

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 100'	DEPTH 100'	AREA in SQ FT 10000		
EXISTING BUILDING/S	# OF BLDGS (1) HOUSE (2) SHEDS	EXISTING SIZE 60' x 34' ODD 28' SHAPE 8' x 10' 6'8" x 14'	TOTAL SQ FT BY FLOOR 1299 HSE 800 SHED 940 SHED	NUMBER OF FLOORS 1 1	TOTAL SQ. FT ENTIRE STRUCTURE 1299
	# OF DWELLING UNITS 1		# OF BEDROOMS 2		
PROPOSED BUILDING/S	# OF BLDGS 1	PROPOSED SIZE 16' x 10'	TOTAL SQ FT BY FLOOR	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE
	# OF DWELLING UNITS 1		# OF BEDROOMS 2		IDENTIFY PROPOSED ALTERATIONS ADD PERGOLA TO EXISTING DECK
EXISTING USE OF PREMISES:	S-F				
PROPOSED USE OF PREMISES:	S-F				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	ERACT A PERGOLA OVEN EXISTING DECK AND B.A / FIREPLACE AT THE END OF DECK.				

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:

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)			
Side Setback (ft)			
→ Rear Setback (ft)		30'	25' 8" ←
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 _____
 (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:

<p>A</p> <p>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.</p>	<p>B</p> <p>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.</p>	<p>C</p> <p>That desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance or Bylaw.</p>	<p>D</p> <p>That desirable relief may be granted without substantial detriment to the public good.</p>
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The full text of M.G.L. Chapter 40A, Section 10 can be viewed at: <http://www.mass.gov/leais/laws/mal/>

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 LOCATION OF THE EXISTING DECK DOES NOT MEET THE SET BACK THERE FOR THE PERGOLA AS PER PLACE DOES DO TO THEIR LOCATION RELATIVES TO THE DECK REQUIR A VARIANCE
- 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:

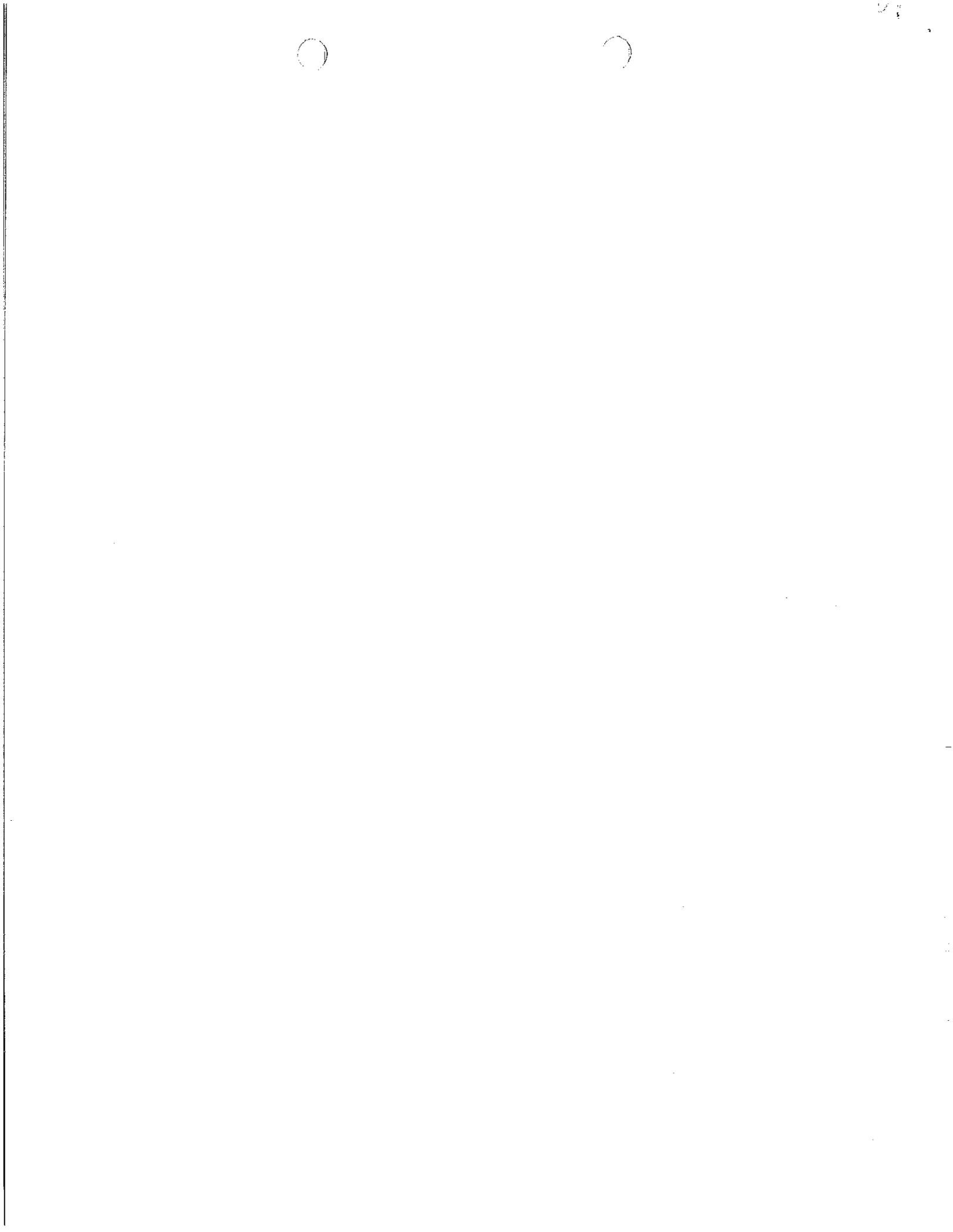
I would not be able to enjoy my property or increase its value. The improvement to make my
- C** Describe how granting you relief would not take away from the purpose of the city's zoning ordinance:

