

# City of New Bedford ZBA VARIANCE APPLICATION

CASE # 4247

## 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"/> <i>n/a</i>	<u>Sub-Division Plans</u> if Applicable.	<input type="checkbox"/> / <input checked="" type="checkbox"/> <i>n/a</i>
<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. <i>\$350</i>	<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 [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.



**APPLICATION SPECIFICS**

DIMENSIONS OF LOT/S:	FRONTAGE 42'	DEPTH 45'	AREA in SQ FT 1935		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 36x24	TOTAL SQ FT BY FLOOR 864	NUMBER OF FLOORS 2	TOTAL SQ. FT ENTIRE STRUCTURE 1728
	# OF DWELLING UNITS 1		# OF BEDROOMS 3		
PROPOSED BUILDING/S <i>same</i>	# 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</i>				
PROPOSED USE OF PREMISES:	<i>DRIVEWAY</i>				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	<i>Driveway</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)	16'	1'4"	6"
Side Setback (ft)			
Rear Setback (ft)			
Lot Coverage by Buildings (% of Lot Area)			
Permeable Open Space (% of Lot Area)			
Green Space (% of Lot Area)		35%	15%
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:

**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/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:

NOT enough space to Drive The car in

**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:

Driveway TOO SMALL TO FIT THE CAR in

**C**

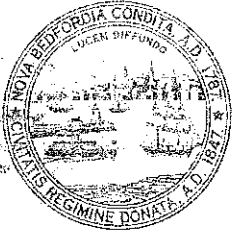
Describe how granting you relief would not take away from the purpose of the city's zoning ordinance:

because I can get my car OFF THE ROAD

**D**

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

every neighbor have Driveway like my



*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 #	57
LOT(S)#	60
ADDRESS: 310 PARIS ST	
OWNER INFORMATION	
NAME: LAU V LUU	
MAILING ADDRESS: 310 PARIS ST	
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT):	
MAILING ADDRESS (IF DIFFERENT):	
TELEPHONE #	774 328-5319
EMAIL ADDRESS:	LAUVANLUU@a.yahoo.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  
 902 92 2015  
 DEPARTMENT

2016 SEP 21 P 3: 54  
 CITY CLERKS OFFICE  
 NEW BEDFORD, MA

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

9/1/2016

Printed Name

Signature

Date

August 29, 2016

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 310 Park Street (57-60). 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
57-58	221 NORTH ST	HUNTER ROOSEVELT "TRUSTEE", HUNTER MARIE ANN "TRUSTEE" 221 NORTH ST NEW BEDFORD, MA 02740
57-61	219 NORTH ST	<del>HOLSKE PETER J,</del> CPM Properties LLC 133 FALMOUTH-SANDWICH ROAD MASHPEE, MA 02649
57-60	310 PARK ST	HUYNH THU-THUY T, LUU LAU VAN 310 PARK ST NEW BEDFORD, MA 02740-4240
57-191	217 NORTH ST	LIMA LINDA N, LIMA WARREN J 217 NORTH ST NEW BEDFORD, MA 02740
57-55	311 PARK ST	COSME DAVID, COSME DANIEL J 311 PARK ST NEW BEDFORD, MA 02740
57-255	314 PARK ST	JOHNSON MARTIN, 213 NORTH STREET NEW BEDFORD, MA 02740
57-358	213 NORTH ST	JOHNSON MARTIN W, 213 NORTH STREET NEW BEDFORD, MA 02740
57-254	318 PARK ST	BURTON CHARLENE A, BURTON ARTHUR C JR 318 PARK ST NEW BEDFORD, MA 02740
57-348	228 HILLMAN ST	BRASIDIO GUILHERME D, 228 HILLMAN STREET NEW BEDFORD, MA 02740



