

## 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#	20	LOT(S)#	368
REGISTRY OF DEEDS BOOK:	6866	PAGE #	221
PROPERTY ADDRESS:	21 Margin St		
ZONING DISTRICT:	RC		
OWNER INFORMATION			
NAME:	Donald L Lamarre		
MAILING ADDRESS:	17 Antonio Way Dartmouth		
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT):			
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):			
TELEPHONE #	508 208 7622		
EMAIL ADDRESS:	don.lamarre@gmail.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.

Donald L Lamarre

Signature of Applicant/s

5/13/16  
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

\_\_\_\_\_  
Date

**Location:** 21 MARGIN ST

**Parcel ID:** 20 368

**Zoning:** RC

**Fiscal Year:** 2016

**Current Sales Information:**

**Sale Date:**

04/01/2004

**Sale Price:**

\$250,000.00

Card No. 1 of 1

**Legal Reference:**

6866-221

**Grantor:**

PIERCE, JOANNE L

**Current Owner Information:**

LAMARRE DONALD L

21 MARGIN STREET

NEW BEDFORD, MA 02744

This Parcel contains 0.072 acres of land mainly classified for assessment purposes as Three Fam with a(n) Three Family style building, built about 1910, having Vinyl exterior, Asphalt Shingles roof cover and 2909 Square Feet, with 3 unit(s), 15 total room(s), 6 total bedroom(s) 3 total bath(s), 0 3/4 baths, and 0 total half bath(s).

Building Value:	Land Value:	Yard Items Value:	Total Value:
114700	54400	3500	172600



Fiscal Year 2016		Fiscal Year 2015		Fiscal Year 2014	
Tax Rate Res.:	16.49	Tax Rate Res.:	15.73	Tax Rate Res.:	15.16
Tax Rate Com.:	35.83	Tax Rate Com.:	33.56	Tax Rate Com.:	31.08
Property Code:	105	Property Code:	105	Property Code:	105
Total Bldg Value:	114700	Total Bldg Value:	109400	Total Bldg Value:	109400
Total Yard Value:	3500	Total Yard Value:	3500	Total Yard Value:	3500
Total Land Value:	54400	Total Land Value:	56000	Total Land Value:	56000
<b>Total Value:</b>	<b>172600</b>	<b>Total Value:</b>	<b>168900</b>	<b>Total Value:</b>	<b>168900</b>
<b>Tax:</b>	<b>\$2,846.17</b>	<b>Tax:</b>	<b>\$2,656.80</b>	<b>Tax:</b>	<b>\$2,560.52</b>

Disclaimer: Classification is not an indication of uses allowed under city zoning. This information is believed to be correct but is subject to change and is not warranted.

**APPLICATION SPECIFICS**

DIMENSIONS OF LOT/S:	FRONTAGE 45.7'	DEPTH 68.7'	AREA in SQ FT 3,150 Aq'		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 12'6" x 18'8"	TOTAL SQ FT BY FLOOR 234.375A'	NUMBER OF FLOORS —	TOTAL SQ. FT ENTIRE STRUCTURE 234.375Aq'
	# OF DWELLING UNITS —		# OF BEDROOMS —		
PROPOSED BUILDING/S	# OF BLDGS 1	PROPOSED SIZE 14' x 21'	TOTAL SQ. FT BY FLOOR 294Aq'	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 294Aq'
	# OF DWELLING UNITS —		# OF BEDROOMS —		EXTENT OF PROPOSED ALTERATIONS
EXISTING USE OF PREMISES:	Garage				
PROPOSED USE OF PREMISES	Garage				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	Rebuild on existing nonconforming area within 21 Margin St.				

