Casl # 4226

MARCH 22, 2016

2. VARIANCE SPECIFICS

APPLICATION SUMMARY (PLEASE PRINT)

EMAIL ADDRESS:

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# LOT(S)# REGISTRY OF DEEDS BOOK: PAGE# **PROPERTY ADDRESS** STREET, NEW BEDFORD, MA 62745 162 MARY RESIDENTIAL A OWNER INFORMATION NAME: IMOTHY J. REZENDES MAILING ADDRESS: 167 MARYLAND STREET, NEW BEDFORD, MA 62745 APPLICANT/CONTACT PERSON INFORMATION NAME (IF DIFFERENT): APPLICANT'S RELATIONSHIP TO THE PROPERTY: **OWNER** CONTRACT **OTHER** X Check one: VENDEE ! Describe MAILING ADDRESS (IF DIFFERENT): **TELEPHONE #**

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.

MARCH 22, 2016

If the applicant differs from the owner, this section must be completed/signed by the property owner/s:

TREEZY @ VERIZON, NET

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.

City Hall • 133 William Street • Room 303 • New Bedford, MA 02740 • <u>www.newbedford-ma.gov</u>

APPLICATION SPECIFICS

| | FRONTAGE DEPTH | | AREA in SQ FT | | | | |
|--|--|-------------------|-------------------------|------------------|--|--|--|
| DIMENSIONS OF LOT/S: | 80' 80' | | 6,400 | | | | |
| • | # OF BLDGS | EXISTING SIZE | TOTAL SQ FT | NUMBER OF | TOTAL SQ. FT ENTIRE | | |
| | | - 12 | BY FLOOR | FLOORS | STRUCTURE | | |
| EXISTING BUILDING/S | | 36 W x27'D | 157-810 2ND-459 | 2 | 1,269 | | |
| | # OF DW | L Elling Units | # OF BED | rooms | | | |
| • | 1 | | | | | | |
| | # OF BLDGS | PROPOSED SIZE | TOTAL SQ FT BY FLOOR | NUMBER OF FLOORS | TOTAL SQ. FT ENTIRE STRUCTURE | | |
| PROPOSED BUILDING/S | | 16'wx22'D | 352 | • | 352 | | |
| | # OF DWE | LLING UNITS | # OF BEDROOMS | | EXTENT OF PROPOSED | | |
| | | | | | ALTERATIONS | | |
| k <u>a na lina den njara, anja p</u> enara na pambehikamata basasina. | Andreas and the company and the state of the | | | | Nation of the September | | |
| EXISTING USE OF PREMISES: | IDENCE | | | | | | |
| PROPOSED USE OF PREMISES: | SIDENCE | | | | | | |
| EXPLAIN WHAT DEN | DEMOLISH EXISTING CARPORT AND ATTMEHED SHED AND | | | | | | |
| MODIFICATIONS YOU CON | CONSTRUCT NEW FAMILY ROOM ADDITION OF THE SAME SIZE | | | | | | |
| ARE PROPOSING THAT NECESSITATE THE | THE CARBOR | T AND ATTAC | HED SHED, | THENEW | MODITION DOES | | |
| REQUESTED NOT | | | | | CAR DRIVEWAY IS | | |
| VARIANCE: | POPOSED WITH I THE DRIVEWAY IN FRONT OF THE NEW ADDITION, | | | | | | |

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

| | EXIS | TING | PROF | OSED |
|---|---------|--------|---------|------|
| NUMBER OF CUSTOMERS PER DAY | | | | |
| NUMBER OF EMPLOYEES | | | | |
| HOURS OF OPERATION | | | | · • |
| DAYS OF OPERATION | | | | - |
| HOURS OF DELIVERIES | | | | |
| FREQUENCY OF DELIVERIES (Check frequency) | DATLY | WEEKLY | DAILY | WEEK |
| (Check frequency). | MONTHLY | OTHER | MONTHLY | OTHE |

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) | 26'7" | 30 | 19' |
| Lot Coverage by Buildings (% of Lot Are | a) | | |
| 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 Li | ine | | |
| Area of Wall Sign (sq ft) | | | |
| Number of Wall Signs | | | |

3. PARCEL LEGAL DOCUMENTATION

| Title Reference to Property (Attach copy of Deed, Certificate of Tit | DEED ATTACHES) ile & most recent Recorded Plans showing affected lot or lots) |
|--|--|
| Is the applicant also the owner? If no, please attach the following three | Yes No e items to your application and indicate they are attached: |
| A notarized authorization letter of this permit. | on letterhead from the owner to tenant/buyer for application of |
| If the Applicant is Not the Owner, A copy of the Purchase & Sal | Provide: e Agreement or lease, where applicable. |
| | eeds of abutting parcels if said parcels have been held in 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 <u>ALL</u> the following findings before a variance can be granted:

Α

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.