In Regards to the Pergola, this is being built within city codes and construction of materials
- D** Describe why nobody else would be hurt if the city granted your requested zoning relief:

No-one should be effected as all the structures are set to code and built with safety in

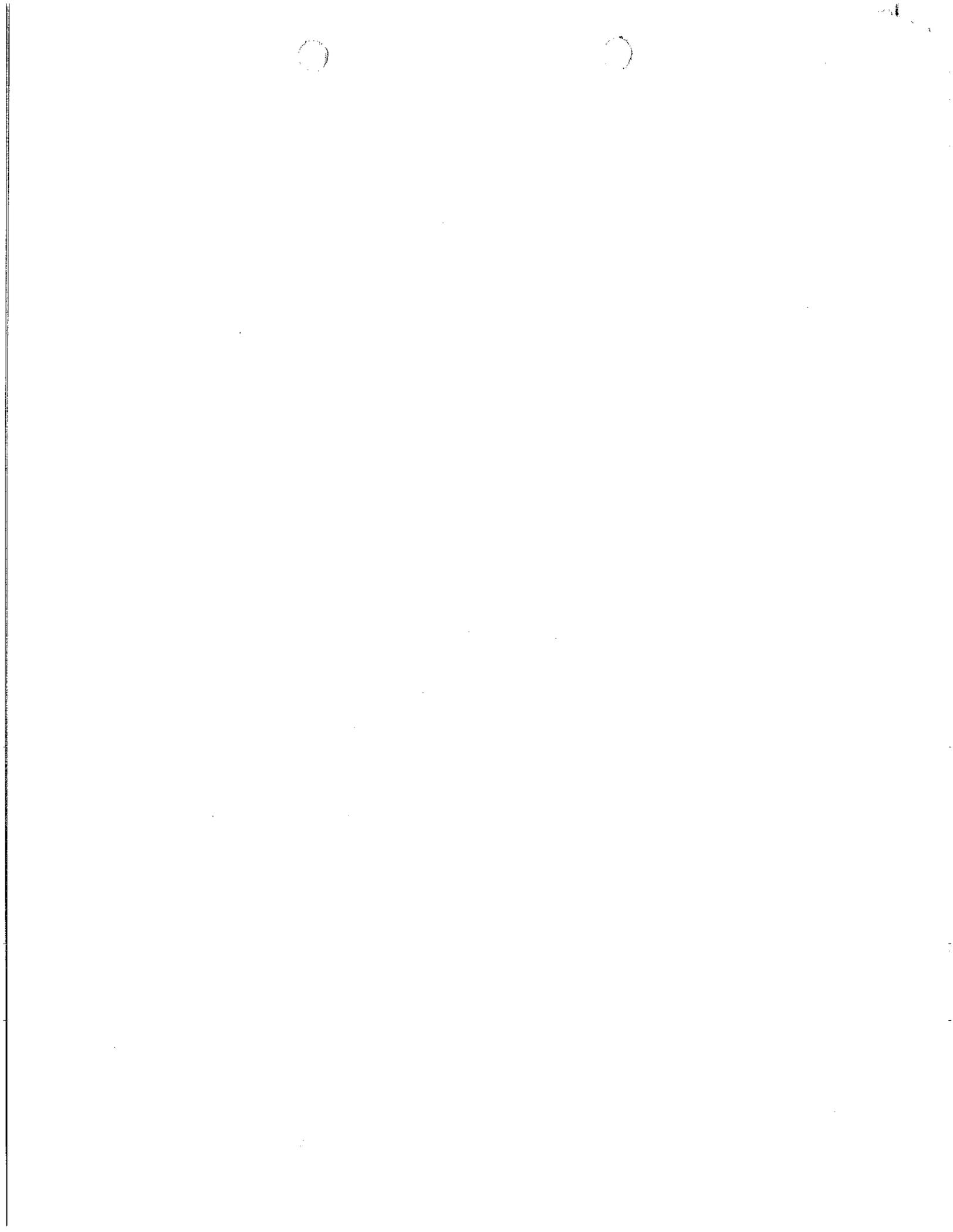
B) Property Increase in value, will bring more Revenue to the city such as INCREASED TAXES and pride to city appearance making it more potential for someone in the Near Future purchase the home in the city.

c) ARE going to be used to standard Codes. Pergola will be built on existing deck, that also has been Built to code to withstand weight of the Pergola. There are NO un-foreseen Reasons NOT to Approve set Project placed Before you. All safety Pre-cautions were set in place when planning was being thought of. IN Regards to the Fireplace/Barbecue this was built with the safety of my family and surrounding Neighbors This fireplace is built with suitable materials to with-hold any types of weather. There is also a glass Door to enclose the Flames while wood is being Burned, Preventing any Loose Ashes to fly away onto neighboring homes. It also has a Large stainless Steel Pipe with a Cap also to with-hold any smoke or ashes to also fly loose. With this in mind I would say \pm defiantly had safety of my family and Neighbors in my mind when project was planned out.



D) Mind of everyone surrounding n) Premises. All these projects have been properly Built to city codes and within proper Restrictions. All materials used are of high Standard.