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:

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Complete each item that is relevant to your variance request:

	Existing	Allowed/ Required	Proposed
Lot Area (sq ft)	3,150.14'		
Lot Width (ft)	45.7'		
Number of Dwelling Units	1		
Total Gross Floor Area (sq ft)	246.875		294
Residential Gross Floor Area (sq ft)			
Non-Residential Gross Floor Area (sq ft)	246.875		294
Building Height (ft)	11.5"		11.5'
Front Setback (ft)			
Side Setback (ft)	12"		12"
Side Setback (ft)			
Rear Setback (ft)	12"		12"
Lot Coverage by Buildings (% of Lot Area)	1,671.875(4%)		1,731.5
Permeable Open Space (% of Lot Area)			
Green Space (% of Lot Area)	1,013.15		688.15'
Off-Street Parking Spaces	1		4
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			

rist  
deed

### 3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property \_\_\_\_\_  
 (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	B	C	D
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.	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.	That desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance or Bylaw.	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/legis/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 current garage location does not meet the zoning set back. There is not enough room to have the garage conform with the said set backs because of the location of the house.
- 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:  
Because of where the house is located, meeting the zoning set backs would take away from the current size of the garage.
- C** Describe how granting you relief would not take away from the purpose of the city's zoning ordinance:  
Said garage would not infringe on the neighbors views.
- D** Describe why nobody else would be hurt if the city granted your requested zoning relief:  
This garage would improve aesthetics on my property and increase neighborhood home values. This garage would not impact neighbors views or safety.

**IX. HOMEOWNER LICENSE EXEMPTION**

**Supplement #1**

The current exemption for "homeowner" was extended to include owner-occupied dwellings of two units or less and to allow such homeowners to engage an individual for hire who does not possess a license, provided that the owner acts as supervisor. (State Building Code Section 110.5)

**DEFINITION OF HOMEOWNER:**

Person(s) who own a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one to two family dwelling, attached or detached structures accessory to such use and /or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner. Such "homeowner shall submit to the Building Official, on a form acceptable to the Building Official, that he/she shall be responsible for all such work performed under the building permit. (Section 110.5)

The undersigned "homeowner assumes responsibility for compliance with the State Building Code and other applicable codes, ordinance, rules and regulations, and will comply with the City of New Bedford Building Department minimum inspection procedures and requirements.

HOMEOWNERS SIGNATURE Donald Lamare

**X. CONSTRUCTION DEBRIS DISPOSAL**

**Supplement #2**

In accordance with provisions of Massachusetts General Law C40, S64, debris resulting from this work shall be disposed of in a properly licensed solid waste disposal facility as defined by Massachusetts General Law C111, S150A

The debris will be disposed of in: dump truck (Location of Facility)

Signature of Permit Applicant Donald Lamare Date April 20 2016

**XI. HOME IMPROVEMENT CONTRACTOR LAW AFFIDAVIT**

(Residential Use Only) Supplement to Permit Application

**Supplement #3**

MGLc, 142 A requires that the "reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, demolition, or construction of an addition to any pre-existing owner-occupied building containing at least one but not more than four dwelling units... or to structures which are adjacent to such residence of building" be conducted by registered contractors, with certain exceptions, along with other requirements.

Type of Work: Demo and rebuild Garage + resurface Est. Cost 1,689

Address of Work 21 Margin St.

Owner Name: Donald Lamare Date of Permit Application: 4/21/16

I hereby certify that: Registration is not required for the following reason(s):

Work excluded by law  Job under \$1,000  Building not owner-occupied  Owner obtaining own permit

Other (specify)

Notice is hereby given that:

**OWNERS OBTAINING THEIR OWN PERMIT OR EMPLOYING UNREGISTERED CONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OF GUARANTY FUND UNDER MGLC. 142A.**

signed under penalties of perjury:

I hereby apply for a permit as the agent of the owner:

Date \_\_\_\_\_ Contractor Signature \_\_\_\_\_ Registration No. \_\_\_\_\_

OR: Notwithstanding the above notice, I hereby apply for a permit as the owner of the above property:

Date 4/21/16 Owner Signature Donald Lamare

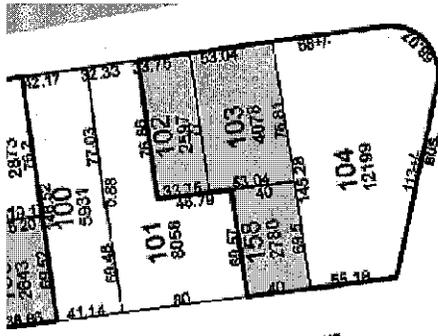
**XII. BUILDING COMMISSIONERS REVIEW COMMENTS AND CONDITIONS**

C. Building Permit Rejected <input type="checkbox"/>	Rejection Date _____ 20 _____	Fee
Reason For Rejection:		Permit #

Comments and Conditions:

Signed \_\_\_\_\_ Date: \_\_\_\_\_ 20 \_\_\_\_\_

Title \_\_\_\_\_

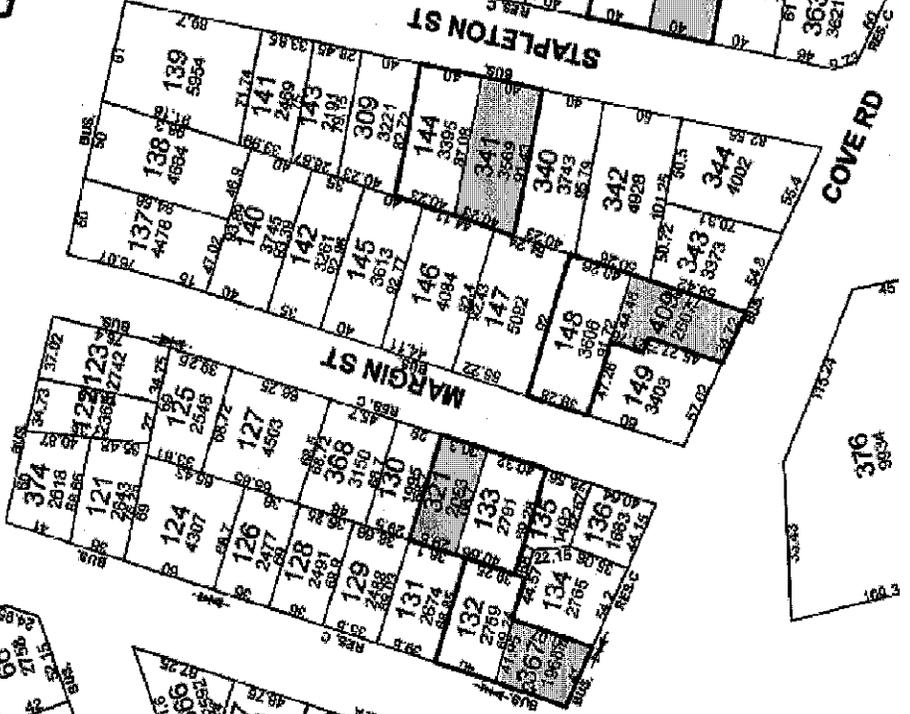
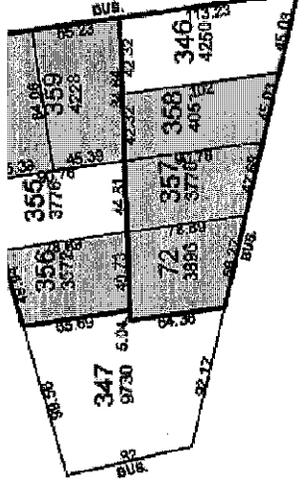