В

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

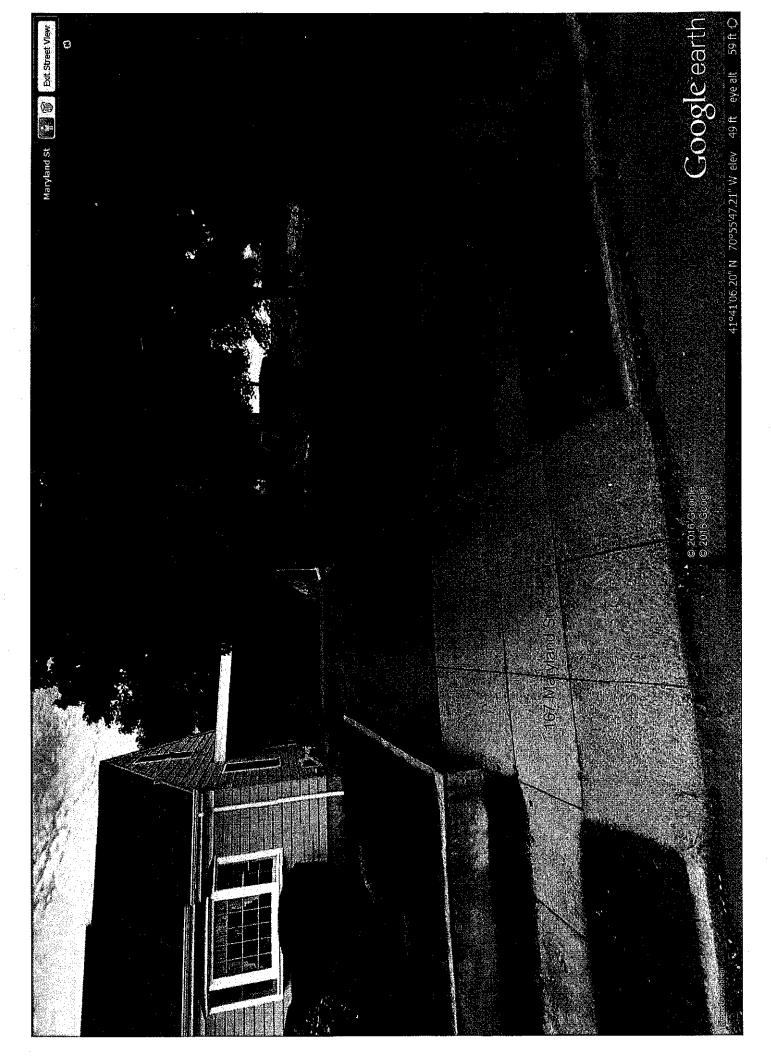
That desirable relief may be granted without substantial detriment to the public good.

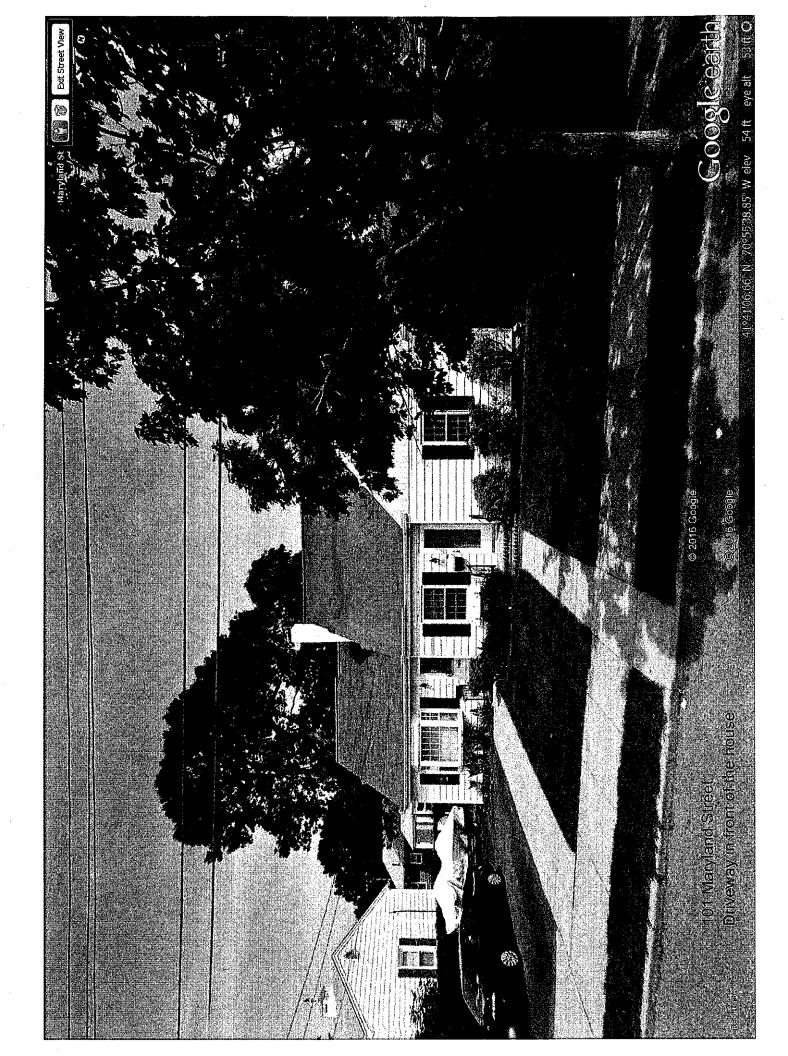
The full text of M.G.L. Chapter 40A, Section 10 can be viewed at: http://www.mass.gov/legis/laws/mgl/

