



City of New Bedford ZBA VARIANCE APPLICATION

CASE # 4256

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 type="checkbox"/>	<u>Sub-Division Plans</u> if Applicable.	<input type="checkbox"/>	<input 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</u> Packet (<i>Containing Rejected Building Permit and all information submitted with Building Permit Application</i>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input 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 [Signature] 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.

Please remove the instruction pages when submitting your completed application packet but keep this as your first page.

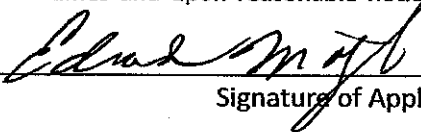
2. VARIANCE SPECIFICS

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#	136	LOT(S)#	278
REGISTRY OF DEEDS BOOK:	2991	PAGE #	185
PROPERTY ADDRESS: 1053 BRALEY RD NEW BEDFORD MA - 02745			
ZONING DISTRICT: RA			
OWNER INFORMATION			
NAME: EDWARD + JEANNE MOTYL			
MAILING ADDRESS: 1053 BRALEY RD NEW BEDFORD MA 02745			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT):			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input checked="" type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input type="checkbox"/>
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	508-995-3151 CELL# 508-951-7706		
EMAIL ADDRESS:	JEANMOTYL@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

10-21-16
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

Date

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE 34'	DEPTH 373.45'	AREA in SQ FT 29,760 SF		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 34' x 26'	TOTAL SQ FT BY FLOOR 1st 284 2nd 602	NUMBER OF FLOORS 2	TOTAL SQ. FT ENTIRE STRUCTURE 1486
	# OF DWELLING UNITS 1		# OF BEDROOMS 4		
PROPOSED BUILDING/S	# OF BLDGS 1	PROPOSED SIZE 14' x 36'	TOTAL SQ FT BY FLOOR 486	NUMBER OF FLOORS 1	TOTAL SQ. FT ENTIRE STRUCTURE 486
	# OF DWELLING UNITS 0		# OF BEDROOMS 1		EXTENT OF PROPOSED ALTERATIONS ADDITION
EXISTING USE OF PREMISES:	HOME				
PROPOSED USE OF PREMISES:	BATH / BEDROOM				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	<p>BUILDING A HANDICAP ACCESSIBLE SPACE FOR MY ELDERLY MOTHER WHO WILL BE LIVING WITH US AND NEEDS 24 HOUR CARE.</p>				

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)	29,760		
Lot Width (ft)	103'		
Number of Dwelling Units	1		
Total Gross Floor Area (sq ft)	2370		480
Residential Gross Floor Area (sq ft)	1486		480
Non-Residential Gross Floor Area (sq ft)	0		0
Building Height (ft)	20'		20
Front Setback (ft)	34'		37'
Side Setback (ft)	21	10'	6
Side Setback (ft)	7.4	12'	7.4
Rear Setback (ft)	250'		238'
Lot Coverage by Buildings (% of Lot Area)	4%		6%
Permeable Open Space (% of Lot Area)			
Green Space (% of Lot Area)			0
Off-Street Parking Spaces	0		0
Loading Bays	0		0
Number of Ground Signs	0		0
Height of Ground Sign	0		0
Proximity of Ground Sign to Property Line	0		0
Area of Wall Sign (sq ft)	0		0
Number of Wall Signs	0		0

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

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/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:

SEE ATTACHED PAPER
A+B

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:

MY MOTHER WOULD BE WITHOUT A HOME AND FORCED INTO A NURSING HOME

C

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

IT IS STILL WITHIN OUR PROPERTY LINES INTO THE ADJUTTING PROPERTY LOT# 079 IS A WOODED AREA AND VACANT

D

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

BECAUSE THERE ARE NO OBSTRUCTIONS OR REMOVAL OF EARTH OR VEGETATION NEEDED TO ACCOMMODATE OUR REQUEST

A THE REASON WE ARE FILING FOR A VARIANCE IS DUE TO THE ODD SHAPE OF OUR LOT AND THE LOTS ON EACH SIDE OF US. DUE TO THIS ANGLE OF THE LOT, THE ADDITION IN THE BACK (NORTH) IS 6' FROM PROPERTY LINE. THE FRONT (SOUTH) IS 13' FROM PROPERTY LINE.

