City of New Bedford

ZBA VARIANCE APPLICATION

CASE # 4243

1. SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies):

Have you included... Yes	No		Planning staff review finds... Yes	No
☑	☐	A Completed and Signed Application	☐	☐
☑	☐	An Existing Conditions Site Plan, 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.	☐	☐
☑	☐	A Proposed Site Plan showing all proposed alterations or additions with side, front and rear set property lines identified.	☐	☐
☐	☐	Sub-Division Plans if Applicable.	☐	☐
☑	☐	A Certified Abutter's List prepared by planning staff and certified by the Assessor's Office.	☐	☐
☑	☐	Plot Plan as provided through Department of Inspectional Services or through the Assessor's Office (in person or online through parcel lookup).	☐	☐
☐	☐	Filing Fee in check form made payable to the City of New Bedford.	☐	☐
☑	☐	Copy of Building Permit Rejection Packet *(Containing Rejected Building Permit and all information submitted with Building Permit Application)*	☐	☐
☐	☐	Owner's Verification including owner's signature and parcel deed for all involved parcels. NOTERIZED Letter FROM LANDLORD.	☐	☐

12 COPIES OF ALL.

Official Use Only:

Review of submittal compliance performed by _____ 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.

ZONING BOARD / AGENDA ITEM INFO

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#	108	LOT(S)#	314
REGISTRY OF DEEDS BOOK:	6655	PAGE #	57
PROPERTY ADDRESS: 401 Ashley BLVD New Bedford MA 02745			
ZONING DISTRICT:			

OWNER INFORMATION
NAME: Santo Rodriguez
MAILING ADDRESS:

APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): PEDRO Rodriguez			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: *Check one:*	OWNER ☐	CONTRACT VENDEE ☐	OTHER *Describe* ☑ Renter.
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	(774) 992-3038		
EMAIL ADDRESS:			

CITY CLERKS OFFICE NEW BEDFORD, MA 2016 JUL 22 P 2:39 CITY CLERK

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.

Pedro Rodriguez — 07/21/16

Signature of Applicant/s — 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 56.5'	DEPTH 50.5'	AREA in SQ FT 2,856.785		
EXISTING BUILDING/S	# OF BLDGS 1	EXISTING SIZE 2,120 sqf	TOTAL SQ FT BY FLOOR	NUMBER OF FLOORS	TOTAL SQ. FT ENTIRE STRUCTURE
	# OF DWELLING UNITS		# OF BEDROOMS		
PROPOSED BUILDING/S BARBER SHOP	# OF BLDGS 1	PROPOSED SIZE 240 sq ft	TOTAL SQ FT BY FLOOR 240	NUMBER OF FLOORS	TOTAL SQ. FT ENTIRE STRUCTURE
	# OF DWELLING UNITS		# OF BEDROOMS		EXTENT OF PROPOSED ALTERATIONS
EXISTING USE OF PREMISES:	VACANT				
PROPOSED USE OF PREMISES:	BARBER SHOP				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	THERE ISN'T ANY OFF STREET PARKING PROVIDED @ ALL.				

If there's a commercial use existing and/or proposed, please complete the following:

	EXISTING		PROPOSED	
NUMBER OF CUSTOMERS PER DAY			10	
NUMBER OF EMPLOYEES			2	
HOURS OF OPERATION			12 9Am-9pm	
DAYS OF OPERATION			7	
HOURS OF DELIVERIES				
FREQUENCY OF DELIVERIES *(Check frequency)*	☐ DAILY ☐ MONTHLY	☐ WEEKLY ☑ OTHER	☐ DAILY ☐ MONTHLY	☐ WEEKLY ☑ 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)			
Lot Coverage by Buildings (% of Lot Area)			
Permeable Open Space (% of Lot Area)			
Green Space (% of Lot Area)			
Off-Street Parking Spaces	0	2	0
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/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 House takes up entire lot.

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: Can't demolish the building.

C Describe how granting you relief would not take away from the purpose of the city's zoning ordinance: Some clients will be walking / public transportation

D Describe why nobody else would be hurt if the city granted your requested zoning relief: One more tax-paying business in our city.

BK 11465 PG 187
09/01/15 10:21 DOC. 18182
Bristol Co. S.D.