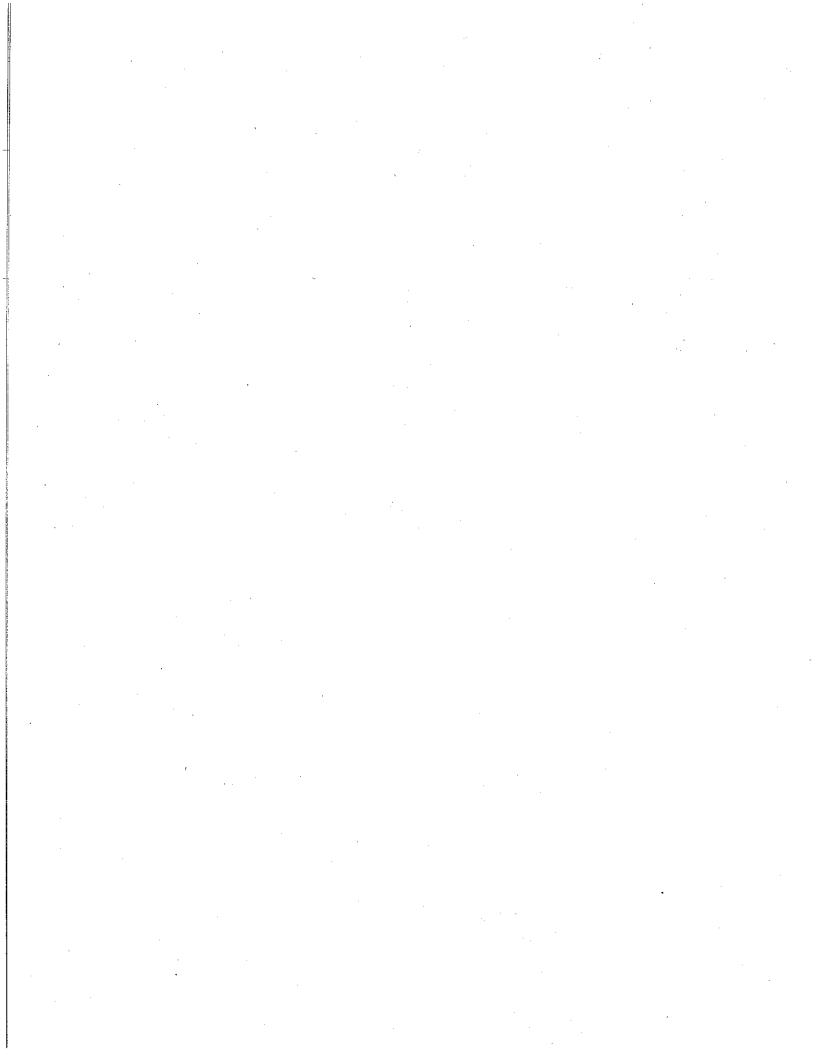
Because the ZBA must be able to articulate each of these four findings in order to grant a variance, you must make your case as to WHY your application meets each of these four points. *This is an extremely important question and it is recommended that you answer this VERY carefully.* You may use an additional sheet if needed.