SOUTH FIRST ST



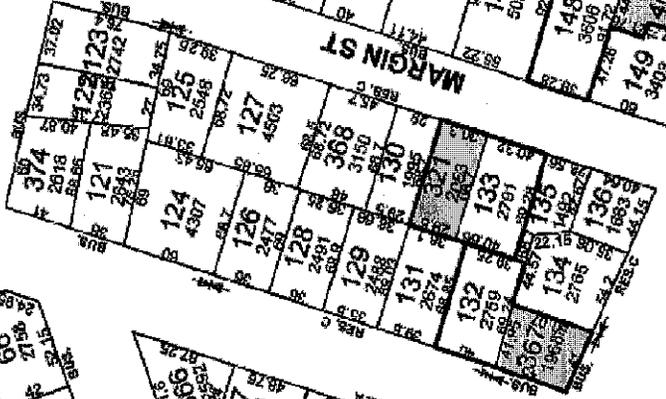
COVEST

SOUTH SECOND ST

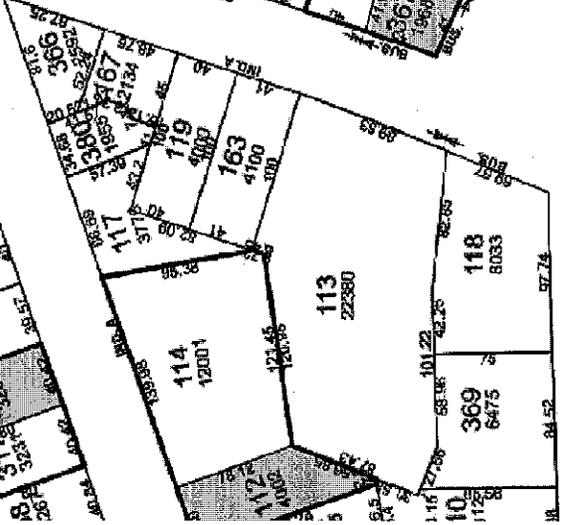
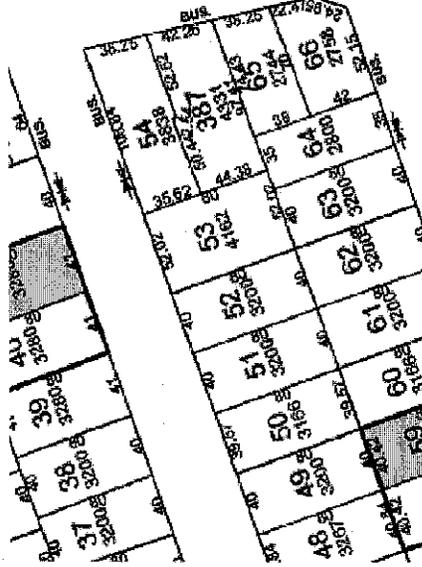