As For my Fireplace/Barbecue, I Built this with Safety in mind for my Family to use and also consideration of my neighbors. As there are so many open firepits being burned around the city to me that has more chances of causing serious fires or bodily INJURY to someone. As for firepits there is no control on how high the flames can be or what can also spark and fly to neighbors homes. This fireplace Built has all the Safety Features as an Indore Fireplace or woodstove that I will have control over maintaining the way the fire burns. I have owned a woodstove for twenty years and have Never had a fire occur, to me this shows that I have fully thought of the Safety of not only my family But the surrounding Neighbors and their homes. I can assure you this fireplace could be inspect By a fire marshall and it will pass all the codes and safety of the performance of what this was built for. I do not see any harm or Fullfilling a dream to enjoy my yard with Family





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 #	4	LOT(S)#	58
ADDRESS: 118 PORTLAND ST			
OWNER INFORMATION			
NAME: OSVALDO DESOUSA			
MAILING ADDRESS: 118 PORTLAND ST N.B. 02744			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT):			
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	508-863-3926		
EMAIL ADDRESS:	BENFICALVES@aol.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):		

PLANNING
 MAY 06 2016
DEPARTMENT

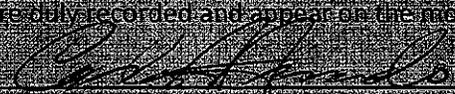
CITY OF NEW BEDFORD
 PLANNING DIVISION

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

This sheet is NOT part of your ZBA application but you will need to 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 assessment.

Carlos Amado  5/14/2016
 Printed Name Signature Date



City of New Bedford
DEPARTMENT SIGN OFF SHEET

DEPARTMENT	COPIES	SIGNATURE	DATE
ZBA BOARD MEMBERS City Hall #303	5		
CITY PLANNING City Hall #303	1		
CITY CLERK City Hall #118	Original		
CITY SOLICITOR City Hall #203	1		
INSPECTIONAL SERVICES City Hall #308	1		
DEPT OF PUBLIC INFRASTRUCTURE 1105 Shawmut Avenue	1		
CONSERVATION COMMISSION City Hall #304	1		
FIRE PREVENTION 1204 Purchase Street	1		
TOTAL COPIES	12		

This sheet is NOT part of your ZBA application but you will need to deliver your applications to the appropriate departments once you have been given the go-ahead by planning staff and have the respective departments sign/date this sheet for you. Once this sheet is completed you will need to turn this into the city's planning division at city hall.

May 6, 2016

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 118 Portland Street (4-58). 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
4-69	78 BROCK AVE	BRILHANTE VIOLET, 78 BROCK AVENUE NEW BEDFORD, MA 02744
4-79	113 HUDSON ST	COELHO JOHN, 16 NAUTILUS STREET NEW BEDFORD, MA 02744
4-80	103 HUDSON ST	PERRY ROMEO, PERRY JANE 103 HUDSON ST NEW BEDFORD, MA 02744
4-68	90 BROCK AVE	ROGERS ROBERT W, BOTELHO KATHLEEN G 90 BROCK AVENUE NEW BEDFORD, MA 02744
4-83	98 PORTLAND ST	MCCLINTOCK MATTHEW, MCCLINTOCK BETTY 98 PORTLAND STREET NEW BEDFORD, MA 02744
4-82	83 HUDSON ST	SOUSA MATTHEW G, 83 HUDSON STREET NEW BEDFORD, MA 02744
4-67	128 PORTLAND ST	SOARES JOAO M, SOARES BERTA P 128 PORTLAND STREET NEW BEDFORD, MA 02744
4-58	118 PORTLAND ST	DESOUSA OSVALDO M, DESOUSA MARIA D 118 PORTLAND STREET NEW BEDFORD, MA 02744
4-56	108 PORTLAND ST	FONTAINE ANDREW, 22 DENNISON AVENUE FRAMINGHAM, MA 01702
4-81	93 HUDSON ST	PISAPIA ADAM A, PISAPIA CINDY L 93 HUDSON STREET NEW BEDFORD, MA 02744
6-81	71 PORTLAND ST	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740



CORAL ST

6-1

6-59 6-58 6-57 6-37
6-33 6-34 6-35 6-36

7-7

7-161
7-160
7-159

FREEDOM BLV
6-80 6-79 6-77

6-20 6-19 6-18 6-1
6-13 6-14 6-15 6-16
NINA ST
6-7 6-8 6-9
6-4
PORTLAND ST

5-221 5-223 5-225 5-227
5-222 5-224 5-226 5-228
5-220
BASS ST
5-229 5-231 5-233 5-235
5-230 5-232 5-234 5-236

6-3
6-81

BREAM ST
5-237 5-238 5-239 5-240 5-2
5-218 5-29 5-33 5-175 5-173 5-171 5-5
5-21 5-25 5-29 5-33 5-175 5-179 5-177

PORTLAND ST
4-68 4-67 4-58 4-56 4-83
4-69 4-79 4-80 4-81 4-82
JOHN ST

4-96 4-97 4-55 4-115 4-114 4-112 4-1
4-57 4-105 4-106 4-108 4-109 4-110 4-111
HUDSON ST
4-88 4-107 4-116 4-117 4-1 4-118 4-101
4-104 4-123 4-122 4-121 4-120 4-119