IT IS NOT CHANGING THE LANDSCAPE IN THE SURROUNDING AREA, NOT ONE TREE WILL BE CUT BECAUSE THERE ARE NO TREES IN THAT AREA.

B THE EAST SIDE OF THE HOUSE IS THE BEST LOCATION FOR MY MOTHER'S ADDITION. WE LOOKED AT OTHER AREAS AND NOTHING WORKED OUT.

- ① THE UPSTAIRS OF THE HOUSE IS IMPOSSIBLE DUE TO STAIRS AND NO BATHROOM.
- ② THE GARAGE ON THE WEST SIDE IS TOO SMALL. WE WOULD HAVE TO GO THROUGH THE BOARD AND CHANGE TO RESIDENTIAL
- ③ THE BACK OF THE HOUSE HAS PATIO (PAVED) THE ENTIRE WIDTH OF THE HOUSE, A BULKHEAD, SHED, ABOVE GROUND POOL & SHRUBS.
- ④ ADDING THE ADDITION TO THE EAST SIDE, GIVES US THE OPPORTUNITY TO HAVE MY 87 YO. MOTHER CLOSE BUT HAVING THE FEELING OF INDEPENDENCE AND PRIVACY FOR HEALTH CARE PROVIDERS.
- ⑤ EASY ACCESS TO SEWER LINE
- ⑥ IF WE ARE DENIED SHE WOULD HAVE TO GO TO A NURSING HOME. THIS WOULD BE A SUBSTANTIAL HARDSHIP.



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 #	136-1	LOT(S)#	278
ADDRESS: 1053 BRALEY RD			
OWNER INFORMATION			
NAME: DONARD MOTYL			
MAILING ADDRESS: 1053 BRALEY RD. N.B.			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): DONARD MOTYL			
MAILING ADDRESS (IF DIFFERENT): 1053 BRALEY RD			
TELEPHONE #	508-951-7706		
EMAIL ADDRESS:			
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):		

PLANNING
 OCT 21 2016
 DEPARTMENT
 CITY CLERKS OFFICE
 NEW BEDFORD, MA
 2016 OCT 24 A 10:11
 CITY CLERK

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.

Carlos Amado

 Printed Name

Carlos Amado 10/21/2016

 Signature Date

October 21, 2016

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 1053 Braley Road (136-278). 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.

