



CITY CLERKS OFFICE
NEW BEDFORD, MA

ZONING BOARD OF APPEALS

2015 JAN 23 A 11: 17

CITY CLERK

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

CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

Appeal Nr. 4173

Petition for a VARIANCE

Date: 1/22/15

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: 986 Kensington St.

Assessor's Map(s): 137 A Lot(s) 41

Registry of Deeds Book: 9850 Page: 292

Zoning District: _____

Applicant's Name (printed): Robert Pinto

Mailing Address: 986 Kensington St. New Bedford MA 02745
(Street) (City) (State) (Zip)

Contact Information: 774-929-7405 Telephone Number robertpinto@comcast.net Email Address

Applicant's Relationship to Property: Owner Contract Vendee Other

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

Plot plan, Existing + proposed site plan, Abutters list, Building Dept. reject packet, property deed.

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.

1/22/15
Date

Signature of applicant

2. Dimensions of Lot(s) 80.72' 68.91' / 74.52' Area 5694 ft²
Frontage Depth Sq. Ft.

3. Number of buildings on lot 1

4. Size of existing buildings 26'x44' w 8'x11' deck on rear

5. Size of proposed buildings 10x20 on rear

6. Present use of premises Single family

7. Proposed use of Premises Same

8. Extent of proposed alterations Remove existing deck + Build 10x20 sunroom w/ deck below

9. Existing number of dwelling units & bedrooms 1 / 3 Proposed Same

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:

We would like to remove the existing 8'x11' deck in rear of house + Build a 10'x20' sunroom in same location rear corner of house.

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

We would like a variance on the rear setbacks. The current house does not meet the 30' set back currently according to site plan. Current deck is 22' from rear property line and proposed sunroom would be 20'. The desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of Zoning Ordinance or Bylaw and desired relief may be granted w/o substantial detriment to the public good.

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)	22' deck	30'	20' proposed sunroom
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			

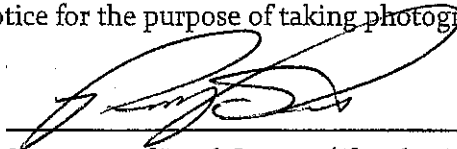
17. Verification of Ownership. By signing this application the petitioner is stating that they have read and understand this application and the accompanying instructions and information. If petition is granted, the approvals are specific to the plans submitted, unless the Board states otherwise. Also, 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: Robert Pinto
at the following address: 986 Kensington St.
to apply for: Variance
on premises located at: 986 Kensington St.
in current ownership since: 9/8/10
whose address is: 986 Kensington St.
for which the record title stands in the name of: Robert S Pinto Evelina M Pinto
whose address is: 986 Kensington St. New Bedford
by a deed duly recorded in the:
Registry of Deeds of County: Bristol Book: 9850 Page: 292
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.

1/22/15
Date


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

APPENDIX

- (1) Owner's/Landlord's Name Robert + Evelina Pinto
- (2) Title Reference to Property 976 Kensington St. New Bedford

(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.

REGS OF DEEDS
REG #07
BRISTOL S

10/08/10 2:34PM 01
000003 #00953

FEE \$807.12

SR \$807.12

BK 9853 PG 127
10/08/10 02:31 DOC. 23505
Bristol Co. S.D.

Massachusetts Quitclaim Deed by Corporation

Property Address: 986 Kensington Street, New Bedford, Bristol County (Southern District), MA 02745

The Bank of New York Mellon as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-14, a corporation duly established under the laws of the United States and having its usual place of business at c/o BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans, Servicing, LP, 7105 Corporate Drive, Plano, TX 75024 for consideration paid, and in full consideration of One Hundred Seventy-Seven Thousand Dollars (\$177,000.00)

Grants to: Robert S. Pinto and Evelina M. Pires,
as joint tenants
of 11 McMurray Court, New Bedford, MA 02745

Property address: 986 Kensington Street, New Bedford, Bristol
County (Southern District), Massachusetts 02745

With Quitclaim Covenants

The land with the buildings thereon, in New Bedford, Bristol County (Southern District), Massachusetts, bounded and described as follows:

Beginning at a point on the southerly side of Kensington Street, said point being 100.70 feet easterly from the southeasterly intersection of Acushnet Avenue and Kensington Street, thence running N 80° 52' 00" E by said Kensington Street 80.72 feet to a point for a corner; thence turning and running S 00° 27' 10" E by land now or formerly of Marc H. Durocher and Lea Durocher, 74.52 feet to point for a corner; thence turning and running S. 84° 39' 52" W by land now or formerly of Cecile O. Savaria, 71.18 feet to a point for a corner; thence turning and running N 7° 50' 42' W by said Parcel "B" on a plan hereinafter described, 68.97 feet to the south side of Kensington Street and the point of beginning. Containing 5,425 square feet of land more or less.

However otherwise bounded and described, being Parcel "A" on a plan of land entitled "Plan of Land in New Bedford, Mass. Belonging to Robert C. Rioux Scale: 1"=20' Sept. 16, 1995" which plan is recorded with the Bristol County South District Registry of Deeds in Plan Book 134, Page 14.

Said premises are conveyed subject to and with the benefit of easements and restrictions of record, if any, insofar as the same may now be in force and applicable.

For Grantor's Title see Foreclosure Deed recorded with the Bristol County (Southern District) Registry of Deeds, in Book 9850, Page 292.

