



# City of New Bedford

## Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740

Telephone: (508) 979.1500 Facsimile: (508) 979.1575

PATRICK J. SULLIVAN

DIRECTOR

## STAFF COMMENTS

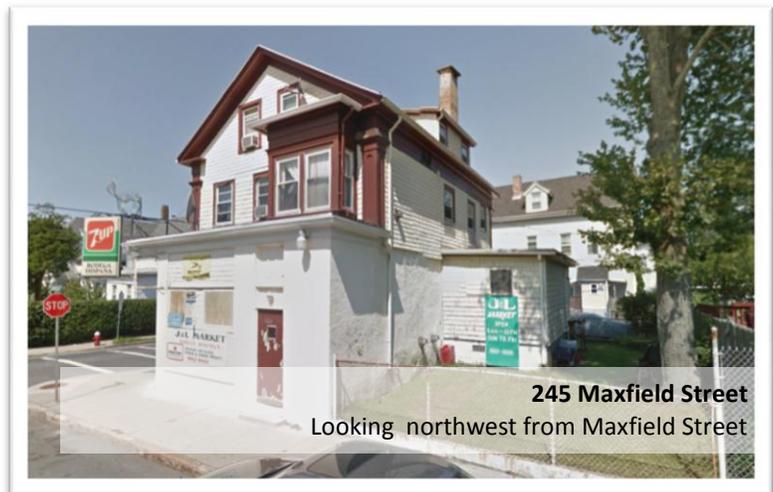
### ZONING BOARD OF APPEALS MEETING

March 9, 2016

**Case # 4222:**       **VARIANCE**  
245 Maxfield Street  
New Bedford, MA 02740  
Map: 58 , Lot: 26

**Owner/Applicant:** Juan E. Rodriguez  
245 Maxfield Street  
New Bedford, MA 02740

**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 change the use at the property from a convenience store to a barber shop. The petitioner is required to have a minimum of ten (10) off-street parking spaces for the proposed commercial use. The applicant petitions the board for relief from the required ten off-street parking spaces, proposing zero off-street parking spaces.



245 Maxfield Street  
Looking northwest from Maxfield Street

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 2,478 sq. ft. corner lot has 47.89' frontage on Maxfield Street and 51.85' depth on Cottage Street. Located in the west end, three blocks from the Andrea McCoy Recreation center, the property has a three story mixed use building with a commercial store front on the first floor, and two residential units above. The building footprint is 1,290 sq. ft. or 52% of the lot area. According to the application, the convenience store (previously located on the first floor) served approximately 100 customers per day, with hours of operation from 8am to 10pm, 7 days a week. Located in a single and multi-family residential neighborhood, the commercial use within the building is considered an existing nonconforming use.

**Proposal:** The petitioner's application states he proposes to change the first floor use from a convenience store to a barbershop. The application states the barbershop will have six (6) employees. However, in speaking with the applicant, planning staff has subsequently been informed there will be seven (7) employees. The hours of

operation will be from 10am to 6pm Tuesday-Saturday. During a conversation with the applicant, staff also clarified that the number of expected customers per day is 45. The application notes that the average client appointment will be no longer than forty minutes.

