



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. 4191 2019 JUN 10 3:12

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: 170 STATE ST New Bedford, Mass 02740
Assessor's Map(s): 72 Lot(s) 14
Registry of Deeds Book: 2542 Page: 258
Zoning District: RESIDENTIAL B
Applicant's Name (printed): José A. Vega
Mailing Address: 170 STATE ST New Bedford, Mass 02740
(Street) (City) (State) (Zip)
Contact Information: 508-984-1051/508-441-8739
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
Deed
Site plan
Plot plan
rejection Packet.

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.

6-8-2015
Date

José A. Vega
Signature of Applicant

CITY CLERK'S OFFICE
NEW BEDFORD, MA

2. Dimensions of Lot(s) 29' 56' Area 1624
Frontage Depth Sq. Ft.

3. Number of buildings on lot ONE

4. Size of existing buildings 23' x 40'

5. Size of proposed buildings " "

6. Present use of premises Residential

7. Proposed use of Premises Residential

8. Extent of proposed alterations Complete finished basement

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

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:

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:

Finishing the basement for general use - not for an apartment.

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

Own an existing single family - 2 1/2 story residence; ~~at~~ completing + finishing basement is considered a third story.

Have invested nearly \$18,000 in finishing basement - trying to make additional space for elderly mother to move in with me lot is too small need to add addition My mother has a medical problem and I would love to look after her. She is

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

82 yr old

	Existing	Allowed/Required	Proposed
Lot Area (sq ft)	1624 SF	1624 SF	1624 SF
Lot Width (ft)	29 FT	29"	29' SF
Number of Dwelling Units	1	1	1
Total Gross Floor Area (sq ft)	1920 SF	1920 SF	1920 SF
Residential Gross Floor Area (sq ft)	960 SF	960 SF	960 SF
Non-Residential Gross Floor Area (sq ft)	0	0	0
Building Height (ft)	24'4"	24'4"	24'4"
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			

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: _____
at the following address: _____
to apply for: _____
on premises located at: _____
for which the record title stands in the name of: _____
whose address is: _____
by a deed duly recorded in the:
Registry of Deeds of County: SD Book: 2842 Page: 282
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.

6-8-2015

Date

Jose A V. Silva

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

4/19/1

12 copies of everything listed below

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, 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 → given to Planning - Pick up at Assessors when they call.
(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)



Location: 170 STATE ST

Parcel ID: 72 14

Zoning: RB

Fiscal Year: 2015

Current Sales Information:

Sale Date:

09/14/1990

Sale Price:

\$3,000.00

Card No. 1 of 1

Legal Reference:

2542-282

Grantor:

MELLO DAVID W

Current Owner Information:

VEGA JOSE A "TRS"

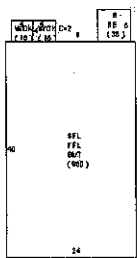
HAZARD STREET NOMINEE TRUST

38 HAZARD ST

NEW BEDFORD, MA 02740

This Parcel contains 0.037 acres of land mainly classified for assessment purposes as Single Fam with a(n) Colonial style building, built about 2006, having Vinyl exterior, Asphalt Shingles roof cover and 1920 Square Feet, with 1 unit(s), 10 total room(s), 6 total bedroom(s) 2 total bath(s), 0 3/4 baths, and 0 total half bath(s).

Building Value:	Land Value:	Yard Items Value:	Total Value:
146800	50100	0	196900



Fiscal Year 2015		Fiscal Year 2014		Fiscal Year 2013	
Tax Rate Res.:	15.73	Tax Rate Res.:	15.16	Tax Rate Res.:	14.33
Tax Rate Com.:	33.56	Tax Rate Com.:	31.08	Tax Rate Com.:	29.54
Property Code:	101	Property Code:	101	Property Code:	101
Total Bldg Value:	146800	Total Bldg Value:	146000	Total Bldg Value:	139600
Total Yard Value:	0	Total Yard Value:	0	Total Yard Value:	0
Total Land Value:	50100	Total Land Value:	50100	Total Land Value:	56800
Total Value:	196900	Total Value:	196100	Total Value:	196400
Tax:	\$3,097.23	Tax:	\$2,972.88	Tax:	\$2,814.41

