

City of New Bedford ZBA VARIANCE APPLICATION

CASE # 4221

1. SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies):

Have you included...			Planning staff review finds...	
Yes	No		Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Completed and Signed Application</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	An <u>Existing Conditions Site Plan</u> , drawn to a scale not less than 1 inch: 40 feet, identifying positioning of existing structures must be provided. Your site plan must show footprint and dimensions of rear, front and side distances between structure(s) and boundary lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Proposed Site Plan</u> showing all proposed alterations or additions with side, front and rear set property lines identified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Sub-Division Plans</u> if Applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A <u>Certified Abutter's List</u> prepared by planning staff and certified by the Assessor's Office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Plot Plan</u> as provided through Department of Inspectional Services or through the Assessor's Office (in person or online through parcel lookup).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Filing Fee</u> in check form made payable to the City of New Bedford.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of <u>Building Permit Rejection Packet</u> (Containing Rejected Building Permit and all information submitted with Building Permit Application)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Owner's Verification</u> including owner's signature and parcel deed for all involved parcels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Official Use Only:

Review of submittal compliance performed by JG of the city's Division of Planning.

Staff review found the application packet to be complete incomplete on this date: _____

This is page 1 of your ZBA Application BUT YOU DO NOT NEED 11 COPIES OF IT; just the original is enough.
Please remove the instruction pages when submitting your completed application packet but keep this as your first page.

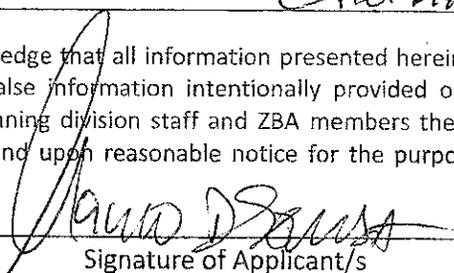
2. VARIANCE SPECIFICS

The undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] to grant a VARIANCE in the manner and for the reasons set forth here under the provisions of the city's zoning ordinance to the following described premises:

APPLICATION SUMMARY (PLEASE PRINT)

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	72	LOT(S)#	218
REGISTRY OF DEEDS BOOK:	9700	PAGE #	55
PROPERTY ADDRESS: 2 MERRIMAC Ave New Bedford			
ZONING DISTRICT: RB			
OWNER INFORMATION			
NAME: MARCO D SOUSA			
MAILING ADDRESS: 2 MERRIMAC AVE New Bedford			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): SAME			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input type="checkbox"/>
MAILING ADDRESS (IF DIFFERENT): SAME			
TELEPHONE #	508-971-3331		
EMAIL ADDRESS:	MARCO11SOUSA@HOTMAIL.COM		

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 ZBA 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.



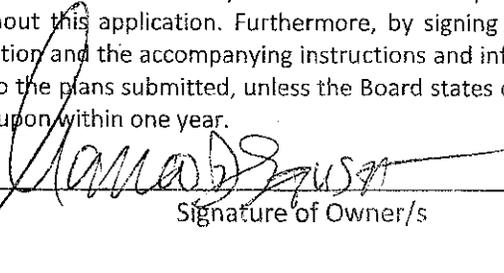
 Signature of Applicant/s

1/21/16

 Date

If the applicant differs from the owner, this section must be completed/signed by the property owner/s:

I hereby authorize the applicant represented above and throughout this application to apply and to represent my/our interests on my/our behalf for the relief requested herein for the premises I/we own noted as "property address" above and presented throughout this application. Furthermore, by signing this application I/we acknowledge having read and understood this application and the accompanying instructions and information. If petition is granted, I/we understand the approvals are specific to the plans submitted, unless the Board states otherwise and that if granted, that the variance must be recorded and acted upon within one year.



