



# Zoning Board of Appeals

April 28, 2016 – 6:01 PM - **Minutes**

New Bedford City Hall, Room 306

133 William Street

**PRESENT:**            **Leo Schick** (*Acting Chairperson*)  
Allen Decker (*Clerk*)  
John Walsh  
Robert Schilling  
Sherry McTigue

**ABSENT:**            None

**STAFF:**                 Dan Romanwicz, *Commissioner of Buildings and Inspectional Services*  
Jennifer Gonet, *Assistant Project Manager*

## **1. CALL TO ORDER**

Chairperson Schick called the meeting of the City of New Bedford Zoning Board to order at 6:01 p.m.

## **2. ROLL CALL**

A formal roll call was conducted confirming members present as stated above.

Chairperson Schick explained the process and procedures for those in attendance.

## **SCHEDULED HEARINGS**

**ITEM 1 – Case # 4224 - Petition of Maria S. Barros (133 Chestnut Street New Bedford, MA) and Amancio S. Ribeiro (464 Sawyer Street New Bedford, MA) who have submitted a petition for a Variance under provisions of Chapter 9 comprehensive zoning sections 2700 (dimensional requirements, appendix-B (height of buildings-# of stories); relative to property located at 133 Chestnut Street, assessor's map 65, lot 316 in a residential-B [RB] zoned district. The petitioners seek approval for a cottage style setup on the second and third floors as plans filed.**

In regard to Case #4224, a motion was made (AD) and seconded (JW) that the following be received and placed on file: the communication dated 3/30/15 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 4/1/16; the appeal package as submitted; the plans as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified.

Motion passed unopposed.

Amancio Ribeiro, currently of 464 Sawyer Street. He noted he is seeking the variance in order to move in with his mom to be her caregiver.

He stated while trying to fix the 2nd floor a problem was found with the 3<sup>rd</sup> floor, which now must also be fixed. He stated the petition is seeking a cottage setup for his family. He stated the 3<sup>rd</sup> floor will consist of a family room, a computer room and one bedroom.

Mr. Walsh confirmed that the 3<sup>rd</sup> floor is already finished. Mr. Ribeiro stated it was but he is being told it was not done properly.

Ms. McTigue confirmed the space will be opened up and some bedrooms taken out. Mr. Ribeiro stated that was correct, along with fixing windows. He stated there would be no kitchen, but the bathroom would remain. He stated repairs would bring the space up to code.

Mr. Decker confirmed there would be no exterior changes.

There was no response to Mr. Schick's invitation to speak or be recorded in favor.  
There was no response to Mr. Schick's invitation to speak or be recorded in opposition.

Chairperson Schick closed the public hearing.

After brief discussion, a motion was made (AD) and seconded (JW) to grant Appeal #4224, a motion to grant a variance under the provisions of the city code of New Bedford, to Maria S. Barros (133 Chestnut Street New Bedford, MA) and Amancio Ribeiro (464 Sawyer Street, New Bedford, MA) relative to property located at 133 Chestnut Street, Assessor's Map 65, Lot 316 in a Residential B zoned district, to allow the petitioner to seek approval for a cottage style setup on the second and third floors as per plans filed, which requires a variance under the provisions of Chapter 9 comprehensive zoning sections 2700 Appendix-B.

The board finds first that there are circumstances related to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. These circumstances are because of the location of the structure on the lot, the lot cannot support outward expansion, therefore upward improvement is the only option. Second, due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. The hardship is that without this variance compliance with the zoning code could not be performed and the property would not be brought into compliance. Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or by-law. And fourth, that the desirable relief may be granted without substantial detriment to the public good. With the following conditions: that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Board Member Schilling - Yes  
Acting Chairperson Schick – Yes  
Clerk Decker– Yes

Board Member Walsh - Yes  
Board Member McTigue – Yes

Passed 5-0

**ITEM 2 - CASE #4225 – Petition of Vincent R. Coccoli, Jr. and Veronika Solomos (32 Lauren Drive New Bedford, MA) who have submitted a petition for a Variance under provisions of Chapter 9 comprehensive zoning sections 2700 (Dimensional Regulations), 2710 (General), and 2720 (Table of Dimensional Requirements, Appendix-B-height of buildings-# of stories); relative to property located at 32 Lauren Drive, assessor’s map 132J, lot 30 in a residential-A [RA] zoned district. The petitioner is proposing to create habitable space in the basement (1/2 bath, game room/family room and a utility storage room) as plans filed.**

A motion was made (AD) and seconded (RS) that the following be received and placed on file: the communication dated 3/31/16 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 4/1/16; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified.

Motion passed unopposed.

Mr. Coccoli explained that due to his expanding family, he is seeking to make his basement into a finished game room with a half bath and a storage room.

Ms. McTigue confirmed that there will not be any sleeping room downstairs.

Mr. Decker confirmed that building outward would create setback issues. Mr. Coccoli stated that was correct and would be almost impossible.

