

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. 4197

Petition for a VARIANCE

Date: _____

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: 1018 Shelburne Street

Assessor's Map(s): 127E Lot(s) 436

Registry of Deeds Book: 2390 Page: 0016

Zoning District: Residential A

Applicant's Name (printed): Thaddeus Haggerty

Mailing Address: 1018 Shelburne Street New Bedford MA 02745
 (Street) (City) (State) (Zip)

Contact Information: 5089953693 thaddeush@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:

- Application
- Plot Plan
- Deed
- Filling Fee
- Copy of Rejected Building Permit

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.

7/8/2015
Date

Thaddeus Haggerty
Signature of Applicant

CITY CLERK'S OFFICE
NEW BEDFORD, MA

2015 JUL 10 P 3:39
CITY CLERK

2. Dimensions of Lot(s) 60' 98.5' Area 5,910
 Frontage Depth Sq. Ft.

3. Number of buildings on lot 1

4. Size of existing buildings Foot Print with Deck 1,490 sqft (deck 12'x14')

5. Size of proposed buildings Foot Print with Sunroom 1,546 sqft (proposed sunroom 16'x14')

6. Present use of premises Residential

7. Proposed use of Premises Residential

8. Extent of proposed alterations Transform deck into a sunroom

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

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: <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> 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:

Variance for the rear yard dimensional requirement. The requirement is 30' to the property line for a rear yard.

I am requesting relief for the requirement to be 19'.

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:

Build a 16'x14' sunroom in the location of the current deck. The rear yard distance requirement in New Bedford is 30' to the property line. The proposed distance from the sunroom to the property line would be 19'.

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

My wife and I find the long winters in New England to be very gloomy. We feel the addition of a sunroom may be beneficial to our health. The only feasible location to install a sunroom is where the deck in the rear yard is. The deck is accessed by a 6' sliding door off the kitchen. The rear yard also faces south with a westward exposure making this location the only suitable location for a sunroom. Most of the houses on Ethel Street are older homes, the abutting property line, have houses closer than the 30' rear yard dimension requirement of the current zoning standard.

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

	Existing	Allowed/Required	Proposed
Lot Area (sq ft)	5,910		
Lot Width (ft)	60'		
Number of Dwelling Units	1		
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)	35' (deck 23')	30'	19'
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			

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: Thaddeus Haggerty
at the following address: 1018 Shelburne Street, New Bedford, MA 02745
to apply for: Rear yard dimensional variance
on premises located at: 1018 Shelburne Street
in current ownership since: 10/6/1989
whose address is: 1018 Shelburne Street New Bedford
for which the record title stands in the name of: Thaddeus and Heather Haggerty
whose address is: 1018 Shelburne Street New Bedford
by a deed duly recorded in the:
Registry of Deeds of County: Bristol Book: 2390 Page: 16
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.

7/15/15 _____
Date Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

APPENDIX

- (1) Owner's/Landlord's Name Thaddeus Haggerty
(2) Title Reference to Property Owner

(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.

19708

We, GEORGE E. SMITH and JACQUELINE M. SMITH

of New Bedford, Bristol County, Massachusetts,

being ~~un~~married, for consideration paid, and in full consideration of \$30,000.00

grant to THADDEUS HAGGERTY and HEATHER HAGGERTY, husband and wife as * tenants by the entirety

of 1016 Shelburne Street, New Bedford, Mass. with quitclaim covenants

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

[Description and encumbrances, if any]

BEGINNING at a point in the southerly line of Shelburne Street distant westerly therein ninety-three and 23/100 (93.23) feet from the westerly line of Acushnet Avenue; thence

S 3° 30' 00" E a distance of ninety-eight and 48/100 (98.48) feet to a point; thence

S 87° 59' 51" W a distance of sixty and 04/100 (60.04) feet to a point; thence

N 4° 40' 15" W a distance of ninety-six and 92/100 (96.92) feet to a point in the southerly line of Shelburne Street; thence

N 86° 30' 00" E in said southerly line of Shelburne Street a distance of sixty (60) feet to the point of beginning.

