



PATRICK J. SULLIVAN
DIRECTOR

City of New Bedford

Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740
Telephone: (508) 979.1500 Facsimile: (508) 979.1575

STAFF REPORT

ZONING BOARD OF APPEALS MEETING

MEETING DATE: October 18.2018

STAFF REPORT DATE: October 1.2018

Case #4343:Special Permit

Case #4344:Variance

Property: 152-160 Belleville Avenue
Map:93 Lot 138

Zoning: IndustrialA (IA)

Owner: DBD Investments, LLC
73 Columbia Street
Fall River, Ma 02721

Applicant: SITEC, Inc.
449 Faunce Corner Road
Dartmouth, MA 02747



152-160 Belleville Avenue

Looking Northeast from Belleville Avenue

Overview of Request: The petitioner has submitted applications for a **Special Permit** and a **Variance** relative to the subject property located within an Industrial A [IA] zoning district. Notice is given of a public hearing on the petition of: **DBD Investments, LLC**. (73 Columbia Street, Fall River, MA) and **SITEC Inc.** (449 Faunce Corner Road, Dartmouth, MA) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2400 (non-conforming uses and structures), 2410 (applicability), 2420-4220 (nonconforming use), and 5300-5330 & 5360-5390 (special permit); and a **Variance** under Chapter 9, Comprehensive Zoning Sections 2710 (general), 2720 (table of dimensional requirements-Appendix-B, front yard, side yard, green space), 2750 (yards in residence district), 2751 (front yard) and 2755 (side yard); relative to property located at the **152-160 Belleville Avenue**, Assessors' map 93 lot 138 in an Industrial A [IA] zoned district. The petitioner proposes to reconfigure the lot lines to divide the existing buildings on the lot into two separate parcels per plans filed.

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:

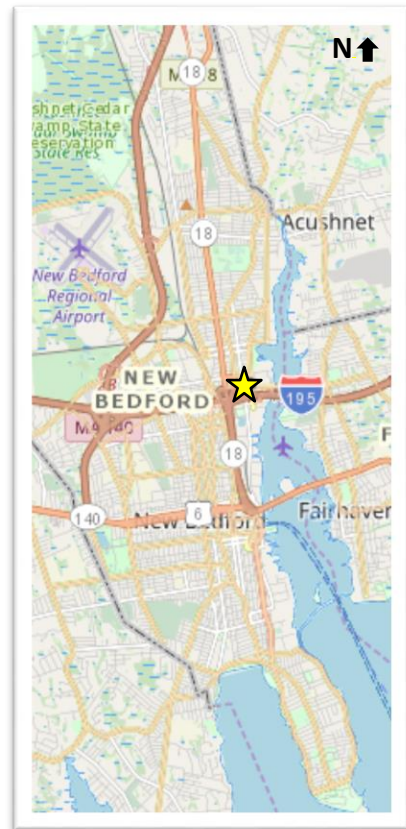
- a) social, economic, or community needs which are served by the proposal;
- b) traffic flow and safety, including parking and loading;
- c) adequacy of utilities and other public services;
- d) neighborhood character and social structures;
- e) impacts on the natural environment; and potential fiscal impact, including impact on city services, tax base, and employment.

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 property is located on the East Side of Belleville Avenue, approximately 200' north of the intersection of Coggeshall Street in an Industrial A [IA] zone. The 10,900 SF parcel is comprised of two buildings, both of which are owned by the petitioner. Situated on the parcel is a two-family dwelling and a one-story commercial building. The residential dwelling is 2116 SF and has 31' frontage on Belleville Avenue with 91.45' in depth. The commercial building is 3424 SF and has 49.12 frontage on Belleville Avenue with 138.19 in depth. Both buildings have an attached two car garage. The residential dwelling is occupied, but the commercial building is currently vacant. As such, there is no activity on the commercial site at the present time. The parcel has a shared driveway entrance in-between both buildings with a paved parking area in the rear (east). The parcel is entirely paved with zero green space.

The property is located in the north end of the city off of Coggeshall Street and easterly of State Highway I-195. The immediate surroundings include commercial, retail and residential properties. There is an auto-body sales business on the corner of Coggeshall Street and Belleville Avenue (south), across the street to the northwest is a liquor store and a mobile communication store (southwest), directly behind the property (east) is the Riverside Landing Plaza which hosts several restaurants, retail, and commercial spaces including Market Basket, Taco Bell, Little Caesars, Verizon and a Medical Clinic.



Proposal: The petitioner proposes to reconfigure the lot lines to divide the existing buildings on the lot into two separate parcels. Depicted in the proposed plans dated June 18, 2016, the residential dwelling with an attached two car garage would be situated on parcel 1 and would be 2800 SF, the parcel would include 2 proposed uncovered parking spaces. The commercial building with an attached two car garage would be situated on parcel 2 and would be 8100 SF, the parcel would include seven uncovered parking spaces.