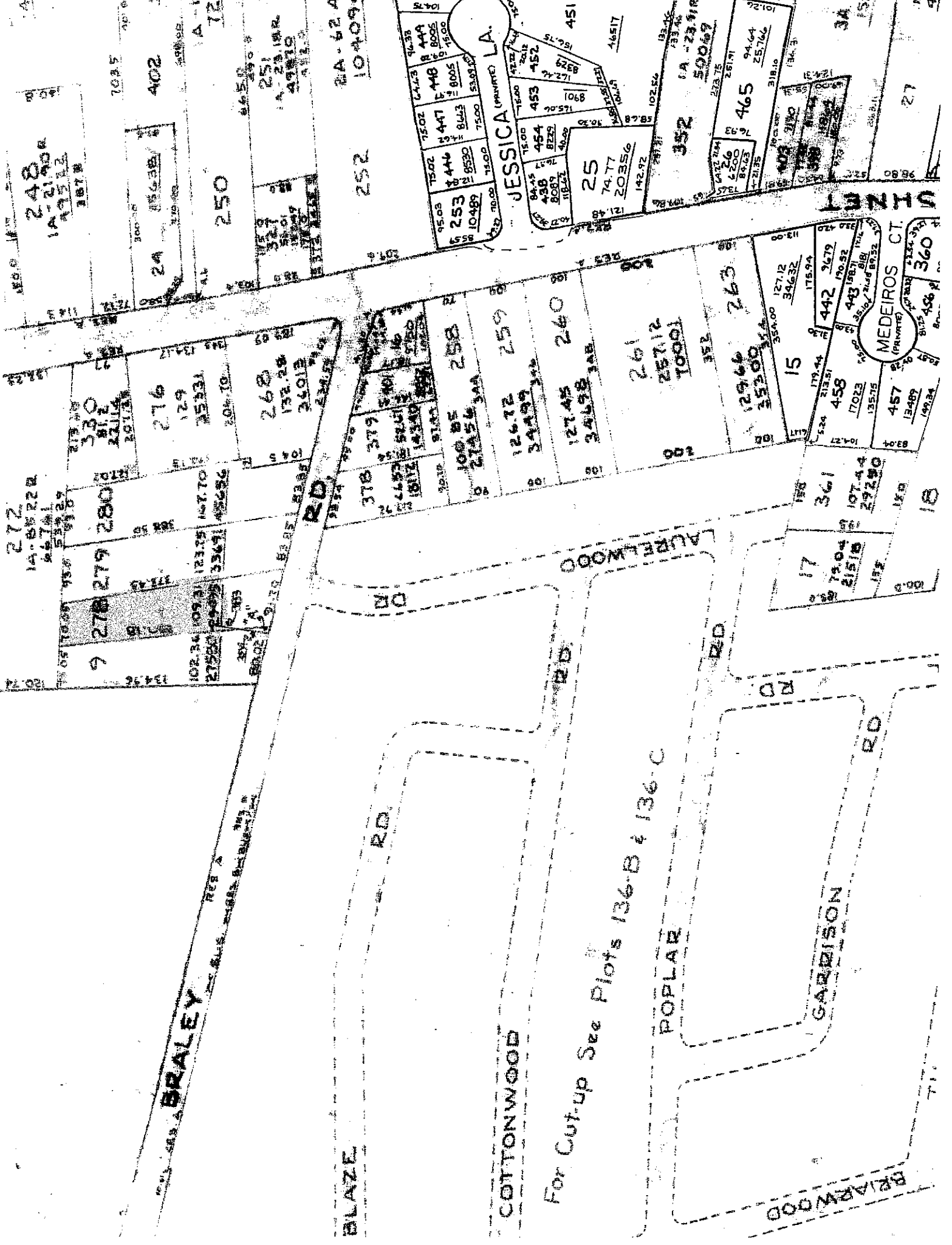
Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
136B-61	146 LAURELWOOD DR	AMARAL DONALDO M, AMARAL MARIA I 146 LAURELWOOD DR NEW BEDFORD, MA 02745
136-278	1053 BRALEY RD	MOTYL EDWARD J, MOTYL JEANNE M 1053 BRALEY ROAD NEW BEDFORD, MA 02745
136-279 <i>NS</i>	BRALEY RD	SYLVIA WILLIAM, 1033 BRALEY RD NEW BEDFORD, MA 02745
136-280	1033 BRALEY RD	SYLVIA WILLIAM, 1033 BRALEY RD NEW BEDFORD, MA 02745
136-330	4077 ACUSHNET AVE	4077 ACUSHNET AVENUE, LLC, 867 MIDDLE ROAD ACUSHNET, MA 02743
136-272	4085 ACUSHNET AVE	KROUZEK RONALD A, SANTOS PAULINE D 4085 ACUSHNET AVE NEW BEDFORD, MA 02745
136-502	28 MADDIE DR	SILVA CHRISTOPHER J, SILVA ALYCIA M 28 MADDIE DRIVE NEW BEDFORD, MA 02745
136A-414	1079 BRALEY RD	CITY OF NEW BEDFORD, PULASKI SCHOOL 131 WILLIAM ST NEW BEDFORD, MA 02740
136-501 <i>WS</i>	MADDIE DR	AGIN WARREN E "TRUSTEE", ESTATE OF TIMOTHY PAUL CUSSON, 197 PORTLAND STREET <i>5 Bristol Drive Attuck, LLC (Trs)</i> BOSTON, MA 02114 <i>Ste. E / So. Easton, Barson Realty Trust</i>
136-503	22 MADDIE DR	MONTEIRO JOSE F, MONTEIRO KRISTAL A <i>MA 02375</i> 22 MADDIE DRIVE NEW BEDFORD, MA 02745
136-271	4095 ACUSHNET AVE	AUDETTE HEATHER, <i>C/o Debra + Jose Costa</i> 4095 ACUSHNET AVENUE <i>42 Elaine Avenue</i> NEW BEDFORD, MA 02745
136-9	1063 BRALEY RD	ROCK ALFRED J, 1063 BRALEY RD NEW BEDFORD, MA 02745
136A-432 <i>ES</i>	WALES ST	CITY OF NEW BEDFORD, 133 WILLIAM ST NEW BEDFORD, MA 02740
136B-28	147 LAURELWOOD DR	ALMEIDA JOAO C, ALMEIDA CISELA A 147 LAURELWOOD DRIVE NEW BEDFORD, MA 02745