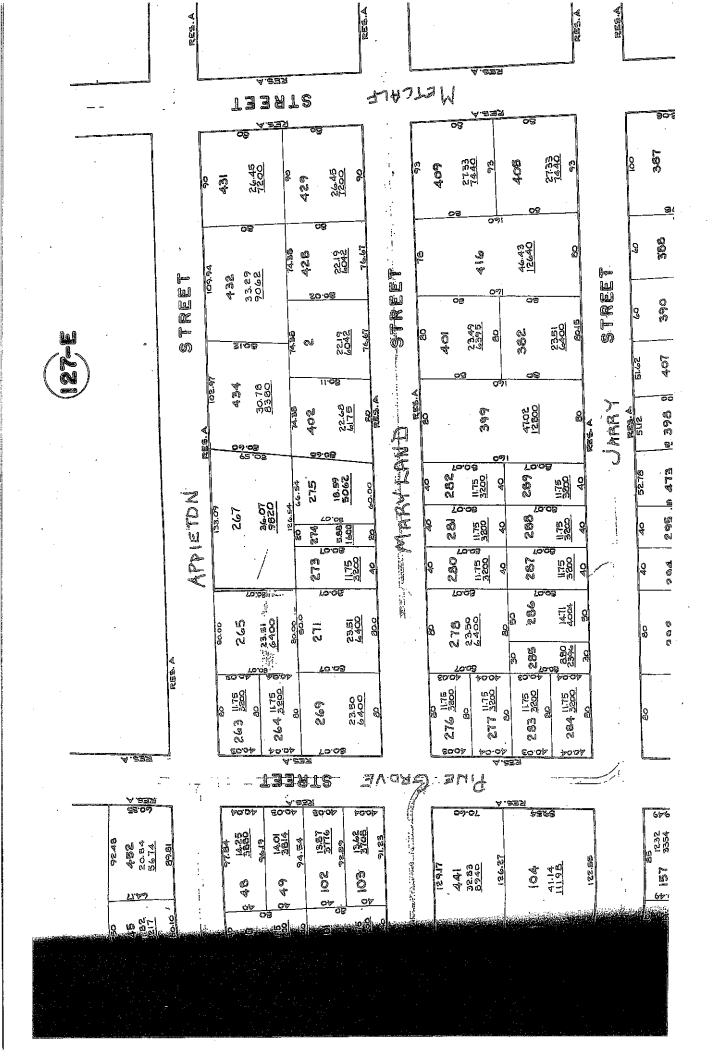
| | Describe any circumstances relating to soil conditions, shape or topography which especially affect and or structure in question but that doesn't generally affect the zoning district in which your premotocated: |
|---|--|
| | SEE ATTACHED SHEET |
| | |
| • | Describe how circumstances unique to your land or structure would mean a substantial hardship to |
| | the city were to literally enforce the zoning ordinance: SEE ATTACHED SHEET |
| , | SEE ATTHCHED SHEET |
| ` | Describe how granting you relief would not take away from the purpose of the city's zoning ordinance SEE ATTIGCHED SHEET |

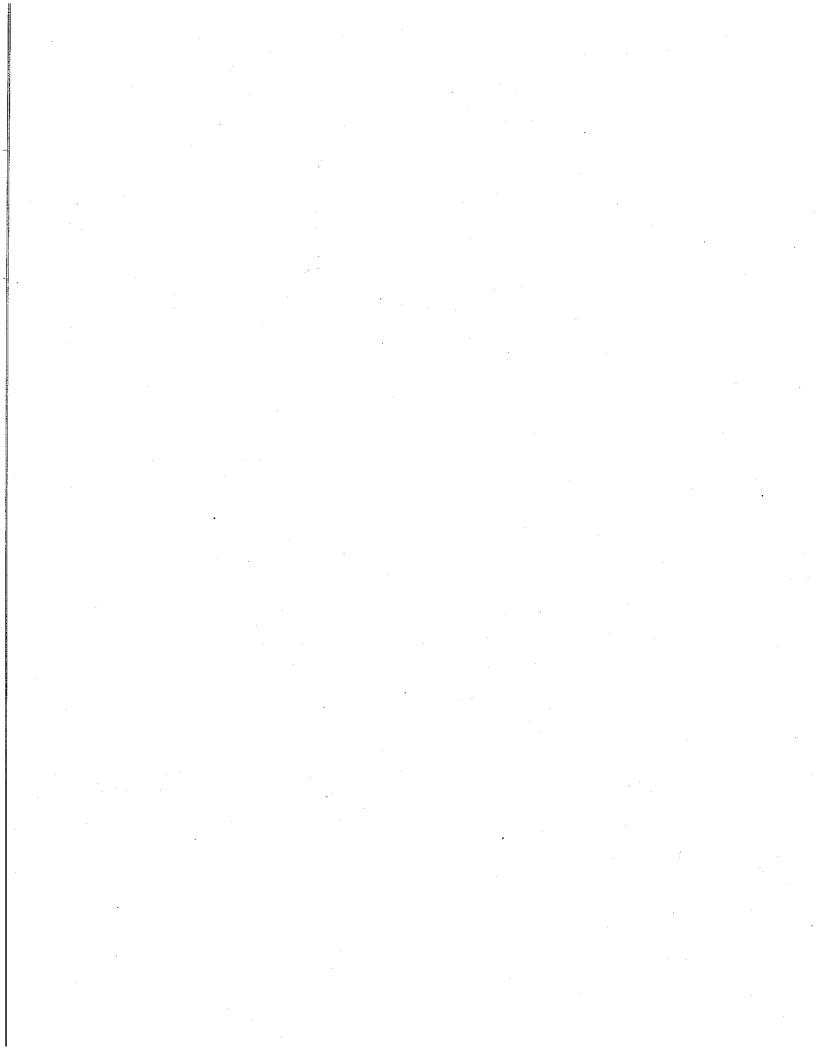
- A) The existing house and attached carport was construction on a hill and the floor level elevation is approximately 7 feet higher than Maryland Street. The existing lot is undersized and the carport and attached shed is currently nonconforming and does not meet the 30 foot setback. For the driveway relief, the existing property only has a single car driveway. The proposed 12-foot width expansion of the driveway would provide a two car wide driveway. When keeping the driveway side setback requirement, a portion of the driveway will have to be in front of the new addition or existing carport. There is also an existing 20 diameter City maple tree that would need to be cut down for visibility reasons if the driveway is required to be relocated to the side of the house (picture attached).
- B) The existing building was constructed on a hill and when originally constructed what in conformance with the regulations at that time. Because the lot is an undersized lot, the land does not support any further construction on the property to meet the 30-foot setback requirement. The proposed new addition is setback in the property in the flatter portion of the property so that the driveway would not be short and steep and to minimize the number of steps into the new addition. Shortening the depth of the new addition would make the room smaller and decrease in value of the property. If the new addition is constructed closer towards the front of the house (Maryland Street), an existing window in the living room of the main house will be obstructed and natural light will be lost. Reconfiguring the dimension of the new addition to build closer to the side yard instead of the rear yard will require nontraditional standard framing lumber which will increase the cost of the new addition.
- C) The new addition will not negatively impact the neighborhood. The new addition will be compatible with adjacent properties. The new addition will be constructed in the same location as the existing carport and attached shed. The new addition will not be expanding much beyond where the existing building are located. The only expansion beyond the existing foot print is for a new 6-foot bulkhead attached to the new foundation for the addition. The current house does not have a bulkhead. The direct abutter to the rear (Parcel No. 127C-265) and corner (Parcel No. 127C-263, Case 4159) have received relief from the zoning dimensional requirements for their recent construction projects on their properties. The new addition will enhance the curb appeal, increase the property value, and replace an unattractive carport.
- D) The new addition will be constructed in the same location as the existing carport and attached shed. Direct abutters are not losing any views that they currently have. Also, where the new addition is being constructed, my property is at a lower elevation than the property to the adjacent rear and side properties and any surface water runoff from the roof and driveway will be directed towards Maryland Street and not the adjacent properties just like the existing condition. The existing evergreen vegetation along the rear property line will remain and will shield the rear abutter's view of the building. A house at 101 Maryland Street which is located 7 houses (~500 feet) from the property that has a driveway in front of their house (picture attached).













