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. 4165

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: 119 Acushnet Ave

Assessor's Map(s): 37 Lot(s) 330

Registry of Deeds Book: 6018 Page: 48

Zoning District: RC

Applicant's Name (printed): Jose Teixeira

Mailing Address: 119 Acushnet Ave New Bedford MA 02740
(Street) (City) (State) (Zip)

Contact Information: 774-644-4330 Jteixeira68@yahoo.com
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:

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.

12/04/2014
Date

J Teixeira
Signature of Applicant

2. Dimensions of Lot(s) 80.30' x 104.50' Area 8024 sq ft
Frontage Depth Sq. Ft.

3. Number of buildings on lot two

4. Size of existing buildings 44' x 24'

5. Size of proposed buildings Covered Patio 16' x 20' (over existing concrete patio)

6. Present use of premises Residential

7. Proposed use of Premises outdoor recreation

8. Extent of proposed alterations 13-4"x6 pt columns w/2"x12" roof rafters 16" oc

9. Existing number of dwelling units & bedrooms 1 + 3 Proposed 0

10. For commercial uses, please complete the following:

	Existing	Proposed
a) Number of customers per day:	N/A	N/A
b) Number of employees:	"	"
c) Hours of operation:	"	"
d) Days of operation:	"	"
e) Hours of deliveries:	"	"

f) Frequency of deliveries: ☐ Daily ☐ Weekly ☐ Monthly ☐ Other: N/A

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? No

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 covered 16'x20 ~~patio over~~ for patio over existing concrete slab. Proposed patio roof columes on south side would be one foot from abuting property line of plot 37 lot 169. (Lot 169 is a vacant lot)

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

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) (southside)(vacant lot)	17'	5'	1'
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: Jose M Teixeira

at the following address: 119 Acushnet Ave New bedford

to apply for: Variance

on premises located at: 119 Acushnet Ave Newbedford

for which the record title stands in the name of: Jose M Teixeira / Aulinda G Teixeira

whose address is: 119 Acushnet Ave New Bedford

by a deed duly recorded in the:

Registry of Deeds of County: Plymouth Book: 6018 Page: 48

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.

12/09/2020 Aulinda Teixeira / Jose Teixeira

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

APPENDIX

(1) Owner's/Landlord's Name Jose M. Audinda G. Teixeira

(2) Title Reference to Property Plat 37 Lot 330 Bk 6018 Pg 48

(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.

REQUIRED FINDINGS FOR GRANTING A VARIANCE

Required Findings: Massachusetts General Law Chapter 40A Section 10 requires the "permit granting authority" (which, in this instance is the Zoning Board of Appeals) to make ALL the following findings before a variance can be granted:

1. 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;

2. 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.

3. That desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance or Bylaw.

4. 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 on the State website: http://www.mass.gov/legis/laws/mgl/**

ZBA VARIANCE APPLICATION SUBMITTAL CHECKLIST

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

- [x] 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
- [x] A Certified Abutter's List (Compiled by Planning Dept. and Certified in Assessor's Office)
- [x] Plot Plan (Available at Inspectional Services Dept.)
- [ ] Filing Fee (Check made out to the City of New Bedford)
- [x] Copy of Building Permit Rejection Packet (Containing Rejected Building Permit and all information submitted with Building Permit Application)
- [x] Appendix (Owner's Signature & Attached Deed for all Involved Parcels) [x]

BK 6018 PG 48
02/20/03 01:58 DOC. 7678
Bristol Co. S.D.

QUITCLAIM DEED

I, John Santos, Trustee of M&J Realty Trust, under trust dated March 20, 2002 and recorded with the Bristol Southern District Registry of Deeds in Book 5459, Page 334, of 10 Ten Street, Fall River, Bristol County, Massachusetts, for the consideration of One Hundred Seventy Two Thousand Nine Hundred Fifteen and No/100 ($172,915.00) Dollars paid, grants to Jose Teixeira and Aulinda Teixeira as husband and wife, tenants by the entirety, of 38 Lawrence Street, Brockton, MA, with QUITCLAIM COVENANTS:

The land in New Bedford, Massachusetts known as 119 Acushnet Avenue, and further described in Exhibit A attached hereto.

