



City of New Bedford ZBA VARIANCE APPLICATION

CASE # 4233

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

Application approved by Planning Board on _____
Application denied by Planning Board on _____
Application withdrawn on _____

This is page 1 of your ZBA Application BUT YOU DO NOT NEED 11 COPIES OF IT; just the original is enough. 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:

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	10	LOT(S)#	152
REGISTRY OF DEEDS BOOK:	4557	PAGE #	95
PROPERTY ADDRESS: 78 Moss St. New Bedford, MA 02744			
ZONING DISTRICT: Residential (RB)			
OWNER INFORMATION			
NAME: Ronald F. Costa Jr. / Robert F. Lias			
MAILING ADDRESS: 78 Moss St. New Bedford, MA 02744			
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 #	508-989-5441 / 508 264-6802		
EMAIL ADDRESS:	Bob-Borges & Fred @ ATT.NET / RFCZ3 @ 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.

Ronald F. Costa Jr.
[Signature]

Signature of Applicant/s

5/18/16
5/18/16

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>60'</i>	DEPTH <i>125'</i>	AREA in SQ FT <i>7500 ± S.F.</i>		
EXISTING BUILDING/S	# OF BLDGS <i>1</i>	EXISTING SIZE <i>30' x 24'</i>	TOTAL SQ FT BY FLOOR <i>1st-720'</i> <i>2nd-360'</i>	NUMBER OF FLOORS <i>2</i>	TOTAL SQ. FT ENTIRE STRUCTURE <i>1080'</i>
	# OF DWELLING UNITS <i>1</i>		# OF BEDROOMS <i>3</i>		
PROPOSED BUILDING/S	# OF BLDGS <i>1</i>	PROPOSED SIZE <i>30' x 24'</i>	TOTAL SQ. FT BY FLOOR <i>720'</i>	NUMBER OF FLOORS <i>2</i>	TOTAL SQ. FT ENTIRE STRUCTURE <i>1440'</i>
	# OF DWELLING UNITS <i>1</i>		# OF BEDROOMS <i>3</i>		EXTENT OF PROPOSED VARIATIONS <i>Addition</i>
EXISTING USE OF PREMISES:	<i>Single Family Home</i>				
PROPOSED USE:	<i>Single Family Home</i>				
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	<i>The garage part of our addition that has liveable space above it.</i>				

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

	EXISTING		PROPOSED	
NUMBER OF CUSTOMERS PER DAY	<i>N/A</i>			
NUMBER OF EMPLOYEES	<i>N/A</i>			
HOURS OF OPERATION	<i>N/A</i>			
DAYS OF OPERATION	<i>N/A</i>			
HOURS OF DELIVERIES	<i>N/A</i>			
FREQUENCY OF DELIVERIES (Check frequency)	<i>N/A</i>	<input type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY <input type="checkbox"/> OTHER	<input type="checkbox"/> DAILY <input type="checkbox"/> WEEKLY <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:

N/A

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)	20.7'	10'	3'7"
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			
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.