57-217 57-225 57-226 57-228 57-224 57-14 57-16 57-339 57-340 57-341 57-342 57-17



KEENE ST  
57-237 57-238 57-239 57-240 57-241  
57-236 57-250 57-251 57-319 57-321 57-11  
57-249

57-347 57-19 57-24  
57-276 57-20 57-21 57-22 57-23

57-26  
HILLMAN ST

HILLMAN ST  
57-357 57-43 57-44 57-45 57-46  
57-42 57-48  
57-52 57-53 57-54 57-56 57-57 57-58  
57-51

57-59 57-64 57-62  
57-66 57-68 57-63 57-69 57-70  
57-60 57-61 57-65 57-67

57-71 57-77  
57-72 57-73  
57-74 57-75 57-37  
57-76

57-110 57-109 57-111 57-118 57-119  
57-104 57-105 57-106 57-107 57-108 57-112 57-113 57-114 57-115 57-116 57-117  
57-272

PARK ST  
57-136 57-337 57-137 57-138 57-139 57-140  
57-305 57-141 57-196 57-142 57-144 57-145  
57-153

NORTH ST  
57-355 57-152  
MILL ST

MILL ST  
57-122 57-123 57-124 57-125 57-127 57-128 57-129 57-135  
57-121 57-132 57-133 57-134 57-141

57-146 57-147 57-149 57-148 57-157 57-15 57-37

**Legend**  
Abutters



RETURN TO:

Thu-Thuy T. Huynh

Lau Van Luu

310 Park Street

New Bedford, MA 02740

## QUITCLAIM DEED

PROPERTY ADDRESS: 310 Park Street, New Bedford, MA 02740

I, **Thu-Thuy T. Huynh**, and **Phat Luu** of, New Bedford, Bristol County, Massachusetts in consideration of One and 00/100 (\$1.00) Dollars grant to **Thu-Thuy T. Huynh** and **Lau Van Luu**, husband and wife, as tenants by the entirety, of 310 Park Street, New Bedford, Bristol County, Massachusetts, with *QUITCLAIM COVENANTS*

The land in said New Bedford, Massachusetts, described as:

Beginning at a point in the easterly line of Park Street forty-seven (47) feet northerly from its intersection with the northerly line of North Street, said point being the southwesterly corner of land hereby conveyed:

thence northerly in said easterly line of Park Street forty-three (43) feet to the land of parties unknown;

thence easterly by last named land, forty-five (45) feet;

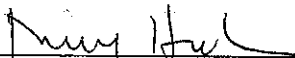
thence southerly by land of parties unknown, forty-three (43) feet; and


thence westerly by land of said William H.S. Preece, et ux, forty-five (45) feet to the point of beginning,

Containing 1,935 square feet, more or less.

For title reference see deed recorded in Bristol County (S.D.) Registry of Deeds in Book 10211, Page 39.

Executed as a sealed instrument this 10<sup>th</sup> day of June, 2015.

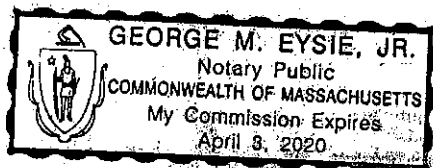
  
\_\_\_\_\_  
Thu-Thuy T. Huynh

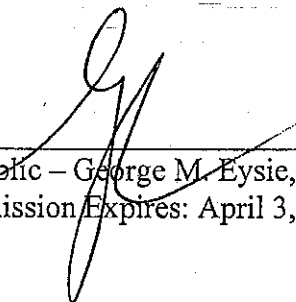
  
\_\_\_\_\_  
Phat Luu

**Commonwealth of Massachusetts**

Plymouth, ss.

On this 10<sup>th</sup> day of June, 2015, before me, the undersigned Notary Public, personally appeared **Thu-Thuy T. Huynh**, and **Phat Luu**, proved to me through satisfactory evidence of identification which was a DRIVERS LICENSE, to be the person whose names are signed on the preceding or attached document(s) and acknowledged to me that they signed the foregoing instrument voluntarily for its stated purpose.



  
\_\_\_\_\_  
Notary Public – George M. Eysie, Jr.  
My Commission Expires: April 3, 2020