5-46 5-49 5-51 5-53 5-181 5-179 5-189
5-68 5-70 5-184 5-185 5-186 5-187 5-188

HUDSON ST
4-70 4-85 4-86 4-99 4-87 4-92
4-71 4-59 4-126 4-125 4-124 4-103

SEYMOUR ST
4-93 4-94 4-95 4-5 4-100
4-77 4-53 4-52 4-78

HUDSON ST
5-87 5-91 5-93 5-118 5-242 5-7
5-113 5-116 5-117 5-119 5-121 5-6
5-137 5-145 5-122 5-6
5-165 5-168 5-124 5-250
BAYVIEW ST
5-157

SEYMOUR ST
4-29 4-61 4-89 4-90 4-91 4-84
4-51 4-72 4-73 4-74 4-75 4-76

RODNEY FRENCH BLV
3-5
3-2
3-1
4-3
2-1

Legend

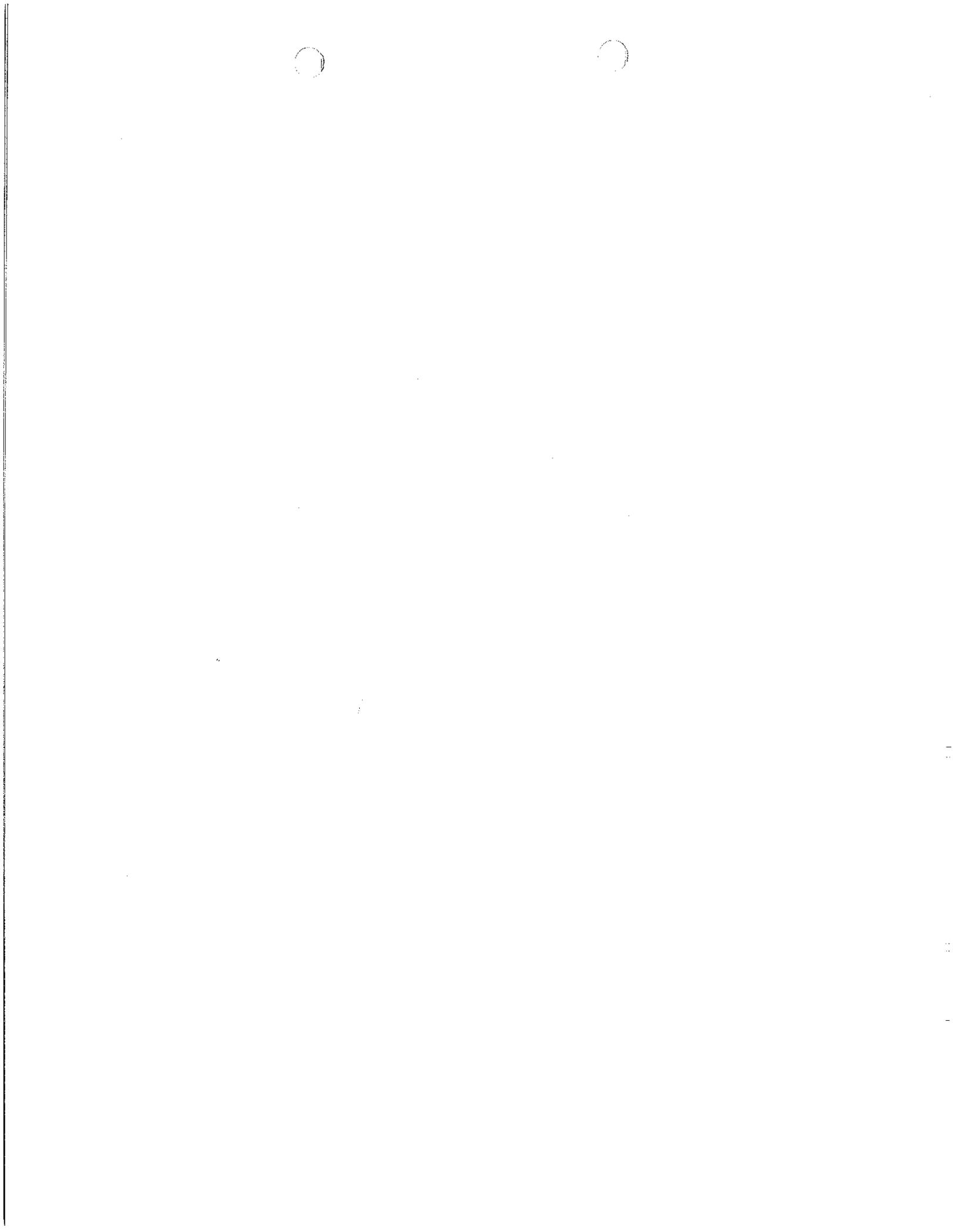
 Abutters





PLOT PLAN





WE, OSVALDO M. DESOUSA and MARIA D. DESOUSA, formerly known as
Maria D. Furtado,

of 118 Portland Street, New Bedford, Bristol County, Massachusetts.
~~Relinquish~~ for consideration of 1.01 paid,

grant to OSVALDO M. DESOUSA and MARIA D. DESOUSA, husband and
wife, as tenants by the entirety,

~~XXXXXXXXXX~~

who reside at 118 Portland Street in New Bedford, Massachusetts
with quitclaim covenants,

the land, with any buildings thereon, in New Bedford, Bristol County,
Commonwealth of Massachusetts, bounded and described as follows:

BEGINNING at the northwest corner of the land herein described
at a point in the southerly line of Portland Street, and at the
northeast corner of Lot #12 as shown on plan of land
hereinafter mentioned;

thence EASTERLY in the said southerly line of Portland Street,
one hundred (100) feet to land now or formerly of Rene and
Pauline T. Fontaine;

thence SOUTHERLY in line of last-named, one hundred (100) feet
to said Lot #12; and

thence NORTHERLY in line of last-named lot, one hundred (100)
feet to the said southerly line of Portland Street and the
point of beginning.

