



# ZONING BOARD OF APPEALS

CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

SUBMIT TO:  
Planning Department  
133 William Street  
Room 303  
New Bedford, MA 0274

Appeal Nr. \_\_\_\_\_

Petition for a **VARIANCE**

Date: \_\_\_\_\_

The undersigned petitions the Board of Appeals to grant a Variance in the manner and for the reasons hereinafter set forth under the provisions of the Zoning Ordinance to the following described premises:

### 1. Application Information

Street Address: 45 TACOMA ST.

Assessor's Map(s): 130C Lot(s) 259-260

Registry of Deeds Book: 965B Page: 112-113

Zoning District: MUB

Applicant's Name (printed): DAVID FERNANDES

Mailing Address: 47 MEDEIROS LN. NO. DARMOUTH, MA  
(Street) (City) (State) (Zip)

Contact Information: 508-889-2936  
Telephone Number Email Address

Applicant's Relationship to Property:  Owner  Contract Vendee  Other

List all submitted materials (include document titles & volume numbers where applicable) below:

APPLICATION, BUILDING PLANS, SITE PLAN, ABUTTERS LIST, BUILDING PERMIT REJECTION, DEED & APPENDIX

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give Planning Division staff and Zoning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

3/26/15  
Date

David Fernandes  
Signature of Applicant

2. Dimensions of Lot(s) 80.00' 89.6' Area 7175  
 Frontage Depth Sq. Ft.

3. Number of buildings on lot PROPOSE 1-2 STORY BUILDING

4. Size of existing buildings 0

5. Size of proposed buildings 44'0" X 45'0" = 1980 SF (FOOT PRINT)

6. Present use of premises MUB - EMPTY LOT

7. Proposed use of Premises DUPLEX

8. Extent of proposed alterations NEW STRUCTURE

9. Existing number of dwelling units & bedrooms 0 Proposed 6

10. For commercial uses, please complete the following:

|                                 | Existing  | Proposed |
|---------------------------------|---|----------|
| a) Number of customers per day: | /   | /        |
| b) Number of employees:         | /   | /        |
| c) Hours of operation:          | /   | /        |
| d) Days of operation:           | /   | /        |
| e) Hours of deliveries:         | /   | /        |
| f) Frequency of deliveries:     | <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Other: |          |

11. Planning Board Site Plan Review and Special Permits:  
N/A The applicant is also requesting Site Plan Review and Special Permit(s) from the Planning Board. If so, specify below:

12. Have plans been submitted to the Department of Inspectional Services? YES

13. Has the Department of Inspectional Services refused to issue a permit? YES

14. Explain what modifications are proposed that would require the requested Variance:  
2700 DIMENSIONAL REGULATIONS; 2710 GENERAL,  
2720 DIMENSIONAL REQUIREMENTS RELIEF, 2753  
REAR YARDS RELIEF  
RELIEF FOR LOT SIZE, FRONTAGE REQUIREMENT,  
& REAR YARD REQUIREMENTS

15. State your hardship in accordance with Mass General Laws Chapter 40A Section 10. (Reference the attached "Required Findings For Granting a Variance").

EXISTING LOT IS UNDERSIZED

16. Complete for ALL the portions for which you are requesting a Variance:

|   | Existing | Allowed/Required | Proposed |
|---|----------|------------------|----------|
| Lot Area (sq ft)                          | 7,175    | 10,000           | 7,175    |
| Lot Width (ft)                            | 80'      | 100'             | 80'      |
| Number of Dwelling Units                  | 0        | 2                | 2        |
| Total Gross Floor Area (sq ft)            |          |                  |          |
| Residential Gross Floor Area (sq ft)      |          |                  |          |
| Non-Residential Gross Floor Area (sq ft)  |          |                  |          |
| Building Height (ft)                      | 0        | 45'              | 30'      |
| Front Setback (ft)                        | 20'      | 30'              | 20'      |
| Side Setback (ft)                         | 0        | 12'              | 14'-10"  |
| Side Setback (ft)                         | 0        | 12'              | 19'-4"   |
| Rear Setback (ft)                         | 25'-8"   | 30'              | 25'-8"   |
| Lot Coverage by Buildings (% of Lot Area) | 0        | 30%              | 27%      |
| Permeable Open Space (% of Lot Area)      | 100%     | 35%              | 72%      |
| Green Space (% of Lot Area)               | 100%     | 35%              | 72%      |
| Off-Street Parking Spaces                 | 0        | 4                | 4        |
| Loading Bays                              | 0        | 0                | 0        |
| Number of Ground Signs                    | 0        | 0                | 0        |
| Height of Ground Sign                     | 0        | 0                | 0        |
| Proximity of Ground Sign to Property Line | 0        | 0                | 0        |
| Area of Wall Sign (sq ft)                 | 0        | 0                | 0        |
| Number of Wall Signs                      | 0        | 0                | 0        |