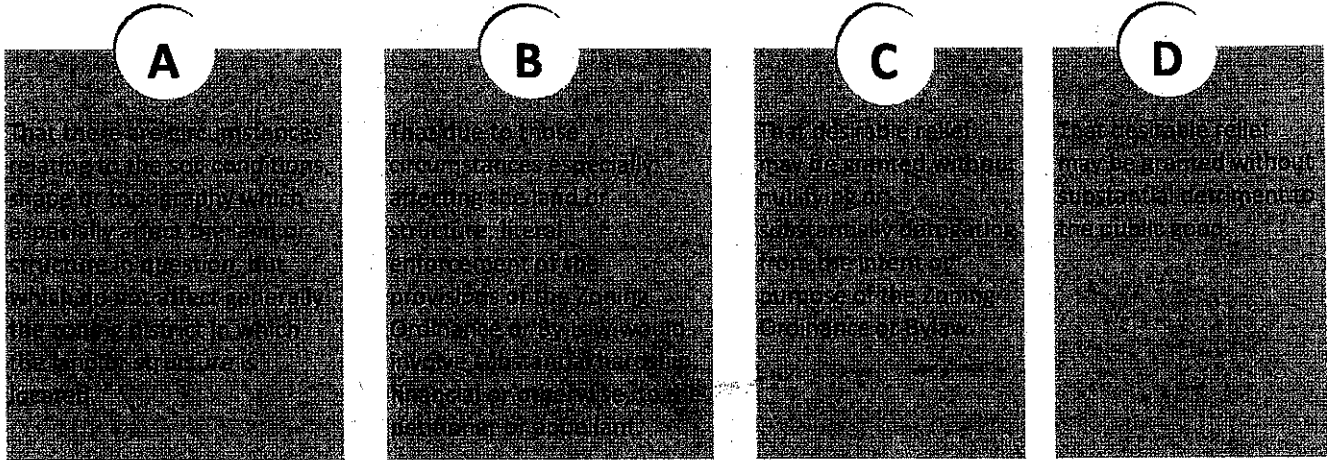
If the Applicant is Not the Owner, Provide:

- 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/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:

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:

SEE ATTACHED

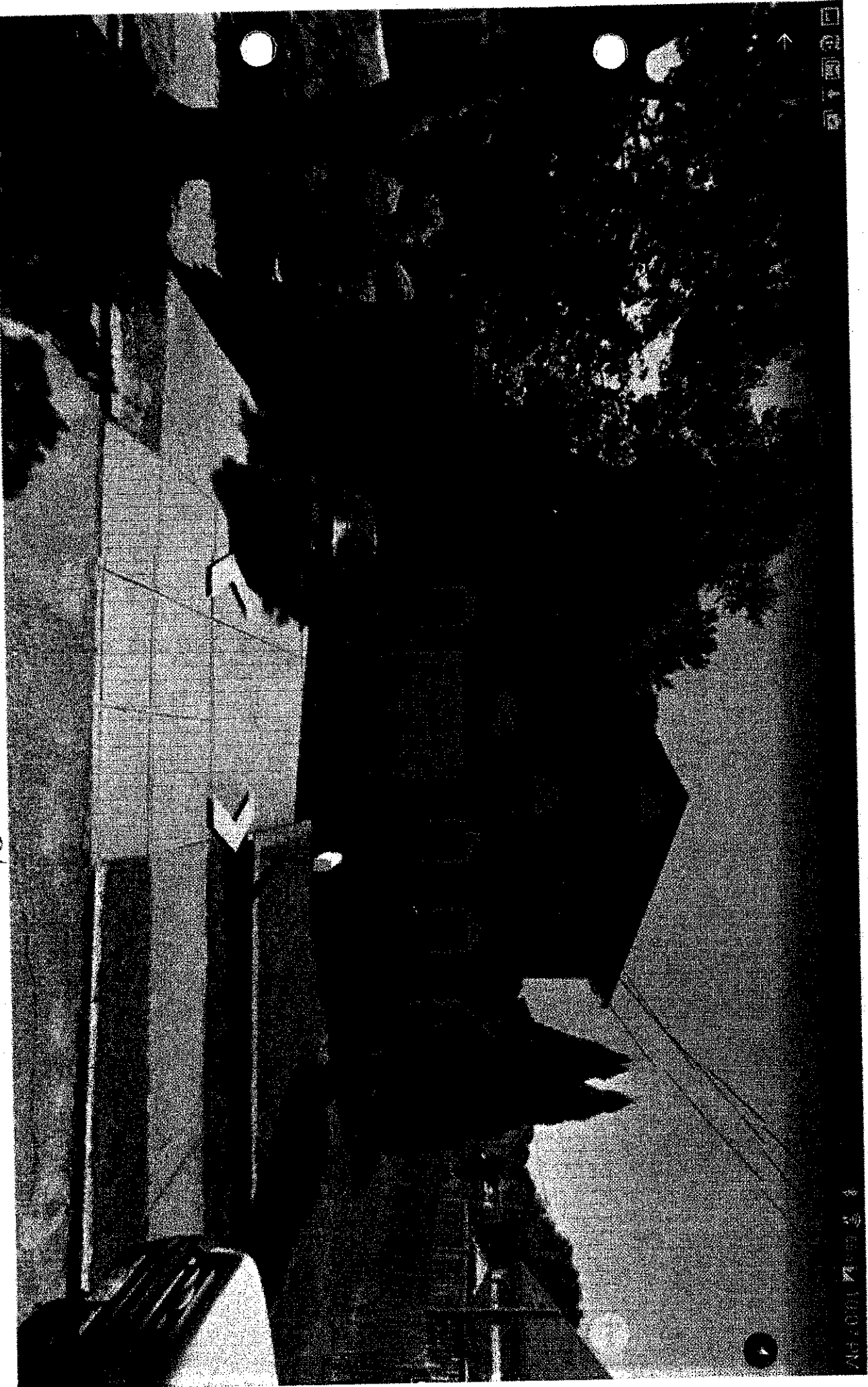
C Describe how granting you relief would not take away from the purpose of the city's zoning ordinance:

SEE ATTACHED

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

SEE ATTACHED

- A.) The existing lot is a non-conforming lot to current city standards for a residential zoned RB neighborhood. The placement of the existing Home makes it difficult to meet the required setbacks of today's Zoning Ordinance.
- B.) If the Zoning Board of Appeals were to enforce the current Zoning Ordinance, it would prevent us as the owner of the Property from utilizing the full value and available, usable square footage of the lot. The proposed structure would allow for additional off street parking, which in turn leaves a portion of the public street open for passing emergency, Waste and Recycling pickup and Snow removal services to pass with ease and safety.
- C.) If the Zoning Board of Appeals were to grant us the Zoning setback relief that is being requested, it would not negatively impact the surrounding areas or Abutters. There are other Homes in our residential neighborhood that have similar configurations. Please see attached pictures of referencing properties. The addition is meant to bring a better quality of life to our family. The Addition would also enhance the Homes curb appeal and increase property value not only for our Home but also for the Homes in our Neighborhood. We designed our Addition not to disturb or impose on any of the abutting properties.
- D.) The Zoning Board of Appeals granting the requested setback relief will not negatively impact the surrounding Abutters or area. Our intended Addition would be confined to the boundaries of our property and is not obtrusive.

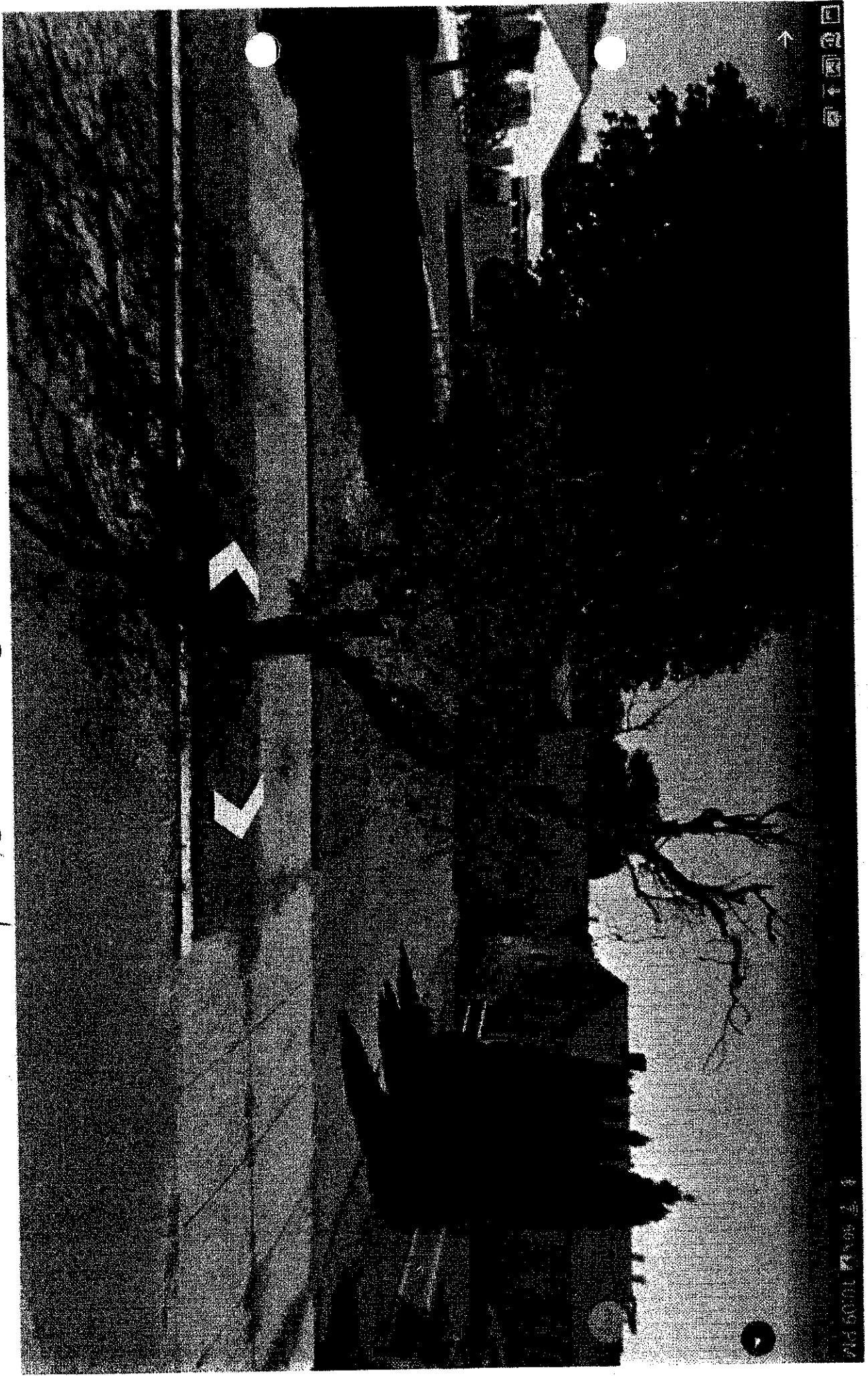