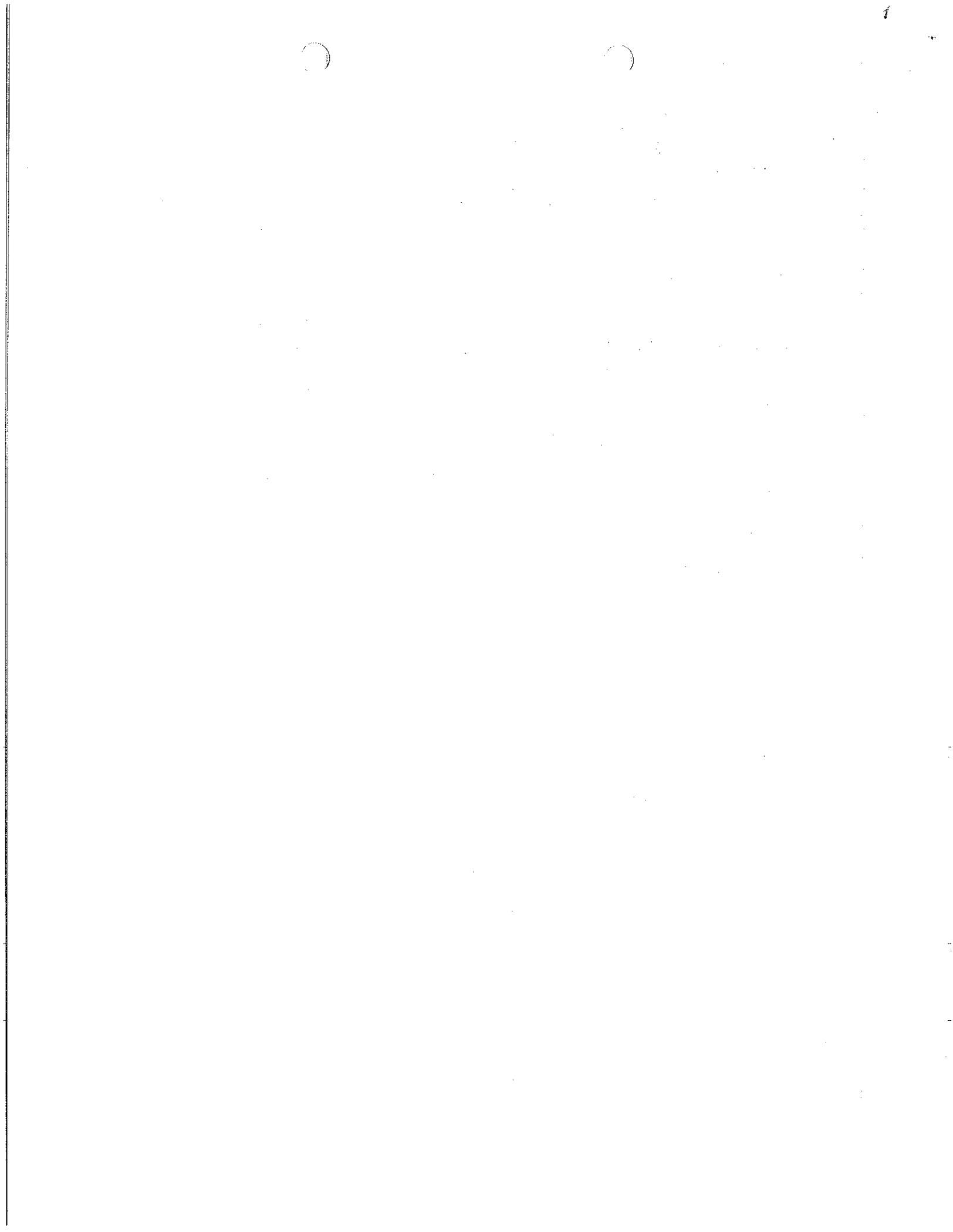
CONTAINING 10,000 square feet, more or less.

BEING shown as Lot #21 on plan entitled "Plan of Land Belonging
to Daniel E. Baur, New Bedford, Mass., May 20, 1955, filed in
Bristol County S.D. Registry of Deeds in Plan Book 50, Page 38.

FOR TITLE, see deed from Nicki E. Laroca, et ux, dated April
16, 1996 and recorded in the Bristol County S.D. Registry of
Deeds in Book 3647, Page 178.

SUBJECT to the 1998 fiscal year real estate taxes which the
grantee(s) assume(s) and agree(s) to pay.