STAPLETON ST

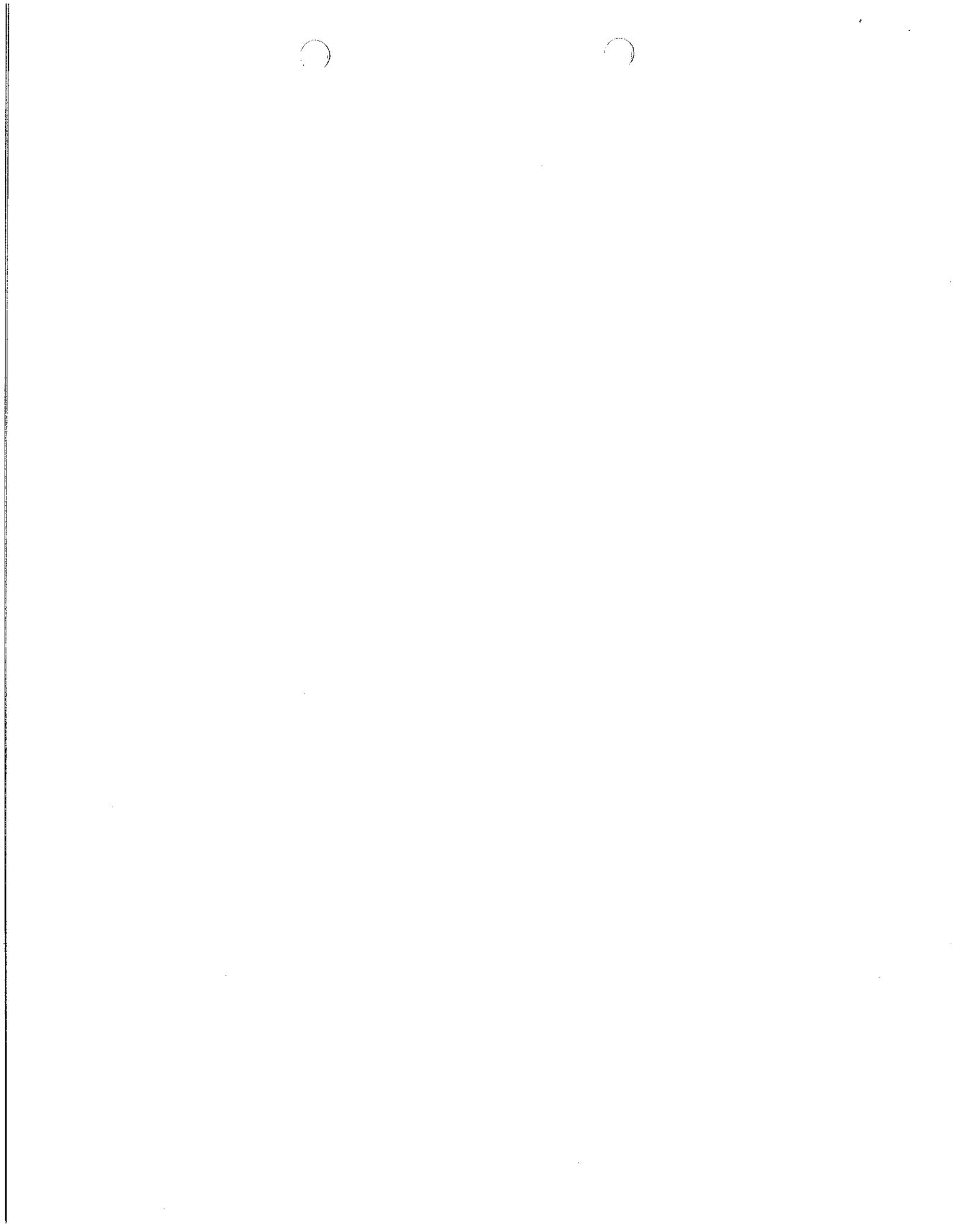
COVE RD



MARGIN ST



376



**QUITCLAIM DEED**

**L JOANNE L. PIERCE, of 21 Margin Street, New Bedford, Bristol County, Massachusetts**

**02740**

**for consideration paid and in full consideration of Two Hundred Fifty Thousand (\$250,000.00)**

**Dollars**

**grant to DONALD L. LAMARRE of 657 Cottage Street, New Bedford, Bristol County,**

**Massachusetts 02740**

**WITH QUITCLAIM COVENANTS**

**The land with all the buildings and improvements thereon, in the City of New Bedford, County of Bristol, Commonwealth of Massachusetts, bounded and described as follows:**

**BEGINNING at the southeast corner of the premises herein conveyed at a point in the westerly line of Margin Street, distant northerly therein one hundred sixty-eight and 94/100 (168.94) feet from its intersection with the northerly line of Cove Road, and at the northeast corner of land now or formerly of Maria M. Gomes and Isabelle M. Leal;**

**Thence WESTERLY in line of last-named land, sixty-eight and 70/100 (68.70) feet to land now or formerly of Evaristeh and Mariba Bougie;**

**Thence NORTHERLY in line of last-named land now or formerly of Manuel and Anna Avilla and of Mary F. Gonsalves, forty-six (46) feet to other land of said Mary G. Gonsalves;**

**Thence EASTERLY in line of last-named land, sixty-eight and 72/100 (68.72) feet to the said westerly line of Margin Street; and**

**Thence SOUTHERLY in said westerly line of Margin Street, forty-five and 70/100 (45.70) feet to the point of beginning.**

**BEING Parcel "A" on Plan of Land of Maria M. Gomes and Isabelle M. Leal, made by Frank M. Metcalf, D.E., dated April 24, 1922 and filed in Bristol County S.D. Registry of Deed in Book 534, Page 446.**

PROPERTY Address: 21 MARGIN ST. NEW BEDFORD, MA 02740

REG. OF DEEDS  
REG. NO. 715  
BRISTOL S

0174-2174  
000 0785

000000  
\$ 250,000.00

For my title see deed of ANTONIO J. PEREIRA et ux to me, dated October 6, 2000 and recorded with the Bristol County Registry of Deeds in Book 4793, Page 121.