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 PROPER | ΤΥ | | | | | | |
|------------------|--------------------|------------|---------|-------------|-------|----------|--|
| MAP# J入 | 7-C | LOT(S)# | a71 | | | | |
| ADDRESS: 167 | MARYLAND, | STREET | , NEW | BEO TO RED) | MA | (| |
| OWNER INFORM | | | | <u> </u> | · · | 4 | |
| NAME: Time | THY J. RE. | ZEM)ES | | | | · * | 5 |
| MAILING ADDRES | S: IARYLANDST, | NEWBO | EDFERD, | MA 027 | 15 | ĺ | |
| APPLICANT/CON | TACT PERSON INFOR | MATION | | | | | |
| NAME (IF DIFFERE | ENT): | | | | | | <u>.</u> 유민 |
| MAILING ADDRES | S (IF DIFFERENT): | | | | | 150 N | 17/6 17/6 17/6 17/6 17/6 17/6 17/6 17/6 |
| TELEPHONE # | (508)995 | -8802 | | | 1.1.1 |] > | 9 |
| EMAIL ADDRESS: | TREEZY@VI | ERIZON, I | VET | | 53 | 票 w | 5.1 |
| REASON FOR THI | S REQUEST: Check a | | | | | ũ | |
| ZONING BO | ARD OF APPEALS APP | LICATION | | | | | |
| | BOARD APPLICATION | | | | | _ | |
| CONSERVAT | TON COMMISSION A | PPLICATION | | | | - | |
| LICENSING E | BOARD APPLICATION | | | | | 4 | |
| OTHER (Plea | ise explain): | | | | |] | |

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 I | | | |
| addresses as identified on the attached "a | | | L |
| Carlos Amado | | # 2/23 | 15132 data |
| Printed Name | Signa | iture Dat | e]. |