Property Address: 118 Portland Street
New Bedford, Massachusetts



Witness our hands and common seal this 28th day of August 19 97

Executed in the presence of

Richard C. Boyz
WITNESS

Oswaldo M. De Sousa
OSVALDO M. DESOUSA

WITNESS

Maria D. DeSousa
MARIA D. DESOUSA

Commonwealth of Massachusetts

Bristol, ss. New Bedford, August 28, 1997

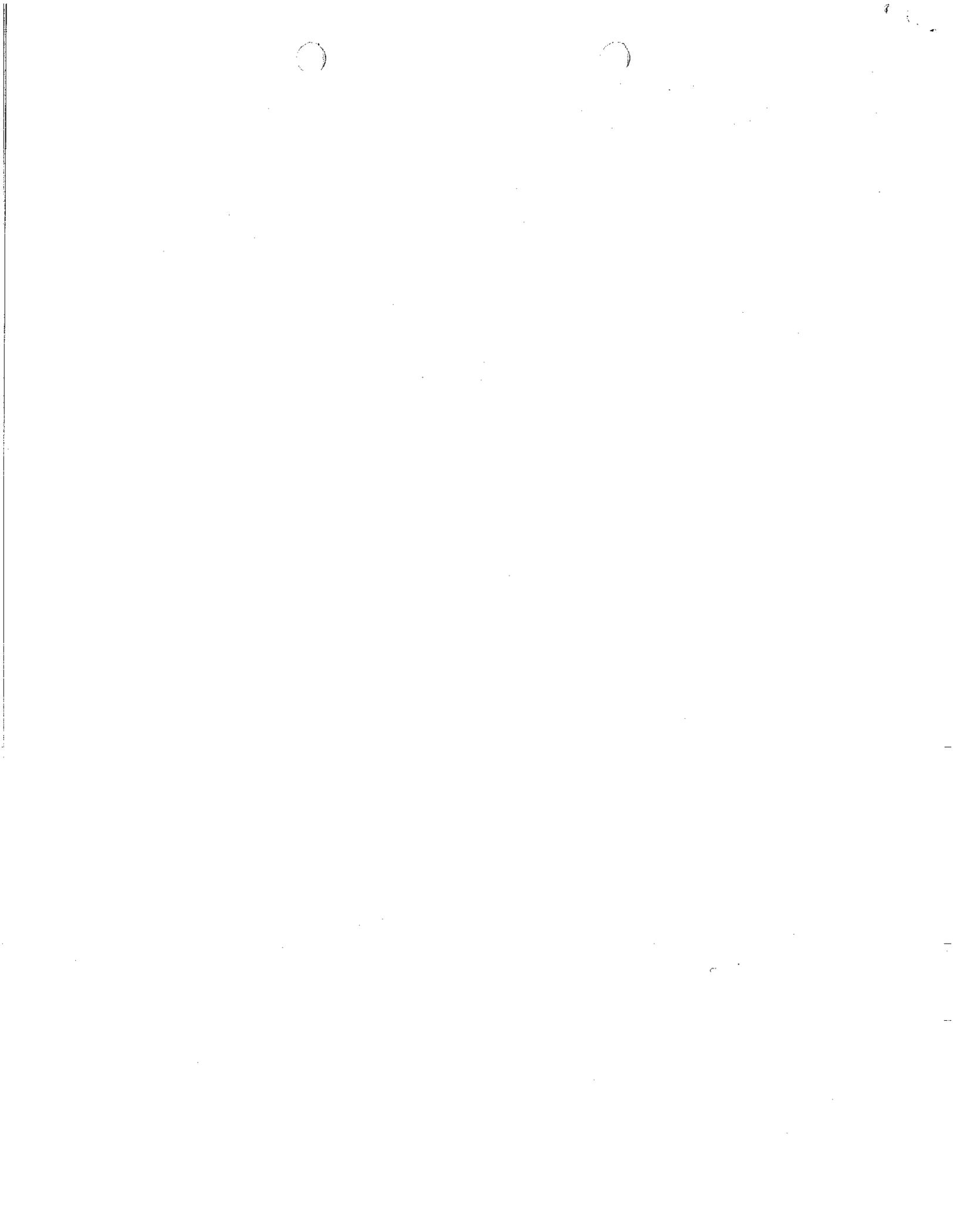
Then personally appeared the above named Oswaldo M. DeSousa and Maria D. DeSousa and acknowledged the foregoing instrument to be their free act and deed,

before me Richard C. Boyz
Notary Public.

My commission expires Dec 12 1997

A true copy of instrument as recorded in
Bristol County (S.D.) Registry of Deeds
in Book 3940 Page 209