The proposal to reconfigure the lot lines to divide the existing buildings would not comply with site dimensional requirements for front yard, side yard and green space and also does not comply with non-conforming uses and structures. Therefore, the project requires a variance and a special permit.

In regard to the criteria necessary to grant the **Special Permit**, staff offers the following:

a.) Social, economic or community needs which are served by the proposal. The petitioner states the economic needs that would be served by approving this proposal would be that the separate uses on each of the parcels would allow a more desirable location for both of the resulting parcels. Staff acknowledges the proposal would allow each building to be situated on its own individual parcel with separate uses and off-street parking.

b.) Traffic flow and safety including parking/unloading.

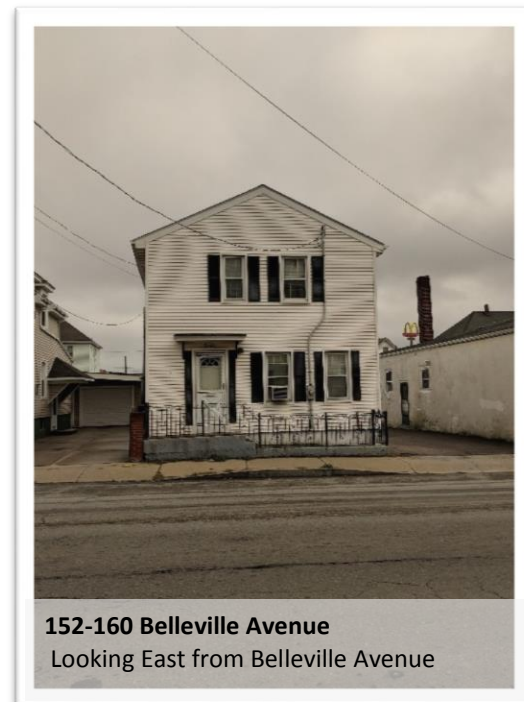
The petitioner states that by separating the buildings onto their own prospective parcels as proposed, the separate uses would each have their own dedicated parking, which in turn would allow for a more efficient traffic flow into and out of the parcel. Staff acknowledges in the proposal, parcel one (residential dwelling) would include two uncovered parking spaces, parcel two (commercial building) would include seven uncovered parking spaces, and each parcel has an existing two car garage. Staff also notes **the petitioner has filed for a Special Permit from the Planning Board requesting a reduction in parking. The Planning Board will hear the case on October 10, 2018.**

c.) Adequacy of utilities and other public services. The petitioner states that there would be minimal consumption of utilities with no site utility modification required. The petitioner has also stated utilities are currently active at the site. Staff notes that there are several surrounding businesses and homes which likely use the utilities specified as needed by the petitioner for their respective businesses and homes.

d.) Neighborhood character. The petitioner states that there would be no changes being made as part of this proposal that would alter the character or social structures that are currently in place. Staff acknowledges that the surrounding area includes residential and commercial properties.

e.) Impacts on the natural environment. The petitioner has indicated there will be no impact as a result of this proposal. Staff acknowledges the impacts on the natural environment are neutral as proposed. Staff does not anticipate a substantial change in the existing impacts on the natural environment at this site.

f.) Potential fiscal impact, etc. The petitioner states that by allowing the residential dwelling to be situated on its own parcel, the value of the dwelling would increase. Staff acknowledges the proposal would allow each building to be situated on its own individual parcel with separate uses.



	Existing	Required	Proposed
Front Yard(ft)	0	25'	0'
Side Yard	0	25'	0'
Side Yard (in-between buildings)	0	25'	5'
Green Space	0%	20%	0%

For Consideration: In considering each of the criteria necessary to grant the **Variance**, staff offers the following for the board's 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 that the proposed redevelopment of this parcel is limited due to the existing parcel size and shape; and the fact that there are no undeveloped adjacent parcels that could bring this existing non-conforming lot into compliance with current standards. The Petitioner also states although there is no construction proposed in this request, the addition of the internal lot line creates a more non-conforming side yard setback. Staff acknowledges the location proposed, though requiring relief, would not require any construction.
- 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 indicates the literal enforcement of the current zoning would cause a significant hardship due to the two separate uses being located on the same lot. Additionally, the petitioner states the autonomy of being located on separate parcels provides greater economic value. Staff acknowledges the proposal would allow each building to be situated on its own individual parcel with separate uses.
- 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 the relief would not nullify or detract from the intent of the Ordinance since the proposal reduces existing non-conformities for this property. The petitioner also states the proposal would result in the ability for the commercial parcel to be utilized as a separate lot, separate from the residential use that currently co-occupies the parcel resulting in an improvement to the neighborhood. Additionally, the petitioner states based on this improvement, granting of the requested variance would not result in a substantial detriment to the public good. Staff notes the proposed division of the parcels would not be unique to the location, as there are several residential dwellings and commercial buildings in the neighborhood on their prospect parcels.

152-160 Belleville Avenue Map:93 Lot: 138

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

