

STAFF REPORT: July 14, 2025

Case #4641: VARIANCE

Case #4642: SPECIAL PERMIT

Property: 211 Union Street
Map 52, Lot 298

Zoning: Mixed-Use Business [MUB]

Owner: B&R Legacy Group Realty Trust
c/o Robert Johnson Jr., Trustee
c/o Angelina Johnson, COO
P.O. Box 5221
New Bedford, MA 02742

Applicant: B&R Legacy Group Realty Trust
c/o Robert Johnson Jr., Trustee
c/o Angelina Johnson, COO
P.O. Box 5221
New Bedford, MA 02742



211 Union Street

*View looking northwest from the intersection of
Union Street & Pleasant Street*

Overview of Request: Robert Johnson Jr/B&R Legacy Group Realty Trust, c/o Angelina Johnson, COO (PO Box 5221, New Bedford, MA 02742) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 3000 (general regulations), 3100 (parking and loading), 3110 (applicability), 3130 (table of parking requirements-Appendix C, multi-family (3) or more per structure, businesses engaged in retail sale of goods and services, not elsewhere enumerated herein). The applicant also requests a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2000 (use regulations), 2400 (nonconforming uses & structures), 2410 (applicability), 2430-2432 (nonconforming structures, other than single and two family structure), 4000 (special regulations), 4500 (downtown business overlay district (DBOD), 5000 (administration and procedures), 5300-5330 & 5360-5390 (special permit); relative to the property located at **211 Union Street**, Assessors' Map 52, Lot 298 in a Mixed Use Business [MUB] zoned district.

The petitioner is proposing to alter and retrofit an existing 4-story building into 35 new apartments on the 2nd-4th floors per plans filed.

Existing Conditions:

- 9,671 sq. ft. parcel located at the intersection of the north line of Union Street and the northeast line of Pleasant Street
- Four-story building, originally built in 1925
- Currently utilized as office space
- Located within the Mixed-Use Business [MUB] Zoning District and the Downtown Business Overlay District [DBOD]

Proposal:

- Convert the 2nd, 3rd, and 4th floor of the office building into apartments (35 total units)
- Ground floor will remain commercial
- No change to building footprint
- Variance requested for 118 required parking spaces (no parking provided)
- Special Permit required to allow a change from one nonconforming use to another while maintaining the existing nonconforming structure

VARIANCE CRITERIA**For consideration:**

- a) 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 building occupies the entire lot, which makes on-site parking physically infeasible.
- b) 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.** Without relief, the residential conversion would not be possible, and the building would remain underutilized.
- c) 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 project supports the City's downtown housing goals and provides residential units in a walkable location.

SPECIAL PERMIT CRITERIA

For Consideration: In considering each of the criteria necessary to grant the **Special Permit** appeal, the following is offered for the board's consideration:

- a) Social, economic or community needs which are served by the proposal.** Adds 35 housing units to the downtown, where additional housing is needed. The ground floor will continue to support commercial use.
- b) Traffic flow and safety including parking/unloading.** The site cannot accommodate on-site parking due to the existing building footprint. The project includes indoor bike storage and is located within ½ mile of three public transit terminals. The applicant is also working to secure 12 off-site parking spaces nearby.
- c) Adequacy of utilities and other public services.** Existing utilities are sufficient for the proposed residential use.

- d) **Neighborhood character.** The proposal retains the existing building and restores its active use, adding 35 residential units in a location consistent with downtown development patterns. Bringing additional residents to this area supports local businesses and contributes to overall vibrancy.
- e) **Impacts on the natural environment.** No impacts to the surrounding environment are anticipated.
- f) **Potential fiscal impact, etc.** The project is expected to add new residents to the downtown, increase the city's tax base, and create a small number of new jobs related to property management and maintenance.

STAFF COMMENTS

- This project requires Site Plan Review from the Planning Board.
- The proposal aligns with the intent of the Mixed-Use Business (MUB) district to allow mixed-use development.
- The property is also located within the Downtown Business Overlay District (DBOD), which encourages redevelopment and economic growth.
- Given the existing site constraints and downtown location, the Board should consider whether the lack of on-site parking is reasonable.
- As with all Special Permit requests, the Board must determine whether the proposed project would be more substantially detrimental to the neighborhood than the previous use.

INTERDEPARTMENTAL REVIEW COMMENTS

As required under city ordinance, the case submittal documents were distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department.