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 | | |

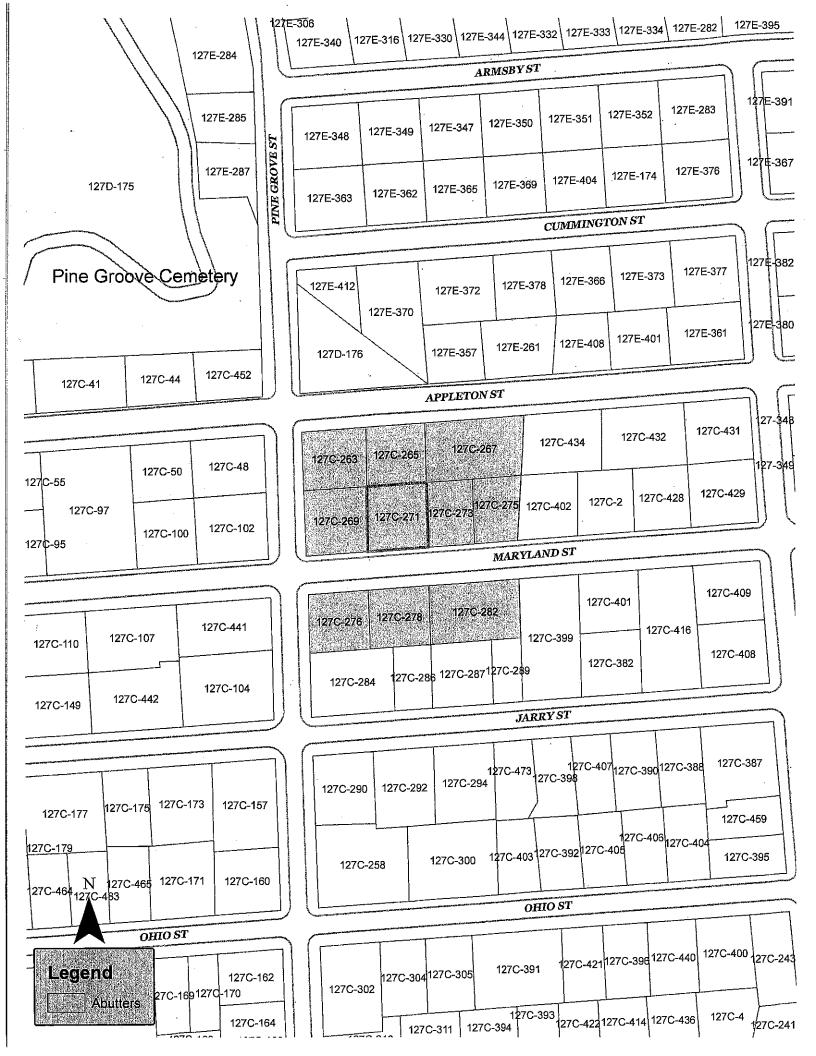
This sheet is NOT part of your ZBA application but you will need to deliver your applications to the appropriate departments once you have been given the go-ahead by planning staff and have the respective departments sign/date this sheet for you. Once this sheet is completed you will need to turn this into the city's planning division at city hall.

February 23, 2016 Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 167 Maryland Street (127C-271). 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.

| Y TRUST |
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We, JOSEPH ANTONIETTA and NANCY RITA SKOZOLEK,

BK 3456 PG 04/10/95 12:25 DDC. 6677

of New Bedford,

Bristol County, Massachusetts

bring management for consideration of \$87,000.00

paid.

grant to TIMOTHY J. REZENDES

being x womanied

who resides at 396 Russells Mills Rd. in Dartmouth, MA with quitclaim covenants,

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

BEGINNING at the southwest corner of the land herein described at a point in the northerly line of Maryland Street, distant easterly therein eighty (80) feet from its intersection with the easterly line of Pine Grove Street

thence NORTHERLY by land now or formerly of Vincenzo Decicco, eighty and 07/100 (80.07) feet to a point for a corner,

thence EASTERLY-still in line of last-named land, eighty (80) feet to a point for a corner;

thence SOUTHERLY still in line of last-named land, eighty and 07/100~(80.07) feet to the said northerly line of Maryland Street; and

thence WESTERLY in line of said Maryland Street, eighty (80) feet to the point of beginning.

CONTAINING twenty-three and one-half (23 1/2) square rods, more or less.

FOR TITLE, see deed from Emil Antonietta dated July 24, 1978 and recorded in the Bristol County S.D. Registry of Deeds in Book 1766, Page 137. See also, deed from Rudolph M. Caruso, et ux, dated November 8, 1994 and recorded in said Registry of Deeds in Book 3445, Page 7.7. See also, deed from Henry DeCicco, Adminstrator of the Estate of Roseangela DeCicco, dated April 6, 1995 to be recorded herewith.

SUBJECT to the 1995 fiscal year real estate taxes which the grantee(s) assume(s) and agree(s) to pay.

