



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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MEMORANDUM

To: Zoning Board of Appeals
From: Jennifer Raitt, Director, Dept. of Planning and Community Development/kl
Date: 11/15/2021
RE: Docket 3676 – 16-18 Swan Place; Special Permit under Zoning Bylaw Section 6.1.10 (A)
(Location of Parking Spaces)

The applicant, Charles Ben Potter, seeks a Special Permit and a Variance in accordance with Section 6.1.10 (A) (Location of Parking Spaces) of the Zoning Bylaw. The applicant seeks to add two single-car driveways in the front yard setback of their two-family duplex structure, one on each side of the parcel or two on the northeast side of the parcel. The purpose of the request is to provide off-street parking for the residents of the structure.

The property is in the R2 Zoning District, and is nonconforming with the Zoning Bylaw's lot size; frontage; front, left, right, and rear yard setbacks; and parking space requirements. The applicant has not provided dimensional details describing the amount of usable or landscaped open space that would be eliminated under this proposal, so it is unclear if the addition of the two parking spaces would increase an existing open space nonconformity. The addition of two off-street parking spaces would bring the parking into conformity with the requirements of the Zoning Bylaw.

The following is an application of the Special Permit criteria (Zoning Bylaw Section 3.3.3):

Criterion #1: Requested Use

The requested use is permitted in the R2 Zoning District through the granting of a Special Permit.

Criterion #2: Public Convenience/Welfare

This proposal would provide two driveways for the property, providing off-street parking for occupants of each unit in the structure. Section 6.1.11.A (Parking and Loading Space Standards) requires that parking spaces shall have a minimum dimension of 8.5 feet by 18 feet. However, the dimensions of the front yard setback preclude the applicant from meeting the standard laid out in Section 6.1.11.A. The front yard setback is 15 feet, but the applicant proposes to provide either one or two 18 feet driveways, which if approved would result in a parking area that covers the sidewalk.

Furthermore, the existing entry stairs on each side of the structure project forward from the front façade, unlike the condition shown in the provide land surveys. The location of the stairs would require vehicles to park further back to provide sufficient space for residents to access the entries to the building. This would present a hazard to pedestrian safety.

Criterion #3: Undue Traffic Congestion/Impairment of Public Safety

As mentioned in Criterion #2, introducing a parking area that necessitates vehicular parking on a sidewalk would present a hazard to pedestrian safety.

Criterion #4: Undue Burden on Municipal Systems

There would not be an undue burden on municipal systems.

Criterion #5: Special regulations

This proposal would not result in the need for special regulations.

Criterion #6: Integrity/Character of District; Detrimental to Health, Morals, Welfare

Properties along Swan Place and Swan Street provide parking along the front or side yard setback, in driveways or in larger parking lots. An adjacent property has provided parking through one driveway with two curb cuts so residents can pull through the front yard to park. If the dimensions of the proposed parking at 16-18 Swan Place could reasonably accommodate a standard sized vehicle, the variation in parking provisions among abutting structures would provide an environment where parking in the front yard setback would not be detrimental to the character of the district. However, as noted above, the front yard setback is only 15 feet. Under the proposed conditions, a portion of a parked car would block the sidewalk.

As an alternative, the applicant could consider requesting a variance for a parking area like the one at the adjacent 12-14 Swan Place. While using an entire front yard setback for parking is not ideal from an aesthetics or stormwater runoff perspective, the applicant could propose vegetated buffers and the introduction of pervious pavers to minimize the impact of the proposal.

Criterion #7: Detrimental Excess in Particular Use

This proposal would not cause any detrimental excesses.

The following is an application of the Variance criteria (M.G.L. c. 40 §A.10):

Criterion #1: Soil Conditions, Shape, or Topography

The property at 16-18 Swan Place is set back 15 feet from the sidewalk, with small side yard setbacks on either side of the structure. The side yards are of insufficient size to provide off-street parking for residents of the structure. There is no ability to provide off-street parking anywhere on the property except within the front yard setback.

