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STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

June 15, 2016

Case # 4233: **VARIANCE**
78 Moss Street
Map: 10, Lot: 152

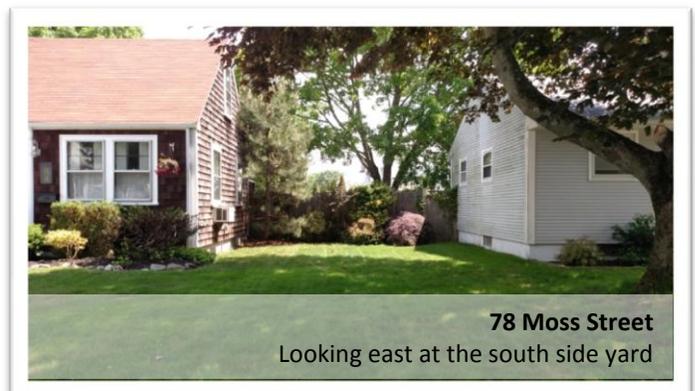
Owner/Applicant: Ronald F. Costa Jr. &
Robert F. Dias
78 Moss Street
New Bedford, MA 02744



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 erect an addition and relocate the driveway to the south side. The proposed addition extends 17' further than the existing house into the south side yard. The petitioner proposes a side setback of 3.7' on the south side and 9.3' on the north side, where 12' and 10' are required, respectively. The proposed driveway is 12'x19.2', where 9'x20' is required. Therefore the petition requires a variance for the south side yard setback and the size of a parking space.

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 7,500 sq. ft. subject lot is located in a south end neighborhood west of the ATI Allegheny Ludlum Technology mill complex. The lot has 60' frontage on Moss Street and is 125' in depth. The property has an existing single family cape style house (30'x24'±), shed (12.5'± x 20'), in-ground pool, and wood decks in the rear. A gravel driveway (9.3'x19.4') is located on the north side of the house along the property line.



The surrounding neighborhood is single family residential houses of similar styles on similarly sized and dimensioned lots.

Proposal: The petitioner proposes to erect a garage addition with living space above on the south side of the house and that wraps around the rear of the house. The addition raises the roof ridge line to 29'2"±; maintaining the existing front roof slope and flattening the rear slope as with a shed dormer. The proposal also includes relocating the driveway to the south side to serve the one-car garage. The proposed driveway size is 12'x19.2'.

The application states that the lot is a non-conforming lot to current city standards and the placement of the house makes it difficult to meet the required setbacks of today's ordinance. Further, the petition states "it would prevent the property owner from utilizing the full value and available, useable square footage of the lot. The proposed structure would allow for additional off-street parking, which in turn leaves a portion of the public street open for passing emergency, waste and recycling pick-up and snow removal services to pass with ease and safety." The petitioner has included photos of other properties in the neighborhood with similar configurations with the application, citing these other properties as examples of how the requested relief will not negatively impact the surrounding area or abutters. The petitioner further contends that the proposed addition would "enhance the homes curb appeal and increase property value not only for the home but also the homes in our neighborhood".

Two parking spaces are required for single family residential properties under the city's zoning code; as the subject lot is considered a nonconforming property it does not have the two required onsite parking spaces available. The proposed garage addition would provide the second parking space. Although the proposed driveway does not meet the required 9'x20' size of a standard parking space, neither does the existing driveway. The proposed driveway is 3' wider and nearly the same length as the existing driveway.

For Board Member Consideration: The property's current north side yard setback at 9.3' does not meet the required 10'; therefore, the south side setback is required under zoning ordinance to be 12'. Therefore, if granted, both side yard setbacks will require the variance relief. Currently, the south side setback is 20', the proposed is 3.7'. The board should note, the south side abutter's property is set 3.7' from the shared property line, meaning the separation distance between the proposed addition and the abutter's house will be only 7.5'.

	Existing	Proposed	Required
Side yard setback (north)	9.3'	9.3'	10'
Side yard setback (south)	20'	3.7'	12'



78 Moss Street Map: 10, Lot: 152

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

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41°36'23.84" N 70°54'29.60" W elev 76 ft eye alt 1049 ft