| DEEDS REG 07 BRISTOL SOUTH 04/10/95 TAX 296.72 CHRY 396.72 | 1713A128 12,29 |
|--|----------------|
| 出ることを | - F- |

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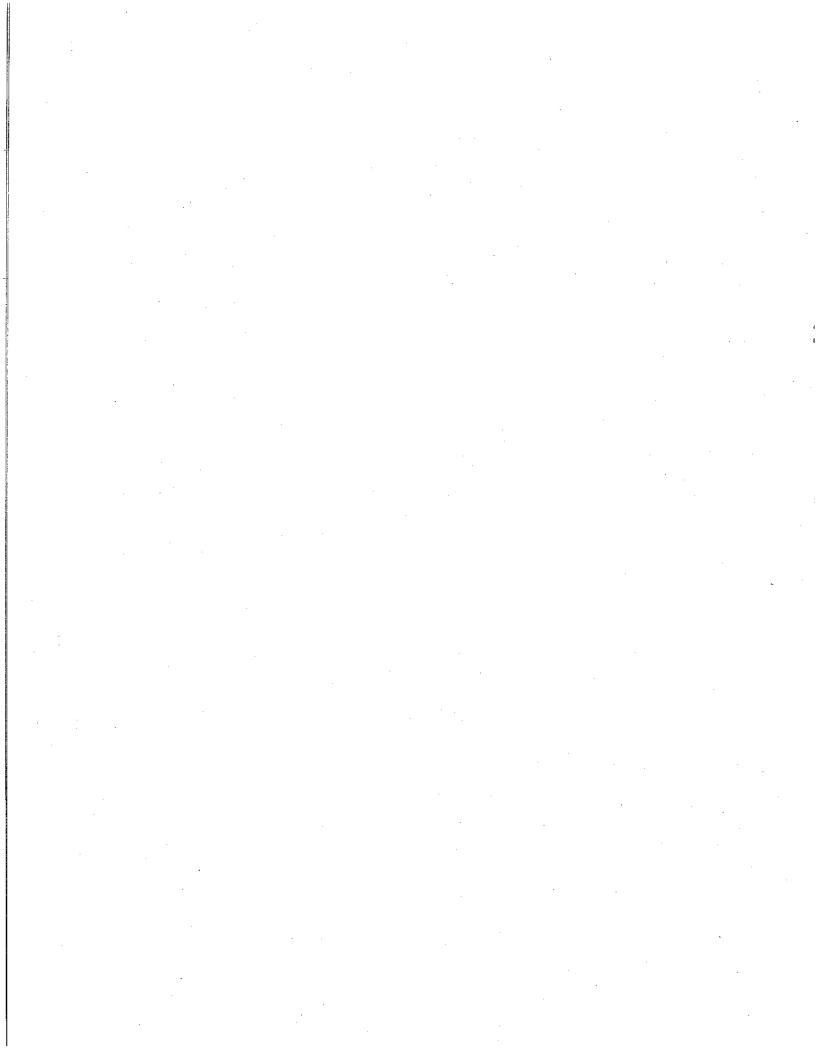
| Witness | | hands | | nmon seal | | · | 7 day of | april | l) | 19 95 | |
|-------------|--------------|--------------|-------------|---------------------------------------|---------|----------|-------------|--|-------------|----------------|---|
| 11 | Exec | ined in the | presence o | of Be | rnice | Calra | | • | | • | |
| HM | ALON WITH | ESS Z | | - | | JOSE | | NIETTA | Ila. | <u> </u> | |
| flague | VITN | n Stell | new o | (PA) | •. | NANC | V PITA | SKOZOTE V | -ONE & | k_ | |
| | | | | · · · · · · · · · · · · · · · · · · · | | | * 114111 | 011020111 | | | |
| | | | | · | | | | ······································ | | a (Pipi) | |
| | | | , | | • | | | r. | | MAH | |
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| | | | | • | | | | A CONTRACTOR | | co s | |
| | | • • | ' | • | | | • | | | ACCEPTANCE OF | 1 |
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| | | | | | a enn | r | | | | | |
| | | | Unn | amonweal | th or M | assarqus | eith' | | | , | |
| Bristol, ss | 5. | | | | New I | Bedford, | | Apri | 17, | 1976. | |
| Then | person | ally appear | ed the ab | ove named | | | Antonie | | | | |
| and ackno | owledged | d the forego | oing instru | ment to be | : | his free | e act and o | leed, | | | |
| | | | | before | me_/ | Berne | i () | lyen | | | |
| | ٠ | | , | | | | _ | | Notary | Public, | |

Chapter 183, Section 11, General Laws

(THE FOLLOWING IS NOT A PART OF THE DEED AND IS NOT TO BE RECORDED.)

My commission expires

A deed in substance following the form entitled "Quitclaim Deed" shall when duly executed have the force and effect of a deed in fee simple to the grantee, his heirs and assigns, to his and their own use, with covenants on the part of the grantor, for himself, his heirs, executors, administrators and successors, with the grantee, his heirs, successors and assigns, that at the time of the delivery of such deed the premises were free from all encumbrances made by him, and that he will, and his heirs, executors and administrators shall, warrant and defend the same to the grantee and his heirs and assigns forever against the lawful claims and demands of all persons claiming by, through or under the grantor, but against none other.



Statute Form of

Quitclaim Beed

JOSEPH ANTONIETTA, ET AL

TO

TIMOTHY J. REZENDES
396 RUSSELLS MILLS ROAD
DARTMOUTH, MA 02748

at 12 o'clock and 25 minutes m.

