



ZONING BOARD OF APPEALS

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

SUBMIT TO:
Planning Department
133 William Street
Room 303
New Bedford, MA 0274

Appeal Nr. 4200

Petition for a VARIANCE

Date: 7/22/15

The undersigned petitions the Board of Appeals to grant a Variance in the manner and for the reasons hereinafter set forth under the provisions of the Zoning Ordinance to the following described premises:

1. Application Information

Street Address: 273 RYAN ST

Assessor's Map(s): 38 Lot(s) 387

Registry of Deeds Book: 11246 Page: 75

Zoning District: RA

Applicant's Name (printed): JORGE VERISSIMO

Mailing Address: 1 COOKIE WAY DARTMOUTH MA 02748
(Street) (City) (State) (Zip)

Contact Information: 774-263-4292 LESLIE VB 75@COMCAST.NET
Telephone Number Email Address

Applicant's Relationship to Property: Owner Contract Vendee Other

List all submitted materials (include document titles & volume numbers where applicable) below:

Signed application - existing site plan - certified abutters list.
Plot plan - filing fee - copy of legislation packet - appendix

CITY CLERK'S OFFICE
NEW BEDFORD, MA
2015 JUL 24 P 3:34

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 Zoning Board 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.

7/22/15
Date

[Signature]
Signature of Applicant

2. Dimensions of Lot(s) 100' 80' Area 8006
Frontage Depth Sq. Ft.

3. Number of buildings on lot 1

4. Size of existing buildings 56' x 26'

5. Size of proposed buildings —

6. Present use of premises Single family home

7. Proposed use of Premises Same

8. Extent of proposed alterations Finish Family Room in basement

9. Existing number of dwelling units & bedrooms 3 bed Proposed 3 bed

10. For commercial uses, please complete the following: Existing Proposed

a) Number of customers per day: _____

b) Number of employees: _____

c) Hours of operation: _____

d) Days of operation: _____

e) Hours of deliveries: _____

f) Frequency of deliveries: Daily Weekly Monthly Other: _____

11. Planning Board Site Plan Review and Special Permits:

— The applicant is also requesting Site Plan Review and Special Permit(s) from the Planning Board. If so, specify below:

12. Have plans been submitted to the Department of Inspectional Services? yes

13. Has the Department of Inspectional Services refused to issue a permit? yes

14. Explain what modifications are proposed that would require the requested Variance:

Inspectional Services denied permit for finished basement based on City zoning - max stories 2.5. Inspectional services ruled finishing said basement adds another story to the existing dwelling which currently has 2 stories

15. State your hardship in accordance with Mass General Laws Chapter 40A Section 10. (Reference the attached "Required Findings For Granting a Variance").

EXISTING STR DID NOT ALLOW AN ADDITIONAL 395 SQ FT BUILT IN ADDITION
TO EXISTENT BUILDING. BUILDING ADDITIONAL HABITABLE SPACE IN THE BASEMENT
ALLOWS FOR ALL CURRENT SETBACKS TO BE MAINTAINED ON THE LOT.

16. Complete for ALL the portions for which you are requesting a Variance:

	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			
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			

Number of Stories

2

2.5

3

17. Verification of Ownership. By signing this application the petitioner is stating that they have read and understand this application and the accompanying instructions and information. If petition is granted, the approvals are specific to the plans submitted, unless the Board states otherwise. Also, if granted, that the Variance must be recorded and acted upon within one year.

This section is to be completed & signed by the property owner(s):

I hereby authorize the following Applicant: JORGE VERISSIMO

at the following address: 273 Ryan St New Bedford

to apply for: Variance

on premises located at: 273 Ryan St New Bedford

in current ownership since: 12-9-14

whose address is: 1 COOKIE WAY DARTMOUTH MA 02748

for which the record title stands in the name of: TERCEIRA CONSTRUCTION LLC

whose address is: 1 COOKIE WAY DARTMOUTH MA 02748

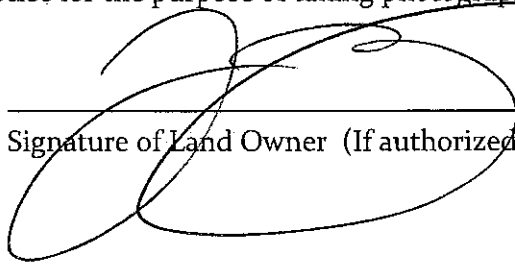
by a deed duly recorded in the:

Registry of Deeds of County: BRISTOL Book: 11246 Page: 75

OR Registry District of the Land Court, Certificate No.: _____ Book: _____ Page: _____

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 Zoning Board 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.