Being the same premises conveyed to this mortgagor by deed of Lisa Sotnick-Loguidice, Trustee of Acushnet Purchase Realty Trust recorded with said Registry in Book 5459, Page 337.

I, John Santos, certify that I am the Trustee of M&J Realty Trust; Said trust is in existence and has not been amended, altered or revoked; The beneficiaries of the Trust are individuals of full age and capacity; and The beneficiaries have authorized, empowered and directed me to execute this deed.

Executed as a sealed instrument this 20th day of February, 2003.

Locus: 119 Acushnet Ave. New Bedford MA

M& J Realty Trust

By: _____
John Santos
Trustee

REG OF DEEDS
REG #07
BRISTOL S

02/20/03 1:54PM 01
000000 #4908

FEE $788.88

CASH $788.88

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss. February 20, 2003

Then personally appeared the above-named JOHN SANTOS, Trustee of M&J Realty Trust and acknowledged the foregoing instrument to be his free act and deed, the free act and deed of M&J Realty Trust and his free act and deed in his capacity as aforesaid, before me,

Daniel J. Vieira, Notary Public
My commission expires: 11/6/09

PROPERTY ADDRESS: 119 Acushnet Avenue
New Bedford, MA 02740

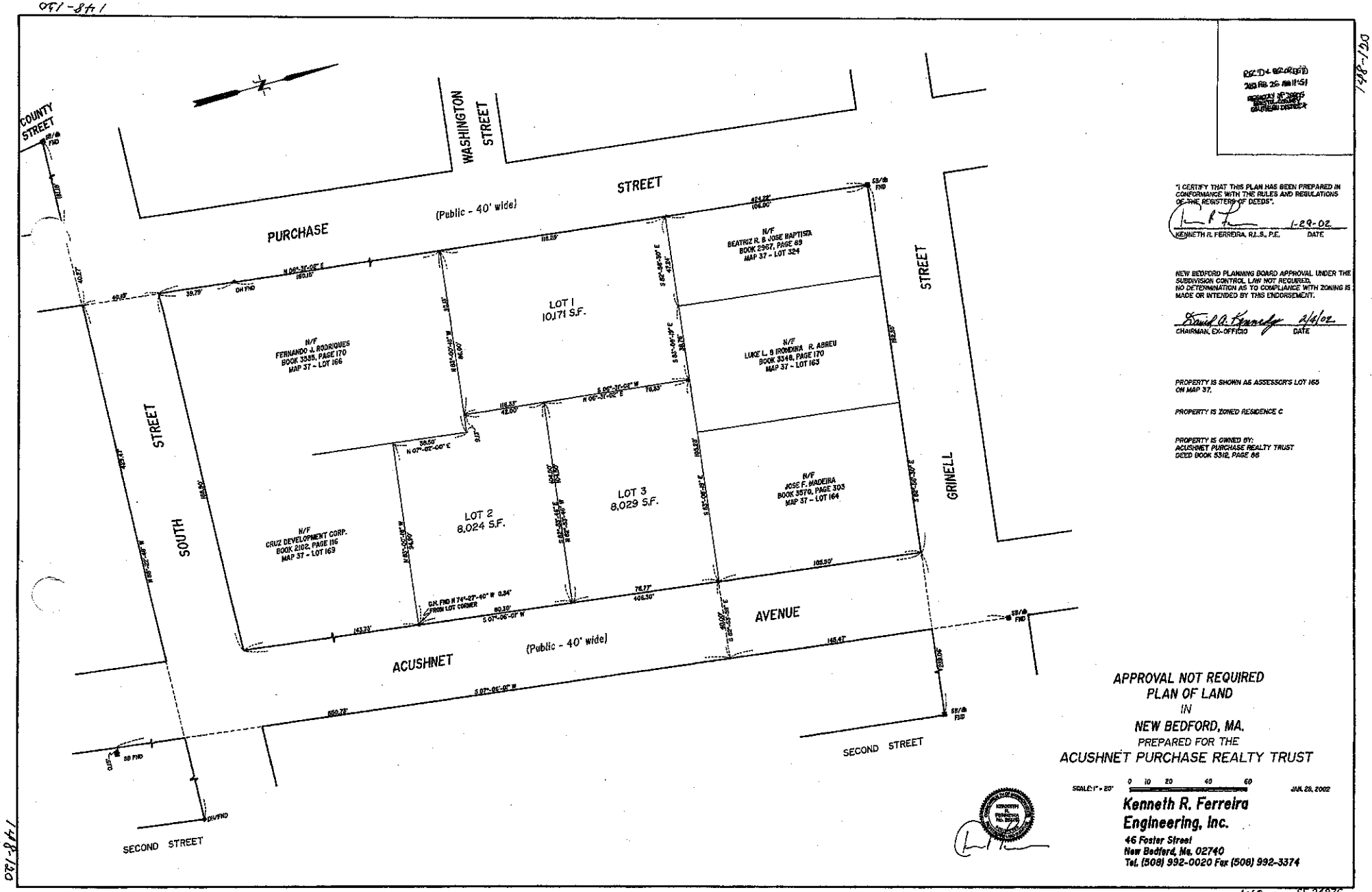
Exhibit A - Property Description

Borrower(s): Jose Teixeira and Aulinda Teixeira

Property Address: 119 Acushnet Avenue, New Bedford, Massachusetts 02740

Beginning at the easterly line of Purchase Street, distant southerly therein one hundred six (106) feet, more or less from the southerly line of Grinnell Street;