 Signature of Owner/s

1/21/16

 Date

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 49'	DEPTH, 34'	AREA in SQ FT 1710		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 22X29	TOTAL SQ FT BY FLOOR 1 = 638 2 = 638	NUMBER OF FLOORS 2	TOTAL SQ. FT ENTIRE STRUCTURE 1276
	# OF DWELLING UNITS		# OF BEDROOMS		
PROPOSED BUILDING/S	# OF BLDGS SAME	PROPOSED SIZE	TOTAL SQ FT BY FLOOR	NUMBER OF FLOORS	TOTAL SQ. FT ENTIRE STRUCTURE
	# OF DWELLING UNITS		# OF BEDROOMS		EXTENT OF PROPOSED ALTERATIONS
EXISTING USE OF PREMISES:	Wooden deck		14' X 12'		
PROPOSED USE OF PREMISES:					
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	I would like to Enclose a wooden deck and turn it into a 3 seasons Room				

If there's a commercial use existing and/or proposed, please complete the following:

	EXISTING		PROPOSED	
NUMBER OF CUSTOMERS PER DAY				
NUMBER OF EMPLOYEES				
HOURS OF OPERATION				
DAYS OF OPERATION				
HOURS OF DELIVERIES				
FREQUENCY OF DELIVERIES (Check frequency)	<input type="checkbox"/> DAILY	<input type="checkbox"/> WEEKLY	<input type="checkbox"/> DAILY	<input type="checkbox"/> WEEKLY
	<input type="checkbox"/> MONTHLY	<input type="checkbox"/> OTHER	<input type="checkbox"/> MONTHLY	<input type="checkbox"/> OTHER

If you are also requesting site plan review and special permit/s from the planning board, please specify here:

N/A

Complete each item that is relevant to your variance request:

	Existing	Allowed/ Required	Proposed
Lot Area (sq ft)			
Lot Width (ft)			
Number of Dwelling Units			
Total Gross Floor Area (sq ft)			
Residential Gross Floor Area (sq ft)			
Non-Residential Gross Floor Area (sq ft)			
Building Height (ft)			
Front Setback (ft)			
Side Setback (ft)	4.15	10	4.15
Side Setback (ft)	8.85	12	8.85
Rear Setback (ft)			
Lot Coverage by Buildings (% of Lot Area)			
Permeable Open Space (% of Lot Area)			
Green Space (% of Lot Area)			
Off-Street Parking Spaces			
Loading Bays			
Number of Ground Signs			
Height of Ground Sign			
Proximity of Ground Sign to Property Line			
Area of Wall Sign (sq ft)			
Number of Wall Signs			

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property 103793
 (Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)

Is the applicant also the owner? Yes No

If no, please attach the following three items to your application and indicate they are attached:

A notarized authorization letter on letterhead from the owner to tenant/buyer for application of this permit.

If the Applicant is Not the Owner, Provide:

A copy of the Purchase & Sale Agreement or lease, where applicable.

A 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.

4. REQUIRED FINDINGS FOR GRANTING A VARIANCE

Massachusetts General Law Chapter 40A Section 10 requires the "permit granting authority" (which, in this instance is the Zoning Board of Appeals) to make ALL the following findings before a variance can be granted:

A

That there are circumstances relating to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not affect generally the zoning district in which the land or structure is located.

B

That due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the Zoning Ordinance or By Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant.

C

That desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance or Bylaw.

D

That desirable relief may be granted without substantial detriment to the public good.

The full text of M.G.L. Chapter 40A, Section 10 can be viewed at: <http://www.mass.gov/leais/laws/mgl/>

Because the ZBA must be able to articulate each of these four findings in order to grant a variance, you must make your case as to WHY your application meets each of these four points. *This is an extremely important question and it is recommended that you answer this VERY carefully.* You may use an additional sheet if needed.

A

Describe any circumstances relating to soil conditions, shape or topography which especially affect the land or structure in question but that doesn't generally affect the zoning district in which your premises is located:

The lot is very small and there is no room to expand, not having a yard, (front, back or side) enclosing the deck is the only solution to make it usable

B

Describe how circumstances unique to your land or structure would mean a substantial hardship to you if the city were to literally enforce the zoning ordinance:

The only outdoor space for this house is the side yard that is occupied by a existing deck that is unusable due to the fact that the sun never hits it and gets moldy

C

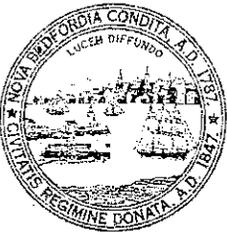
Describe how granting you relief would not take away from the purpose of the city's zoning ordinance:

Enclosing this deck will not affect anything or anyone because there are no views to block or obstruct

D

Describe why nobody else would be hurt if the city granted your requested zoning relief:

I'm not building anything new, just adding to the existing deck by enclosing it and making it an indoor/outdoor space with a roof and lots of windows



City of New Bedford
REQUEST for a CERTIFIED ABUTTERS LIST

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

SUBJECT PROPERTY	
MAP #	72
LOT(S)#	218
ADDRESS: 2 Merrimac Ave	
OWNER INFORMATION	
NAME: MARCOS D SOUSA	
MAILING ADDRESS: 80 MERRIMAC ST / 77 1/2 MERRIMAC ST	
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT): SAME	
MAILING ADDRESS (IF DIFFERENT):	
TELEPHONE #	508-971-3331
EMAIL ADDRESS:	MARCOUSOUSA@HOTMAIL.COM
REASON FOR THIS REQUEST: Check appropriate	
<input checked="" type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION
<input type="checkbox"/>	PLANNING BOARD APPLICATION
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION
<input type="checkbox"/>	LICENSING BOARD APPLICATION
<input type="checkbox"/>	OTHER (Please explain):

CITY OF NEW BEDFORD, MA
ASSESSOR'S OFFICE
JAN 25 12:39

PLANNING
JAN 13 2016

Once obtained, the Certified List of Abutters must be attached to this Certification Letter. DEPARTMENT

Submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

Official Use Only:

As Administrative Assistant to the City of New Bedford's Board of Assessors, I 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.

Carlos Amado

Printed Name

Signature

1/18/2016

Date

January 13, 2016

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 2 Merrimac Avenue (72-218). 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.