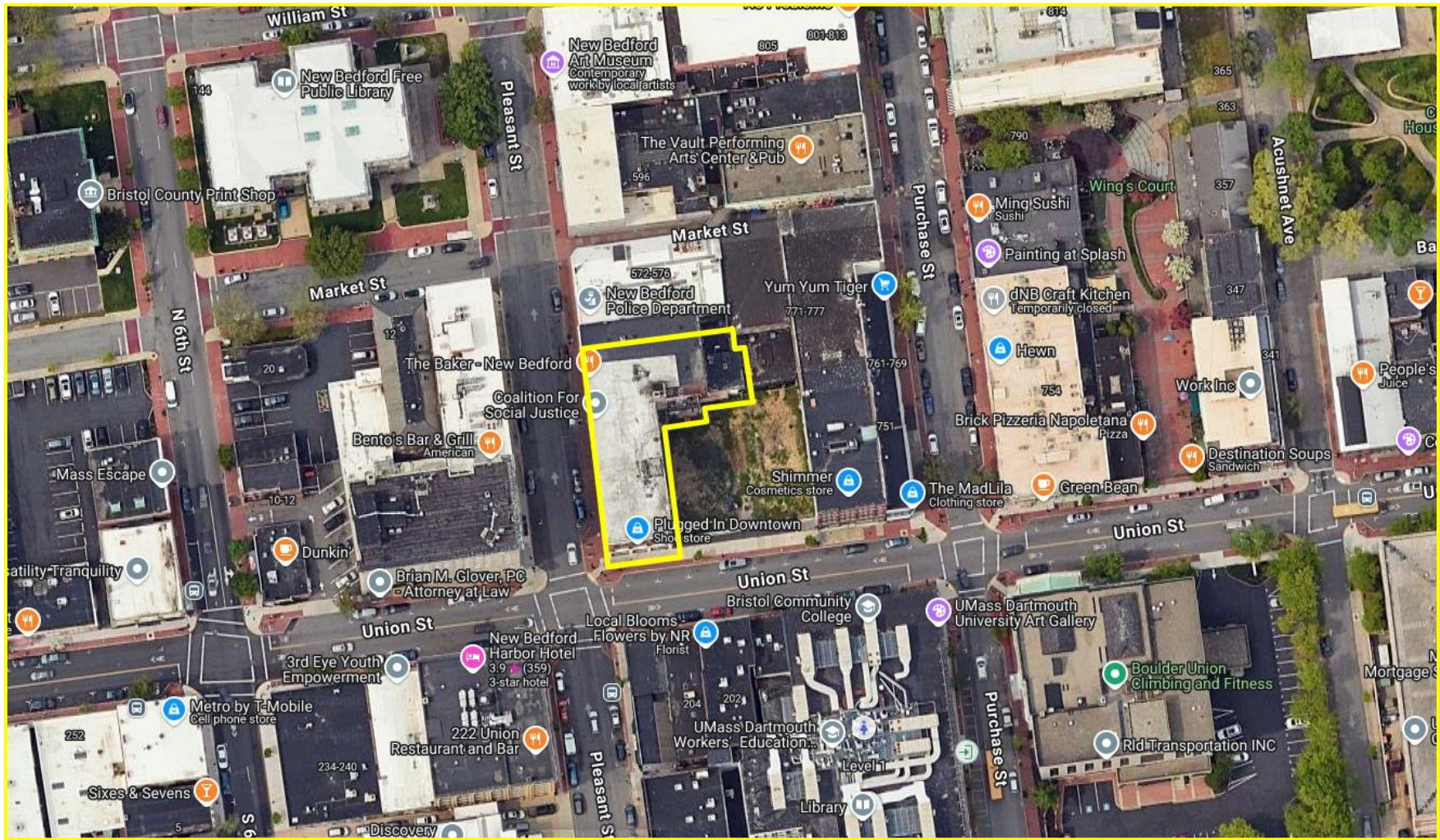
At the time of writing this report, no other comments, departmental comments or questions were received.



Front of building – 211 Union Street
Looking north from Union Street

211 Union Street Map: 52; Lot 298

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



Materials Provided by the Applicant are available at: <https://www.newbedford-ma.gov/planning/zoning-board-agenda-info-2025/>

Staff Report prepared by: Nina Kruger, Staff Planner

Reviewed by: Jennifer Carloni, City Planner