7-22-15
Date


Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

CITY CLERKS OFFICE
NEW BEDFORD, MA
2015 JUL 24 P 12:54
CITY CLERK

APPENDIX

- (1) Owner's/Landlord's Name Tercera Construction LLC
- (2) Title Reference to Property Deed

(Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)

- (3) If the Applicant is Not the Owner, Provide:
1. Notarized authorization letter from owner to tenant or buyer for application for this permit, on letterhead.
 2. Copy of Purchase & Sale Agreement or lease, where applicable.
 3. 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.

VACANT LAND ON RYAN + SNOW STREET

I, Norman A. Bergeron, of 82 Brownell Avenue, New Bedford, Bristol County, Massachusetts for paid in full consideration of One Hundred Sixty Thousand (\$160,000.00) Dollars grant to Terceira Construction LLC, 1 Cookie Way, Dartmouth, Bristol County, Massachusetts with Quitclaim Covenants the land in New Bedford, Bristol County, Massachusetts. Being shown as Lots 2 and 3 on a plan entitled "Plan of Land prepared for Norman and Mary Ellen Bergeron prepared by Kenneth R. Ferreira Engineering dated May 9, 2014" recorded at the Bristol County (S.D.) Registry of Deeds at Plan Book 171, Page 74 is bounded and described as follows:

PARCEL ONE:

A certain parcel of land located in New Bedford, Bristol County, Commonwealth of Massachusetts and shown as Lot 2 on a Plan of Land entitled "Approval Not Required Plan of Land located in New Bedford, MA prepared for Norman & Mary Ellen Bergeron", Scale 1' = 30', May 9, 2014 prepared by Kenneth R. Ferreira Engineering, which is recorded at the Bristol County (S.D.) Registry of Deeds at Plan Book 171, Page 74 is bounded and described as follows:

BEGINNING at the Southwest corner of the parcel on the northeasterly sideline of Ryan Street and the southeast corner of land now or formerly owned by Bergeron shown as Lot 1 on said plan; and being 112.48' east of the easterly sideline of Brownell Ave.;

Thence by said Lot North 6° 12' 55" West, Eighty and 12/100 (80.12) feet to a corner of land now or formerly of John B. Garris Jr.;

Thence, by said land of Garris North 81° 15' 21" East One Hundred Eighteen and 96/100 (118.96) feet to a corner and Lot 3;

Thence, South 10° 32' 12" East, Sixty-Five and 00/100 (65.00) feet to an angle;

Thence South 49° 35' 56" West, Twenty-Eight and 81/100 (28.81) feet to the sideline of Ryan Street;

Thence, by said Ryan Street, South 81° 17' 00" West, One Hundred and 00/100 (100.00) feet to the point of beginning;

Containing 9,578 square feet, more or less.

REGISTRY OF DEEDS
REG #07
BRISTOL S
12/09/14 3:10PM
0000011317
FEE \$22.60
CASH \$729.60
Diana S. Brown

PARCEL TWO:

A certain parcel of land located in New Bedford, Bristol County, Commonwealth of Massachusetts and shown as Lot 3 on a Plan of Land entitled "Approval Not Required Plan of Land located in New Bedford, MA prepared for Norman & Mary Ellen Bergeron", Scale 1" = 30', May 9, 2014 prepared by Kenneth R. Ferreira Engineering, which is recorded at the Bristol County (S.D.) Registry of Deeds at Plan Book 171, Page 74 is further bounded and described as follows:

BEGINNING at the Southwest corner of the parcel on the northeasterly sideline of Ryan Street and the southeast corner of Lot 2 on said plan;

Thence by said Lot 2 North 49° 35' 56" East, Twenty-Eight and 81/100 (28.81) feet to an angle;

Thence, still by said Lot 2 North 10° 32' 12" West Sixty-Five and 00/100 (65.00) feet to a corner and land now or formerly of Martha Lampos;