QUITCLAIM DEED

I, Eric Paul Pelletier, with a mailing address of P.O. Box 50057, New Bedford, Massachusetts 02745, for consideration of Three Hundred Thirty Thousand and 00/100 ($330,000) Dollars, hereby grant to Santo P. Rodriguez, with an address at 332 Belair Street, New Bedford, Massachusetts 02745,

With Quitclaim Covenants, the land, with any buildings thereon, in New Bedford, Bristol County, Massachusetts, bounded and described as follows:

Beginning at the intersection of the west line of Ashley Boulevard, formerly Bowditch Street, with the north line of Eugenia Street;

thence Westerly in said north line of Eugenia Street fifty and 50/100 (50.50) feet to other land conveyed by Edward Piwowarczyk to George Jacobs by deed dated July 21, 1970;

thence Northerly by last-named land in a line forming a right angle with said Eugenia Street to land now or formerly of the Estate of Thomas N. Nash;

thence Easterly by last-named land fifty and 50/100 (50.50) feet to the west line of Ashley Boulevard; and

thence Southerly in said west line of Ashley Boulevard fifty-six and 57/100 (56.57) feet to the place of beginning.

The above-described parcel has a street address of 401-403 Ashley Boulevard, New Bedford, Massachusetts.

BEING Parcel Two in deed from Leo H. Pelletier and Denise L. Pelletier, Trustees of the LEDJ Realty Trust, dated November 14, 2003, recorded with Bristol County (S.D.) Registry of Deeds in Book 6655, Page 57.

Title has not been examined by the preparer of this Deed.

Record and return to
Santo P. Rodriguez
332 Belair Street
New Bedford, MA 02745

Property Address:
401-403 Ashley Boulevard
New Bedford, Massachusetts

Witness my hand and seal this 1st day of September, 2015.

Witness

Eric Paul Pelletier

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BRISTOL

On this 1st day of September, 2015, before me, the undersigned notary public, personally appeared Eric Paul Pelletier, and proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

(SEAL)
Notary Public MICHAEL A. KEHOE
My Commission Expires: 3/4/2016

2565431_1/5948-1

REG OF DEEDS
REG. #07
BRISTOL S

09/01/15 10:23AM 01
00000.67420
FEE $1504.30
CASH $1504.30

July 25, 2016

To Whom It May Concern,

I, Santo P. Rodriguez owner/landlord of the property located at 401 Ashley Blvd, New Bedford, Ma 02745 have rented the business space to Pedro Rodriguez who will be opening a barber shop. Mr. Pedro Rodriguez resides at 41 Ashley Blvd Apt. 1N, New Bedford, MA 02745.

If there are any questions or further documentation that is needed please feel free to contact me Santo P. Rodriguez on my personal cell phone 508-264-4063.

Best Regards,

Santo P. Rodriguez

Santo P Rodriguez

The Commonwealth of Massachusetts
On this 25th day of July 2016,
before me, the undersigned notary public, personally appeared
Santo Rodriguez
proved to me through satisfactory evidence of identification, which were MA License
to be the person whose name is signed on the preceding or attached document and
acknowledged to me that he/she signed it voluntarily for its stated purpose.

Suzanne M Rebeiro

SUZANNE M. REBEIRO, Notary Public
My Commission Expires March 10, 2017

City of

$5

REQUEST *for a* C[illegible]RS 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 #	108	LOT(S)#	314.
ADDRESS: 401 Ashley Blvd New Bedford MA. 02743.			
OWNER INFORMATION			
NAME:			
MAILING ADDRESS:			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): GARY K. LANGEVIN			
MAILING ADDRESS (IF DIFFERENT): —			
TELEPHONE #	(774) 328-1486.		
EMAIL ADDRESS:	—		

REASON FOR THIS REQUEST: *Check appropriate*	
✓	ZONING BOARD OF APPEALS APPLICATION
	PLANNING BOARD APPLICATION
	CONSERVATION COMMISSION APPLICATION
	LICENSING BOARD APPLICATION
	OTHER (*Please explain*):

2016 JUL 22 P 2:39 CITY CLERK

JUL 14 2016 PLANNING DEPARTMENT

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	[signature]	7/20/2016
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.

