



PATRICK J. SULLIVAN
DIRECTOR

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

STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

April 1, 2016

Case # 4224: **VARIANCE**
133 Chestnut Street
Map: 65, Lot: 316

Owner/Applicant: Maria S. Barros
133 Chestnut Street
New Bedford, MA 02740



133 Chestnut Street
Looking west from Chestnut Street

Overview of Request: The petitioner has submitted an application for a **Variance** relative to the subject property located within a Residential B [RB] zoning district. The petitioner proposes to legalize and reconfigure the layout of an existing finished attic space that was 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. Additionally, the ZBA must find that 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.

Existing Conditions: The 3,500 sq. ft. subject lot, located three blocks southwest of Parker Elementary School and Clasky Common, has 50' frontage on Chestnut Street and is 70' in depth. There is a two-family house on the subject parcel with a 10'x22' driveway. The first floor is one residential unit and the second and third floors together constitute one residential unit. The third floor attic space has five bedrooms, an office space, and a full bathroom which were installed without the required permits. This fact was revealed when the homeowner's son applied for a building permit to undertake some remodeling of that existing third floor space.

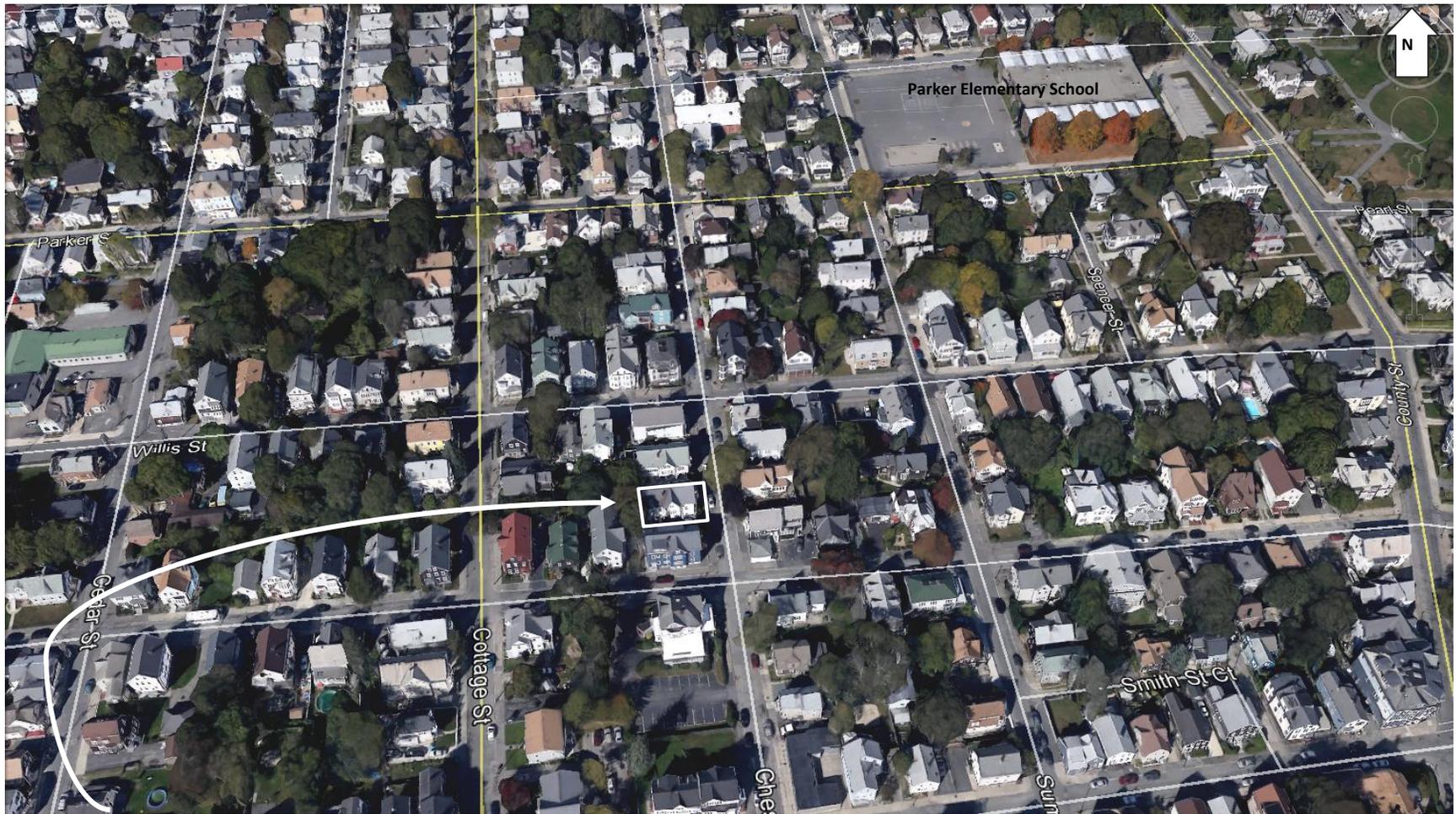
The neighborhood is primarily populated with multi-family houses. The abutter to the north is a three family structure and to the south is a six unit apartment house.

Proposal: The applicant is petitioning the board for a variance in order to reconfigure the finished third floor attic space (and thus legally activate the third story of the house) so as to combine four of the five existing small bedrooms into a single “family room” to accommodate her son and granddaughter who live with her in the house’s second unit. This work and the requested zoning relief, they contend, would have the added benefit of remedying the pre-existing violation—that being the use of the structure’s third floor as a residential space. The reconfigured space will have one bedroom, an office, a family room, and a full bathroom as shown on plans submitted. The second and third floor (combined) will remain as one unit described as “cottage style” in the application.

The petitioner states in the application that there will be no changes to the exterior of her house and its use will continue, unchanged, as a two-family house. The applicant further argues that the requested relief, if granted, would have no bearing on any neighbors since there would be no expansion or alteration of the structure.

For Board Member Consideration: In its review of this petition, the ZBA may wish to note the following points:

- Although not directly correlating to the requested relief regarding height (# of allowed stories), it is nonetheless important to note that the subject lot (at 3,500 SF) does not meet current dimensional requirements of zoning (8,000 SF) and is therefore considered “nonconforming.”
- The proposal actually reduces the number of bedrooms within the existing structure thereby reducing the current intensity of use at the property.
- The petitioner’s property is located amidst neighborhood properties that share similar lot sizes and housing styles.



133 Chestnut Street Map: 65, Lot: 316

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

Google earth

41°38'33.43" N 70°56'01.76" W elev 148 ft eye alt 1111 ft