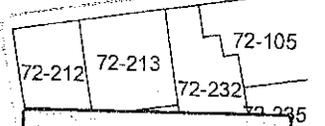
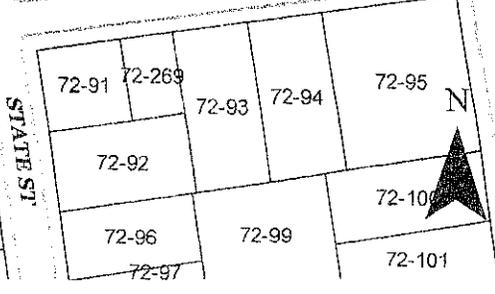
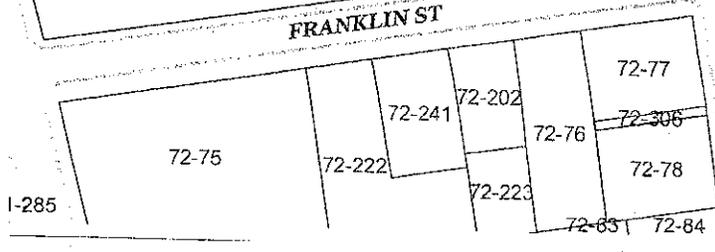
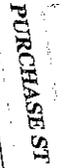
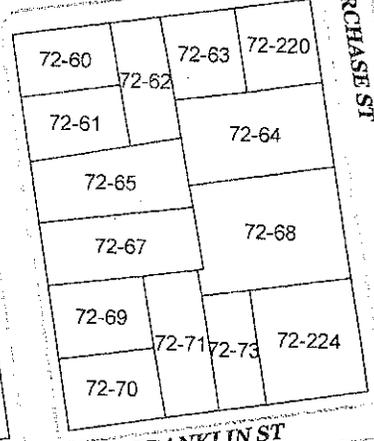
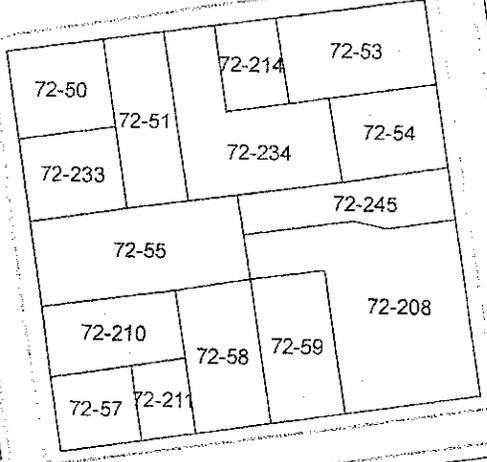
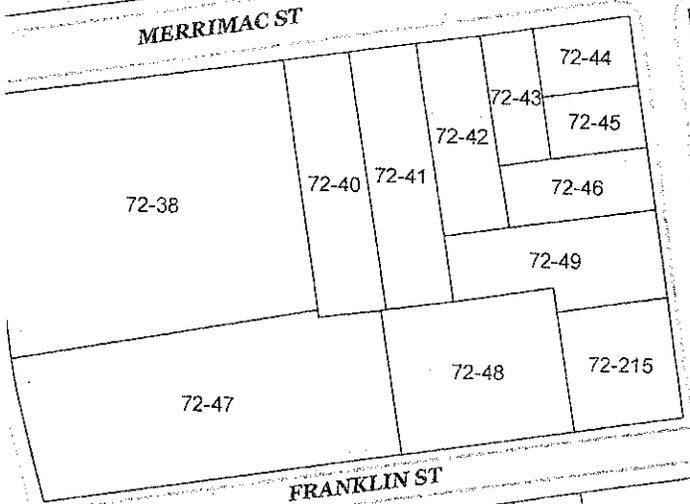
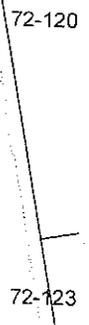
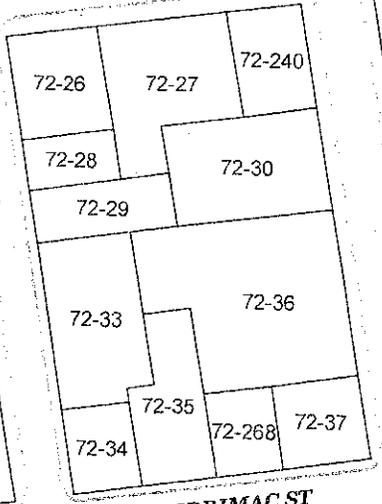
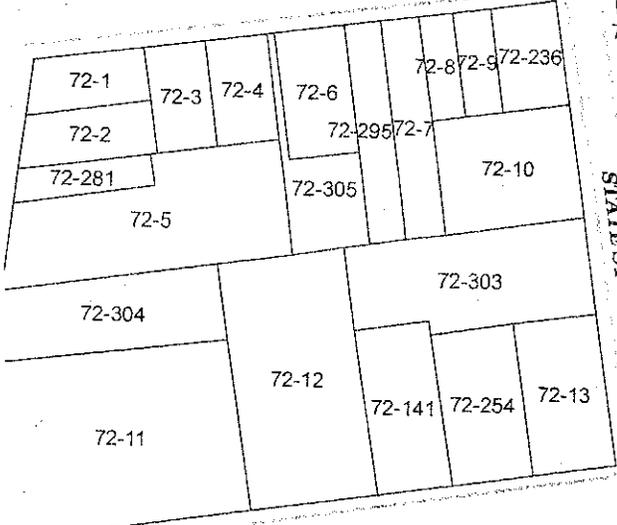
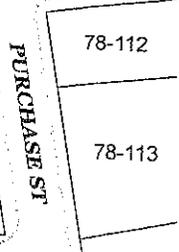
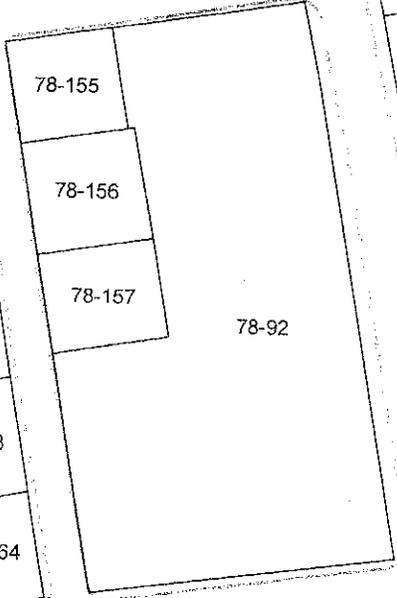
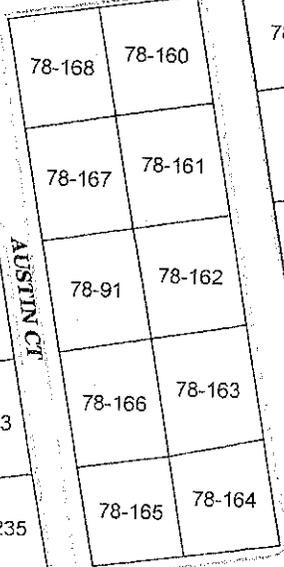
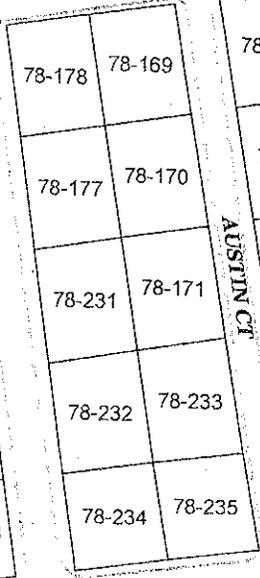
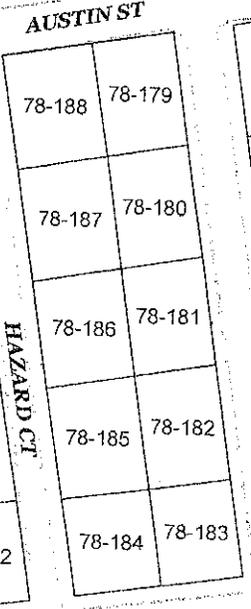
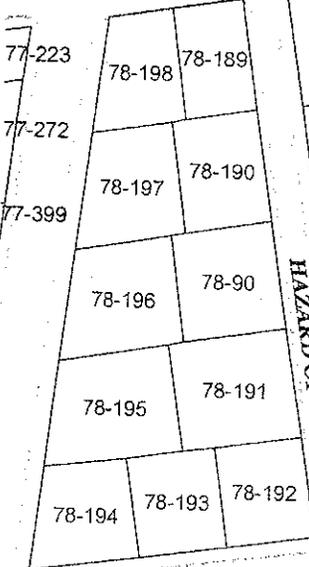
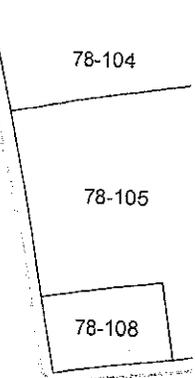
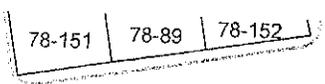
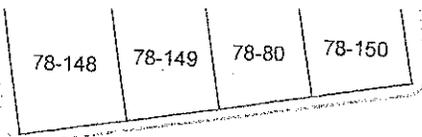
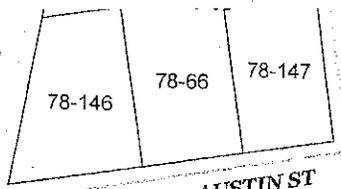
Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
72-289	18 MERRIMAC ST	SOUSA MARIA M, SOUSA MARCO D 77 1/2 MERRIMAC STREET NEW BEDFORD, MA 02740