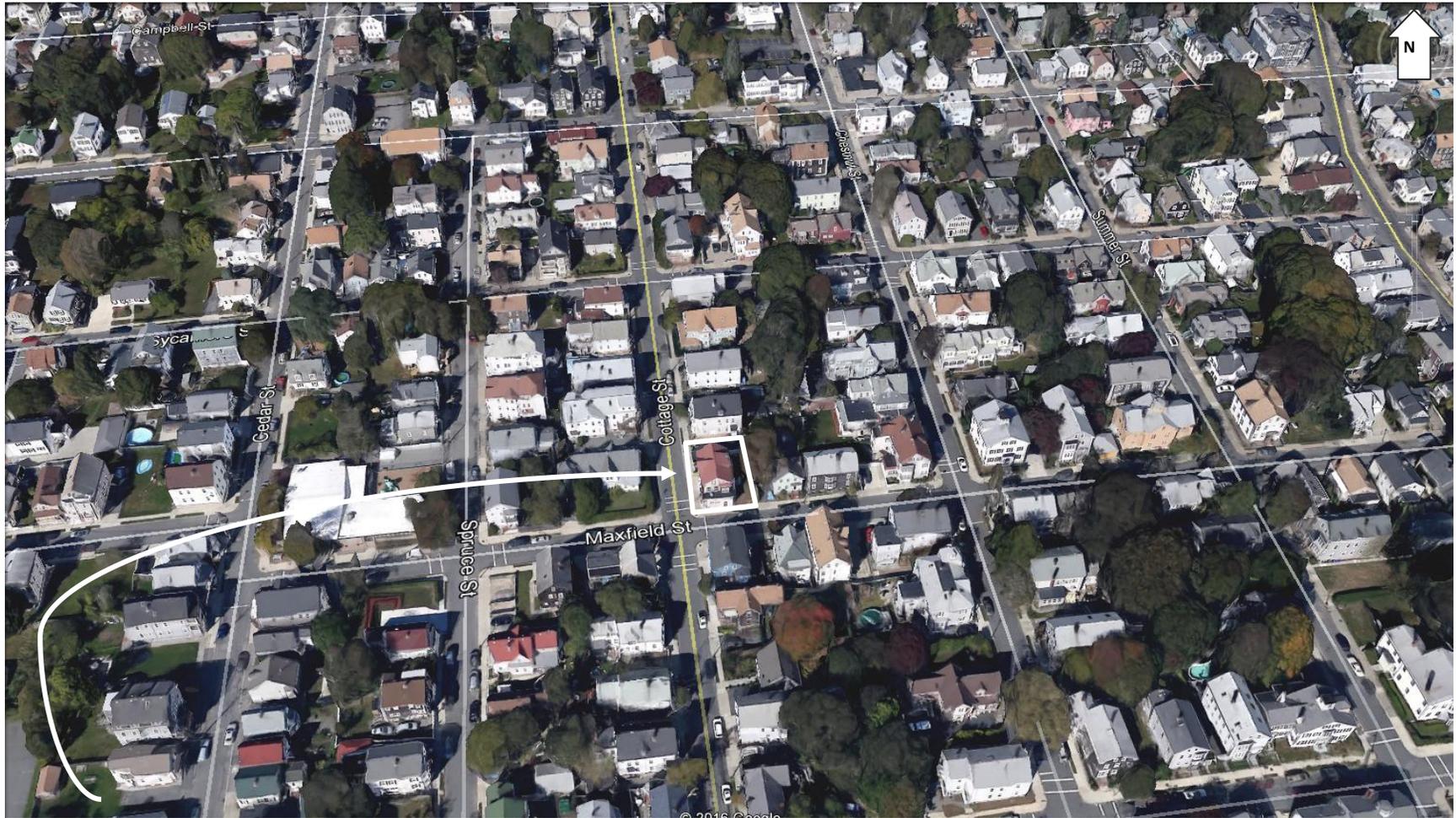
In regards to the criteria necessary to grant the petition, the applicant indicates that a driveway could be installed on the property but that due to the lot size and existing structures, a parking area could only accommodate two cars onsite. The petitioner notes that in order to make such a parking space onsite, the demolition of the existing stockroom would be required along with the reduction of the green space on the property. Additionally, by installing a two car driveway, only one parking space is gained as one on-street space would be lost to accommodate a driveway. For all of these reasons, the petitioner argues that this would be a huge investment for only two parking spaces.

The application states that “granting relief would not take away from the intent of the zoning ordinance because due to the previous business, the surrounding area is familiar with the routine business traffic”. The applicant further notes: “this location is perfect for a barbershop. The feedback from the people in the community is positive. The closest barbershop from the location is half a mile. We will be the only barbershop in ward 4-B so it would be convenient for the local and surrounding population. We have had positive support of our neighborhood for this project, and anything done at this location is for the benefit of the community as a whole.”

**For Board Member Consideration:** The proposed use would maintain a commercial use at the property. The previous use was a neighborhood corner store without benefit of any off-street parking. The ZBA may be interested to note that the city’s Master Plan 2020 encourages the promotion of “walkable dynamic neighborhoods.” Areas where residential and low intensity commercial uses exist together can provide residents access to desired services within walking distance in a manner consistent with the city’s plan.

Based on the petitioner’s estimate of 45 customers per day, the site would average 5-6 customers per hour. The Board may wish to confirm with the applicant that like the previous business the expected customers will primarily be from the surrounding neighborhood coming by foot.

The Board may also wish to review the staffing of the operation with the applicant. Given that the number of employees to be working at this location is seven, it is worth reviewing scheduling patterns (will these employee shifts overlap? Stagger? Run concurrently?) and assessing whether employees will be parking, bicycling or walking to work. In addition to the accommodation of staff with respect to parking, this high a number of staff (7) could indicate a higher use and demand for parking at this location, as such the Board may wish to review this with the applicant in greater detail.



## 245 Maxfield Street Map:58, Lot: 26

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

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Google earth

41°38'24.10" N 70°56'02.82" W elev 138 ft eye alt 923 ft