



City of New Bedford ZBA VARIANCE APPLICATION

CASE # 4253

1

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"/>	Sub-Division Plans if Applicable.	<input checked="" 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 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 _____ on the date _____ 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.

If your petition is denied, after the official decision is recorded with the City Clerk, there is a twenty (20) day period you may appeal to the Massachusetts Superior Court. (*The 20 day appeal period begins from the date of the decision's filing with the City Clerk, not the date of the decision.*) The procedures for appeal are set forth in Massachusetts General Laws Chapter 40A Section 17.

WHAT IF I NEED TO REQUEST A POSTPONMENT?

All requests for postponement will be considered on the scheduled hearing date. The petitioner must appear before the Board. If that is not possible an appointed representative of the petitioner must appear with a signed letter of authorization to act on their behalf. The appointed representative must be authorized to sign an extension of time limits of approximately 30-90 days. If the Board grants the postponement, an agreed upon hearing date will be set and announced at that time, to accommodate the petitioner and the abutters. The Board will not re-advertise or re-notify abutters of the newly scheduled hearing. The Notice of Hearing will be posted at the City Clerk's Office at City Hall for informational purposes.

CAN I WITHDRAW MY APPLICATION?

You may withdraw your application without prejudice prior to the publication of the notice of a public hearing. If you withdraw prior to the publication of the notice, your filing fee is refundable.

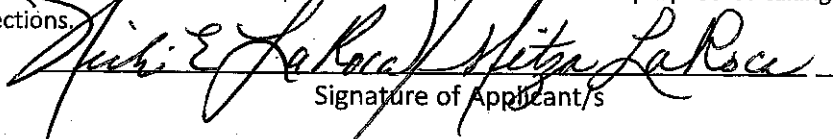
If the public hearing notice has been published, the ZBA must approve your request to withdraw without prejudice at the scheduled hearing date. Once the notice has been published—even if it is only once—no part of the filing fee is refundable.

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#	5	LOT(S)#	197
REGISTRY OF DEEDS BOOK:	8262	PAGE #	118
PROPERTY ADDRESS: 11 NAUTILUS STREET, New Bedford, MA 02744			
ZONING DISTRICT: RA			
OWNER INFORMATION			
NAME: NICKI and NITZA LAROCA			
MAILING ADDRESS: 11 Nautilus Street, New Bedford, MA 02744			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): SAME			
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): SAME			
TELEPHONE #	(508) 994-0819		
EMAIL ADDRESS:	nilsa53@aol.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

9/30/16
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 <i>75.0</i>	DEPTH <i>112.0</i>	AREA in SQ FT <i>8169</i>		
EXISTING BUILDING/S	# OF BLDGS <i>1</i>	EXISTING SIZE <i>3001</i>	TOTAL SQ. FT BY FLOOR	NUMBER OF FLOORS <i>2</i>	TOTAL SQ. FT ENTIRE STRUCTURE
	# OF DWELLING UNITS <i>1</i>		# OF BEDROOMS <i>3</i>		
PROPOSED BUILDING/S:	# OF BLDGS	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:	<i>Single family Home</i>				
PROPOSED USE OF PREMISES:					
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	<i>Generator</i>				

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:

X

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)		10'	7'5"
→ Side Setback (ft)		12'	
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

Deed

(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.

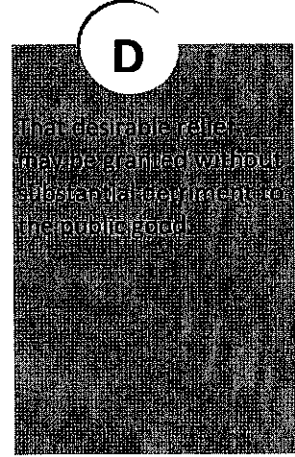
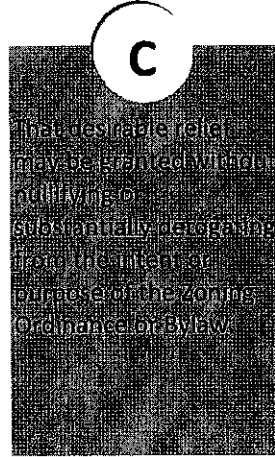
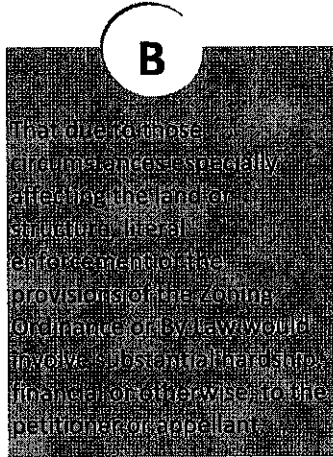
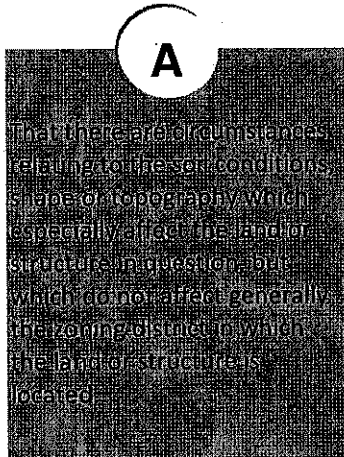
If the Applicant is Not the Owner, Provide:

- 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:



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:

Please see attached

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:

Please see attached

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

Please see attached

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

Please see attached

4. REQUIRED FINDINGS FOR GRANTING A VARIANCE

- A. Special conditions and circumstances do exist that are particular to the land involved and are not applicable generally to the other land in the same zoning district. The location of a deck, two sets of stairs, a rear entrance to the cellar at the back of the house make placement of the generator anywhere else difficult.

Additionally, all the utilities are located on the side of the home where the generator is located. Generator runs off natural gas and this location allows for the least extension of lines going into the generator.

- B. The generator is already installed on a 3' by 5' slab and there is no other place on the property to relocate it. It is needed to provide a backup power source in the event an emergency power outage occurs. It is also needed for a breathing machine which runs on electricity and is used nightly.

We are requesting a variance to keep the generator in the existing location in the side yard which is 7'5" instead of 10' from property line as required.

- C. The generator does not obstruct anything. It is barely visible from the street and it takes up a minimal amount of space on the side of the house.

It has an automatic cycling feature that can be programmed to run any time of day for 12 minutes and produces 63 decibels.

- D. We informed the adjoining neighbor who would be impacted the most and our neighbor has no objections.

Handwritten header text, possibly a date or page number.

First paragraph of handwritten text, starting with a capital letter.

Second paragraph of handwritten text, continuing the narrative.

Third paragraph of handwritten text, showing a change in subject or detail.

Fourth paragraph of handwritten text, further development of the story.

Fifth paragraph of handwritten text, possibly a transition or a new section.

Sixth paragraph of handwritten text, concluding a thought or section.

Seventh paragraph of handwritten text, final lines on the page.

Quitclaim Deed

I, BARBARA LIPSETT

of New Bedford, Bristol County, Massachusetts

for consideration of \$366,200.00 paid

grant to **NICKI E. LAROCA and NITZA N. LAROCA**, Husband and Wife,
as Tenants by the Entirety

who reside at 57 West Rangeley Street, North Dartmouth, MA 02747

with quitclaim covenants,

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

BEGINNING at the northeast corner of the land herein described, at a point in the westerly line of Nautilus Street and at the southeast corner of Lot #14, as shown on plan of land hereinafter mentioned;

thence SOUTHERLY in said line of Nautilus Street, seventy-five and 00/100 (75.00) feet to Lot #7, as shown on said plan;

thence WESTERLY in line of last-named Lot, and Lot #8, as shown on said plan, one hundred twelve and 00/100 (112.00) feet to Lot #196, as shown on said plan;

thence NORTHERLY in line of last-named Lot, seventy-five and 60/100 (75.60) feet to said Lot #10; and

thence EASTERLY in line of last-named Lot, one hundred eight and 00/100 (108.00) feet to the said westerly line of Nautilus Street and the point of beginning.

CONTAINING 30.01 square rods, more or less.

BEING shown as Lot #11 on City of New Bedford Property Plan dated May 3, 1946 and filed with the Bristol County S. D. Registry of Deeds in Plan Book 36, Page 55.

FOR TITLE, see Deed of Kelly A. Almeida, et al, dated June 25, 2004 duly recorded in the said Registry of Deeds in Book 7036, Page 334.

SUBJECT to all encumbrances of record, including easements, restrictions, and rights of way, if any, insofar as the same may be in force and applicable.

SUBJECT to the 2007 fiscal year real estate taxes which the grantee(s) assume(s) and agree(s) to pay.

