



**JONATHAN F. MITCHELL**  
MAYOR

*City of New Bedford*  
**ZONING BOARD OF APPEALS**

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2016 MAY - 5 A 8:54  
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**NOTICE OF DECISION**

Case Number:	#4225			
Request Type:	Variance			
Address:	32 Lauren Drive			
Zoning:	Residential A Zoned District			
Recorded Owner:	Vincent R. Coccoli, Jr. and Veronika Solomos			
Owner's Address:	32 Lauren Drive New Bedford, MA 02745			
Applicant:	Vincent R. Coccoli, Jr. and Veronika Solomos			
Applicant's Address:	32 Lauren Drive New Bedford, MA 02745			
Application Submittal Date	Public Hearing Date	Decision Date		
March 22 <sup>nd</sup> , 2016	April 28 <sup>th</sup> , 2016	April 28 <sup>th</sup> , 2016		
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
132J	30	10075	169	

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; to allow the petitioner to create habitable space in the basement (1/2 bath, game room/family room and a utility storage room) as plans filed.

**Action: GRANTED, WITH CONDITIONS, for the reasons set forth in the attached decision with the Conditions as described in the attached decision. (See Attachment)**

A copy of this Decision was filed with the City Clerk of the City of New Bedford on May 5<sup>th</sup>, 2016. Any person aggrieved by this decision has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 17 of Chapter 40A of the General Laws of Massachusetts.

May 5, 2016  
Date

*Allen Parker*  
Clerk, Zoning Board of Appeals

### **1.) APPLICATION SUMMARY**

The petitioner proposes to create habitable space in the basement (1/2 bath, game room/family room and a utility storage room) as plans filed, which requires 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). This petition is relative to property located at 32 Lauren Drive, assessor's map 132J, lot 30 in a residential-A [RA] zoned district.

### **2.) MATERIALS REVIEWED BY THE BOARD**

#### **Plans Considered to be Part of the Application**

- Site Plan, drawn by unknown, dated March 10<sup>th</sup>, 2016
- Proposed and Existing Floor plans, drawn by B. Rogers, dated November 12, 2015

#### **Other Documents & Supporting Material**

- Completed Petition for a Variance Form, stamped received by City Clerk's Office March 22<sup>nd</sup>, 2016.
- Letter to ZBA from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated March 31<sup>st</sup>, 2016.
- Staff Comments to ZBA from City Planning Division, dated April 1<sup>st</sup>, 2016.

### **3.) DISCUSSION**

On the evening of the April 28<sup>th</sup>, 2016 meeting, board members: Leo Schick, Allen Decker, Sherry McTigue, John Walsh and Robert Schilling were present for the public hearing. City of New Bedford staff: Danny D. Romanowicz (Commissioner of Buildings & Inspectional Services) and Jennifer Gonet (Assistant Project Manager, Department of Planning, Housing & Community Development) were present during proceedings for the subject case review.

Mr. Decker made a motion, seconded by Mr. Walsh, to receive and place on file the communications from the Commissioner of Buildings & Inspectional Services, Danny D. Romanowicz, dated March 31<sup>st</sup>, 2016; Staff Comments from the Department of Planning, Housing & Community Development, dated April 1<sup>st</sup>, 2016; the appeal packet; the plan as submitted; and, that the owners of the lots as indicated are the ones deemed by the Board to be affected; and that the action of the Clerk in giving notice of the hearing as stated be and is hereby ratified. With all in favor, the motion carried.

Acting Chair Schick then declared the hearing open.

The petitioner: Mr. Vincent Coccoli (32 Lauren Drive New Bedford, MA) presented the petition. Mr. Coccoli explained he proposed to finish the basement at his home to include a game room, half bathroom, and storage room in order to provide additional space for his expanding family.

Ms. McTigue asked if the petitioner had plans for sleeping quarters or bedrooms in the basement. Mr. Coccoli confirmed, other than the family dog, there will be no sleeping quarters in the basement. Mr. Decker inquired if the petitioner were to build outwards would he run into setback issues. Mr. Coccoli confirmed he would have issues and it is nearly impossible to build elsewhere on the lot.

Following the petitioner's testimony, Acting Chair Schick invited to the podium anyone wishing to speak in favor of the application. No one in attendance spoke in support of the petition or wished to be recorded in favor of the petition.

Acting Chair Schick invited to the podium anyone wishing to speak in opposition of the petition. No one in attendance spoke in opposition of the petition or wished to be recorded in opposition of the petition.

With no further questions or concerns, Acting Chair Schick closed the hearing, and opened the floor for discussion amongst the board members.

#### **4.) FINDINGS**

##### **Criteria for Approval of Dimensional Variation (Ch. 9, Sect. 2730)**

The Board of Appeals may vary otherwise applicable dimensional requirements pertaining to frontage, lot area, building height and sidelines upon finding the following:

- a.) *That owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant;*

The Board found the location of the structure precludes expansion outward so finishing the basement for additional habitable space is the only option. The board found the hardship is the homeowners need the additional habitable space for a growing family.

- b.) *That desirable relief may be granted without substantial detriment to the public good;*

The Board found that sufficient information and testimony had been given to determine that granting the required relief would not result in substantial negative impact to the public good.

- c.) *And, that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.*

The Board found that the impact of the dimensional relief would be minimal, and would not substantially derogate from the intent of the zoning ordinance.

#### **5.) RELIEF**

With respect to the relief requested by the Applicant, the Board has been presented with sufficient information at the hearing to justify the relief described below, subject to the conditions set forth below in Section 6.

The Board grants the Applicant's request for relief from 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; to allow the petitioner to create habitable space in the basement (1/2 bath, game room/family room and a utility storage room) as plans filed.

**6.) THE FOLLOWING CONDITIONS AND RESTRICTIONS SHALL APPLY**

- a. The project shall be set forth according to plans submitted with the application, with conditions;
- b. The applicant shall ensure that a copy of this decision, bearing the certification of the City of New Bedford Clerk's Office, is recorded in the Registry of Deeds;
- c. The rights authorized by the granted Variances must be exercised, by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date they were granted or they will lapse.

**7.) DECISION**

Based on a review of the application documents, testimony given at the public hearing and the findings described above, the Zoning Board of Appeals hereby **GRANTS, WITH CONDITIONS**, the requested variance.

On a motion by A. Decker, seconded by R. Schilling to grant the requested Variance, the vote carried 5-0 with members S. McTigue, A. Decker, L. Schick, J. Walsh and R. Schilling voting in the affirmative, no member voting in the negative. (Tally 5-0)

Filed with the City Clerk on:

May 5, 2016

Date

Allen Decker

Allen Decker, Clerk of the Zoning Board of Appeals