17. Verification of Ownership. By signing this application the petitioner is stating that they have read and understand this application and the accompanying instructions and information. If petition is granted, the approvals are specific to the plans submitted, unless the Board states otherwise. Also, if granted, that the Variance must be recorded and acted upon within one year.

This section is to be completed & signed by the property owner(s):

I hereby authorize the following Applicant: DAVID FERNANDES  
at the following address: NS TACOMA ST  
to apply for: CONSTRUCTION OF A DUPLEX  
on premises located at: NS TACOMA ST,  
in current ownership since: 03/10/10  
whose address is: 47 MEDEIROS LN, N. DARTMOUTH MA  
for which the record title stands in the name of: TACOMA REALTY TRUST  
whose address is: 47 MEDEIROS LN, N. DARTMOUTH MA  
by a deed duly recorded in the:

Registry of Deeds of County: BRISTOL Book: 9658 Page: 112  
OR Registry District of the Land Court, Certificate No.: \_\_\_\_\_ Book: \_\_\_\_\_ Page: \_\_\_\_\_

I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give Planning Division staff and Zoning Board Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

3/26/15 David Fernandes  
Date Signature of Land Owner (if authorized Trustee, Officer or Agent, so identify)

## APPENDIX

(DAVID P. FERNANDES)

- (1) Owner's/Landlord's Name TACOMA STREET REALTY TRUST
- (2) Title Reference to Property NS TACOMA STREET

(Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)

- (3) If the Applicant is Not the Owner, Provide:
1. Notarized authorization letter from owner to tenant or buyer for application for this permit, on letterhead.
  2. Copy of Purchase & Sale Agreement or lease, where applicable.
  3. Copy of the deed or deeds of abutting parcels if said parcels have been held in common ownership with the subject property at any time since January 1, 1976.

**DEED**

KNOW ALL MEN BY THESE PRESENTS that, **David Pina Fernandes and Rosa Martin Fernandes** of 404 Middle Road, Acushnet, Bristol County, Massachusetts, for consideration paid and in full consideration of One Dollar and 00/100 (\$1.00) grant to **David Pina Fernandes and Rosa Martin Fernandes, Trustees of The Tacoma Street Realty Trust u/d/t dated March 10, 2010**, of 404 Middle Road, Acushnet, Bristol County, Massachusetts, with **quitclaim covenants**, the land in New Bedford, Bristol County, Massachusetts, with any buildings thereon, bounded and described as follows:

Being lots numbered 259 and 260 on Plan of Bel Air Park made by F. M. Metcalf, CE dated December 1908 and filed with the Bristol County (S.D.) Registry of Deeds. This land is more particularly bounded and described as follows:

Beginning at a point in the northerly line of Tocama Street as shown on said plan which point is one hundred twelve and 30/100 (112.30) feet distant westerly from the intersection of the northerly line of said Tacoma Street with the westerly line of Acushnet Avenue;

Thence in a westerly line bounded southerly by said Tocama Street eighty (80) feet to a point for a corner;

Thence in a northerly direction bounded westerly by Lot 258 on said Plan ninety-four and 60/100 (94.60) feet to a point for a corner;

Thence in an easterly direction bounded northerly by land of parties unknown eighty (80) feet to a point for a corner; and

Thence in a southerly direction bounded easterly by Lots 261-262 on said plan ninety-four and 79/100 feet to the place of beginning.

