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STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

May 5, 2016

Case # 4227:

SPECIAL PERMIT

45 Summit Street
Map: 56, Lot: 134

Owner/Applicant:

Aldo Alves, Jr.
87 Alpha Street
Dartmouth, MA 02747

Overview of Request: The petitioner has submitted an application for a **Special Permit** relative to the subject property located within a **Residential A [RA]** zoning district. The petitioner proposes to install a driveway in the rear of the property listed above. The location of the driveway as proposed does not constitute frontage of the lot, and therefore requires a Special Permit.



As with all Special Permits, the ZBA must determine that the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use. To this end the board shall consider each of the following in its determination: **a.)** social, economic, or community needs which are served by the proposal; **b.)** traffic flow and safety, including parking and loading; **c.)** adequacy of utilities and other public services; **d.)** neighborhood character and social structures; **e.)** impacts on the natural environment; and potential fiscal impact, including impact on city services, tax base, and employment. In these types of cases related to driveways located not on the frontage of the lot, the board must also determine that said vehicular access promotes a public benefit and is not detrimental to public health and safety.

Existing Conditions: The 4,913 sq. ft. corner lot is located in the west end near New Bedford Police headquarters and between Rockdale Avenue and Summit Street. The subject lot has 74.48' frontage on Summit Street and 66' of depth along Hillman Street. The property has a single family house and a shed. From north to south the subject property slopes down towards Hillman Street. The property is almost at grade with Hillman Street but rises to approximately 5' along the lot's northeastern most edge along Summit Street.

The immediate neighborhood is primarily made up of single-family houses with driveways. Both Hillman Street and Summit Street function as one-way streets around this property; Hillman is one-way easterly, while Summit Street is one-way southerly.

Proposal: The petitioner proposes to install a driveway (14'± x 42') at the rear of the property with access from Hillman Street which is not legally considered the frontage of the lot. The driveway is proposed as having a setback of 4' from the rear property line. The driveway width will vary from a 14' entry point at the Hillman Street curbcut and flaring out easterly along the house's existing deck by four feet to 18' in width.

The applicant has indicated that due to the existing topography and grade, a driveway is not possible to be placed on the Summit Street side of the property (the legal frontage of the lot). The submitted application indicates that the neighborhood is residential in nature with a combination of on and off-street parking. Citing this, the applicant claims the proposed driveway coming off of Hillman Street will not negatively impact the location of the neighborhood where this is proposed but because it would accommodate the family's parking needs, would actually allow for *more* parking on the street for neighbors especially in the wintertime when parking is at a premium (during snow parking bans, etc.). Lastly, the petitioner points out the proposal will allow green space to remain on the side yard along Summit Street, a more desirable condition within the residential neighborhood.

For Board Member Consideration: The subject property's existing topography and hardscape (retaining walls) presents a somewhat unique situation that affects this lot but not necessarily the other properties within this zoning district. By compelling the property owner to install the requested driveway off of the lot's official frontage, the applicant would be burdened with a substantial financial hardship because of the amount of grading and engineering necessary to accommodate a driveway that would have a significant slope and require new retention walls, cutting and filling, etc.

In addition, without the requested relief, the homeowner would be faced with using the property's side yard which currently serves as the primary green space on the property. Retaining this green space would be a benefit to the site and the surrounding neighborhood while its development as a driveway would conversely pose an undesirable result for the surrounding property owners.





45 Summit Street Map: 56, Lot: 134

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

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Google earth

41°38'15.48" N 70°56'54.71" W elev 124 ft eye alt 996 ft