July 18, 2016
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 401 Ashley Blvd (108-314). 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
108-116	397 ASHLEY BLVD	VASCONCELOS ANTONIO D, VASCONCELOS MARIA CELESTE 397 ASHLEY BLVD NEW BEDFORD, MA 02745
108-142	216 EUGENIA ST ~218	SOUZA LIONEL, SOUZA HILDA P 54 JULIETTE ST NO. DARTMOUTH, MA 02747
108-109	217 EUGENIA ST	BRITO GEORGE P "TRUSTEE", BRITO GOURETE "TRUSTEE" 916 TRADEWIND ST NEW BEDFORD, MA 02740
108-115	228 EUGENIA ST	FURTADO JORGE M, FURTADO MARGARIDA M 181 NYES LANE ACUSHNET, MA 02743
108-314	401 ASHLEY BLVD	~~PELLETIER ERIC PAUL, C/O LEO H PELLETIER~~ Santo P. Rodriguez ~~PO BOX 50057~~ 332 Belair St. NEW BEDFORD, MA 02745
108-108	227 EUGENIA ST	KOCZERA ROBERT MICHAEL, 119 JARRY ST NEW BEDFORD, MA 02745
108-59	400 ASHLEY BLVD	LEWIS DANA B., LEWIS NANCY D 18 TANNER LANE FAIRHAVEN, MA 02719
108-58	410 ASHLEY BLVD	ALVES FATIMA, 155 BARTLETT STREET - APT #3 BROCKTON, MA 02301
108-100	220 BELLEVILLE RD	PIMENTEL ANTONIO M "TRUSTEE", PIMENTEL ERNESTINA R "TRUSTEE" 66 LONGVIEW ROAD NEW BEDFORD, MA 02745
108-101	413 ASHLEY BLVD	ESTRELLA RICHARD S "TRUSTEE", 413 ASHLEY BOULEVARD REALTY TRUST (THE) 413 ASHLEY BOULEVARD NEW BEDFORD, MA 02745


N
108-1
107-116
108-203
108-220
108-219
108-218
108-217
GLENNON ST
108-306
108-256
108-257
108-258
108-259
108-260
108-27
108-28
108-29
108-30
108-31
BELLEVILLE RD
108-83
108-85
108-86
108-87
108-88
108-89
108-94
108-84
108-90
108-91
108-92
108-93
108-95
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108-313
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107-150
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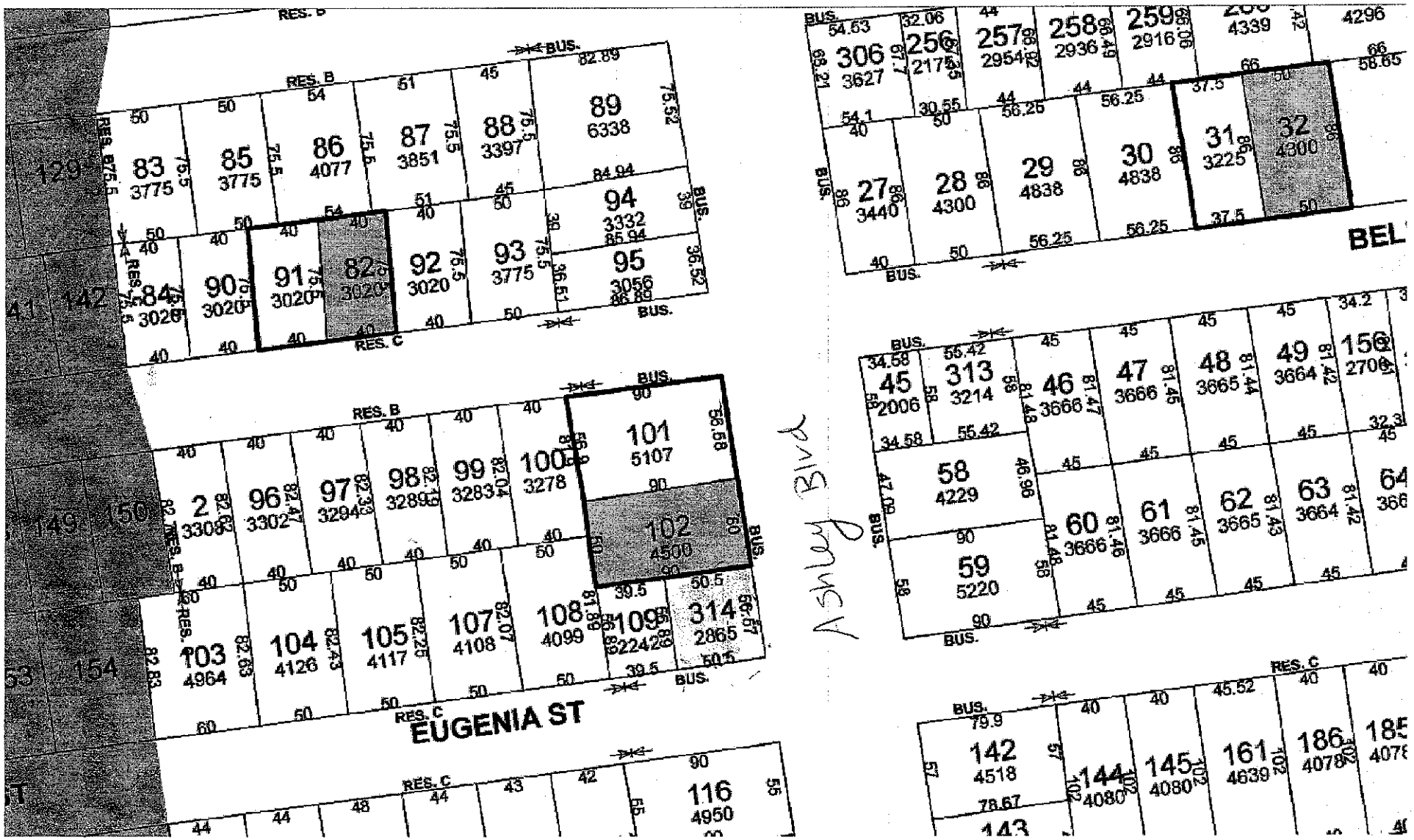
108-100
108-101
107-148
108-108
108-109
108-314
107-154
108-103
108-104
108-105
108-107
EUGENIA ST
108-142
108-144
108-145
108-161
108-143
108-146
108-148
108-149
108-325
108-147
ASHLEY BLV
108-115
108-115
108-117
107-161
108-110
108-111
108-112
108-113
108-114
107-160
108-124
108-122
108-125
107-168
107-169
108-118
108-119
108-120
108-121
107-167
WHITMAN ST
108-150
108-153
108-154
108-132
108-310
107-174
108-126
108-127
108-128
108-129
108-130
108-131
108-315
Legend
Abutters