Subject, however, to any rights which the City of New Bedford may now have or ever have had by the taking of land for the widening.

For title see deed dated December 21, 2009 and recorded in the Bristol County S. D. Registry of Deeds in Book 9592, Page 4.

**Title not examined by preparer of deed.**

**Property Address: Vacant Land on Tacoma Street, New Bedford, MA**

WITNESS our hands and seals this 10<sup>th</sup> day of March, 2010.

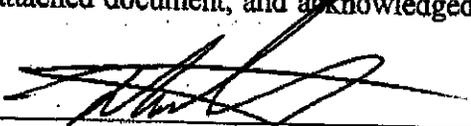
David Pina Fernandes  
David Pina Fernandes

Rosa Martins Fernandes  
Rosa Martin Fernandes , AKA Rosa Martins Fernandes

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

On this 10<sup>th</sup> day of March, 2010, before me, the undersigned notary public, personally appeared David Pina Fernandes and Rosa Martin Fernandes proved to me through satisfactory evidence of identification, which was their Massachusetts Driver's License, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

  
Notary Public: Michael Medeiros  
My Commission Expires: 1/21/2016



REQUEST FOR CERTIFIED LIST OF ABUTTERS

FEB 27 2015

Attach the Certified List of Abutters to this Certification Letter and Submit all.

The applicant shall complete the request form below, and submit to Planning Department, City Hall, 133 William Street, Room 303, so that a list may be created for use by the applicant.

I, Carlos Aguiar, Administrative Assistant to the Board of Assessors of the City of New Bedford, do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

Date: 2-27-15

CITY CLERKS OFFICE  
NEW BEDFORD, MA  
2015 FEB 27 P 1:20  
CITY CLERK

SUBJECT PROPERTY:

MAP 130C LOT 259+260

LOCATION NS TALOMA ST

OWNER'S NAME DAVID FERNANDES

MAILING ADDRESS 47 MEDEIROS LN. No. DARTMOUTH.

