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### ZONING BOARD OF APPEALS

#### STAFF REPORT

#### ZONING BOARD OF APPEALS MEETING

MEETING DATE: December 15, 2022

STAFF REPORT: December 1, 2022

#### Case #4508: Special Permit

**Property:** 1501 Acushnet Ave

**Zoning:** Mixed Use Business [MUB]

**Owner:** Portuguese Times Inc  
1501 Acushnet Ave  
New Bedford, MA 02746

**Applicant:** Balvir Singh  
11731 Clems Branch Dr  
Charlotte, NC 28277



**1501 Acushnet Avenue**  
Looking northwest from Acushnet Avenue

**Overview of Request:** Notice is given of a public hearing on the petition of: **Portuguese Times INC** (1501 Acushnet Avenue, New Bedford, MA 02746) & **Balvir Singh**, (11731 Clems Branch Drive, Charlotte, NC 28277) for a **Special Permit** under Chapter 9, Comprehensive Zoning Sections 2200 (use regulations), 2210 (general), 2230 (table of use regulations – Appendix-A, Commercial: #25 – Medical offices, center, or clinic), 5300-5390 (special permit); relative to the property located at **1501 Acushnet Avenue**, Assessors' Map 98, Lot 44, in a Mixed Used Business [MUB] zoned district.

**The petitioner is proposing to operate a dental medical office per plans filed.**

**Under the Zoning Ordinance, operation of a Medical Office in a MUB district requires a Special Permit from the Zoning Board of Appeals.**

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.

**Existing Conditions:** The existing 4,516 SF corner lot has 34' of frontage on Acushnet Avenue and 112' of frontage on Coffin Avenue. The "L" shaped lot is 34' wide in the front on Acushnet Avenue, and at approximately 60' back, it widens to approximately 52' to accommodate driveway access to the adjacent rear loading and parking area that is owned by the parcel to the north.

The single-story building occupies the entire frontage of the lot on Acushnet Avenue and extends rearward just shy of the rear lot line to accommodate a driveway. The front entrance is set back from the street and there are windows on the side of the building on Coffin Avenue

**Proposal:** The petitioner proposes to operate a Dental Office in the building. The front of the building will have a waiting room, kids play area and reception desk. There will be 6 treatment rooms, an office, a staff lounge, a lab, a sterilization room, and two ADA restrooms. There are no proposed changes to the exterior of the building.

**Under the Zoning Ordinance, operation of a Medical Office in a MUB district requires a Special Permit from the Zoning Board of Appeals.**

Regarding 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 that a dental office is a much needed healthcare facility in this underserved area.

**b.) Traffic flow and safety including parking/unloading.** The petitioner states that there is no deeded onsite parking.

**c.) Adequacy of utilities and other public services.** The petitioner states that existing utilities and public services are sufficient for the new use.

**d.) Neighborhood character.** The petitioner states that Acushnet Ave is filled with stores, restaurants, bars, offices, a mixed use commercial street surrounded by low rise apartment buildings. Dental office fits the general character of the surrounding commercial space.



**e.) Impacts on the natural environment.** The petitioner states that there will be no impact on the natural environment.

**f.) Potential fiscal impact, etc.** The application indicates that the dental office is going to add 6 direct jobs and add more to the tax base.



# 1501 Acushnet Ave; Map: 98, Lot: 44

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

