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STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

June 15, 2016

Case # 4231: **VARIANCE**
21 Margin Street
Map: 20, Lot: 368

Owner/Applicant: Donald L. Lamarre
17 Antonio Way
Dartmouth, MA 02747

Overview of Request: The petitioner has submitted an application for a **Variance** relative to the subject property located within a Residential C [RC] zoning district. The petitioner proposes to demolish an existing garage (12.5' x 18.6') and reconstruct the garage (14' x 21'). The proposed reconstruction and extension of the garage requires a variance for accessory structures dimensional requirements and percentage of rear yard area the structure occupies. The petitioner proposes 1' rear yard setback where 4' is required; 1' side setback on the south side where 10' is required; and 41% rear yard coverage where no greater than 40% 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 3,150 sq. ft. subject lot is located on Margin Street which is between the south end police station on Cove Street and the hurricane barrier on Cove Road. It has a 46'± frontage and 68'± in depth. The property has a three family house (25'± x 38'±) with a detached one car garage (12.5' x 18.6'±), and a stone driveway. The circa 1924 garage is located in the southwest corner of the property setback 1' from both the



21 Margin Street
Looking north west from Margin Street



21 Margin Street garage
Looking west from Margin Street

side and rear yard property lines. The current garage occupies 29% of the rear yard. A six foot high fence is located in the rear. The rear abutter has an accessory structure approximately 8' tall and 12' in length along the rear fence. The surrounding neighborhood has predominantly multifamily houses and two auto service and sales businesses.

Proposal: The petitioner proposes to demolish, reconstruct and extend the garage to 14'x21'. This results in the extension of the garage 1.5' north towards the house, and 2.3' east towards the driveway. The height of the garage will remain the same (11' 5'). The petitioner informed planning staff the garage will have vinyl siding to match the house.

The petitioner states in the application that due to the location of the house there is not enough room to have the garage conform to the setbacks. Further, the applicant argues that meeting the setbacks would take away from the current size of the garage and that the garage will not infringe on the neighbors' views or safety, but would instead, improve aesthetics on the property and increase neighborhood home values.

For Board Member Consideration: Due to the age of the garage, the proposed demolition required the review of the New Bedford Historical Commission and City Council. With the recommendation of the Historical Commission, the demolition of the garage was granted by City Council and approved by the Mayor June 6, 2016. Given the age of the 92 year old garage it is not unreasonable to understand why the petitioner would need to replace the structure.

The proposed garage dimensions are common dimensions for a one car garage. The side yard requirements could not be met on this property due to the location of the existing house. Moving the garage forward in order to meet the rear setback and increase the rear yard would have a greater impact on the south side abutter than the existing location. Given the location of the rear abutter's accessory structure the extension of the garage 1.5' along the rear property line would not significantly impact any views of this abutter more than already exists. The 2.3' extension east will not block any windows of the south side abutter.



21 Margin Street Map: 20, Lot: 368

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

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Google earth

41°36'57.77" N 70°55'19.72" W elev 34 ft eye alt 936 ft