



*City of New Bedford*  
Department of Planning, Housing & Community Development  
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DIRECTOR

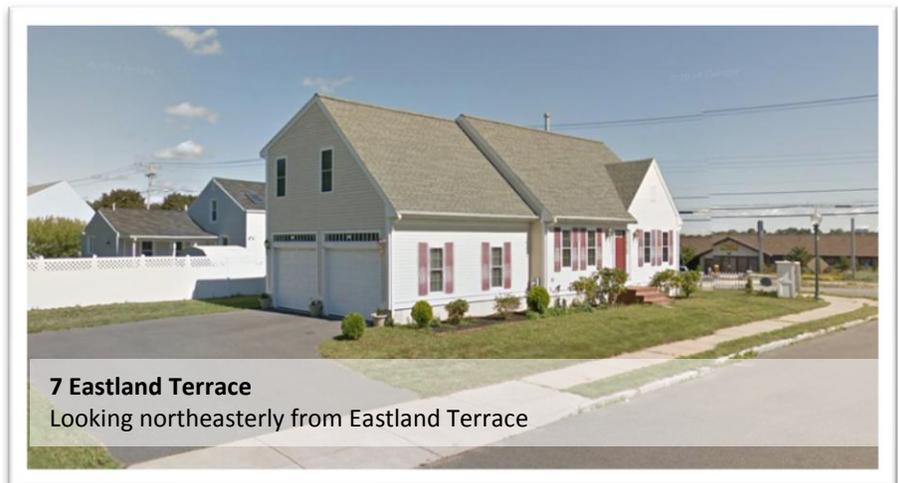
## STAFF COMMENTS

### ZONING BOARD OF APPEALS MEETING

February 12, 2016

**Case # 4219: VARIANCE**  
7 Eastland Terrace  
Map: 74, Lot: 10

**Owner/  
Applicant:** Marcel Vieira  
7 Eastland Terrace  
New Bedford, MA 02740

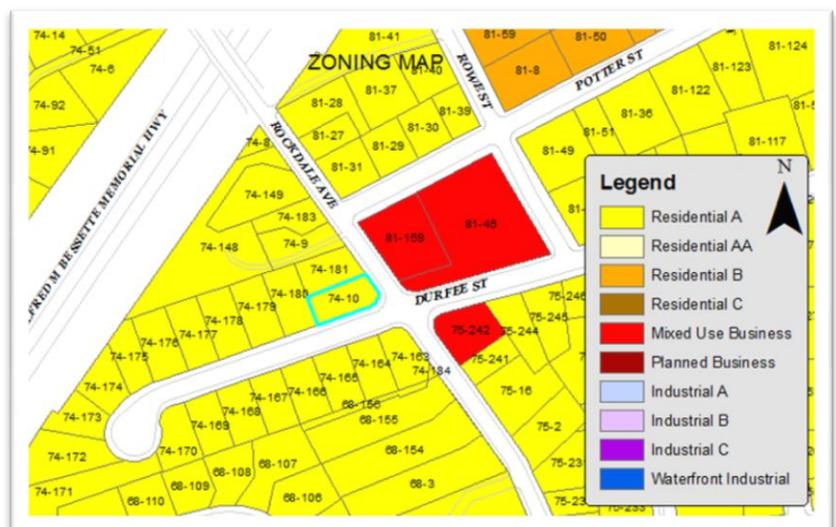


**7 Eastland Terrace**  
Looking northeasterly from Eastland Terrace

**Overview of Request:** The petitioner has submitted an application for a **Variance** relative to the property listed above in a Residential A [RA] zoned district. The petitioner proposes to legalize an existing finished basement, installed without the required permits. The proposal requires relief from the zoning code for the number of stories. The petitioner proposes three (3) stories, where two and a half (2 ½) stories is allowed 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 6,493± sq. ft. corner lot, located in Eastland Farms subdivision off Rockdale Avenue, has 111'± frontage and 55'± in depth. The property has a single family cape style home with rear dormer, an attached two



car garage, rear deck, and a driveway. Although staff believes the house as existing—prior to the proposed addition of a basement unit—has three bedrooms, one full bathroom and one half bath, confirmation of this from the applicant was not received as of the date of these staff comments. The property is located at the northwest corner entrance to Eastland Farms, a single family subdivision, off Rockdale Avenue. Located across the street on Rockdale Avenue is a commercial plaza with a salon and realtor office.

**Proposal:** The applicant petitions the board for a variance in order to make the existing finished basement legal. The basement is currently finished with an additional kitchen, bathroom, and two rooms described as “playroom” and “extra room” on the plans submitted. The petitioner states in the application that the permits necessary were not obtained by the contractor hired unbeknownst to him although responsibility for ensuring proper permitting rests with the property owner.

In regards to criteria necessary to grant a variance, the applicant writes that “due to the shape of the subject lot any addition to the existing structure to increase the living space is not possible”, and, the hardship is that “the owner would lose the benefit/cost of the prior construction and be unable to duplicate the same”. The applicant states “the house would retain all of its external appearance, being that of a single family home in a residential a district. It would have no bearing on any neighbors since there would be no expansion or alteration of the exterior of the structure.”

**For Board Member Consideration:** The subject lot does not meet current dimensional requirements of zoning. As noted, the less than 6,500 square feet lot area noted is under the 8,000 sq. ft. minimum lot size. The ZBA may wish to note that neighborhood properties have similar lot sizes and housing styles.

Of particular concern, however, is that the proposed finished basement with a kitchen would indicate the *potential* for a second living unit within this house. Should the board to grant the petition, it may wish to condition so as to reiterate that a multifamily family use is not an allowed residential use in the Residential A zoning district.



## 7 Eastland Terrace Map: 74, Lot: 10

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

Google earth

41°38'49.72" N 70°57'16.68" W elev 170 ft eye alt 623 ft