CONTACT PERSON D. FERNANDES

TELEPHONE NUMBER 508-999-2936

EMAIL ADDRESS VERA@FERNANDESMASONRY.COM

REASON FOR REQUEST: DIMENSIONAL SET BACKS

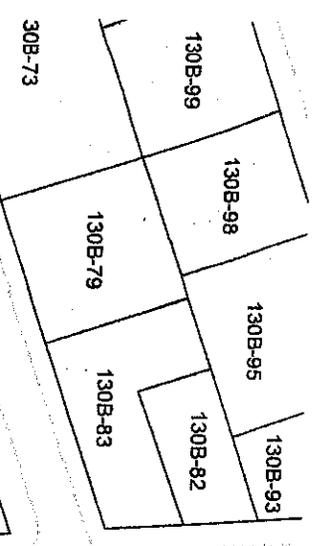
ZBA VARIANCE

March 2, 2015  
Dear Applicant,

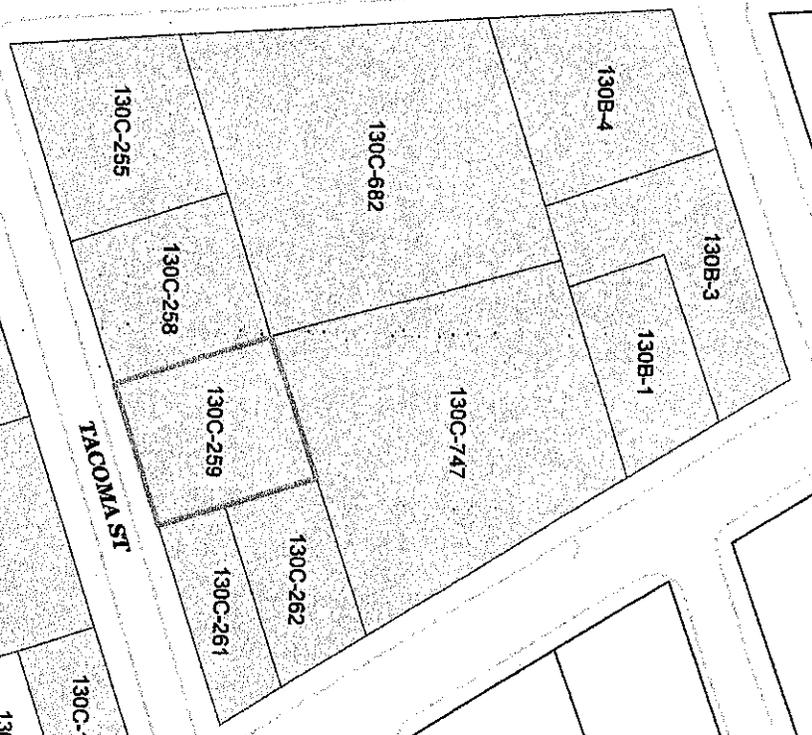
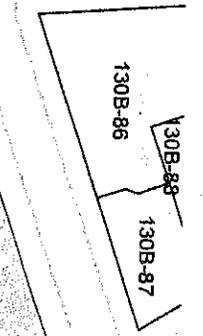
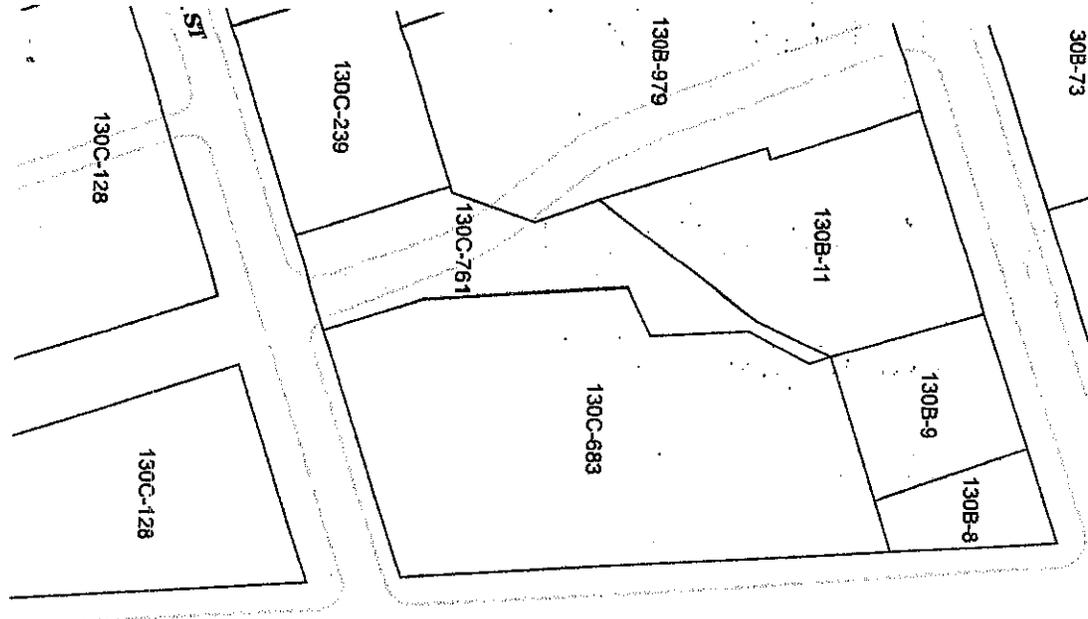
Please find below the List of Abutters within 300 feet of the property known as NS Tacoma Street (130C-259). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

