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## STAFF COMMENTS

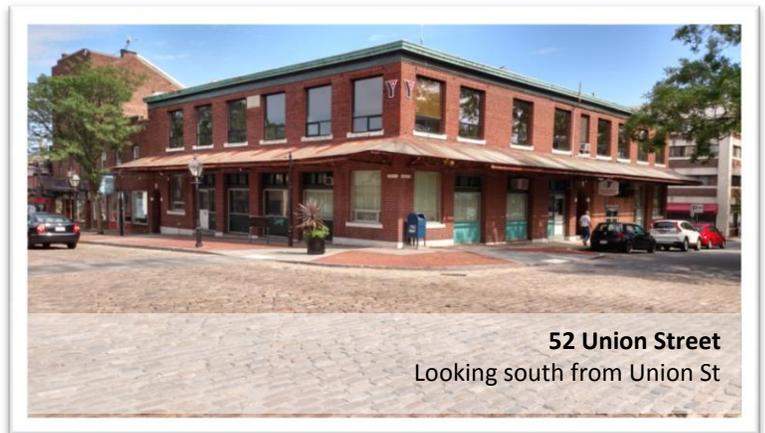
ZONING BOARD OF APPEALS MEETING

July 20, 2016

**Case # 4241:**   **VARIANCE**  
52 Union Street  
Map: 47, Lot: 37

**Owner:**       Marder Management Corp.  
22 South Water Street  
New Bedford, MA 02740

**Applicant:**   Moby Dick Brewing Inc.  
8 Village Road  
Lakeville, MA 02347



52 Union Street  
Looking south from Union St

**Overview of Request:** The petitioner has submitted an application for a **Variance** relative to the subject property located within an Industrial A [IA] zoning district. The petitioner proposes to commence exterior and interior renovations in order to open and operate a brew pub and restaurant known as “Moby Dick Brewing Company”. The petitioners propose zero parking spaces, where 47 parking spaces and one loading space are required for the proposed uses under the zoning ordinance.

As with all variances, the board must find:

- 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.
- 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.
- 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 existing 4,820 sq. ft. lot located in the Downtown historic district has 66.5’ frontage on Union Street and 93.20’ on the adjacent South Water Street. The property has a two story commercial building that’s footprint occupies the entire “L” shaped lot. The existing building is vacant on the first floor with occupied office space, currently the YMCA’s Executive Offices, which will remain on the second floor. As the building occupies the entire lot there are no parking or loading spaces on the site.

Located within the city's downtown, the surrounding neighborhood is mixed use with commercial and residential uses present. A commercial parking lot is located directly across Union Street, the YMCA is across South Second Street, and the commercial buildings fill the entire block between South Second Street and JFK Boulevard/Rt. 18. There is no open space on the entire block.