Criterion #2: Hardship

The size of the lot and the existing structure prohibit the owner's ability to provide off-street parking within the property lines. Modifying the structure to provide off-street parking would require a complete demolition and redevelopment, but because the parcel size is nonconforming with the Zoning Bylaw a demolition and redevelopment with a new building footprint is not permitted.

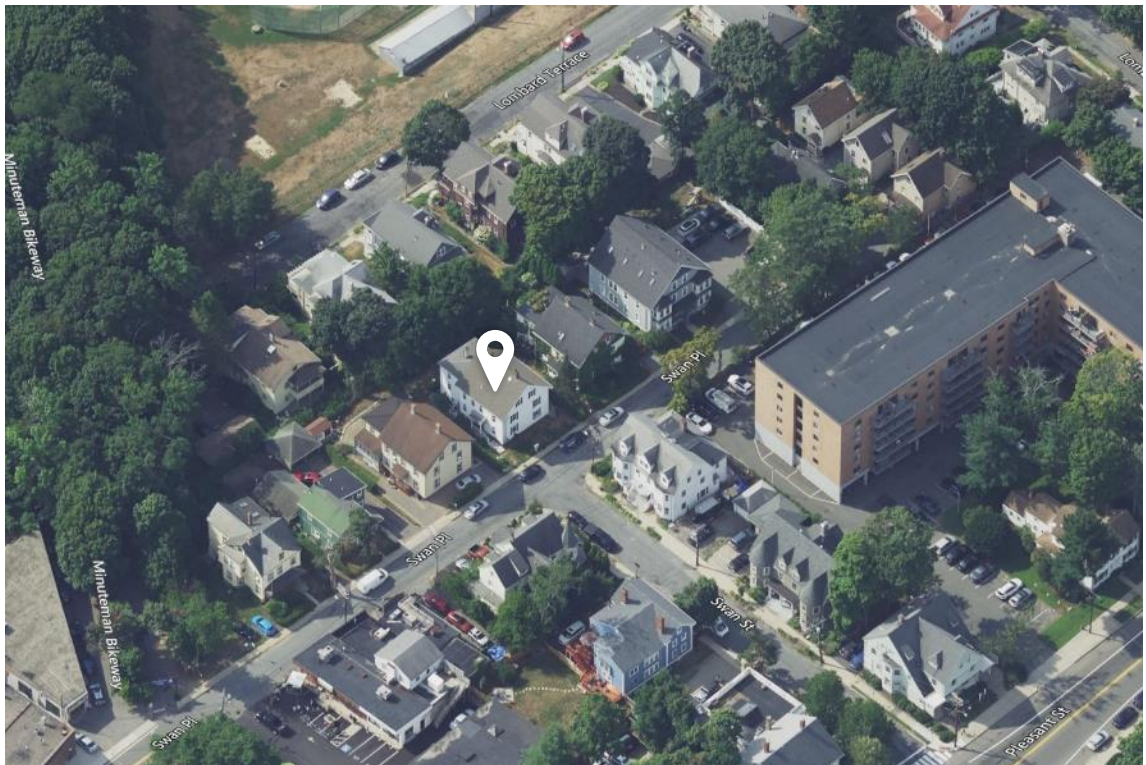
Criterion #3: Without Substantial Detriment to the Public Good

The property can accommodate the subterranean garage and limited open space without compromising the public good.

Criterion #4: Without Nullifying or Substantially Derogating From the Intent of the Zoning Bylaw

Due to its imposition on the sidewalk, this proposal is inconsistent with the “walkability” clause of the definition of the R-2 Zoning District.

Below are aerial and street-view photos of the current building:





Recommendation:

The Department of Planning and Community Development maintains under either of the proposed configurations, the potential barriers to the sidewalk and threat to pedestrian safety outweigh the benefit to the applicant of providing two off-street parking spaces. DPCD maintains that this proposal is not consistent with the Zoning Bylaw, nor does it meet the four variance criteria, and recommends that the Zoning Board of Appeals deny this application or work with the applicant to develop a revised parking proposal.