Thence, by said land of Lampos North 81° 15' 21" East, Seventy-One and 04/100 (71.04) feet to a drill hole on a stone wall;

Thence by said wall and land now or formerly of Bessie Portnoy and of Thelma Schwartz South 10° 10' 19" East, One Hundred Thirty and 16/100 (130.16) feet to a corner and land now or formerly of David Thomas;

Thence by said land of Thomas, South 81° 17' 00" West, Seventy and 21/100 (70.21) feet to a corner and the easterly sideline of Snow Street;

Thence by said Snow Street North 10° 32' 12" West, fifty and 01/100 (50.01) feet to the Northerly line of Ryan Street;

Thence by said Ryan Street South 81° 17' 00" West, Twenty-Five and 11/100 (25.00) feet to the point of beginning;

Containing 9,378 square feet, more or less.

BEING a portion of the premises conveyed to Mary-Ellen S. Bergeron and Norman Bergeron by deed of Paul R. W. Smith, Trustee of the Sunnyside Farm Trust dated February 2, 2001 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 4890, Page 117 as well as Treasurer's Deed to Mary-Ellen Bergeron and Norman Bergeron dated July 14, 2008 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 9092, Page 94. Mary-Ellen S. Bergeron, also called Mary-Ellen Bergeron died October 2, 2014. Grantor's title is as surviving tenant by the entirety.

TITLE NOT EXAMINED BY PREPARER OF DEED.

Witness my hand and seal this 9th day of December, 2014.

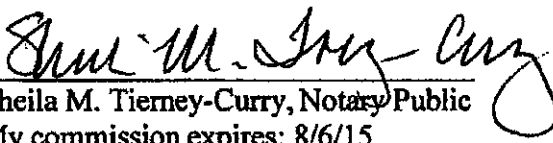

NORMAN A. BERGERON

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

December 9, 2014

On this 9th day of December, 2014, before me, the undersigned notary public, personally appeared Norman A. Bergeron, and proved to me through 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.


Sheila M. Tierney-Curry, Notary Public
My commission expires: 8/6/15



REQUEST FOR CERTIFIED LIST OF ABUTTERS

Attach the Certified List of Abutters to this Certification Letter and Submit all.

The applicant shall complete the request form below, and submit to Planning Department, City Hall, 133 William Street, Room 303, so that a list may be created for use by the applicant.

I, Carla Almeida, Administrative Assistant to the Board of Assessors of the City of New Bedford, 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.

Date: 7/24/2015

SUBJECT PROPERTY:

MAP 38 LOT 387

38-1 Ryand Snow
38-368

LOCATION RYAN ST NEW BEDFORD

OWNER'S NAME TERCERA CONSTRUCTION LLC

MAILING ADDRESS 1 COOKIE WAY DARTMOUTH MA 02748

CONTACT PERSON Jason Braz

TELEPHONE NUMBER 774-263-0077

EMAIL ADDRESS JBRAZ 752 Comcast.net

REASON FOR REQUEST: Zoning board

CITY CLERKS OFFICE
NEW BEDFORD, MA
2015 JUL 24 P 12:53
CITY CLERK
PLANNING
JUL 22 2015
DEPARTMENT

July 22, 2015
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as Ryan Street (38-387) 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.

<u>Parcel</u>	<u>Location</u>	<u>Owner and Mailing Address</u>
38-9	59 BURNS ST	DAHER ALICE M, 59 BURNS ST NEW BEDFORD, MA 02740
38-355	64 BROWNELL AVE	THELIN NANCY E "TRUSTEE", NANCY E THELIN REVOCABLE TRUST 13201 CREEKSIDE LANE PORT CHARLOTTE, FL 33953
38-203	75 BURNS ST	BUTLER EDWARD T, BUTLER VIOLET N 75 BURNS ST NEW BEDFORD, MA 02740
38-2	82 BROWNELL AVE	BERGERON NORMAN, 82 BROWNELL AVENUE NEW BEDFORD, MA 02740
38-7	276 RYAN ST	GITLIN ELLEN A, 276 RYAN ST NEW BEDFORD, MA 02740
38-365	67 BURNS ST	SCHWARTZ THELMA, 67 BURNS ST NEW BEDFORD, MA 02740
38-165	300 CARROLL ST	LAMPOS LEFKOTHEA, LAMPOS ANGELIKE 300 CARROLL ST NEW BEDFORD, MA 02740
38-205	64 SNOW ST	THOMAS DAVID A, THOMAS SHARON M 64 SNOW STREET NEW BEDFORD, MA 02740
38-368	308 CARROLL ST	GARRIS CECELIA PORCHE-, 308 CARROLL STREET NEW BEDFORD, MA 02740
38-11	83 BURNS ST	MENDELL THOMAS R, MENDELL BARBARA A 83 BURNS STREET NEW BEDFORD, MA 02740