CONTAINING 5,863 square feet.

BEING shown as Parcel "A" on Plan of Land in New Bedford, Massachusetts belonging to George E. Smith and Jacqueline M. Smith, Scale 1" = 30' dated April 5, 1989 prepared by Alpha Engineering Co. and recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 124, Page 11.

BEING a portion of the premises conveyed to us by deed of George E. Smith and Jacqueline R. Turgeon dated March 17, 1968 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 1563, Page 707. Also being the same premises conveyed to us by deed of Thomas A. Frade and Thelma Frade dated December 12, 1978 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 1775, Page 470.

Property address: 1016 Shelburne Street, New Bedford, MA

Witness our hands and seals this 5th day of October, 1989

RECORDS DEPT. BRISTOL SOUTH

11/16/89

TAX 156.00 CHECK 156.00

720-2108 11-15-89 RECEIVED TAX

George E. Smith
Jacqueline M. Smith

The Commonwealth of Massachusetts

Bristol

ss.

October 5, 1989

Then personally appeared the above named George E. Smith and Jacqueline M. Smith

and acknowledged the foregoing instrument to be their free act and deed before me

Susan J. Weiser
Notary Public - Justice of the Peace

My commission expires October 1, 1993

Received & Recorded October 6, 1989 at 11 hrs. 27 min. A.M.
(*Individual - Joint Tenants - Tenants in Common)

Attest: John Gomes Register

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

COMPARED 19708
MASSACHUSETTS

Statute Form of

Quitclaim deed

(INDIVIDUAL)

GEORGE E. SMITH
JACQUELINE M. SMITH
to

THADDEUS HAGGERTY
HEATHER HAGGERTY

Oct 6 1989

at *11* o'clock and *07* minutes *A.* m.

Received and entered with *Quitclaim deed*

Book *200* Page *10* Deeds


Accepted by *George E. Smith*

REGISTER

Register

FROM THE OFFICE OF

SCOTT W. LANG, ESQUIRE
Lang, Straus, Xifaras & Bullard
115 Orchard Street
New Bedford, MA 02740
992-1270

RETURN TO 

HOBBS & WARREN, INC.
PUBLISHERS STANDARD LEGAL FORMS
BOSTON, MASS.

FORM 881

REVISED CHAPTER 497:1989 - 727-1980

REC'D & RECORDED
1989 OCT -6 AM 11:27

REGISTRY OF DEEDS
BRISTOL COUNTY
SOUTHERN DISTRICT

(Please print or type)

I, *Carol Andrews*, 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: 7/10/2015

SUBJECT PROPERTY:

MAP 127E LOT 436

LOCATION 1018 Shelburne Street

OWNER'S NAME Thaddeus Haggerty

MAILING ADDRESS 1018 Street New Bedford, MA 02745

CONTACT PERSON Ted Haggerty

TELEPHONE NUMBER 508-951-1372

EMAIL ADDRESS thaddeush@comcast.net

REASON FOR REQUEST

I am requesting a dimensional rear yard boundary variance to construct a sunroom on the existing deck