ATTEST:
mmready
REGISTER



OZZIE

118 PORTLAND ST

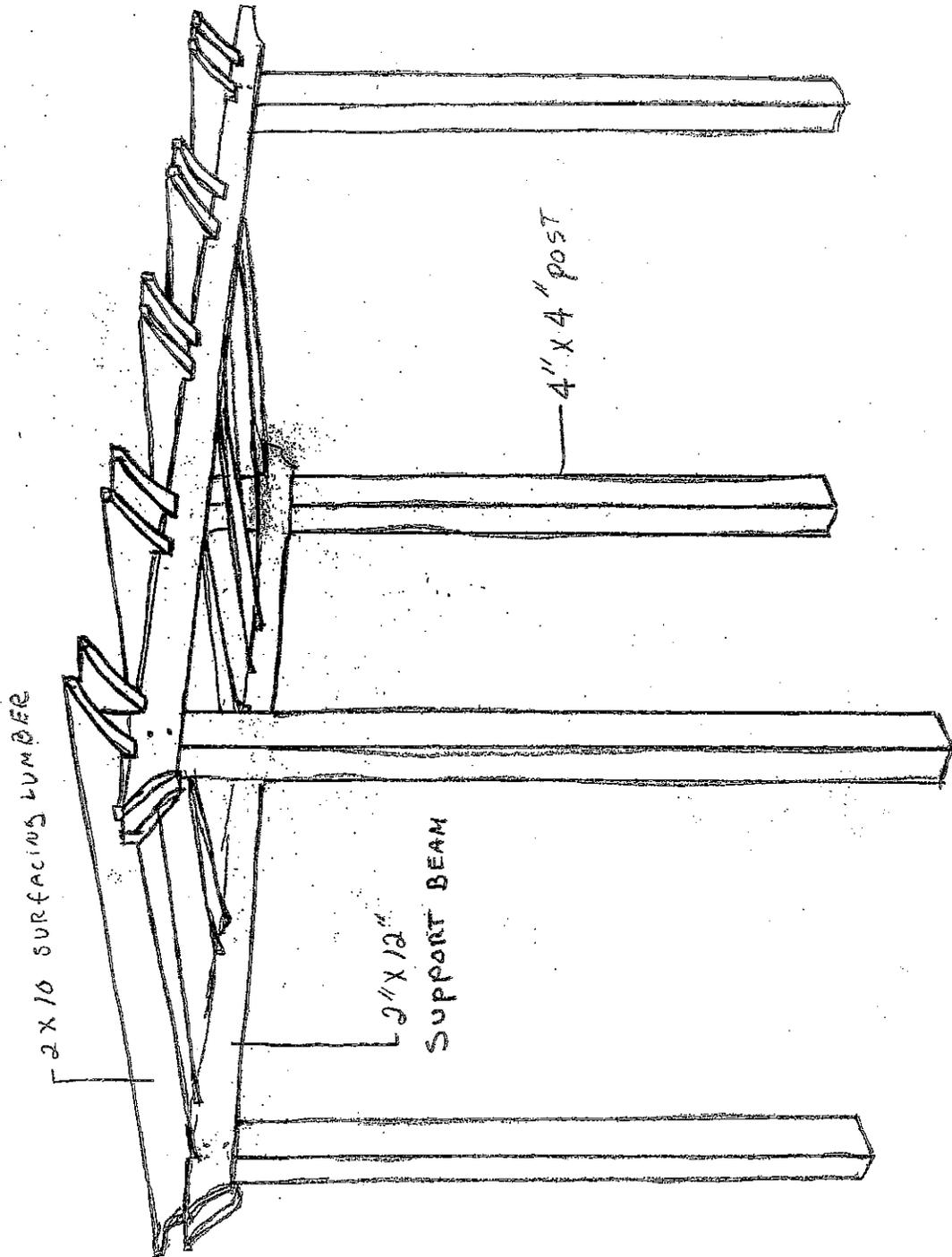
NEW BEDFORD

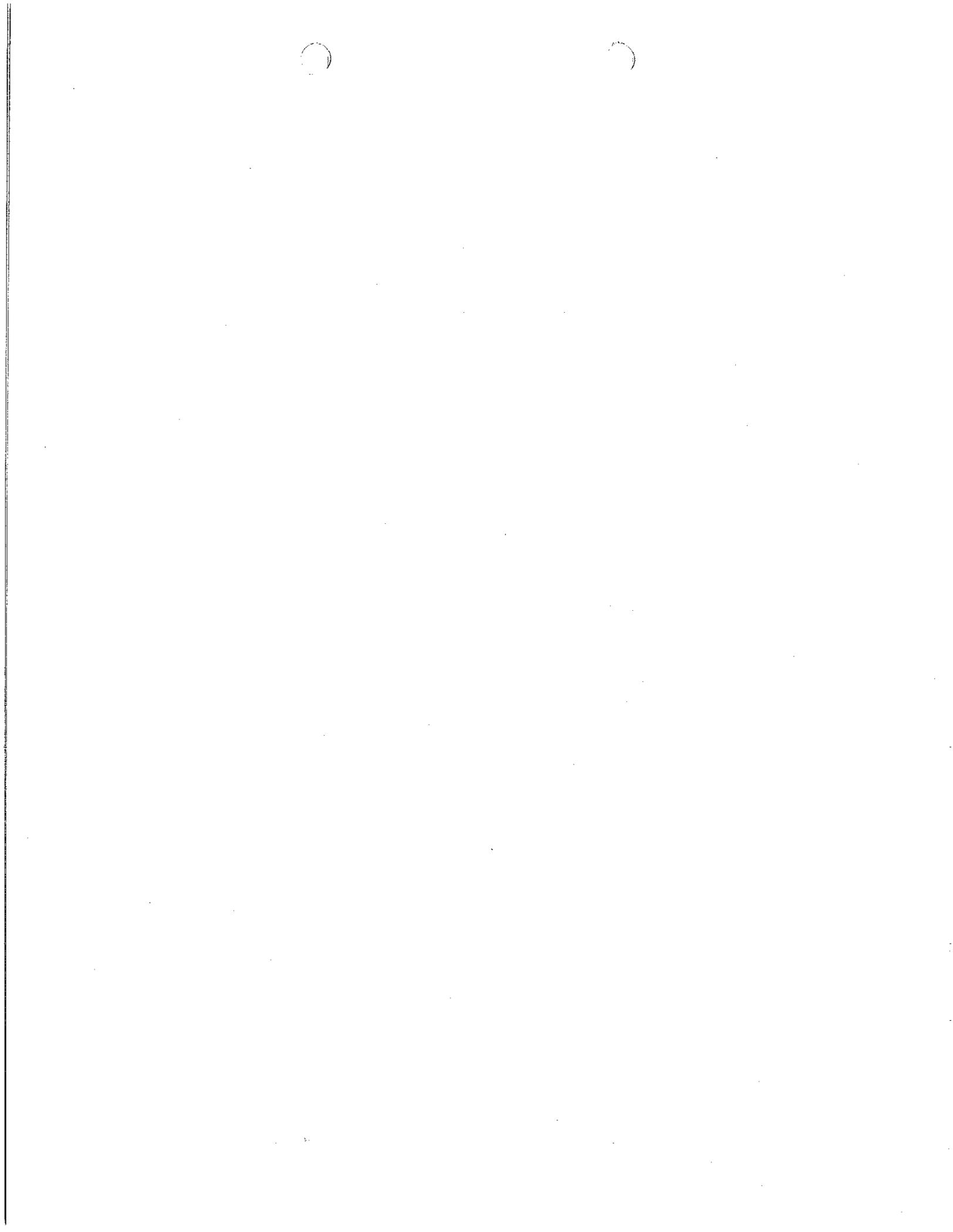
PERGOLA

SIDE VIEW

ORIGINAL

MAR 21 2016



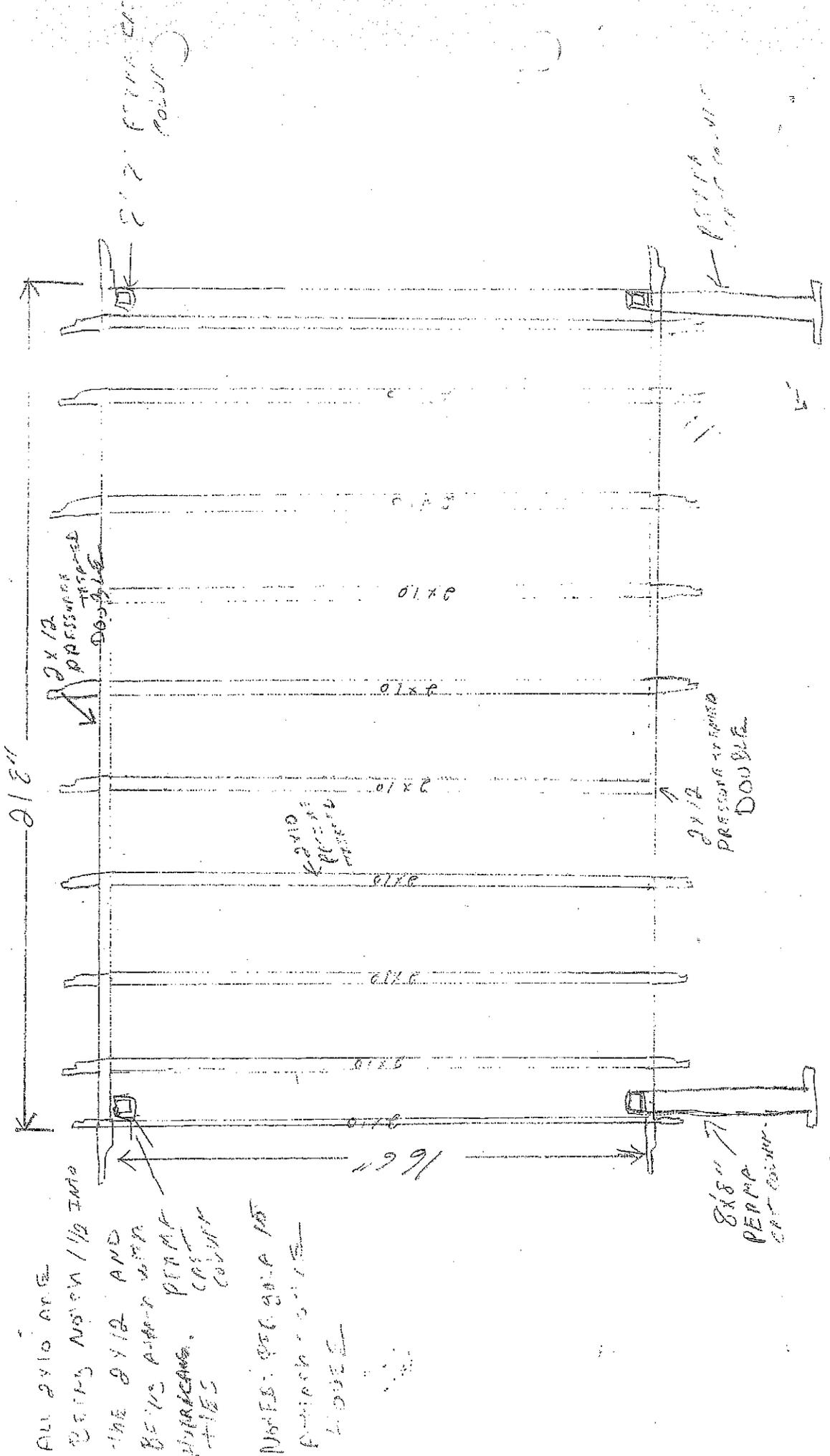


PERGOLA

FRAME ALL PRESSURED
 4-PT PAPER
 COLUMN
 8" X 8"

A = 2 X 12

1A = 2 X 10



ALL 2 X 10 ARE
 BEING NOTCH 1/2 INTO
 THE 2 X 12 AND
 BE 1/2 ANCHOR WITH
 HYDRICONS.
 TIES
 COLUMN

NOTES: PERGOLA IS
 FINISH - 5/15
 HOUSE

8" X 8"
 PERP
 CAP COLUMN

2 X 12
 PRESSURED
 TRAPED
 DOUBLE

2 X 12
 PRESSURED TRAPED
 DOUBLE

PERGOLA