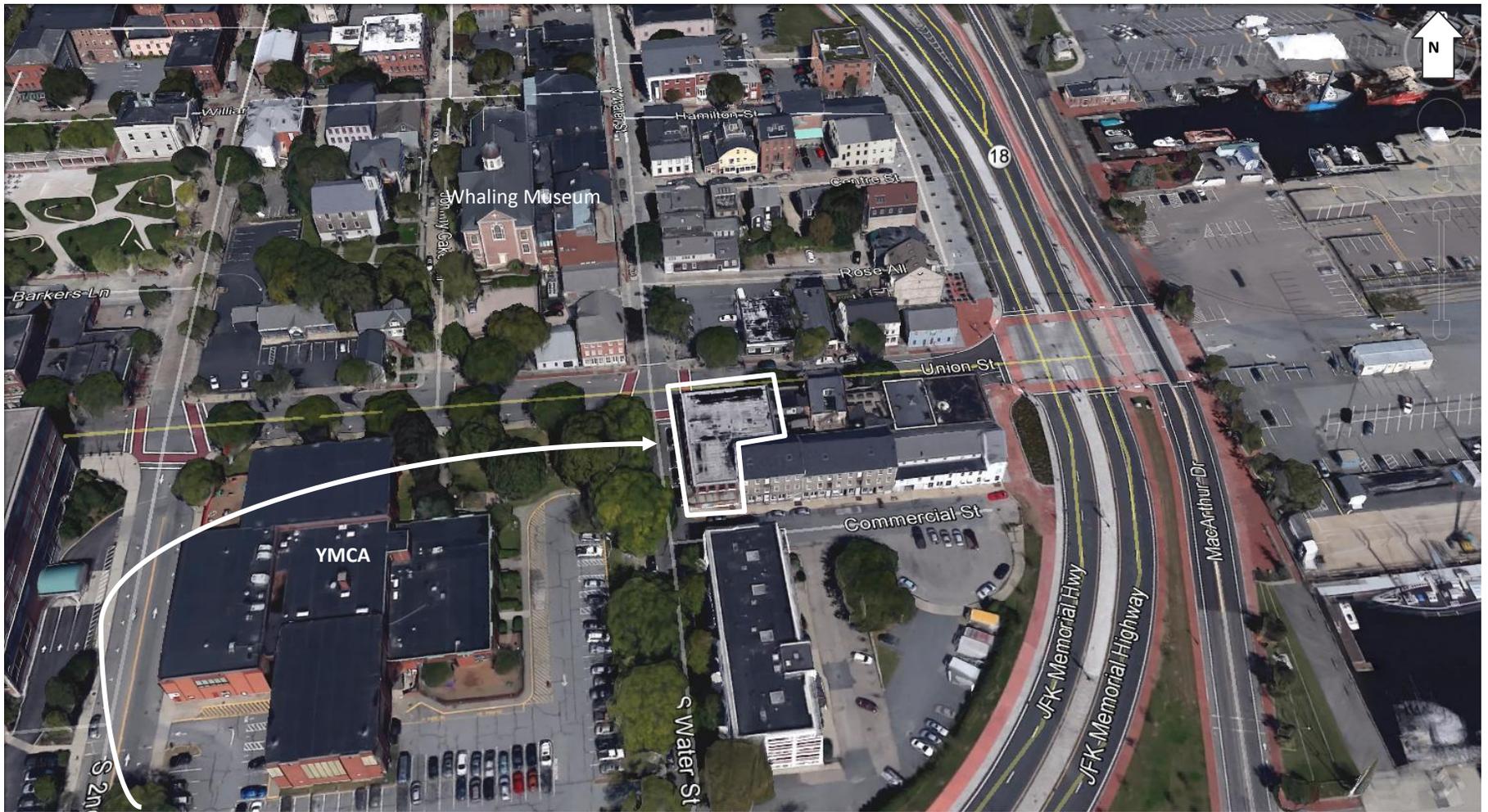
A public parking lot is located in the rear, south east, of the subject lot. Two public parking garages (Zeiterion Garage and Elm Street Garage) are located within a 5 minute or less walking distance of the site.

**Proposal:** The petitioners propose to operate a brew pub and restaurant on the first floor of the commercial building. The first floor plans submitted show a retail space, a brewery operations area, dining area for approximately 90 guests with a bar area, bathrooms, private dining room, kitchen and preparation area. The plans submitted show the petitioners propose to also utilize the basement for brewing operations and storage. The second story offices will remain unchanged.

As proposed, the brew pub and restaurant is estimated to serve approximately 100 customers per day, have 15 employees, and be open 7 days a week 11am to 2am. Deliveries will be between the hours of 9am-5pm daily.

The petitioner states in the application that "due to the unique shape of the lot and the fact that no open space exists for the creation of any off street parking and loading spaces, a hardship exists and the petitioner is unable to comply with the zoning by-law." The petition continues "that the literal enforcement of the by-law would involve substantial hardship as the parcel contains no available open space for parking and loading. The existing historical structure would need to be demolished and a structure would need to be rebuilt with a parking deck..." The petitioner contends, "the variance would actually preserve an existing historical structure and allow for its re-use and rehabilitation. The variance would also promote a walkable downtown New Bedford that has been envisioned by city officials." The application indicates the petitioner intends to utilize existing municipal parking facilities and describes the downtown as having many similar businesses without parking or loading spaces.

**For Board Member Consideration:** The proposal reactivates an existing vacant property along a gateway corridor to the Downtown identified in the Master Plan. The reuse aligns with the City's goals of preserving and maintaining the historic character of the Downtown. The city seeks to promote development that supports the pedestrian experience and walkability throughout the city and particularly within the Downtown. The proposal encourages pedestrian activity in this area while municipal/public parking areas and garages are available within a reasonable distance for vehicular demand.



## 52 Union Street Map: 47, Lot: 37

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

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Google earth

41°38'03.31" N 70°55'20.93" W elev 50 ft eye alt 770 ft