The Grantor herein certifies that the premises do not constitute all or substantially all of the assets of The Bank of New York Mellon as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-14 or BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP situated in the Commonwealth of Massachusetts and that the transfer is being made in the ordinary course of the grantor's business.

In Witness Whereof, The Bank of New York Mellon as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-14, has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by its attorney-in-fact, this 08 day of September, 2010.

The Bank of New York Mellon as
Trustee for the Certificate Holders
CWABS, Inc. Asset-Backed
Certificates, Series 2006-14
By its Attorney in Fact
BAC Home Loans Servicing, LP f/k/a
Countrywide Home Loans Servicing,
LP*



By: Maria E Castillo, Assistant
Secretary of BAC GP, LLC f/k/a
Countrywide GP, LLC, General
Partner of BAC Home Loans
Servicing, LP f/k/a Countrywide
Home Loans Servicing, LP**

*For BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP's authority on behalf of The Bank of New York Mellon as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-14 see Power of Attorney recorded with the Bristol County (Southern District) Registry of Deeds, Book 9595, Page 184.


**See Assistant Secretary's Certificate recorded herewith.

STATE OF TEXAS

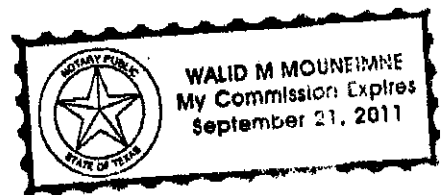
Collin, ss

Dated: 9/08/10

Now before me, the undersigned notary public, personally appeared Maria E Castillo , as Assistant Secretary of BAC GP, LLC f/k/a Countrywide GP, LLC, General Partner of BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP, attorney-in-fact for The Bank of New York Mellon as Trustee for the Certificate Holders CWABS, Inc. Asset-Backed Certificates, Series 2006-14, personally known to me OR provided to me through satisfactory evidence of identification, which was driver's license, to be the person whose name is signed above, and acknowledged to me that he/she signed it voluntarily for its stated purposes on behalf of said corporation.



Notary Public
My Commission Expires:



A true copy of instrument as recorded in
Bristol County (S.D.) Registry of Deeds
in Book 9853 Page 127
ATTEST:


REGISTER

2015 JAN 23 A 11: 17

REQUEST FOR CERTIFIED LIST OF ABUTTERS CITY CLERK

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, Carlos A. Amado, 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: 1/16/2015

SUBJECT PROPERTY:

MAP 137 A LOT 41

LOCATION 986 Kensington St.

OWNER'S NAME Robert + Evelyn Pinto

MAILING ADDRESS 86 Kensington St.

CONTACT PERSON Dana Pickup

TELEPHONE NUMBER 508 - 997 - 1111

EMAIL ADDRESS dana.j.pickup@carefreehomescompany.com

REASON FOR REQUEST: Variance

PLANNING

JAN 12 2015

DEPARTMENT

January 14, 2015

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 986 Kensington Street (137A-41) 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
137-35	4443 ACUSHNET AVE	PATEL GUNVANT I "TRUSTEE", DISHA REALTY TRUST 4443 ACUSHNET AVENUE NEW BEDFORD, MA 02745-4705
137A-64	4436 ACUSHNET AVE	STODDARD INSURANCE AGENCY LLP, 4436 ACUSHNET AVENUE NEW BEDFORD, MA 02745-4706
137A-60	981 BRANTWOOD ST	SAVARIA JEAN L, SAVARIA SHERYL A 981 BRANTWOOD STREET NEW BEDFORD, MA 02745-4712
137A-56	977 BRANTWOOD ST	ILLINGSWORTH SCOTT D, MONIZ JESSICA A 5 CEDAR HILL DRIVE ACUSHNET, MA 02743-1300
137A-10	4440 ACUSHNET AVE	DUMONT THERESA M, 4440 ACUSHNET AVENUE NEW BEDFORD, MA 02745-4706
137A-41	986 KENSINGTON ST	PINTO ROBERT S, PIRES EVELINA M 986 KENSINGTON STREET NEW BEDFORD, MA 02745-4717
137A-45	978 KENSINGTON ST	DUROCHER MARC H, DUROCHER LEA 978 KENSINGTON ST NEW BEDFORD, MA 02745-4717
137A-67	4422 ACUSHNET AVE	ZHAO YING SHANG, ZHAO MING 13 MORGAN STREET FAIRHAVEN, MA 02719-3456
137A-68	986 BRANTWOOD ST	SWEET ALAN D, 4 TANGLEWOOD DRIVE EAST FREETOWN, MA 02717-1703
137A-72	980 BRANTWOOD ST	OLIVER ADRIENNE R, OLIVER MICHELLE L 980 BRANTWOOD STREET NEW BEDFORD, MA 02745-4711
137A-392	5 KENSINGTON ST	KALISZ JOHN, C/O MARC H DUROCHER 978 KENSINGTON STREET NEW BEDFORD, MA 02745-4717
137A-266	5 KENSINGTON ST	REYNOLDS PATRICIA ANN, 963 BRANTWOOD ST NEW BEDFORD, MA 02745-4712
137A-232	4454 ACUSHNET AVE	MEDEIROS DAVID J, MEDEIROS JAMES P 1305 DRIFT ROAD WESTPORT, MA 02790-1626