thence easterly a distance of one hundred ninety-one and 10/100 (191.00) feet, more or less to a point in the westerly line of Acushnet Avenue;
thence southerly in said westerly line of Acushnet Avenue a distance of one hundred fifty-seven and 07/100 (157.07) feet, more or less to a point;
thence westerly a distance of ninety-four and 90/100 (94.90) feet, more or less to a point;
thence northerly a distance of thirty-eight and 50/100 (38.50) feet, more or less to a point;
thence westerly a distance of ninety-five and 02/100 (95.02) feet, more or less to a point in the easterly line of Acushnet Avenue;
thence northerly in said easterly line of Acushnet Avenue a distance of ine hundred eighteen and 46/100 (118.46) feet, more or less to the point of beginning.
Containing 96.37 square rods, more or less.

A true copy of instrument as recorded in Bristol County (S.D.) Registry of Deeds in Book 6018 Page 48
ATTEST:
REGISTER



REC'D + RECORDED
2002 FEB 26 AM 11:51
REGISTRY OF DEEDS
BRISTOL COUNTY
SOUTHERN DISTRICT

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS".

1-29-02
KENNETH R. FERREIRA, R.L.S., P.E. DATE

NEW BEDFORD PLANNING BOARD APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.
NO DETERMINATION AS TO COMPLIANCE WITH ZONING IS MADE OR INTENDED BY THIS ENDORSEMENT.

David A. Kennedy 2/4/02
CHAIRMAN, EX-OFFICIO DATE

PROPERTY IS SHOWN AS ASSESSOR'S LOT 165 ON MAP 37.