Property Address: 21 Margin Street  
New Bedford, MA 02740

WITNESS MY HAND AND SEAL this <sup>31<sup>st</sup></sup> day of March, 2004.

*Joanne L. Pierce*  
JOANNE L. PIERCE

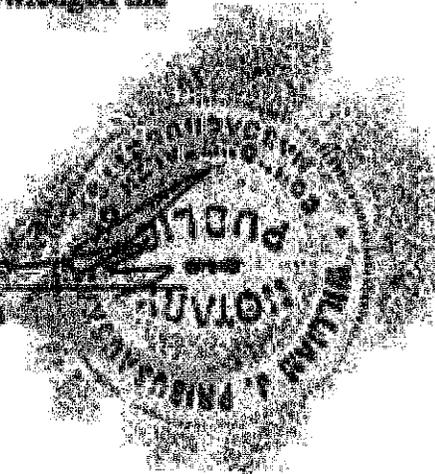
The Commonwealth of Massachusetts

Bristol, ss.

March <sup>31</sup> 2004

Then personally appeared the above-named JOANNE L. PIERCE and acknowledged the foregoing instrument to be her free act and deed, before me

*William J. Pribusauskas*  
William J. Pribusauskas  
Notary Public  
M.C.E. 7-9-2010





*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 #	20
LOT(S)#	368
ADDRESS:	21 MARGIN STREET
OWNER INFORMATION	
NAME:	Donald Lamarre
MAILING ADDRESS:	17 Antonio Way N. Dartmouth, MA 02747
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT):	
MAILING ADDRESS (IF DIFFERENT):	
TELEPHONE #	508 208 7622
EMAIL ADDRESS:	donlamarre@gmail.com
REASON FOR THIS REQUEST: <i>Check appropriate</i>	
<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):