84 Butler St.

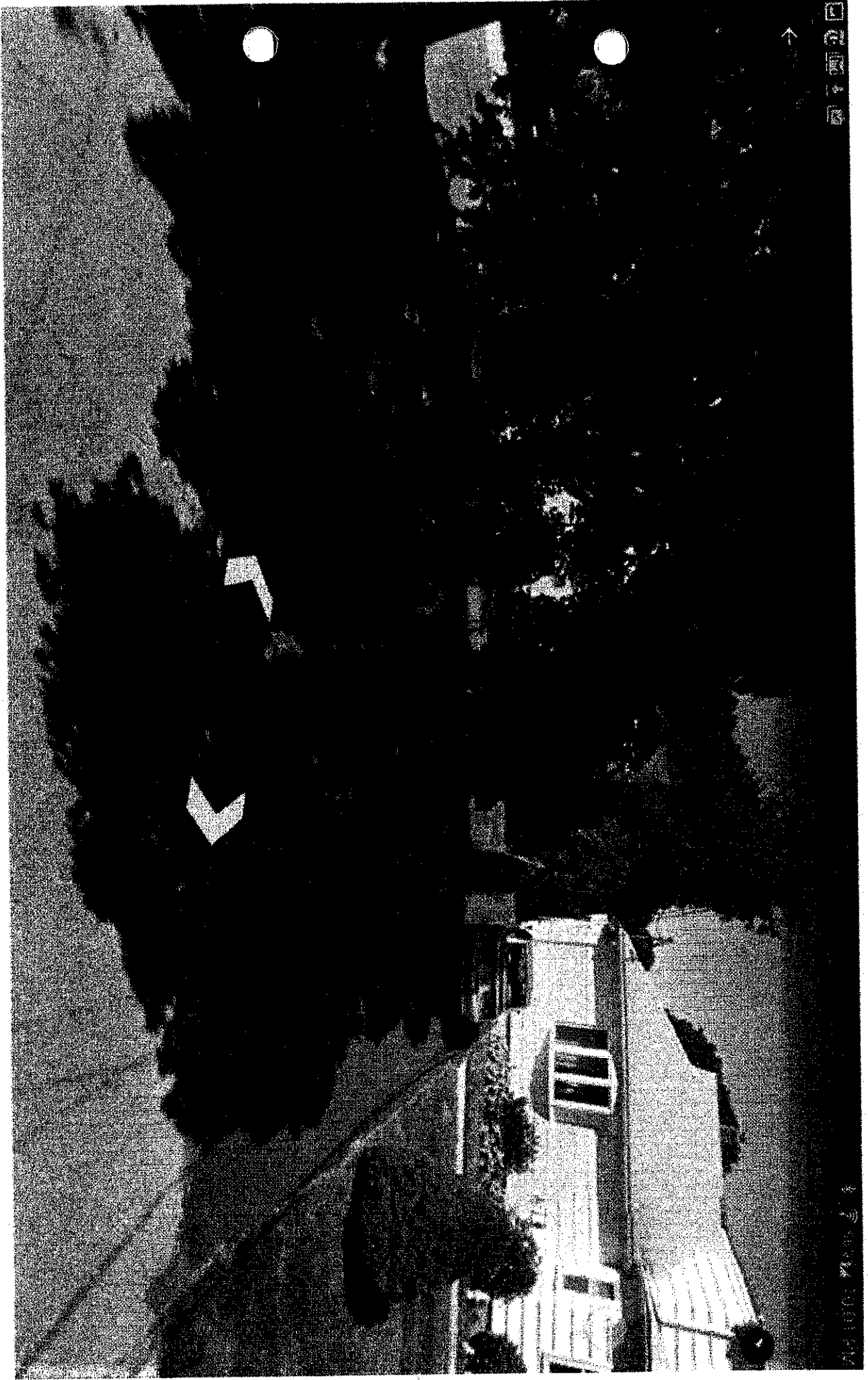


10:00 PM

80 Swan Street

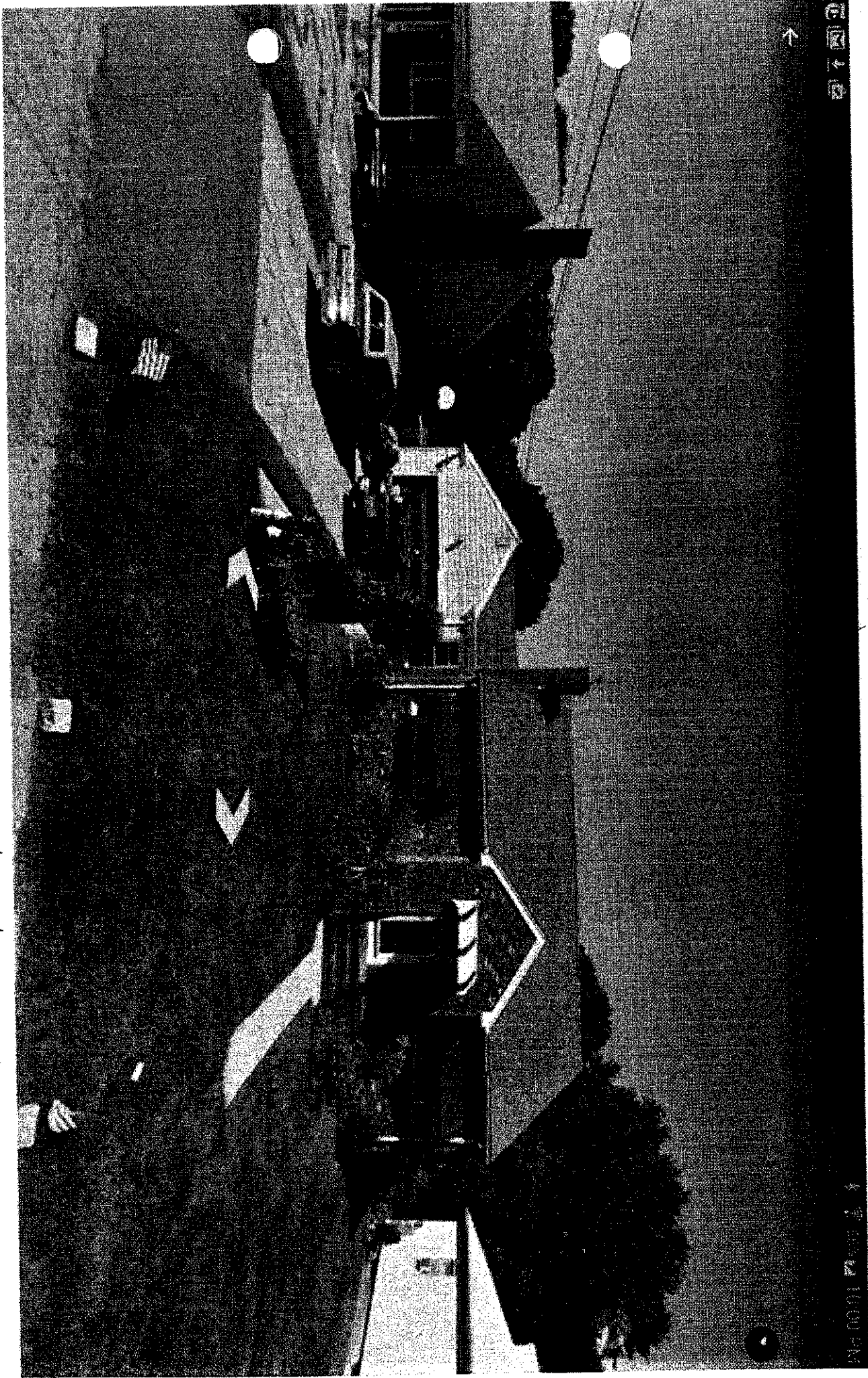


10:09 PM



73 Swan Street
Abutten

81 Swan Street
Abutter



↑

1000

10:00 PM

QUITCLAIM DEED

OK 7875 PG 3
11/17/05 10:25 DOC. 39279
Bristol Co. S.D.

KNOW ALL MEN BY THESE PRESENTS

THAT I, Ronald F. Costa, Jr., a/k/a Ronald Costa of 78 Moss Street, New Bedford, Massachusetts, for consideration of One Dollars (\$1.00) grant to RONALD F. COSTA, JR., a/k/a RONALD COSTA and ROBERT F. DIAS of 78 Moss Street, New Bedford, Massachusetts, with quitclaim covenants, the land in New Bedford with building bounded and described as follows:

Lot 15 and the northerly half of Lot 16 on a plan of land entitled "Plan of Land Owned by Archibald N. Senesac New Bedford Mass." Dated October 26, 1926, and recorded with Bristol County (Southern District) Registry of Deeds in Plan Book 19, Page 85. Said parcel is more particularly described as follows:

Beginning at a point in the easterly line of Moss Street, distant southerly therein five hundred forty (540) feet from its intersection with the southerly line of Butler Street; thence easterly by Lot 14 on said plan, one hundred twenty-five (125) feet; thence southerly by land of parties unknown, sixty (60) feet; thence westerly by the southerly half of said Lot 16, once hundred twenty-five (125) feet to the said easterly line of Moss Street at a point said to be three hundred fifty-three and 52/100 (352.52) feet north of its intersection with the northerly line of Apponegansett Street; and thence northerly therein sixty (60) feet to the point of beginning.