PROPERTY IS ZONED RESIDENCE C

PROPERTY IS OWNED BY:
ACUSHNET PURCHASE REALTY TRUST
DEED BOOK 5312, PAGE 86

APPROVAL NOT REQUIRED
PLAN OF LAND
IN
NEW BEDFORD, MA.
PREPARED FOR THE
ACUSHNET PURCHASE REALTY TRUST

SCALE: 1" = 20' 0 10 20 40 60 JAN. 28, 2002

Kenneth R. Ferreira
Engineering, Inc.
46 Foster Street
New Bedford, Ma. 02740
Tel. (508) 992-0020 Fax (508) 992-3374

6 more


129-131
108
129-131
123
123
17'
119
16.6'
258
248-252
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242
236
69
113
111
119 Aquishnet Ave.
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98
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122
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118
116
114
SOUTH ST
62

MASSACHUSETTS QUITCLAIM DEED INDIVIDUAL (LONG FORM) 903

1150

I, ELAINE J. WILLIAMS

of 529 Meadowshire Drive, Dallas, Texas

~~Essex, Massachusetts~~

being unmarried, for consideration paid, and in full consideration of ONE DOLLAR and the resolution of a mutual mistake

grant to CRUZ DEVELOPMENT CORPORATION

of One John Eliot Square, Roxbury, Massachusetts with quitclaim covenants

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

[Description and encumbrances, if any]

BEGINNING at the southeasterly corner of this lot at a point in the west line of Acushnet Avenue distant northerly therein, Sixty-Five and 83/100 (65.83) Feet from its intersection with the northerly line of South Street; thence

WESTERLY by land now or formerly of George A. Collins, Seventy-Four and 68/100 (74.68) Feet to a corner, thence

SOUTHERLY by said Collins land, Three and 53/100 (3.53) Feet to a corner; thence again

WESTERLY, Twenty and 12/100 (20.12) Feet to land now or formerly of R. A. Soule; thence

NORTHERLY by said Soule land and land now or formerly of Daniel F. Humphrey, Eighty-One and 54/100 (81.54) Feet to land now or formerly of one McDonald; thence

EASTERLY by said McDonald land, Ninety-Four and 90/100 (94.90) Feet to said west line of Acushnet Avenue; thence

SOUTHERLY in said west line of Acushnet Avenue, Seventy-Eight and 02/100 (78.02) Feet to the point of beginning.

CONTAINING Twenty-Seven and 46/100 (27.46) rods, more or less.

Being Parcel One of the same premises conveyed to John B. Rose and Joseph A. Rose by Deed of John Rose, et ali dated July 10, 1980 and recorded in Bristol County (S.D.) Registry of Deeds in Book 1806, Page 780. For Grantors Title see Estate of John B. Rose, Bristol County Probate Docket No. 86P-0467-A1.

For Certificate Releasing Massachusetts Estate Tax Lien on the Estate of Joseph A. Rose see Book 1948, Page 8000 in said Registry.

The purpose of this conveyance is to rectify a mutual mistake between the late John B. Rose and Cruz Development Corporation.

Subject to Real Estate Taxes for fiscal year 1987 which the Grantee assumes and agrees to pay.

BK 2782 PG 0117

Witness hand and seal this 1st day of MAY 1987

ELAINE J. WILLIAMS

STATE OF TEXAS

Dallas County ss. 5/1 1987

Then personally appeared the above named ELAINE J. WILLIAMS

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

NOTARY PUBLIC STATE OF TEXAS

Notary Public—Justice of the Peace

My commission expires 9-13- 1989

Received & Recorded March 1, 1988 at 10 hrs. 08 min. A. M.

Attest: Register

#1163

DEPARTMENT SIGN-OFF SHEET

ZONING BOARD OF APPEALS ~~SPECIAL PERMIT~~ Variance REVIEW

DEPARTMENT	COPIES	SIGNATURE	DATE
BOARD MEMBERS CITY HALL, ROOM 303	5		12/4/14
CITY PLANNING CITY HALL, ROOM 303	1		12/4/14
CITY CLERK (Original) CITY HALL, ROOM 118	1		12/4/14
CITY SOLICITOR CITY HALL, ROOM 203	1		12/4/14
INSPECTIONAL SERVICES CITY HALL, ROOM 308	1		12/4/14
PUBLIC INFRASTRUCTURE 1105 SHAWMUT AVENUE	1		12/5/14
CONSERVATION COMMISSION CITY HALL, ROOM 304	1		12/4/14
FIRE DEPARTMENT 868 PLEASANT STREET	1		12/5/14

PLANNING
DEC 05 2014
DEPARTMENT

PLANNING

OCT 23 2014

DEPARTMENT

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.