Property Address: 11 Nautilus Street,
New Bedford, MA 02744

REG OF DEEDS
REG #07
BRISTOL S
08/08/06 3:23PM 01
00000 #8008
FEE \$1671.24
CASH \$1671.24

Witness my hand and common seal this 7th day of August, 2006

Executed in the presence of

Richard C. Borges

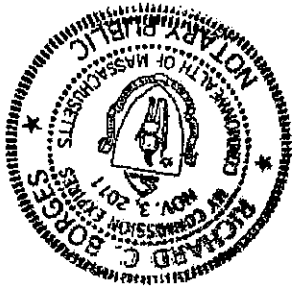
WITNESS

Barbara Lipsett
BARBARA LIPSETT

Commonwealth of Massachusetts

Bristol County: New Bedford

On August 7, 2006 before me, the undersigned Notary Public, personally appeared BARBARA LIPSETT, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person(s) whose name(s) is/are signed above, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose and it was his/her/their free act and deed.



Richard C. Borges
Official signature and seal of Notary Public

My Commission Expires: 11-3-11

A true copy of instrument as recorded in
Bristol County (S.D.) Registry of Deeds
in Book 8262 Page 118

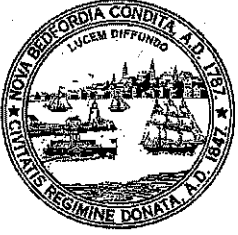
ATTEST:

W. Mearns
REGISTER

9.

12345678901234567890
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98765432109876543210



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 #	5	LOT(S)#	197
ADDRESS: 11 Nautilus ST New Bedford MA 02744			
OWNER INFORMATION			
NAME: Nicki E. LaRoc			
MAILING ADDRESS: 11 Nautilus ST NB. MA 02744			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Same			
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	508 994 0819		
MAIL ADDRESS:	nilsa53@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):		

CITY CLERKS OFFICE
NEW BEDFORD, MA

OCT 11 12 11
CITY CLERK


PLANNING DEPARTMENT
SEP 26 2016

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 map.

Carlos Amado  16

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.