72-20	89 MERRIMAC ST	MARONITE BSP OF DETROIT, OUR LADY OF PURGATORY REC 11 FRANKLIN ST NEW BEDFORD, MA 02740
72-21	3 MERRIMAC AVE	MCLUSKEY MICHAEL J Aaron Mann, Nakita Barros 3 MERRIMAC AVENUE NEW BEDFORD, MA 02740
72-15	164 STATE ST	DASILVA LENA, 164 STATE STREET NEW BEDFORD, MA 02740
72-217	81 MERRIMAC ST	BARROS MANUELA T, BARBOSA ALVARO 81 MERRIMAC ST NEW BEDFORD, MA 02740
72-218	2 MERRIMAC AVE	SOUSA MARCO D, FORGUE DINA 2 MERRIMAC AVENUE NEW BEDFORD, MA 02740
72-23	77 MERRIMAC ST	SOUSA MARIA M, SOUSA MARCO D 77 1/2 MERRIMAC STREET NEW BEDFORD, MA 02740
72-280	160 STATE ST	BARLOW EDWARD, 160 STATE ST NEW BEDFORD, MA 02740
72-22	1265 PLEASANT ST	QUADROS MANUEL J., 61 WILLIAMS STREET TAUNTON, MA 02780
72-19	1273 PLEASANT ST	WALKER ARTHUR H, C/O LIONEL F SILVIA JR 24 ROCKLAND STREET 2120 Phillips Rd. unit 3 NO EASTON, MA 02356 New Bedford, MA 02745
72-16	SS HAZARD ST	CITY OF NEW BEDFORD, 133 WILLIAM ST NEW BEDFORD, MA 02740