CITY CLERKS OFFICE
NEW BEDFORD, MA
2014 DEC -4 P 1:39
CITY CLERK

I [signature], 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: 10/24/2014

SUBJECT PROPERTY:

MAP 37 LOT 330

LOCATION 119 ACUSHNET AVE N.B. MASS

OWNER'S NAME JOSE TEIXEIRA

MAILING ADDRESS 119 ACUSHNET AVE NEW BEDFORD MASS

CONTACT PERSON JOSE TEIXEIRA

TELEPHONE NUMBER 774 644 4330

EMAIL ADDRESS JTEIXEIRA68@YAHOO.COM

REASON FOR REQUEST: Variance

City Hall • 133 William Street • Room 303 • New Bedford, MA 02740 • www.newbedford-ma.gov
PH: (508)979-1488 • FX: (508)979-1576

October 23, 2014

Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 119 Acushnet Avenue (37-330). 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.

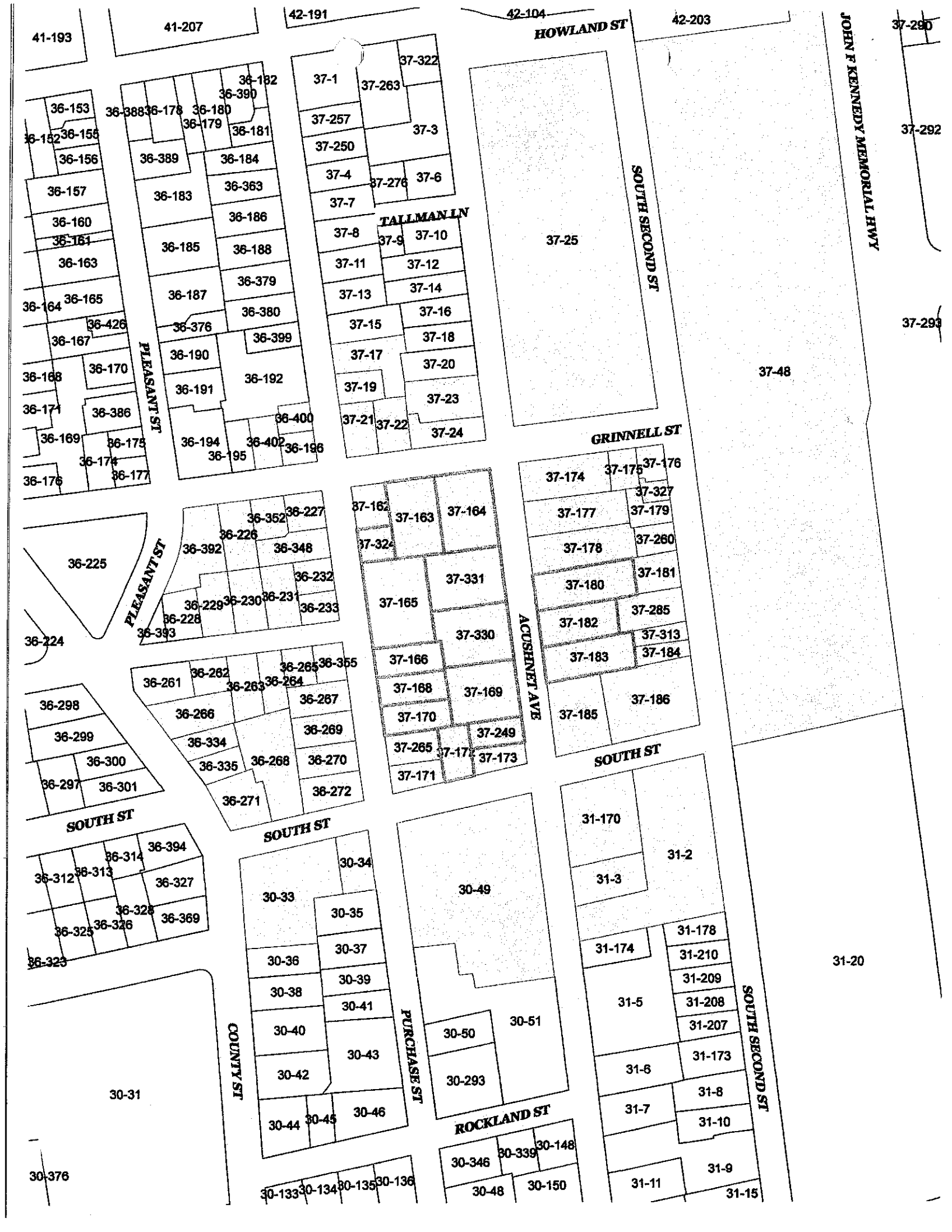
Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
37-163	108 GRINNELL ST	ABREU IRONDINA R, 108 GRINNELL ST NEW BEDFORD, MA 02740
37-168	248 PURCHASE ST	CAMILLO HENRY C JR, P O BOX 4922 BROCKTON, MA 02303
37-172	69 SOUTH ST	MENDES DOROTHY G, 233 PURCHASE ST NEW BEDFORD, MA 02740
37-249	113 ACUSHNET AVE	BARBOSA JOHN, 2 OXFORD DRIVE NORTH DARTMOUTH, MA 02747
37-170	246 PURCHASE ST	RIBEIRO ANTONIO, RIBEIRO DOMINGOS 189 BLACKMER STREET NEW BEDFORD, MA ~~02740~~ 02744