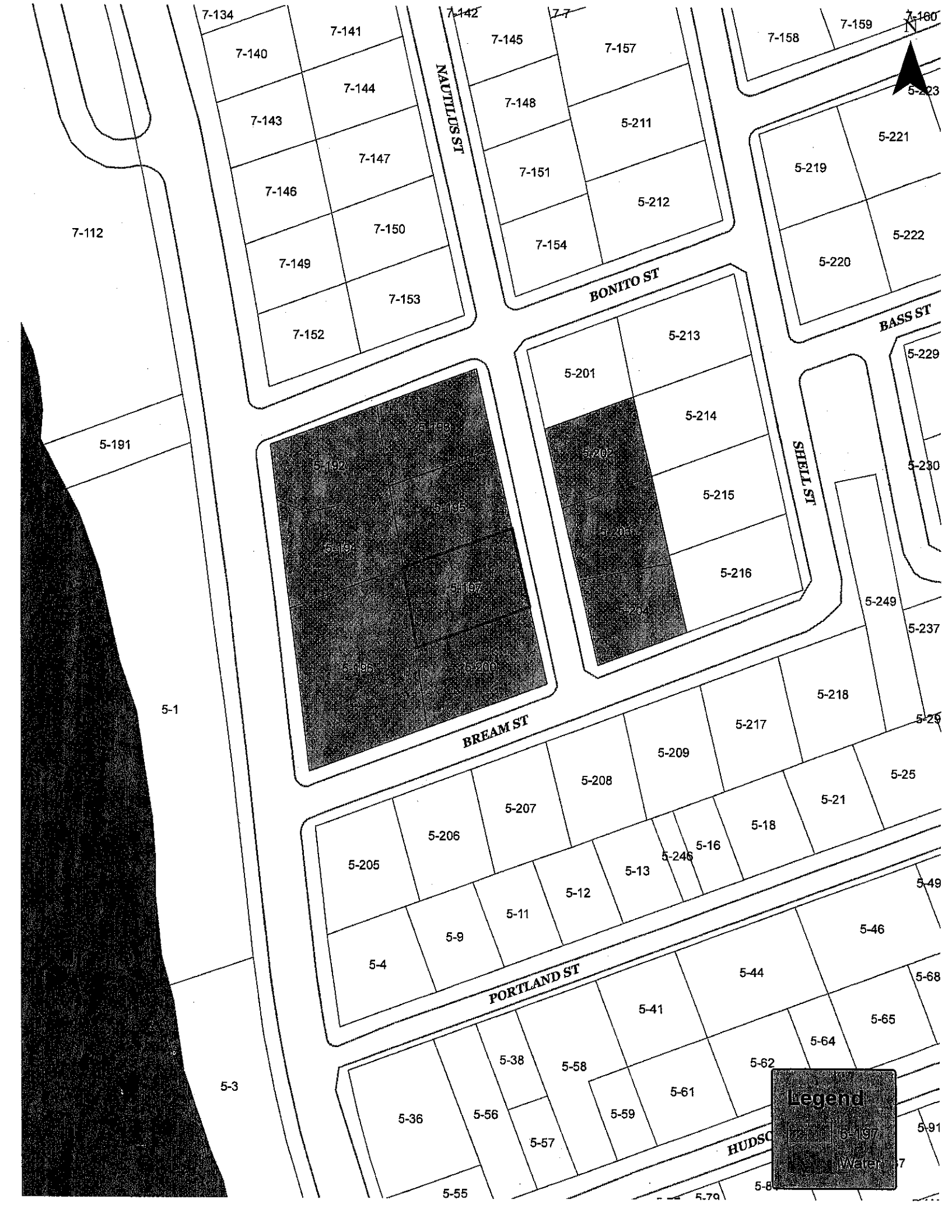
September 26, 2016

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 11 Nautilus Street (5-197). 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
5-204	10 NAUTILUS ST	BISCAIA ALVARO L, BISCAIA MARIA J 10 NAUTILUS ST NEW BEDFORD, MA 02744
5-193	25 NAUTILUS ST	SOARES MARIA C "TRUSTEE", 25 NAUTILUS STREET NEW BEDFORD NOMINEE TRUST (THE) Ashley Moura, Jonathan Lopes 25 NAUTILUS STREET NEW BEDFORD, MA 02744
5-194 ES	W RODNEY FRENCH BLVD	FERNANDES HELENA P, 378 BONITO STREET NEW BEDFORD, MA 02744
5-203	16 NAUTILUS ST	COELHO JOHN, 16 NAUTILUS STREET NEW BEDFORD, MA 02744
5-195	19 NAUTILUS ST	PERRY THOMAS D, 19 NAUTILUS ST NEW BEDFORD, MA 02744
5-197	11 NAUTILUS ST	LAROCA NICKI E, LAROCA NITZA 11 NAUTILUS STREET NEW BEDFORD, MA 02744
5-192	378 BONITO ST	FERNANDES HELENA P, 378 BONITO STREET NEW BEDFORD, MA 02744
5-202	22 NAUTILUS ST	CRAIG EDMUND F JR, CRAIG HELEN V 22 NAUTILUS ST NEW BEDFORD, MA 02744
5-196	584 W RODNEY FRENCH BLVD	PERKINS ALAN, PERKINS JOAN 584 WEST RODNEY FRENCH BLVD NEW BEDFORD, MA 02744
5-200	5 NAUTILUS ST	DACRUZ JOAQUIM N, DACRUZ MARIA A 5 NAUTILUS ST NEW BEDFORD, MA 02744



Legend

	5-197
	Water

7-134 7-141 7-142 7-145 7-157 7-158 7-159 7-160

7-140 7-144 7-148 7-151 5-211 5-219 5-221 5-223

7-143 7-147 7-150 7-154 5-212 5-220 5-222

7-146 7-149 7-152 7-153 5-213 5-214 5-215 5-216 5-218 5-219 5-220 5-221 5-222 5-223 5-229 5-230

7-112 5-191 5-192 5-193 5-194 5-195 5-196 5-197 5-200 5-201 5-202 5-203 5-204 5-205 5-206 5-207 5-208 5-209 5-210 5-211 5-212 5-213 5-214 5-215 5-216 5-217 5-218 5-219 5-220 5-221 5-222 5-223 5-224 5-225 5-226 5-227 5-228 5-229 5-230 5-231 5-232 5-233 5-234 5-235 5-236 5-237 5-238 5-239 5-240 5-241 5-242 5-243 5-244 5-245 5-246 5-247 5-248 5-249 5-250 5-251 5-252 5-253 5-254 5-255 5-256 5-257 5-258 5-259 5-260 5-261 5-262 5-263 5-264 5-265 5-266 5-267 5-268 5-269 5-270 5-271 5-272 5-273 5-274 5-275 5-276 5-277 5-278 5-279 5-280 5-281 5-282 5-283 5-284 5-285 5-286 5-287 5-288 5-289 5-290 5-291 5-292 5-293 5-294 5-295 5-296 5-297 5-298 5-299 5-300

NAUTILUS ST BONITO ST SHELL ST BREAM ST PORTLAND ST HUDSON ST

5-1 5-3