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

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

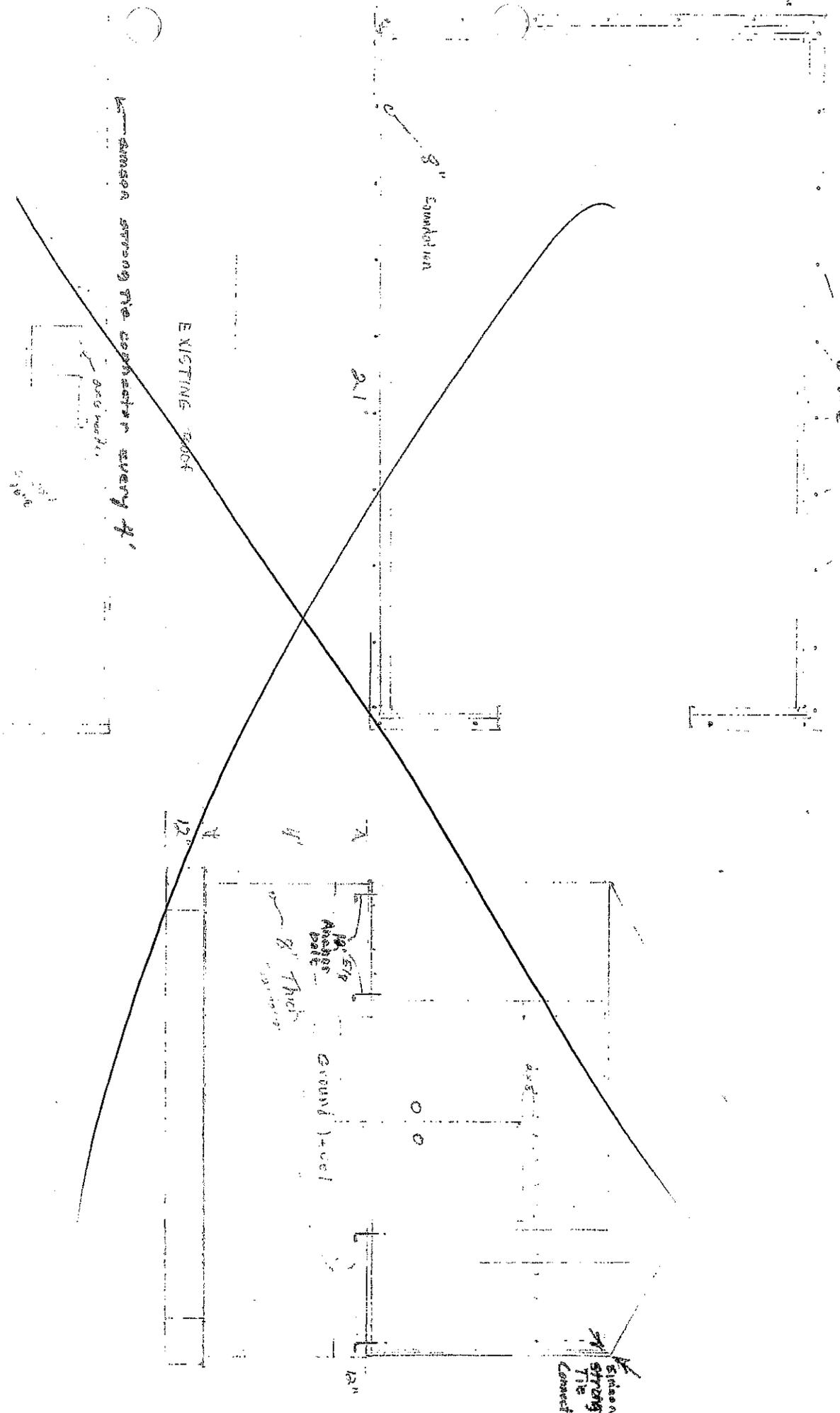
Carlos Amado  
Printed Name

Signature

5/11/2016  
Date

**PLANNING**  
MAY 04 2015  
**DEPARTMENT**

5/8" - 12" ANCHOR BOLTS



ANCHORS STRONG THE CONNECTOR EVERY 4'

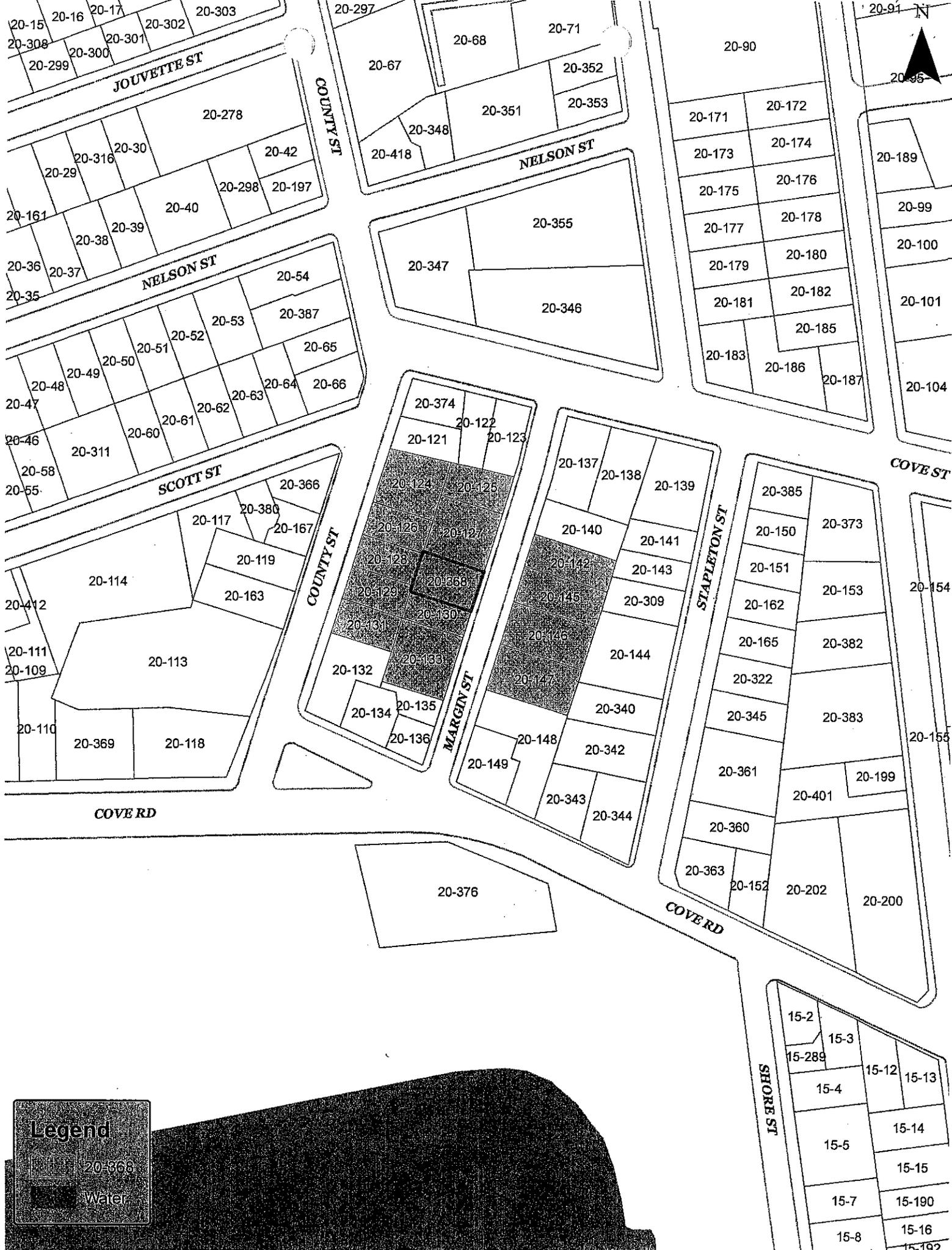
Don Laniar  
at Marina (Florida)