For title, see deed from Marie Ganson, dated November 9, 1999, and recorded with the Bristol County (Southern District) Registry of Deeds in Book, 4557, Page 95. See also deed from John R. Ganson, dated November 4, 2003 and recorded with the Bristol County (Southern District) Registry of Deeds in Book 6638, Page 216.

Title Not Examined.

Witness our hands and seals this 16th day of November, 2005.

Ronald F. Costa, Jr.
Ronald F. Costa, Jr., a/k/a Ronald Costa

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

Nov. 16, 2005

On this 16th day of November, 2005, before me, the undersigned notary public, personally appeared RONALD F. COSTA, JR., a/k/a RONALD COSTA, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed above in my presence, and acknowledged to me that he signed it voluntarily for its stated purpose.

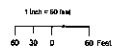
Stephanie L. Bier
Notary Public 11/6/12
My Commission Expires:





Easement
 Planned Subdivision
 Combined Parcels
 Master Parcel Linking to Assessing DB
 Associated Parcels

Water Bodies
 Town Boundary
 Engineering Lot Number
 Lot Area

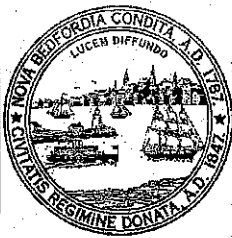


City of New Bedford
 Massachusetts

Map: 010

Fiscal Year: 2018
 This parcel map should be used for planning
 and assessment purposes only.

Map Produced By:
 City of New Bedford
 Department of
 Management Information Systems
 January 2018



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 #	10	LOT(S)#	152
ADDRESS:	78 MOSS ST		
OWNER INFORMATION			
NAME:	ROBERT DIAS / RONALD COSTA JR		
MAILING ADDRESS:	Bob-borges1FRED@ATT.NET		
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT):			
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #	508-989-5441		
EMAIL ADDRESS:	Bob-borges1FRED@ATT.NET		
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):		


2016 MAY 19 AM 11:03
 PLANNING DEPARTMENT
 MAY 16 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 identified on the attached abutters list are duly recorded and appear on the most recent tax map.