77-408
77-241

77-286

COUNTY ST

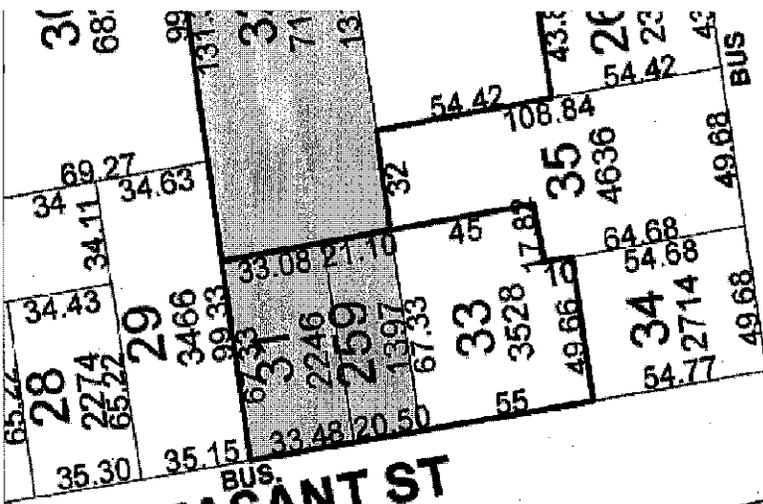


Legend

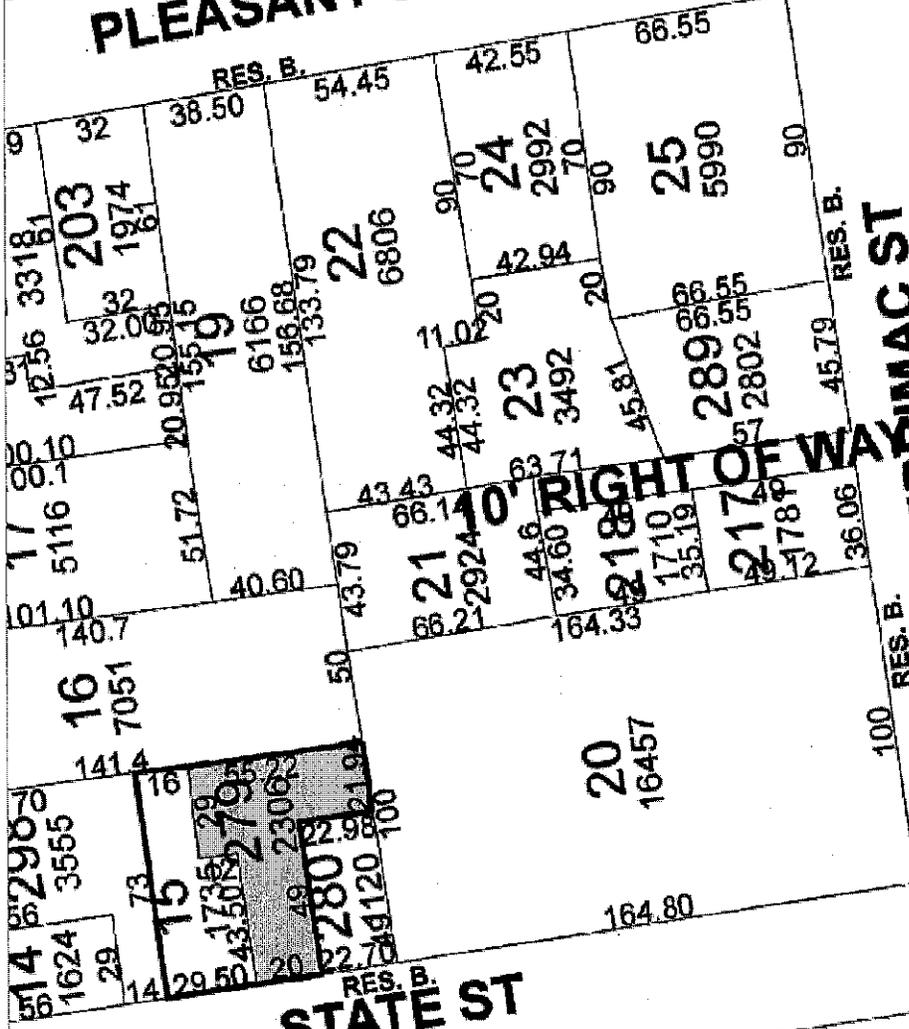
- 72-218
- Parcel 2015



I-285

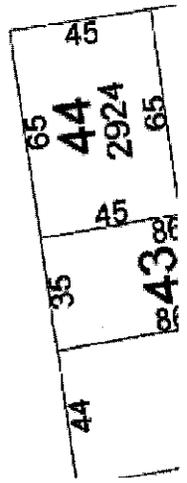
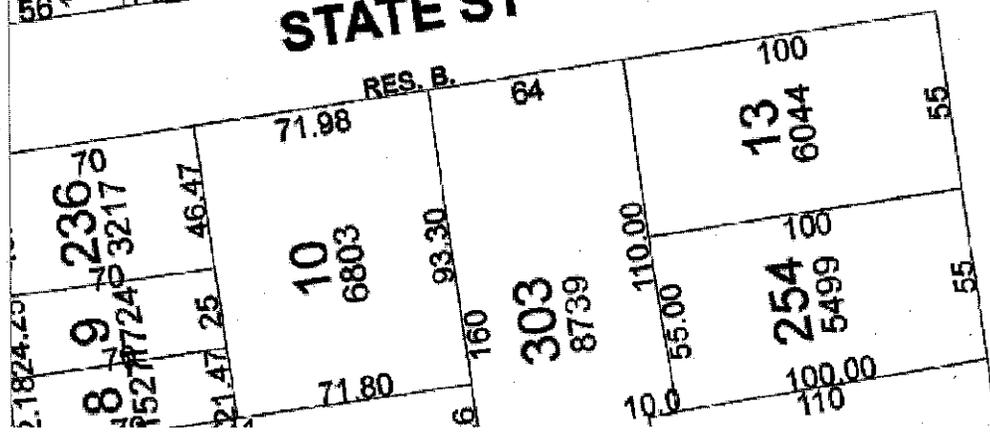