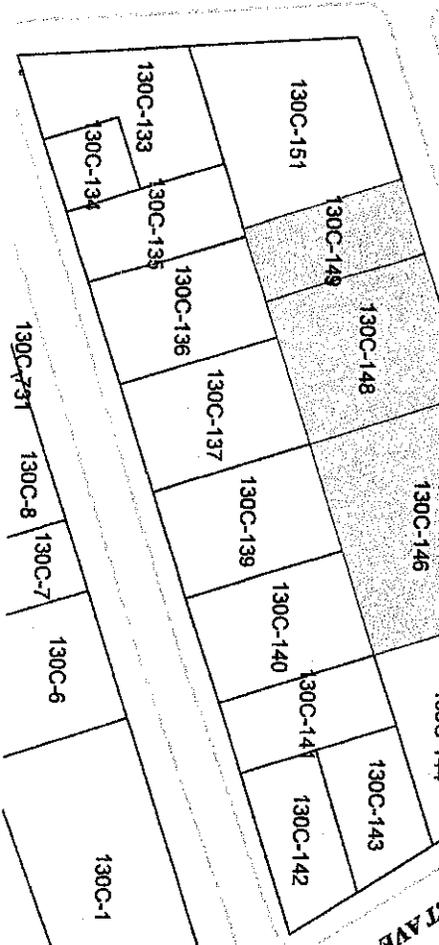
| Parcel   | Location               | Owner and Mailing Address   |
|----------|------------------------|---|
| 130C-682 | 1318-ASHLEY BLVD (320) | THAD'S INC, C/O PANAGAKOS DEVELOPMENT<br>133 FAUNCE CORNER ROAD.<br>DARTMOUTH, MA 02747-1213                      |
| 130C-255 | 1304 ASHLEY BLVD       | 1035 TACOMA STREET LLC, C/O MARGARET AZEVEDO<br>1304 ASHLEY BLVD<br>NEW BEDFORD, MA 02745-1534                    |
| 130C-146 | 1014 TACOMA ST         | REGO RONALD J, REGO CATHERINE T,<br>72 CHIPAWAY ROAD<br>FREETOWN, MA 02717-1511                                   |
| 130C-148 | 1024 TACOMA ST         | ST GELAIS JOSHUA,<br>1024 TACOMA STREET<br>NEW BEDFORD, MA 02745-3227   |
| 130C-258 | 1023 TACOMA ST         | MEDEIROS GARY D "TRUSTEE", MEDEIROS JAY C "TRUSTEE"<br>1023 TACOMA ST<br>NEW BEDFORD, MA 02745-3228               |
| 130C-145 | 2793 ACUSHNET AVE      | CARVALHO MATILDE ARRUDA,<br>2793 ACUSHNET AVE<br>NEW BEDFORD, MA 02745-3211                                       |
| 130B-4   | 1336 ASHLEY BLVD       | PACHECO SIMAO F, C/O NO END AUTO SALES<br>1336 ASHLEY BLVD<br>NEW BEDFORD, MA 02745-1534                          |
| 130B-1   | 2829 ACUSHNET AVE      | THAD'S RESTAURANT INC, C/O HOWLAND GERALD<br>2829 ACUSHNET AVENUE<br>NEW BEDFORD, MA 02745-3410                   |
| 130B-3   | 1012 VICTORIA ST       | CARVALHO RACHEL M,<br>14 OAKLAWN DRIVE<br>NORTH DARTMOUTH, MA 02747-3727  |
| 130C-149 | 1026 TACOMA ST         | RODRIGUES ELISABET K,<br>1026 TACOMA ST<br>NEW BEDFORD, MA 02745-3227   |
| 130C-261 | 2803 ACUSHNET AVE      | FERNANDES DAVID PINA, FERNANDES ROSA MARTIN<br>47 MEDEIROS LANE<br>N DARTMOUTH, MA 02747-1376                     |
| 130C-259 | TACOMA ST              | FERNANDES DAVID PINA "TRS", FERNANDES ROSA MARTIN "TRS"<br>47 MEDEIROS LANE<br>N DARTMOUTH, MA 02747-1376         |
| 130C-262 | 2805 ACUSHNET AVE      | FERNANDES DAVID PINA "TRUSTEE", FERNANDES ROSA MARTIN "TRUSTEE"<br>47 MEDEIROS LANE<br>N DARTMOUTH, MA 02747-1376 |