APPENDIX

- (1) Owner's/Landlord's Name JOSE A. VEGA
- (2) Title Reference to Property Book 2542, Pg. 282

(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.

institution duly established under the laws of the United States of America and having its usual place of business at 45 Central Street, Lowell of MIDDLESEX County, Massachusetts, in consideration of THREE THOUSAND AND NO/100 (\$3,000.00) DOLLARS

grants to JOSE A. VEGA, Trustee of The Hazard Street Nominee Trust u/d/t dated August 29, 1990 and recorded with the Bristol County Southern District Registry of Deeds in Book 2542, Page 278 of 38-40 Hazard Street, New Bedford, Mass.,

with quitclaim covenants

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

BEGINNING at the northwest corner of the land herein described at a point formed by the intersection of the southerly line of Hazard Street with the easterly line of State Street; thence

SOUTH 84° 02' 09" East a distance of Twenty-nine (29) feet to the northwest corner of Lot 2 on a Plan hereinafter metioned.

SOUTH 04° 50' 54" West a distance of Fifty-six (56) feet to a point; thence

NORTH 84° 02' 09" West a distance of Twenty-nine (29) feet to the easterly line of State Street; thence

NORTH 04° 50' 54" East a distance of Fifty-six (56) feet along the easterly line of State Street to the point of beginning.

Containing One Thousand Six Hundred Twenty-four (1,624) square feet, more or less.

BEING Lot 1 on "Plan of Land in New Bedford, MA Drawn for Emerson Drumheiser," dated October 25, 1985, revised January 7, 1986 and redrawn March 9, 1988 by Olde Boston Land Surveyor Co., Inc. and recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 119, Page 85. This conveyance does not constitute a sale of all or substantially all of the assets of the Grantor. For Grantors title see Deed dated January 5, 1990 and recorded with said Deeds in Book 2454, Page 139.

In Witness Whereof the said COMFED SAVINGS BANK

has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Mary C. Fedele and Edgar Gonzalez its A.V.P. and V.P. hereto duly authorized, this 30th day of August in the year one thousand nine hundred and ninety

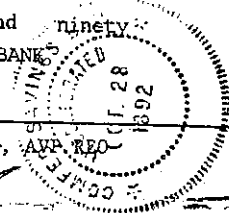
Signed and sealed in presence of

COMFED SAVINGS BANK

Michelle B. Contois

Mary C. Fedele

by: Mary C. Fedele, A.V.P.



By: Edgar Gonzalez, VP Loan Default

The Commonwealth of Massachusetts

MIDDLESEX

ss.

August 30, 1990

Then personally appeared the above named Mary C. Fedele and Edgar Gonzalez

and acknowledged the foregoing instrument to be the free act and deed of the COMFED SAVINGS BANK

before me

DEEDS REG 07
BRISTOL SOUTH
9/14/90

13.63
13.68

0764128 12123
EXCISE TAX

Gloria A. Couillard

Gloria A. Couillard

Notary Public

My commission expires

1/7/1994

42-44 Hazard Street, New Bedford, Massachusetts

CERTIFICATE OF VOTES
COMFED SAVINGS BANK

I, Samuel I. Parks, hereby certify that I am the duly elected and qualified Secretary of COMFED Savings Bank, formerly Commonwealth Federal Savings Bank, Commonwealth Federal Savings and Loan Association and First Federal Savings and Loan Association of Lowell, and successor by merger to Monument Federal Savings and Loan Association, Union Federal Savings and Loan Association and Heritage Savings and Loan Association, Incorporated; that at a regular meeting of the Directors of the Bank held on January 17, 1989, at which a quorum was present and acting throughout, it was unanimously

VOTED: That any ONE of the following-listed officers of the Bank, namely, the president, executive vice president, senior vice president, vice president, assistant vice president, the treasurer, the secretary and the foreclosure manager, are hereby authorized and empowered in the name and on behalf of the Bank to make, execute, acknowledge and deliver deeds to real property, mortgages of real property, leases of real property and partial discharges of mortgages held by the Bank, and to affix the corporate seal to all such instruments required to be sealed.