Received and entered with But stat

Co (Sid) Registry to Deeds

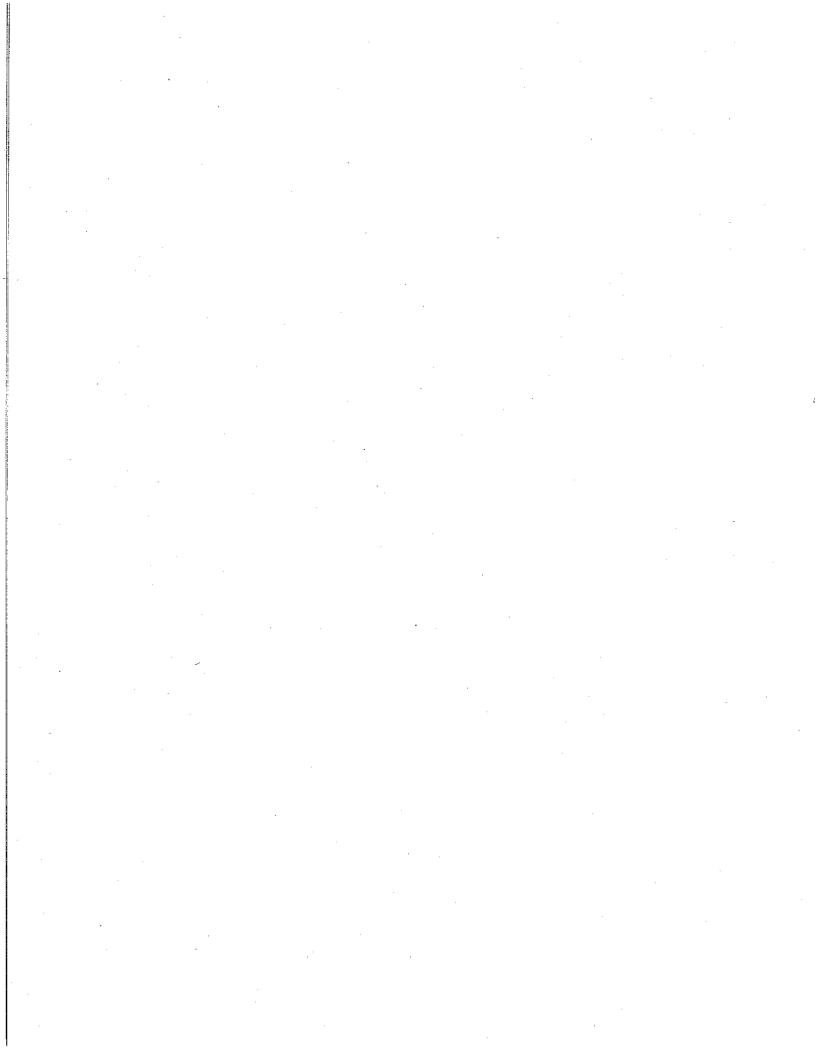
Book 3 45 6 Page 59

Attest

Register.

Register.

Prescott, Bullard & McLeod 558 Pleasant Street New Bedford, Mass. 02740



City of New Bedford Zoning Board of Appeals 133 William Street New Bedford, MA 02740

RE: Application for 167 Maryland Street

Board Members;

This is to inform the Board that I will be out of the country on vacation with the family and will not be able to attend the April 2016 meeting.

I, Timothy J. Rezendes, as owner of 167 Maryland Street designate Michael J. Koska from Michael J. Koska and Associates, Inc. to represent me and act and make all agreements and decisions on my behalf.

Sincerely,

Timothy J. Rezendes

| Location: 167 MARYLAND ST | Parcel ID: 127C 271 | Zoning: RA | Fiscal Year: 2016 |
|----------------------------|---------------------|------------|---|
| | Current Sales Info | ormation: | |
| | Sale Date: | | |
| Current Owner Information: | 04/10/1995 | | • |
| REZENDES TIMOTHY J | Sale Price: | | |
| | \$87,000.00 | | Card No. 1 of 1 |
| 167 MARYLAND STREET | Legal Reference: | | |
| NICW DEDECORD - 844-02745 | 3456-59 | | |
| NEW BEDFORD , MA 02745 | Grantor: | | T. |
| | ANTONIETTA JOSE | PH | |
| | | a rume b | Parameter Company of the Company of |

This Parcel contains 0.147 acres of land mainly classified for assessment purposes as Single Fam with a(n) Cape Cod style building, built about 1956, having Wood Shingle exterior, Asphalt Shingles roof cover and 1730 Square Feet, with 1 unit(s), 6 total room(s), 4 total bedroom(s) 2 total bath(s), 0 3/4 baths, and 0 total half bath (s).

| Building Value: | Land V | alue: Tar | 'd Items value: | forgi Agiria. | |
|---|---|-------------------|-----------------|-------------------|------------|
| 107200 | 85900 | 300 |) | 193400 | |
| 15 EST 15 | 290 6 6 5 6 5 6 6 5 6 6 6 6 6 6 6 6 6 6 6 | | | | |
| 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: | 101 | Property Code: | 101 | Property Code: | 101 |
| Total Bldg Value: | 107200 | Total Bldg Value: | 81200 | Total Bldg Value: | 77000 |
| Total Yard Value: | 300 | Total Yard Value: | 300 | Total Yard Value: | 0 |
| Total Land Value: | 85900 | Total Land Value: | 85900 | Total Land Value: | 85900 |
| Total Value: | 193400 | Total Value: | 167400 | Total Value: | 162900 |
| Tax: | \$3,189.17 | Tax: | \$2,633.21 | Tax: | \$2,469.56 |

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.