May 6, 2016  
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 21 Margin Street (20-368). 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
20-147	10 MARGIN ST -12	VIEIRA ERNEST JR, VIEIRA MARIA FERNANDA 12 MARGIN ST NEW BEDFORD, MA 02744
20-125	31 MARGIN ST	IQBAL MOHAMMAD M, 31 MARGIN STREET NEW BEDFORD, MA 02744
20-124	36 COUNTY ST	FREITAS JOSE A "TRS", J M L REALTY TRUST 149 COUNTY STREET NEW BEDFORD, MA 02744
20-130	17 MARGIN ST	OLIVEIRA RONALD "TRS", AMARAL ROBERT "TRS" 124 WINTERVILLE ROAD NEW BEDFORD, MA 02740
20-146	16 MARGIN ST	PINHEIRO MARIA D, 16 MARGIN ST NEW BEDFORD, MA 02744
20-131	26 COUNTY ST	SILVA JOAO B, SILVA ANA M F 26 COUNTY ST NEW BEDFORD, MA 02744
20-129	28 COUNTY ST	PEREIRA MARIA C, 28 COUNTY STREET NEW BEDFORD, MA 02744
20-145	20 MARGIN ST	LIMA MARIA DE ESTRELA, 20 MARGIN STREET NEW BEDFORD, MA 02744
20-368	21 MARGIN ST	LAMARRE DONALD L, 21 MARGIN STREET NEW BEDFORD, MA 02744
20-128	30 COUNTY ST	SOARES TERESA J, 30 COUNTY ST NEW BEDFORD, MA 02744
20-142	24 MARGIN ST	MADEIRA CARLOS A "TRUSTEE", G C M REALTY TRUST 45 TANIA DRIVE EAST TAUNTON, MA 02718
20-126	32 COUNTY ST	PEREIRA CELESTE S, 32 COUNTY ST NEW BEDFORD, MA 02744
20-127	27 MARGIN ST	CORREIA ARTUR, CORREIA JULIA 27 MARGIN ST NEW BEDFORD, MA 02744
20-133	11 MARGIN ST	HIJAZI MOHAMAD, 42 PEARL STREET NEW BEDFORD, MA 02740



**Legend**

- 20-368
- Water