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ZONING BOARD OF APPEALS

STAFF REPORT

ZONING BOARD OF APPEALS MEETING

MEETING DATE: December 12, 2019

STAFF REPORT: December 2, 2019

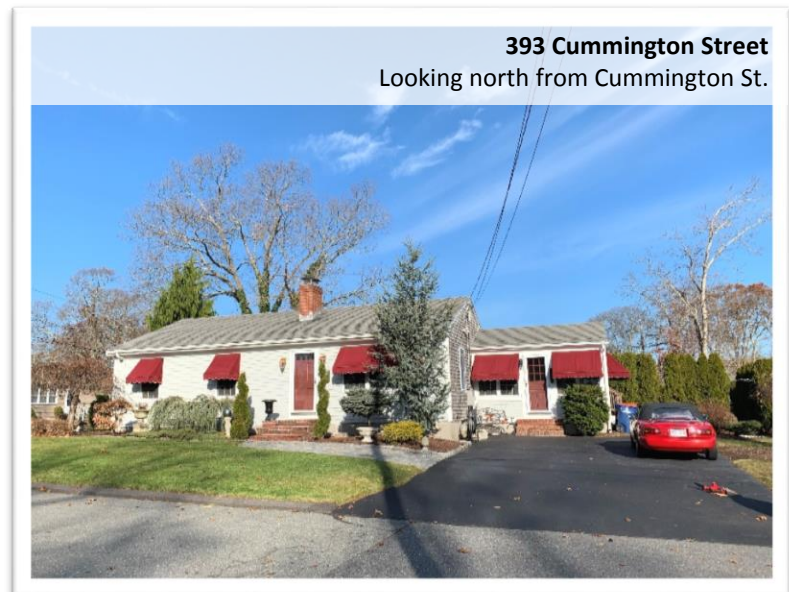
Case#4400: VARIANCE

Property: 393 Cummington Street
Map: 127E Lot: 363

Zoning: Residential A (RA)

Owner: Carol K. McGlynn
393 Cummington Street
New Bedford, MA 02745

Applicant: Carol K. McGlynn
393 Cummington Street
New Bedford, MA 02745



Overview of Request: Notice is given of a public hearing on the petition of: **Carol K. McGlynn** (393 Cummington Street, New Bedford, MA 02745) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 2300 (accessory buildings and uses), 2310 (general), 2330 (accessory structures), 2331 (private garage), 2700 (dimensional regulations), 2710 (general), 2720 (table of dimensional requirements-Appendix B, side yard-Ft.), 2750 (yards in residence district) and 2755 (side yard); relative to property located at **393 Cummington Street**, Assessors' map 127E lot 363 in a Residential A [RA] zoned district. The petitioner is proposing to construct a 30'x22' attached two car garage per plans filed.

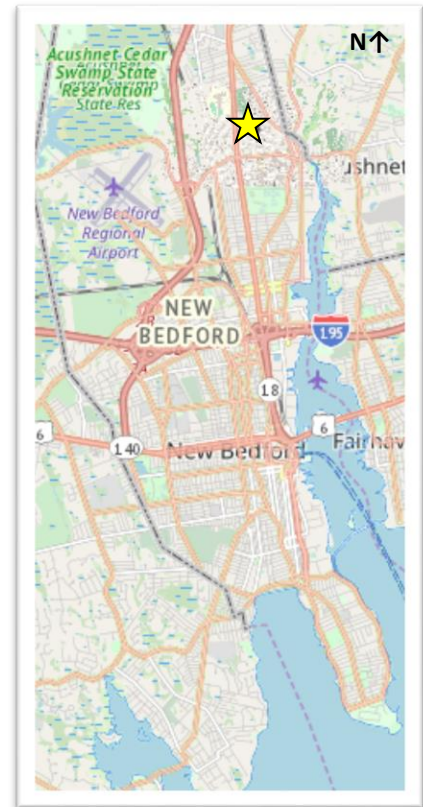
	Existing	City Requirement	Proposed
Side Setback (ft)	22.6'	10'	9.5"

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 1,205 SF, single family ranch style, one-story, residential property is located on Cummington Street in a Residential A zone. The immediate vicinity is predominantly comprised of single-family dwellings. The property is situated in the north end of the city, off Pine Grove Street, westerly adjacent from Pine Grove Cemetery. The site's parcel is a 7,445 SF corner lot, with 94.7' of frontage on Cummington Street and 80.05' on Pine Grove Street. There is an existing asphalt driveway and curb cut on the east side of the property. There is an enclosed rear yard in the northwest portion with a grass cover and shed. The front yard is comprised of grass with a small landscaped garden surrounding the front elevation of the dwelling. Bookend white picket fences border the property easterly and westerly. Additionally, the dwelling has a center south elevation, side southeast elevation leading into the existing sunroom and a rear elevation northerly.



Proposed Conditions:

The petitioner proposes to construct a 30'x22', attached two car garage. The proposed structure would be located on the east side of the property where the existing driveway is situated, extending over the side yard located approximately 9.5' to the east side of the property line per plans depicted. The proposal would create a covered structure attached to the existing sunroom; located on the southeast elevation facing south of the subject property. The total proposed structure would be 660 SF.

The construction of the attached two car garage would not comply with dimensional requirements for side yard, and therefore requires a variance.



For consideration:

- 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 petitioner states the proposal would not disturb land preservation or conservation. The application states the proposed attached garage would be constructed on the east side of the property, as this is the location of the existing 18.0' wide driveway and curb cut. Additionally, the petitioner notes the proposal would be attached to the existing sunroom/breezeway also located on the east side of the dwelling. Staff acknowledges the existing sunroom, driveway and curb cut are located on the east side of the property.
- 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 petitioner states without the relief there would be no means of a covered structure to shield the existing driveway from inclement weather conditions. The petitioner states granting the relief would greatly assist during inclement weather conditions such as snow, rain and wind. The application mentions that the petitioners are elderly and due to medical issues, it is extremely difficult to maintain snow removal, therefore causing a hardship. Staff acknowledges the existing dwelling is 1,205 SF and is situated on a 7,445 SF parcel, with a center elevation facing south and side southeast elevation leading into the existing sunroom.
- 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. The petitioner states that granting relief will not substantially derogate or nullify the intent of the zoning by-law or pose a detriment to the public good. The application states that the petitioners have informed all direct abutters of the subject proposal; with no opposition to the project. Additionally, the petitioner notes the proposal would be an improvement to the neighborhood. Staff acknowledges the proposal could potentially provide a covered structure to shield the existing driveway from inclement weather conditions.

393 Cummington Street: 127E, Lot: 363

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