CITY CLERKS OFFICE
NEW BEDFORD, MA
2015 JUL 10 P 3:39
CITY CLERK

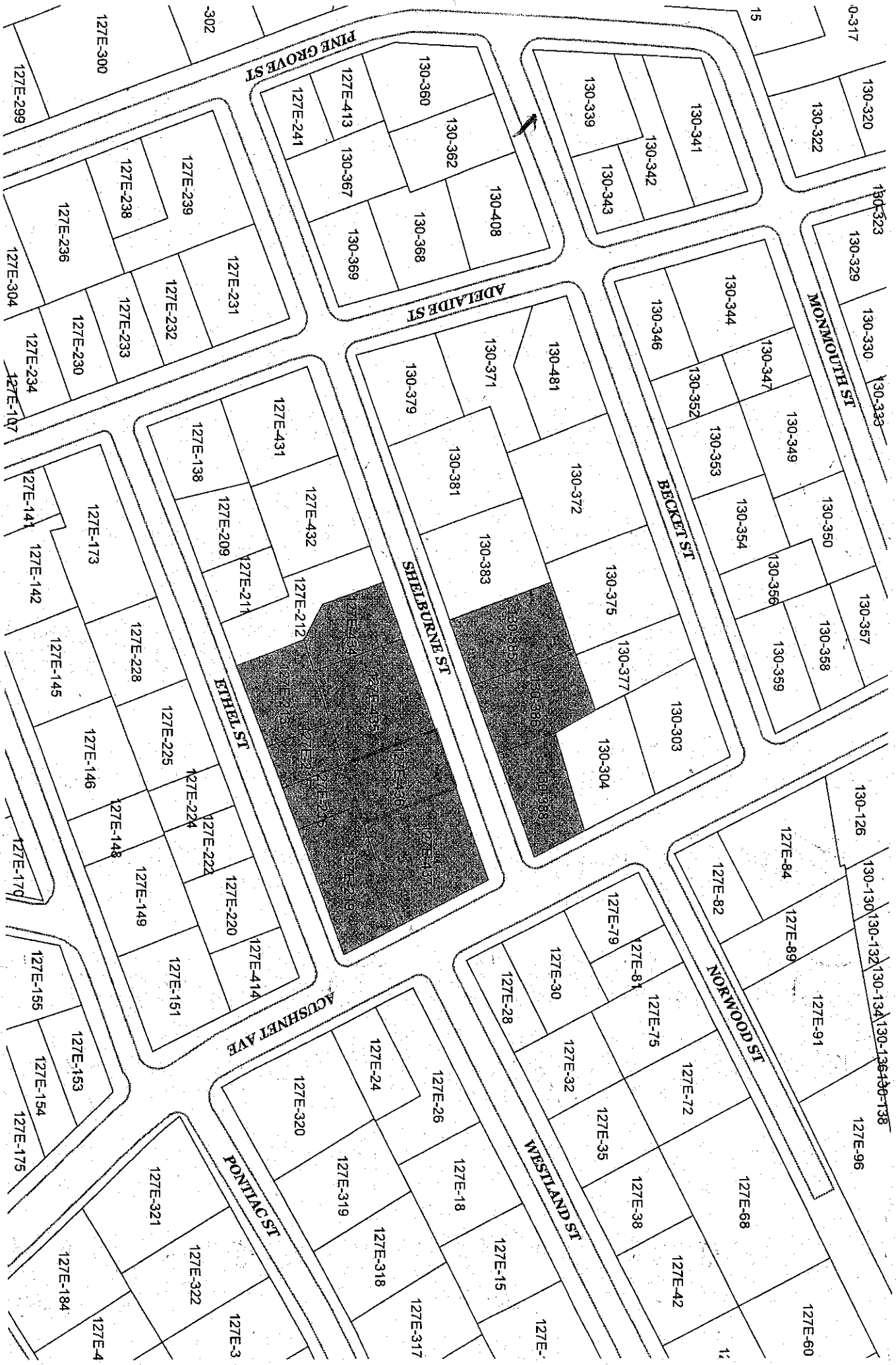
**PLANNING
JUL 09 2015
DEPARTMENT**

July 10, 2015
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 1018 Shelburn Street (127E-436) 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
127E-436	1018 SHELBURNE ST	HAGGERTY THADDEUS, HAGGERTY HEATHER 1018 SHELBURNE ST NEW BEDFORD, MA 02745-3036
127E-435	1026 SHELBURNE ST	TRAVERS WILLIAM E, TRAVERS DIANE H 1026 SHELBURNE ST NEW BEDFORD, MA 02745-3036
127E-213	29 ETHEL ST	LEBLANC THERESE R, 29 ETHEL ST NEW BEDFORD, MA 02745-2548
127E-437	2497 ACUSHNET AVE	SMITH GEORGE E, SMITH JACQUELINE M 2497 ACUSHNET AVE NEW BEDFORD, MA 02745-2902
130-385	1027 SHELBURNE ST	DEMELO SYLVESTER P, MARTINS LINDA 1027 SHELBURNE ST NEW BEDFORD, MA 02745-3037
130-388	1005 SHELBURNE ST	LAREAU MARCELLE M, 1005 SHELBURNE ST NEW BEDFORD, MA 02745-3037
130-386	1021 SHELBURNE ST	MARQUES ADELINO B, MARQUES MARIA P 1021 SHELBURNE ST NEW BEDFORD, MA 02745-3037
127E-215	21 ETHEL ST	SILVIA PATRICIA, 21 ETHEL ST NEW BEDFORD, MA 02745-2548
127E-216	17 ETHEL ST	LUIS KRISTINE C, 17 ETHEL ST NEW BEDFORD, MA 02745-2548
127E-219	2489 ACUSHNET AVE	DANSEREAU A GEORGE, MASSON JO ANNE 47 MATTAPOISETT ROAD ACUSHNET, MA 02743-1226
127E-434	1030 SHELBURNE ST	BYRNES TERRENCE J, BYRNES PATRICIA 1030 SHELBURNE STREET NEW BEDFORD, MA 02745 elo Federal National mortgage 3900 Wisconsin Ave NW Washington, DC 20016-2892



127E-300
127E-299
127E-239
127E-238
127E-236
127E-230
127E-234
127E-107

130-360
127E-413
127E-241
130-362
130-367
130-368
130-369
130-408

130-339
130-341
130-342
130-343
130-320
130-322
130-329
130-330
130-339
130-344
130-346
130-347
130-352
130-353
130-349