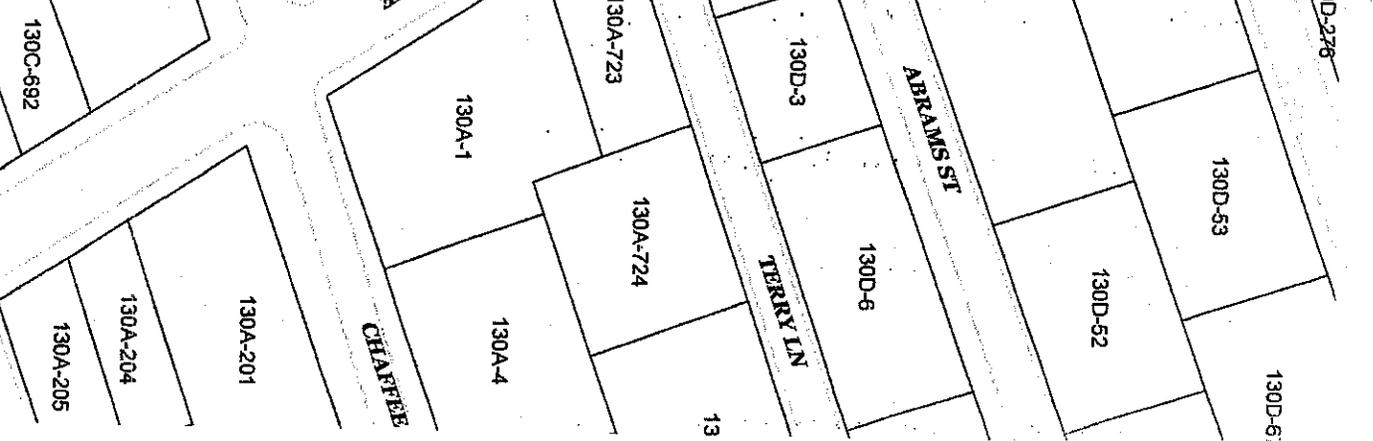
ASHLEY BLV



TACOMA ST



ACUSHNET AVE



ABRAMS ST

TERRY LN

CHARLES

4179

# ZBA VARIANCE APPLICATION SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies), containing all items described below:

- Completed & Signed Application
- (a) Existing Conditions Site Plan, drawn to a scale not less than 1 inch: 40 feet, (For example, drawings at 1" : 10', 1" : 20' or 1" : 30' scale are acceptable) identifying positioning of existing structures must be provided. Site Plan must show footprint and dimensions of Rear, Front and Side distances between structure(s) and boundary lines.
- (b) Site Plan Identifying Proposed Plans, showing all proposed alterations or additions with side, front and rear set property lines identified.
- (c) Sub-Division Plans if Applicable
- A Certified Abutter's List  
(Compiled by Planning Dept. and Certified in Assessor's Office)
- Plot Plan (Available at Inspectional Services Dept.)
- Filing Fee (Check made out to the City of New Bedford)
- Copy of Building Permit Rejection Packet  
(Containing Rejected Building Permit and all information submitted with Building Permit Application)
- Appendix (Owner's Signature & Attached Deed for all Involved Parcels)

NS Tacoma 8

DEPARTMENT SIGN-OFF SHEET

**ZONING BOARD OF APPEALS SPECIAL PERMIT REVIEW**

| <u>DEPARTMENT</u>                              | <u>COPIES</u> | <u>SIGNATURE</u>   | <u>DATE</u>    |
|--|---------------|--------------------|----------------|
| BOARD MEMBERS<br>CITY HALL, ROOM 303           | 5             | <u>[Signature]</u> | <u>3/27/15</u> |
| CITY PLANNING<br>CITY HALL, ROOM 303           | 1             | <u>[Signature]</u> | <u>3/27/15</u> |
| CITY CLERK (Original)<br>CITY HALL, ROOM 118   | 1             | <u>[Signature]</u> | <u>3/27/15</u> |
| CITY SOLICITOR<br>CITY HALL, ROOM 203          | 1             | <u>[Signature]</u> | <u>3/27/15</u> |
| INSPECTIONAL SERVICES<br>CITY HALL, ROOM 308   | 1             | <u>[Signature]</u> | <u>3-27-15</u> |
| PUBLIC INFRASTRUCTURE<br>1105 SHAWMUT AVENUE   | 1             | <u>[Signature]</u> | <u>3/27/15</u> |
| CONSERVATION COMMISSION<br>CITY HALL, ROOM 304 | 1             | <u>[Signature]</u> | <u>3/27/15</u> |
| FIRE DEPARTMENT<br>1204 PURCHASE STREET        | 1             | <u>[Signature]</u> | <u>3/27/15</u> |