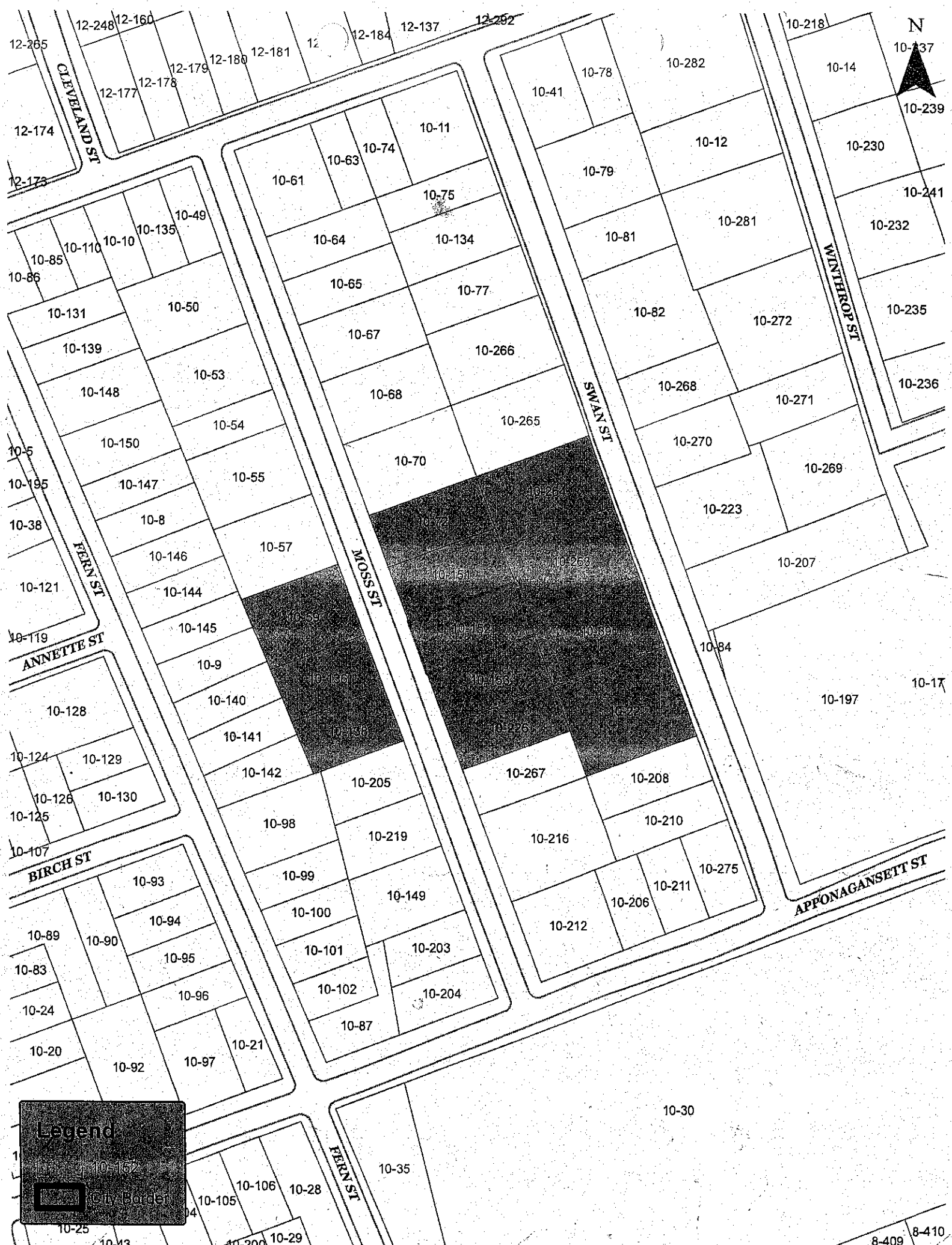
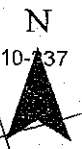
Carlos Amado  5/18/2016
 Printed Name Signature Date

May 17, 2016
Dear Applicant,



Please find below the List of Abutters within 300 feet of the property known as 78 Moss Street (10-152). 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
10-138	71 MOSS ST	FORTIER GERTRUDE M, 71 MOSS STREET NEW BEDFORD, MA 02744
10-226	66 MOSS ST	GADBOIS ROBERT A, 66 MOSS ST NEW BEDFORD, MA 02744
10-22	65 SWAN ST	RIVET ANDREW, RIVET NANCY A 65 SWAN STREET NEW BEDFORD, MA 02744
10-153	72 MOSS ST	SOUZA JEFFREY C, SOUZA NANCY G 72 MOSS STREET NEW BEDFORD, MA 02744
10-264	81 SWAN ST	MELLO THOMAS E, MELLO WENDY L 81 SWAN ST NEW BEDFORD, MA 02744
10-152	78 MOSS ST	COSTA RONALD F JR, DIAS ROBERT F 78 MOSS STREET NEW BEDFORD, MA 02744
10-39	73 SWAN ST	VIEIRA ALFREDO, VIEIRA ANA 73 SWAN ST NEW BEDFORD, MA 02744
10-59	81 MOSS ST	DEBROSSE ROGER A, DEBROSSE THERESA J 81 MOSS ST NEW BEDFORD, MA 02744
10-263	77 SWAN ST	HORROCKS WILLIAM H, 77 SWAN ST NEW BEDFORD, MA 02744
10-136	77 MOSS ST	DOSSANTOS FRANCISCO J, DOSSANTOS CELIA M 77 MOSS STREET NEW BEDFORD, MA 02744
10-151	84 MOSS ST	VENTURA KENDRA, VENTURA MELANIE 84 MOSS STREET NEW BEDFORD, MA 02744
10-72	90 MOSS ST	LOPES SANDY, 90 MOSS STREET NEW BEDFORD, MA 02744



Legend

-  10-162
-  City Border