EUGENIA ST
Ashley Blvd
RES. B
RES. C
BUS.
83 3775
85 3775
86 4077
87 3851
88 3397
89 6338
94 3332
95 3056
84 3026
90 3020
91 3020
82 3020
92 3020
93 3775
101 5107
102 4500
2 3308
96 3302
97 3294
98 3289
99 3283
100 3278
103 4964
104 4126
105 4117
107 4108
108 4099
109 2242
314 2865
116 4950
306 3627
256 2175
257 2954
258 2936
259 2916
4339
4296
27 3440
28 4300
29 4838
30 4838
31 3225
32 4300
45 2006
313 3214
46 3666
47 3666
48 3665
49 3664
58 4229
59 5220
60 3666
61 3666
62 3665
63 3664
142 4518
144 4080
145 4080
161 4639
186 4078

Plot Plan

Location: 401 ASHLEY BLVD **Parcel ID:** 108 314 **Zoning:** MUB **Fiscal Year:** 2016

Current Owner Information:
PELLETIER ERIC PAUL
C/O LEO H PELLETIER
P O BOX 50057

NEW BEDFORD , MA 02745

Current Sales Information:

Sale Date:
11/14/2003

Sale Price:
$2,730,000.00

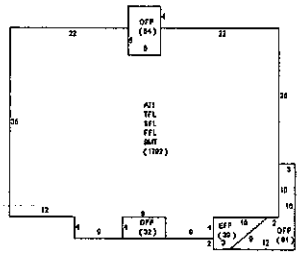
Legal Reference:
6655-57

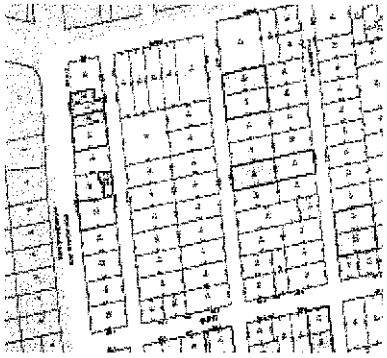
Grantor:
PELLETIER ,LEO H "TRUSTEE"

Card No. **1** of **1**

This Parcel contains 0.066 acres of land mainly classified for assessment purposes as Mix Res-Com with a(n) Six plus Family style building, built about 1914, having Vinyl exterior, Slate Tiles roof cover and 5824 Square Feet, with 6 unit(s), 24 total room(s), 12 total bedroom(s) 6 total bath(s), 0 3/4 baths, and 1 total half bath(s).

Building Value:	Land Value:	Yard Items Value:	Total Value:
175300	62800	0	238100





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:	013	Property Code:	013	Property Code:	013
Total Bldg Value:	175300	Total Bldg Value:	172600	Total Bldg Value:	174800
Total Yard Value:	0	Total Yard Value:	0	Total Yard Value:	0
Total Land Value:	62800	Total Land Value:	62800	Total Land Value:	66300
Total Value:	238100	**Total Value:**	235400	**Total Value:**	241100
Tax:	$4,386.75	**Tax:**	$4,122.57	**Tax:**	$4,038.91

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 warranteed.