Legend

136-278



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1A-21-100R
1935E
387R

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402
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A-23-100R
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JESSICA (PRIVATE) LA.
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BRALEY

BLAZE

COTTONWOOD

For Cut-up See Plots 136-B & 136-C

POPLAR

GARRISON

BRIARWOOD

We, CLAUDETTE B. CODERRE and EDWARD J. MOTYL and JEANNE M. MOTYL, of New Bedford, County, Massachusetts for consideration of \$1.00 paid, grant to EDWARD J. MOTYL and JEANNE M. MOTYL, husband and wife, as tenants by the entirety who reside at 1053 Braley Road in New Bedford Massachusetts with quitclaim covenants, the land with any buildings thereon, situated in New Bedford, Bristol County, Massachusetts bounded and described as follows:

BEGINNING at the southeast corner of the land herein described at a point in the northerly line of Braley Road, and at the southwest corner of land now or formerly of Howard U. Smith as shown on plan of land hereinafter mentioned;

thence NORTH 83 degrees 37' 39" WEST in line of said Braley Road, one hundred three and 2/10 (103.2) feet to Lot #1 as shown on said plan;

thence NORTH 2 degrees 22' 21" EAST in line of last-named lot and Parcel "B" as shown on said plan, one hundred (100) feet to a stake;

thence NORTH 83 degrees 37' 39" WEST in line of said Parcel "B", eleven and 07/100 (11.07) feet to said Lot #1;

thence NORTH 10 degrees 08' 09" WEST in line of last-named lot, two hundred fifty and 18/100 (250.18) feet to land now or formerly of Armand R. and Gertrude C. Charpentier as shown on said plan;

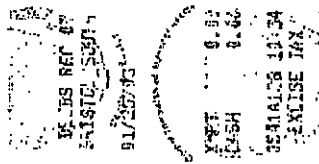
thence NORTHEASTERLY in line of last-named land, seventy and 05/100 (70.05) feet to a drill hole; and

thence SOUTHEASTERLY in line of land now or formerly of said Howard U. Smith, three hundred seventy-three and 45/100 (373.45) feet to the said northerly line of Braley Road and the point of beginning.

BEING shown as Lot #2, containing 109.31 square rods, and Parcel "A", containing 288 square feet, on a plan entitled "A Plan of Land in New Bedford and proposed sub-division prepared for Alfred J. & Rita C. Rock and Charles R. & Mary Carr", dated December 22, 1983, Edmund J. Toomey, surveyor, New Bedford, Mass., and filed in Bristol County S.D. Registry of Deeds in Plan Book 109, Page 99.

FOR TITLE see deed from Dorothy C. Arnold, Executrix, dated October 28, 1985 and recorded in the said Registry of Deeds in Book 1941, Page 124.

SUBJECT to the 1993 fiscal year real estate taxes which the grantee(s) assume(s) and agree(s) to pay.



BK2991PG0186

WITNESS our hands and common seal this 19th day of January 1993

Executed in the presence of

_____	<u>Claudette B. Codere</u>
Witness	CLAUDETTE B. CODERRE
<u>Marie M. Martin</u>	<u>Edward J. Motyl</u>
Witness	EDWARD J. MOTYL
_____	<u>Jeanne M. Motyl</u>
Witness	JEANNE M. MOTYL

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss. New Bedford, January 19th 1993

Then personally appeared the above named CLAUDETTE B. CODERRE and acknowledged the foregoing instrument to be her free act and deed.

before me Kathy E. Fergusson
 Notary Public
 My commission expires Sept. 1, 1996



Received & Recorded Jan. 25 1993 at 11:53 min. AM
 Attest: John Conner Registrar