VOTED: That any ONE of the following-listed officers of the Bank, namely, the president, executive vice president, senior vice president, vice president, assistant vice president, the treasurer, the secretary, the residential R.E.O. officer, and the foreclosure manager, and the are hereby authorized and empowered in the name of and on behalf of the Bank to make entry on the premises described in any mortgage held by the Bank for the purpose of foreclosing the same for breach of the conditions thereof, to exercise the power of sale contained in said mortgage, to make, execute, acknowledge and deliver the required foreclosure deed and affidavit and to affix the corporate seal thereto, and to make, execute, acknowledge and deliver any and all other instruments or documents as may be required in connection with foreclosure proceedings to complete the same.

VOTED: That any ONE of the following-listed officers of the Bank, namely, the president, executive vice president, senior vice president, vice president, assistant vice president, the treasurer, the secretary and the residential R.E.O. officer, are hereby authorized and empowered in the name of and on behalf of the Bank to make, execute, acknowledge and deliver all contracts, assignments of mortgages, security agreements (UCC financing statements), modification agreements and discharges of mortgages of real property held by the Bank upon receipt of full payment of the indebtedness secured thereby.

I hereby certify that the foregoing votes and the authority vested in said officers shall be and remain a continuing authority entitled to be relied upon by all persons until the said votes are modified or amended by a further vote of the directors of the Bank and a certificate thereof duly recorded in any Registry of Deeds within which such real property is situated; and I hereby further certify that the foregoing votes are in conformity with the by-laws of the Bank and within the power and authority of the directors of the Bank.

A true record.

Attest:


Deborah Walsh, Assistant Secretary


Samuel I. Parks, Secretary

ACKNOWLEDGMENT

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

In Lowell, in said County on the 7th day of August, 1990, before me personally appeared the within-named Samuel I. Parks, to me known and known by me to be the Secretary of, and the person executing these presents on behalf of, COMFED Savings Bank, the party executing the foregoing instrument, and he acknowledged said instrument by her so executed to be her free act and deed as such Secretary and the free act and deed of said COMFED Savings Bank.

(NOTARIAL SEAL)

Mary F. Clarkson
Notary Public

My commission expires:

MARY F. CLARKSON, NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 11, 1994

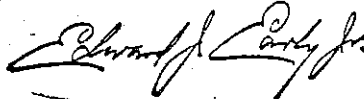
(over)

COMMONWEALTH OF MASSACHUSETTS
LAND COURT

Middlesex ss.

I hereby certify that the foregoing is a true copy of Document
No. 132850 registered SEPT 10-1990 at 10:30' clock A.M.
and noted on Certificate of Title, No: in Middlesex
County North Registry District.

IN TESTIMONY WHEREOF, I have hereto set my hand,
this 10th day of SEPT-1990 A.D.



Assistant Recorder

Received & Recorded Sept. 14, 1990 at 12 hrs. 24 min. P. M

Attest: John Gomez Register

REQUEST FOR CERTIFIED LIST OF ABUTTERS

Replace this page with a copy of the Certified List of Abutters, once obtained.

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, Carlos Amador, 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: 6/1/2015

2015 JUN 10 11:31 AM
CITY CLERK
CITY CLERKS OFFICE
NEW BEDFORD, MA

SUBJECT PROPERTY:

MAP 72 LOT 14

LOCATION 170 STATE ST

OWNER'S NAME JOSE A. VEGA

MAILING ADDRESS 170 STATE ST

CONTACT PERSON JOSE A. VEGA

TELEPHONE NUMBER 508-441-8739

REASON FOR REQUEST: ZBA

PLANNING

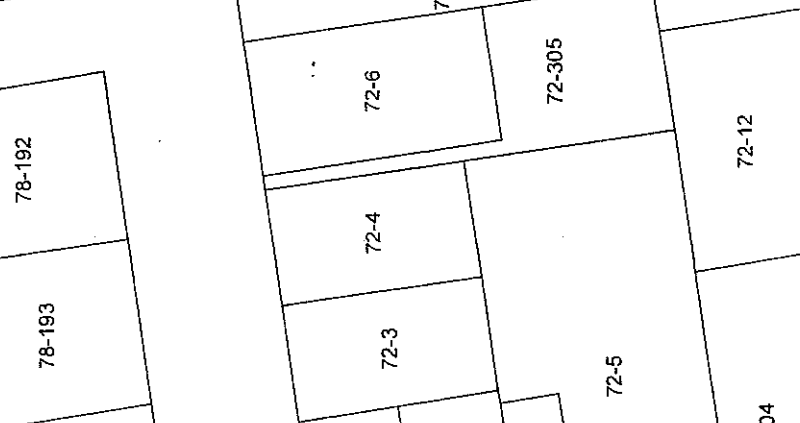
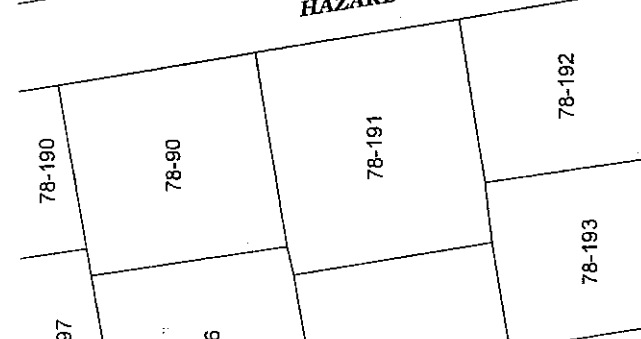
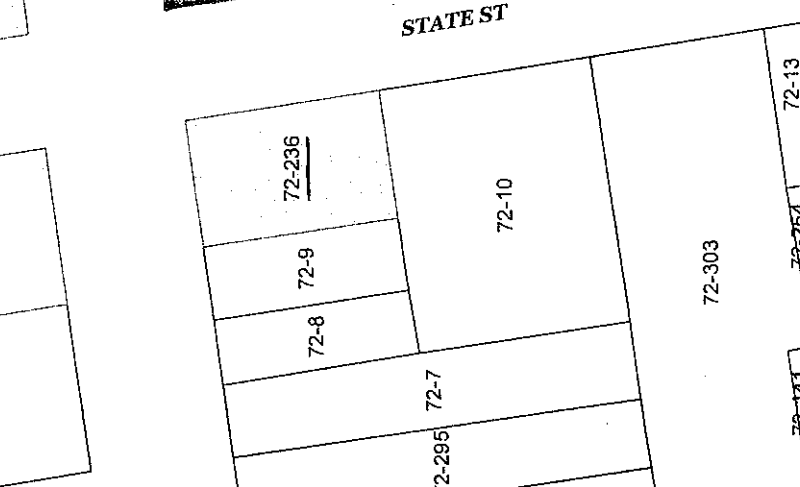