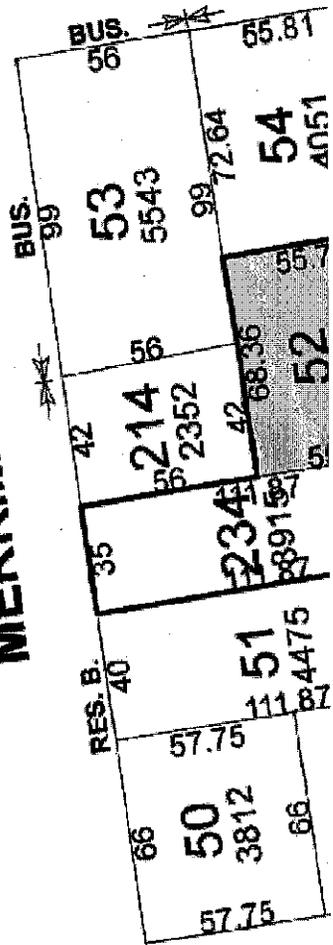
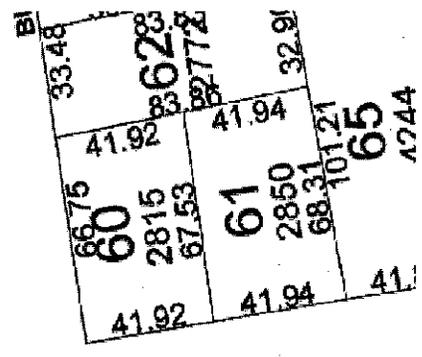


PLEASANT ST



STATE ST

MERRIMAC ST



Bristol South
Registry of Deeds

Not for Official Use
BK 9700 PG 55
04/29/10 03:33 DOC. 9485
Bristol Co. S.D.

