



**JONATHAN F. MITCHELL**  
MAYOR

## City of New Bedford

### ZONING BOARD OF APPEALS

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## STAFF COMMENTS

TO: ZONING BOARD OF APPEALS

Date: January 13, 2016

**Case # 4216:** Variance  
117 Swan Street  
Map: 10, Lot: 134

**Applicant:** Peter Cruz  
133 Butler Street  
New Bedford, MA 02744

**Owner:** Bruce Foucart  
813 Beverly Drive  
Alexandria, VA 22302



**Overview of Request:** The petitioner has submitted an application for a **Variance** relative to the property listed above in a Residential B [RB] zoned district. The petitioner proposes to renovate the existing single family house on the property. Part of the renovation includes building an attached one car garage with master bedroom above. The proposed location of the garage requires a variance for side yard setback. The petitioner proposes 9'-5/16", on the south side, where 12' is required under zoning ordinance.

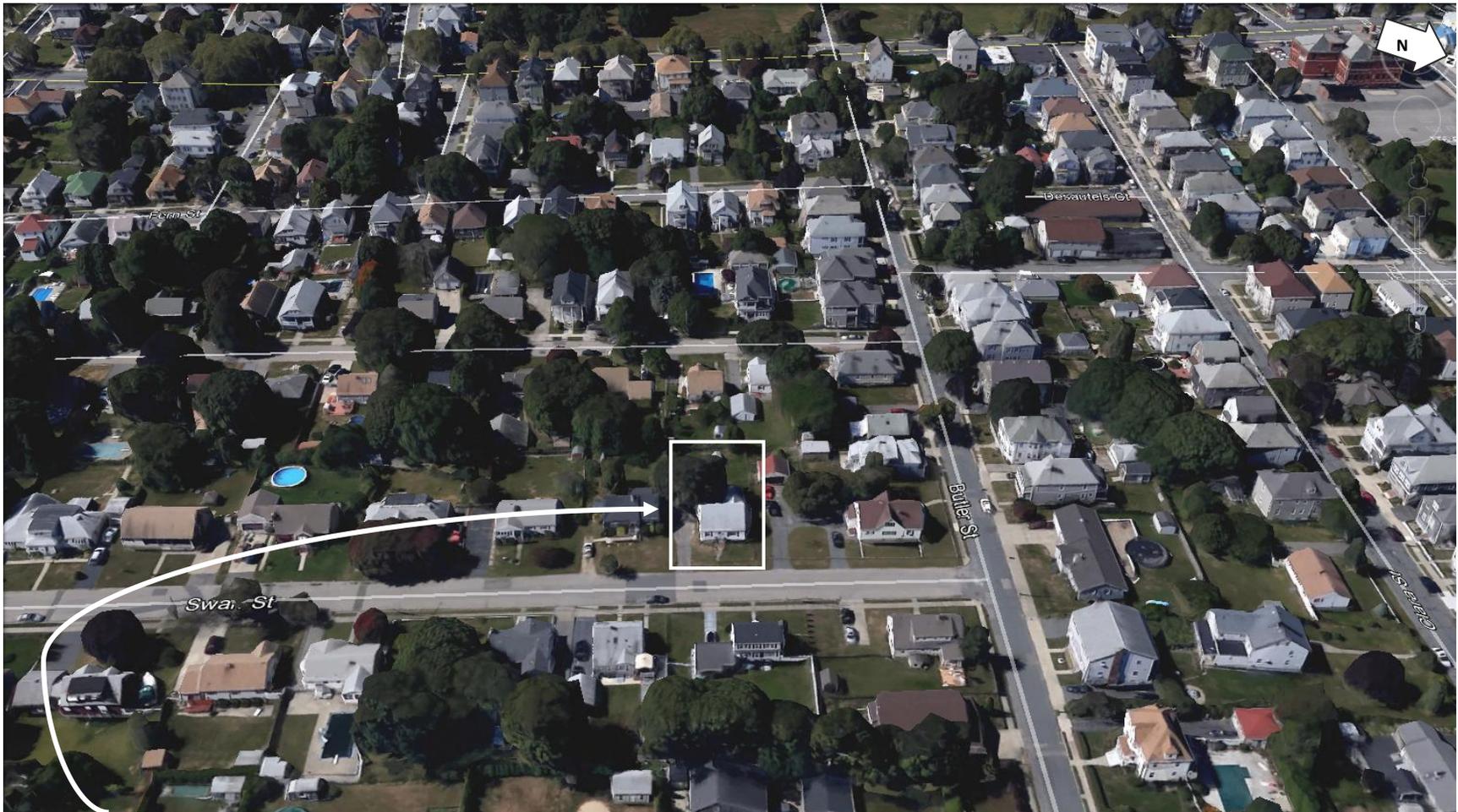
As with all variances, the board must find that there are circumstances relating to the soil conditions, shape or topography which especially affect the land in question, but which do not affect generally the zoning district in which the land or structure in question is located. The ZBA must find that 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. And, in granting the desired relief it would not take away from the purpose of the zoning ordinance and be without substantial detriment to the public good.

**Existing Conditions:** The 7,500 sq. ft. lot has 60' of frontage and 125' in depth. The property has a single family cape style house 30'x26' with a 16'x13' addition in the rear. There is an existing 9'+ x 50'+ driveway on the south side of the property. The south end neighborhood, located East of Hazelwood Park between Brock Avenue and East Rodney French Boulevard, is predominantly single family residential properties, some with garages. The existing home is setback 24'-2" from the south side property line.

**Proposal:** The petitioner proposes to renovate the existing home to include additional living space in the rear and an attached garage with master bedroom above on the south side. The proposed renovated house is 30.5' x 42'-7" with a 15'6" x 24' proposed garage with master bedroom above. The location of the proposed garage is in line with the existing driveway and is setback 9"-5/16" from the south side property line.

The petitioners write the placement of the existing home on the nonconforming lot makes it difficult to meet the required setbacks of the current zoning ordinance. The petitioners contend enforcing the current zoning ordinance would prevent them from utilizing the full value of available, useable square footage of the lot. The petitioners believe the proposal would not negatively impact the surrounding area as the other homes in the area have similar configurations. The petitioner states the garage would provide off-street parking, leaving a portion of the street open for emergency and municipal service vehicles to pass with ease and safety. Also, the petitioners state the structure would provide a better quality of life, enhance the curb appeal, and the design is non-obtrusive.

**For Board Member Consideration:** The subject lot does not meet current dimensional requirements of zoning. The neighborhood properties have similar lot sizes and housing styles. The proposed garage has a similar footprint to others located in the neighborhood.



## 117 Swan Street Map: 10, Lot: 134

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

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41°36'27.72" N 70°54'30.65" W elev 35 ft eye alt 618 ft