38-28

38-92

38-97

38-159

38-162

38-4

38-363

38-362

BROWNELL AVE

38-34
38-33

38-89

38-87

38-85

38-38

PLYMOUTH ST

38-99

38-102

38-103

38-107

38-157

38-155

38-152

38-150

CARROLL ST

38-80
38-78

38-108

38-350

38-112

38-114

38-116

38-148

38-146

38-144

38-141

38-140

CARROLL ST

38-167

38-168

38-170

38-172

38-173

38-174

38-176

38-206

38-210

38-212

38-213

38-351

RYAN ST

38-118

38-119

38-121

WHITTER ST

38-139

38-137

38-135

38-181

38-200

38-179

38-216

38-217

38-219

38-10

38-221

38-349

38-223

38-348

38-226

38-347

38-228

BURNS ST

38-234

38-237

38-238

38-264

38-240

38-263

38-242

38-262

38-243

38-261

38-244

38-259

38-246

38-258

38-256

38-266

38-13

38-268

38-1

38-269

38-

38-270

38-

38-271

38-

38-272

38-

38-273

38-

38-274

38-

38-276

38-

38-277

38-

RYAN ST

SNOWS ST

38-384

38-8

38-358

38-378

38-359

38-334

38-370

38-340

38-377

38-341

38-353

38-342

38-343

ZBA VARIANCE APPLICATION SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies), containing all items described below:

- Completed & Signed Application
- (a) Existing Conditions Site Plan, drawn to a scale not less than 1 inch: 40 feet, (For example, drawings at 1" : 10', 1" : 20' or 1" : 30' scale are acceptable) identifying positioning of existing structures must be provided. Site Plan must show footprint and dimensions of Rear, Front and Side distances between structure(s) and boundary lines.
 - (b) Site Plan Identifying Proposed Plans, showing all proposed alterations or additions with side, front and rear set property lines identified.
 - (c) Sub-Division Plans if Applicable
- A Certified Abutter's List
(Compiled by Planning Dept. and Certified in Assessor's Office)
- Plot Plan (Available at Inspectional Services Dept.)
- Filing Fee (Check made out to the City of New Bedford)
- Copy of Building Permit Rejection Packet
(Containing Rejected Building Permit and all information submitted with Building Permit Application)
- Appendix (Owner's Signature & Attached Deed for all Involved Parcels)

#420
273 Ryan St

DEPARTMENT SIGN-OFF SHEET

ZONING BOARD OF APPEALS SPECIAL PERMIT REVIEW

<u>DEPARTMENT</u>	<u>COPIES</u>	<u>SIGNATURE</u>	<u>DATE</u>
BOARD MEMBERS CITY HALL, ROOM 303	5	<u>Judy Yut</u>	<u>7/24/15</u>
CITY PLANNING CITY HALL, ROOM 303	1	<u>Judy Yut</u>	<u>7/24/15</u>
CITY CLERK (Original) CITY HALL, ROOM 118	1	<u>Elizabeth Morgan</u>	<u>7/24/15</u>
CITY SOLICITOR CITY HALL, ROOM 203	1	<u>Yvonne Presby</u>	<u>7/24/15</u>
INSPECTIONAL SERVICES CITY HALL, ROOM 308	1	<u>Jennifer Heine</u>	<u>7/24/15</u>
PUBLIC INFRASTRUCTURE 1105 SHAWMUT AVENUE	1	<u>Cleese</u>	<u>7/24/15</u>
CONSERVATION COMMISSION CITY HALL, ROOM 304	1	<u>Sarah Porter</u>	<u>7/24/15</u>
FIRE DEPARTMENT 1204 PURCHASE STREET	1	<u>Sandy DeMello</u>	<u>7-24-15</u>

DEPARTMENT
JUL 24 2015
PLANNING