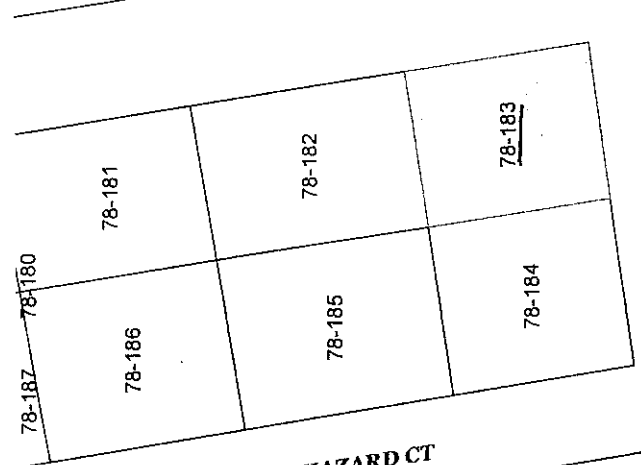
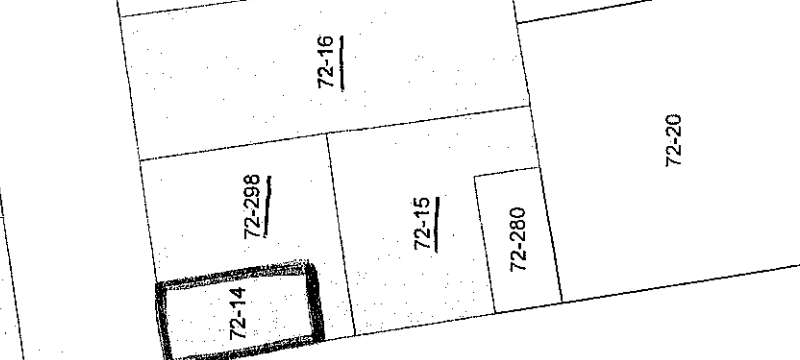
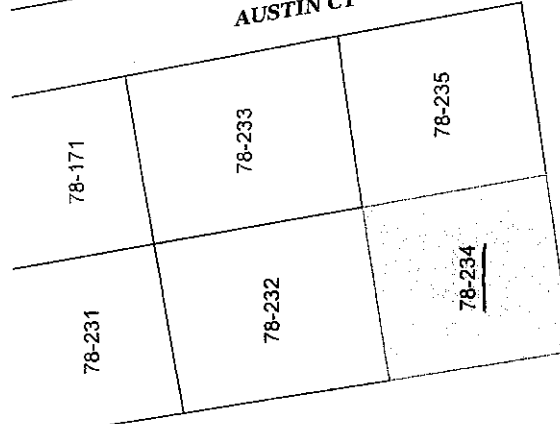
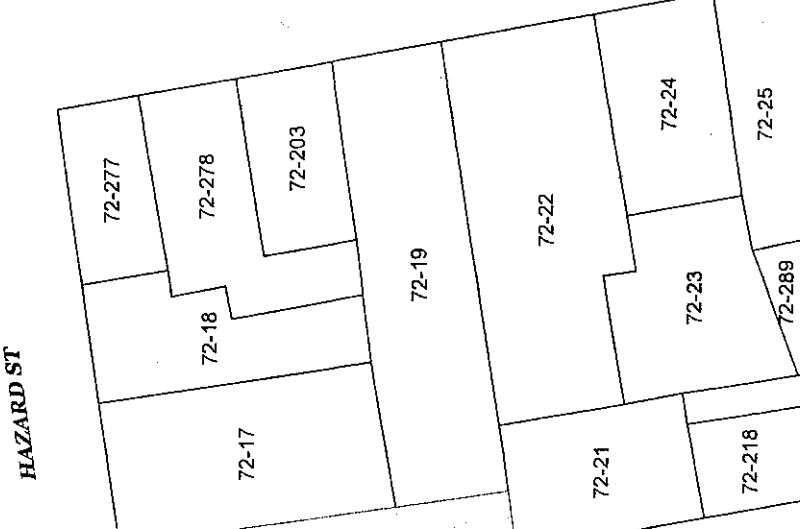
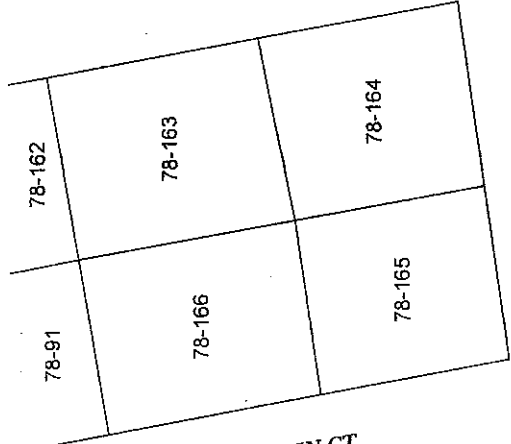
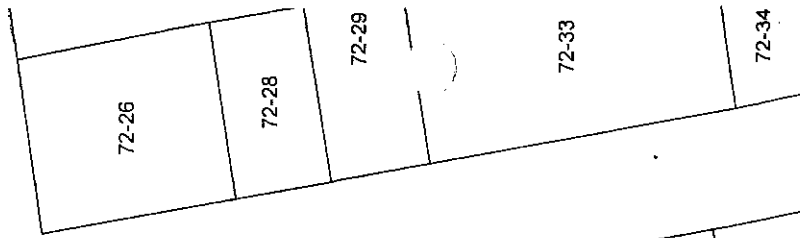
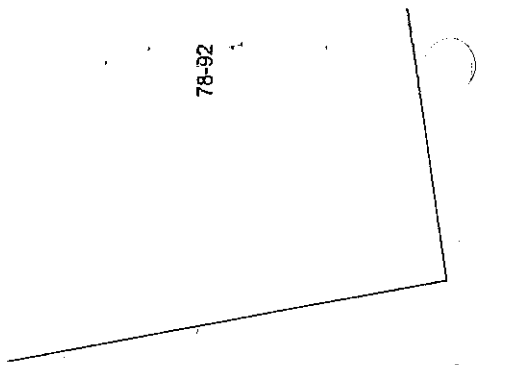
JUN 28 2015
DEPARTMENT

