

September 27, 2021

City of Newburyport
Zoning Board of Appeals
60 Pleasant Street, P.O. Box 550
Newburyport, MA 01950

Attention: Katelyn Sullivan, City Planner

**Re: Special Permit for Non-Conformities
Application**
37 Storey Avenue
Newburyport, MA 01950

Dear Ms. Sullivan:

On behalf of the Applicant, McDonald's USA, LLC, Bohler is pleased to submit this written memo as a part of the Special Permit for Non-Conformities Application for the proposed improvements to the existing McDonald's restaurant located at 37 Storey Avenue in Newburyport, MA. For clarity, the required prompts are in a bold font type with numbering consistent with the Special Permit for Non-Conformities instructions, while Bohler's responses are directly below in an italicized font type.

IX-B.2.B.1) For all other structures or uses, other than single- and two-family residential structures or uses, that there will be no intensification or extension of an existing non-conformity or the addition of a new non-conformity.

Response: The existing roof overhang measures 15.4 FT from the rear yard of the McDonald's lease line. Within the B-1 Business District, the rear yard is 25 FT. The proposed roof overhang measures 20.9 FT from the rear yard of the McDonald's lease line. Furthermore, the existing building and roof overhang area measures approximately 127 SF within the rear yard of the McDonald's lease line. The proposed building and roof overhang area measures approximately 37 SF within the rear yard of the McDonald's lease line. Overall, this is a decrease of 5.5 FT and 90 SF within the rear yard setback of the lease area.

The existing roof overhang measures 23.1 FT from the side yard of the McDonald's lease line. Within the B-1 Business District, the side yard is 25 FT. The proposed roof overhang measures 23.4 FT from the side yard of the McDonald's lease line. The existing building and roof overhang area measures approximately 69.5 SF within the side yard of the McDonald's lease line. The proposed building and roof overhang area measures approximately 18.2 SF within the side yard of the McDonald's lease line. Overall, this is a minimal increase of 0.3 FT and a decrease of 51.3 SF within the side yard setback of the lease area.

IX-B.2.B.2) For all other structure or uses, other than single- and two-family residential structure or uses, that the proposed change will not be substantially more detrimental to the neighborhood than the existing non-conforming structure or use.



Response: The proposed building and roof overhang setbacks and areas noted in IX-B.2.B.1 above indicate decreases for all except the roof overhang extension on the the side yard of the lease area. The noted increase of 0.3 FT (4-inch) of the roof overhang extension on the side yard is part of McDonald's prototypical architectural design and is part of the design to protect drive-through customers from inclement weather while processing payment and picking up their food order.

It is in our opinion the application presented proposes no addition of a new non-conformity and will not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure.

Sincerely,

BOHLER

William E. Lucas, III