130-350
130-354
130-355
130-357
130-358
130-359

130-371
130-379
130-381
130-383
127E-431
127E-138
127E-432
127E-209
127E-211
127E-212
130-372
130-375
130-377
130-303
130-304

130-126
127E-84
127E-89
127E-91
130-130
130-132
130-134
130-136
130-138
127E-82
127E-79
127E-81
127E-75
127E-72
127E-30
127E-28
127E-32
127E-35
127E-38
127E-68
127E-42
127E-96
127E-60

127E-173
127E-142
127E-145
127E-146
127E-148
127E-149
127E-151
127E-153
127E-154
127E-175
127E-144
127E-147
127E-148
127E-149
127E-151
127E-153
127E-154
127E-175

127E-228
127E-225
127E-224
127E-222
127E-220
127E-414
127E-228
127E-225
127E-224
127E-222
127E-220
127E-414

127E-28
127E-30
127E-32
127E-35
127E-38
127E-42
127E-68
127E-96
127E-60

127E-24
127E-26
127E-18
127E-15
127E-319
127E-318
127E-317
127E-320
127E-24
127E-26
127E-18
127E-15
127E-319
127E-318
127E-317

127E-24
127E-26
127E-18
127E-15
127E-319
127E-318
127E-317
127E-320
127E-24
127E-26
127E-18
127E-15
127E-319
127E-318
127E-317

127E-24
127E-26
127E-18
127E-15
127E-319
127E-318
127E-317
127E-320
127E-24
127E-26
127E-18
127E-15
127E-319
127E-318
127E-317

4197

DEPARTMENT SIGN-OFF SHEET

variance

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	<i>[Signature]</i>	7/16/15
CITY PLANNING CITY HALL, ROOM 303	1	<i>[Signature]</i>	7/16/15
CITY CLERK (Original) CITY HALL, ROOM 118	1	<i>Stephanie McComber</i>	7/10/15
CITY SOLICITOR CITY HALL, ROOM 203	1	<i>Anton Pereira</i>	7/13/15
INSPECTIONAL SERVICES CITY HALL, ROOM 308	1	<i>Patricia Lanzetta</i>	7/13/15
PUBLIC INFRASTRUCTURE 1105 SHAWMUT AVENUE	1	<i>[Signature]</i>	
CONSERVATION COMMISSION CITY HALL, ROOM 304	1	<i>Sarah Porter</i>	7/13/15
FIRE DEPARTMENT 1204 PURCHASE STREET	1	<i>Caryn Pedro</i>	7/13/15