MASSACHUSETTS (warranties)

revised 01/02/92
REO # P09084T

FEDERAL NATIONAL MORTGAGE ASSOCIATION A/K/A FANNIE MAE, a corporation organized under an Act of Congress and existing pursuant to the Federal National Mortgage Association Charter Act, having its principal office in the City of Washington, District of Columbia, and an office for the conduct of business of P.O. Box 650043, Dallas, TX 75265-0043, (hereinafter called the Grantor) for consideration of FIFTY-SEVEN THOUSAND SEVEN HUNDRED FIFTY AND 00/100 (\$57,750.00) DOLLARS PAID, grants to Marco D. Sousa and Dina Forgue of 80 Merrimac St., Apt. 2, New Bedford, MA 02740, with quitclaim covenants,

as Joint Tenants

The land in New Bedford, Bristol County, Massachusetts with buildings thereon bounded and described as follows:

Beginning at a point in the West line of a ten foot way distant Northerly therein forty-nine 00/100 (49.00) feet from its intersection with the Northerly line of Merrimac Street, which point of intersection is one hundred thirty-five and 79/100 (135.79) feet East of the intersection of said Northerly line of Merrimac Street with the Easterly line of State Street, measuring in said Northerly line of Merrimac Street;

Thence Westerly and parallel with said North line of Merrimac Street and by other land of parties unknown thirty-five and 19/100 (35.19) feet to a stake in the Easterly line of land of the City of New Bedford;

Thence Northerly by said land of the City of New Bedford forty-nine 00/100 (49.00) feet to a stake;

Thence Easterly by land now or formerly of Idala A. Lagasse thirty-four and 60/100 (34.60) feet to a stake in said Westerly line of said ten-foot way; and

Thence Southerly therein forty-nine and 00/100 (49.00) feet to a point of beginning.

Containing six and 28/100 (6.28) square rods, more or less, together with the fee in so much of the said ten foot way as lies opposite the land herein described.

Merrimac Avenue is sometimes referred to as Merrimac Street.

FOR TITLE REFERENCE, see Foreclosure Deed recorded with the Bristol County (Southern District) Registry of Deeds in Book 9620, Page 247.

UNDER AND SUBJECT to any existing covenants, easements, encroachments, conditions, restrictions, and agreements affecting this property.

THIS DEED is given in the usual course of the Grantor's business and is not a conveyance of all or substantially all of the Grantor's assets in Massachusetts.

THE GRANTOR is exempt from paying the Massachusetts state excise stamp tax by virtue of 12 United States Code §1452, §1723a, or §1825.

Property address: 2 Merrimac Ave., New Bedford

Bristol South
Registry of Deeds

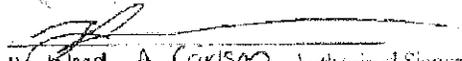
Bristol South
Registry of Deeds

Not for Official Use

TOGETHER WITH all and singular the improvements, ways, streets, alleys, passages, water, watercourses, right, liberties, privileges, hereditaments, and appurtenances whatsoever hereto belonging or in anywise appertaining and the reversions and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor in law, equity, or otherwise howsoever, of and to the same and every part thereof.

WITNESS the execution and the corporate seal of said corporation this 21st day of April, 2010.

FEDERAL NATIONAL MORTGAGE ASSOCIATION
A/K/A FANNIE MAE
By: Harmon Law Offices, PC, its attorney in fact


By: Wendy A. Carlson, Authorized Signer

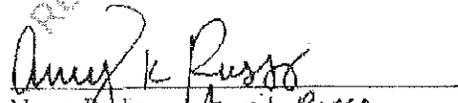
FOR SIGNATORY AUTHORITY, SEE LIMITED POWER OF ATTORNEY RECORDED AT THE BRISTOL COUNTY (SOUTHERN DISTRICT) REGISTRY DISTRICT OF THE LAND COURT AS DOCUMENT NO. 103792. SEE VOTE RECORDED AT LAND COURT DOCUMENT NO. 103793.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

April 21st, 2010

On this 21st day of April, 2010, before me, the undersigned notary public, personally appeared Wendy A. Carlson, as Authorized Signer for Harmon Law Offices, PC, as Attorney In Fact for Federal National Mortgage Association a/k/a Fannie Mae, proved to me through satisfactory evidence of identification, which was personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily as his/her free act and deed and the free act and deed of Federal National Mortgage Association a/k/a Fannie Mae, before me.


Notary Public: Amy K. Russo
My Commission Expires: 8/15/2014