There was no response to Mr. Schick’s invitation to speak or be recorded in favor.

There was no response to Mr. Schick’s invitation to speak or be recorded in opposition.

Chairperson Schick closed the public hearing.

There being no further discussion or questions, a motion was made (AD) and seconded (JW) to grant Appeal #4225, a motion to grant a variance under provisions of the City Code of New Bedford to Vincent R. Coccoli, Jr. and Veronika Solomos (32 Lauren Drive New Bedford, MA) relative to property located at 32 Lauren Drive, Assessor’s Map 132J, Lot 30 in a Residential-A [RA] zoned district to allow the petitioner to create habitable space in the basement (1/2 bath, game room/family room and a utility storage room) as per plans filed,

which requires a variance under the provisions of Chapter 9 comprehensive zoning sections 2700, 2710, and 2720 Appendix-B.

The board finds first that there are circumstances related to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. The circumstances are that the location of the structure on the lot precludes expansion outward, therefore finishing the basement for additional habitable space is the only option. Second, due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. The hardship in this case is that the homeowner needs the additional habitable space for a growing family. Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or by-law. And fourth, that the desirable relief may be granted without substantial detriment to the public good. With the following conditions: that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Board Member Walsh - Yes

Acting Chairperson Schick - Yes

Clerk Decker – Yes

Board Member McTigue – Yes

Board Member Schilling – Yes

Passed 5-0

**ITEM 3 - CASE #4226 – Petition of Timothy J. Rezendes (167 Maryland Street New Bedford, MA) who has submitted a petition for a Variance under provisions of Chapter 9 comprehensive zoning sections 2700 (dimensional regulations), 2710 (general), and 2720 (table of dimensional requirements, appendix-B-rear yards), 2750 (yards in residence districts), 2753 (rear yard), 3100 (parking and loading), and 3145 (parking in front of dwelling and 18’ maximum driveway width); relative to property located at 167 Maryland Street, assessor’s map 127C, lot 271 in a residential-A [RA] zoned district. The petitioner is proposing to demolish the existing carport and attached shed; and to erect a 16’x22’ family room addition and expand the existing driveway as plans filed.**

A motion was made (AD) and seconded (SM) that the following be received and placed on file: the communication dated 3/30/15 from the Commissioner of Buildings & Inspectional Services; communication from the Office of the City Planner dated 4/1/16; the appeal package as submitted; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by this board to be the lots affected; and the action of the clerk in giving notice of the hearing as stated be and hereby is ratified.

Motion passed unopposed.

Timothy Rezendes of Maryland Street stated he was looking to demolish an existing carport attached to the house and replace it within the same footprint with a family room. He stated

the planned project will have a poured foundation, new bulkhead and connect the two cellars. He stated the home currently has no bulkhead.

Mr. Rezendes stated he is seeking to widen the existing driveway in order to have space for two cars side by side. He stated a variance is needed because this will create parking in front of the house.

Mr. Decker inquired as to any expansion of the curbcut. Mr. Rezendes stated the existing cut is twelve and he is looking to go to eighteen feet.

There was no response to Mr. Schick's invitation to speak or be recorded in favor.  
There was no response to Mr. Schick's invitation to speak or be recorded in opposition.

Ms. McTigue confirmed the location of the planned bulkhead.

Chairperson Schick closed the public hearing.

There being no further discussion or questions, a motion was made (AD) and seconded (JW) to grant Appeal #4226, a motion to grant a variance under provisions of the City Code of New Bedford to Timothy J. Rezendes (167 Maryland Street New Bedford, MA) relative to property located at 167 Maryland Street, Assessor's Map 127C, Lot 271 in a Residential-A [RA] zoned district to allow the petitioner to demolish the existing carport and attached shed; and to erect a 16'x22' family room addition and to expand the existing driveway as per plans filed, which requires a variance under the provisions of Chapter 9 comprehensive zoning sections 2700, 2710, 2720 Appendix-B, 2750, 2753, 3700, and 3145.

The board finds first that there are circumstances related to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not generally effect the zoning district in which the land or structure is located. The circumstances are that the location of the structure on the lot makes it difficult to expand habitable living space in any place other than where the carport and attached storage shed are located, and that the expansion of the driveway makes for a safer and more convenient way of parking vehicles. Second, due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. The hardship in this case is that reconfiguring the addition as proposed would add substantial cost to the project due to non-tradition lumber necessary for the project. Third, the desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or by-law. And fourth, that the desirable relief may be granted without substantial detriment to the public good. With the following conditions: that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon within one year.

Roll-call vote as follows:

Board Member Walsh - Yes

Acting Chairperson Schick - Yes

Clerk Decker – Yes

Board Member McTigue – Yes

Board Member Schilling – Yes

Passed 5-0

**3. ADJOURNMENT:**

There being no further business to come before the board, the meeting was adjourned at 6:37 p.m..