May 28, 2015
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 170 State Street (72-14) 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
72-236	169 STATE ST	VIANA MANUEL C, 169 STATE ST NEW BEDFORD, MA 02740-5465
72-15	164 STATE ST	DASILVA LENA, 164 STATE STREET NEW BEDFORD, MA 02740-5466
72-14	170 STATE ST	VEGA JOSE A "TRS", HAZARD STREET NOMINEE TRUST 38 HAZARD ST NEW BEDFORD, MA 02740-6929
72-298	38-HAZARD ST 40	VEGA JOSE ANGEL, 38 HAZARD ST NEW BEDFORD, MA 02740-6929
72-16	3A HAZARD ST	CITY OF NEW BEDFORD, 133 WILLIAM ST NEW BEDFORD, MA 02740-6132
78-183	173 STATE ST 175	HALL KEEN WAMSUTTA LTD PARTNERSHIP, C/O HALL KEEN MGT INC 320 NORWOOD PARK SOUTH NORWOOD, MA 02062-4659
78-234	172 STATE ST 174	HALL KEEN WAMSUTTA LTD PARTNERSHIP, C/O HALL KEEN MGT INC 320 NORWOOD PARK SOUTH NORWOOD, MA 02062-4659



170 State Street

DEPARTMENT SIGN-OFF SHEET

ZONING BOARD OF APPEALS ^{Variance} ~~SPECIAL PERMIT~~ REVIEW

<u>DEPARTMENT</u>	<u>COPIES</u>	<u>SIGNATURE</u>	<u>DATE</u>
✓ BOARD MEMBERS CITY HALL, ROOM 303	5	<u>[Signature]</u>	<u>6/10/15</u>
✓ CITY PLANNING CITY HALL, ROOM 303	1	<u>[Signature]</u>	<u>6/10/15</u>
✓ CITY CLERK (Original) CITY HALL, ROOM 118	1	<u>[Signature]</u>	<u>6/10/15</u>
CITY SOLICITOR CITY HALL, ROOM 203	1	<u>[Signature]</u>	<u>6/10/15</u>
- INSPECTIONAL SERVICES CITY HALL, ROOM 308	1	<u>[Signature]</u>	<u>6-10-15</u>
<u>PUBLIC INFRASTRUCTURE</u> <u>1105 SHAWMUT AVENUE</u>	1	<u>[Signature]</u>	<u>6/11/15</u>
- CONSERVATION COMMISSION CITY HALL, ROOM 304	1	<u>[Signature]</u>	<u>6/10/15</u>
<u>FIRE DEPARTMENT</u> <u>1204 PURCHASE STREET</u>	1	<u>[Signature]</u>	<u>6/11/15</u>

PLANNING
JUNE 11 2015
DEPARTMENT