37-169	ACUSHNET AVE	CRUZ DEVELOPMENT CORPORATION, ONE JOHN ELIOT SQUARE BOSTON, MA 02119
37-180	120 ACUSHNET AVE	RAMOS ORLANDO, RAMOS JULIA 97 MOUNT PLEASANT STREET NEW BEDFORD, MA 02740
37-331	123 ACUSHNET AVE	FIGUEIREDO BERNARDINO, 123 ACUSHNET AVENUE NEW BEDFORD, MA 02740
37-183	116 ACUSHNET AVE	~~ALMEIDA VALENTINA N,~~ Scott M. Morton + ~~C/O MARGARET NEREU~~ Jaqueline L. Morton 116 ACUSHNET AVE NEW BEDFORD, MA 02740
37-324	278 PURCHASE ST	BAPTISTA BEATRIZ R, BAPTISTA JOSE 278 PURCHASE STREET NEW BEDFORD, MA 02740
37-166	258 PURCHASE ST	RODRIQUES FERNANDO J, 258 PURCHASE STREET NEW BEDFORD, MA 02740

37-330	119 ACUSHNET AVE	TEIXEIRA JOSE, TEIXEIRA AULINDA 119 ACUSHNET AVENUE NEW BEDFORD, MA 02740
37-182	118 ACUSHNET AVE	RODRIGUEZ VICTOR, 118 ACUSHNET AVENUE NEW BEDFORD, MA 02740
37-165	266 PURCHASE ST	MAGNETT RONALD JR, MEDEIROS MICHELLE 266 PURCHASE STREET NEW BEDFORD, MA 02740

Sincerely,

Patrick C. Day, AICP
Staff Planner


HOWLAND ST
JOHN F KENNEDY MEMORIAL HWY
SOUTH SECOND ST
TALLMAN LN
PLEASANT ST
GRINNELL ST
ACUSHNET AVE
SOUTH ST
COUNTY ST
PURCHASE ST
ROCKLAND ST
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