

Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

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MAR 19 2019

Newburyport Planning Dept.

In Hand

March 18, 2019

Ed Ramsdell, Chair
Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Request to modify a variance / 8 Toppans Lane (the "Property")/
Assessors Map 39 Lot 57

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents Bryan and Katie Suchecki (the "Petitioners"), relative to the renovation of a single family dwelling on the Property. The Property is located in the R-2 district and the DCOD overlay district. However, the structure on the Property is not listed as contributory to the district nor is the structure more than 75 years old (1959). In 1970 the Zoning Board of Appeals granted a variance for side line setback to the north which resulted in a setback of 5'+/- . Otherwise the Property complies with all other dimensional requirements of the Ordinance as provided on the Application.

The Petitioners seek to expand their home upward and add second floor over the garage which is subject to the variance as well as an expand the main part of the home upward adding a habitable third floor. The Petitioners require a modification of the variance relative to the exacerbation of the granted 5'+/- setback on the north side. But for the upward expansion on the side line variance, the Petitioners could undertake the rest of the project by-right. It is important to note the home remains smaller than the two adjacent homes on either side of it both of which are larger in volume and in height. (See attached photos) The proposed height of the renovated home will be 29'6" on the southerly by right side and 21'6" on the northerly, variance side. The upward increase on the sideline which was the subject to the variance is only six (6) feet. Further, both of the adjacent neighbors do not object to this relief or the proposed plans.

Pursuant to Section X-H(6) of the Zoning Ordinance, "[t]he [Z]oning [B]oard of [A]ppeals shall have the power. . . to grant. . . a variance. . . from the terms of this [Z]oning [O]rdinance. . ." upon the following conditions:

Millis Office

730 Main Street, Suite 1F
Millis, MA 02054
Phone 508.376.8400

1. Conditions and circumstances are unique to the Petitioner's lot, structure or building and do not apply to the neighboring lands, structures or buildings in the same district.
2. Strict application of the provisions of th[e Zoning Ordinance] would deprive the Petitioner of reasonable use of the lot, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same district.
3. The unique conditions and circumstances are not the result of actions of the Petitioner taken subsequent to the adoption of th[e Zoning Ordinance].
4. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the district.

Further, Section X-H(6)(D) provides that the following circumstances *may* be construed as establishing a basis for determining that a hardship exists within the meaning of this section:

- (1) Where by reason of exceptional narrowness, shallowness or unusual shape of a specific site at the time of the effective date of this chapter or to which this is amended, or by reason of exceptional topographic conditions or other extraordinary and exceptional physical situations or condition of such site of property, the literal enforcement of the requirements of this chapter pertaining to yards or other space relationships or total land area would result in exceptional practical difficulties or exceptional and undue hardship upon the owner of such property.

In the case of the upward extension on the north side of the house, the conditions have not changed from when the original variance was granted in 1970. The Lot is more long than narrow than the surrounding lots and has a rear yard line which runs at an angle such that the north side line, that one subject to the variance, is shorter than the left side line. These conditions the Petitioner did not create nor are they the same conditions as exist in the surrounding area.

Given that the Petitioner is not proposing to encroach more into the side line rather upward, no further impact will occur. The neighboring structure to the north is set back away from the shared lot line and the slight upward expansion of six (6) feet will have no further impact thereupon. Due to the construction of the home and how the interior functions are laid out, the most appropriate expansion of the home is upward and not the expansion of the foot print. This allows the house to gain some bulk and actually have it more consistent with the neighboring homes. Additionally, the home to the south sits on a lot which is higher in elevation than the Property and therefore, in addition to the home at 12 Toppans being larger overall including in height, the added elevation continues to result in the Petitioner's structure being at a lower elevation notwithstanding the added height to the main portion of the Petitioner's structure. Similarly, the property to the north at 6 Toppans is also higher in elevation than 8 Toppans which sits in a slight depression which exists along that area of Toppans Lane.

By granting the modification to the variance the Board will not be granting a special privilege nor will the action derogate from the purpose and intent of the ordinance. The Board previously allowed the construction of the garage into the side line and the side line will not be further encroached upon. The upward extension is not impacting the neighbors and is resulting in an increase of only six (6) feet.

Wherefore, the Petitioner respectfully requests that the Board allow the modification of the 1970 variance for an upward extension of the side-line encroachment.

Should you have any questions or concerns, please contact me at (978) 463-7700.

Sincerely,

Lisa L. Mead

Attachment
cc: Client

MORTGAGE INSPECTION PLAN

NEW ENGLAND LAND SURVEY
 Professional Land Surveyors
 710 MAIN STREET
 / N. Oxford, MA 01537

PHONE: (508) 987-0025
 FAX: (508) 438-6604

REGISTRY SOUTHERN ESSEX

SCALE 1"=50' DATE 10/5/2018

LOCATION 8 TOPPANS LANE
 NEWBURYPORT, MA

NAME BRYAN SUCHECKI AND KATIE SUCHECKI

DEED REFERENCE: 16336/184

PLAN REFERENCE: 91/67

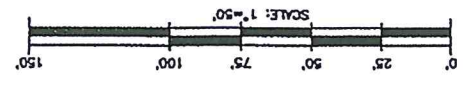
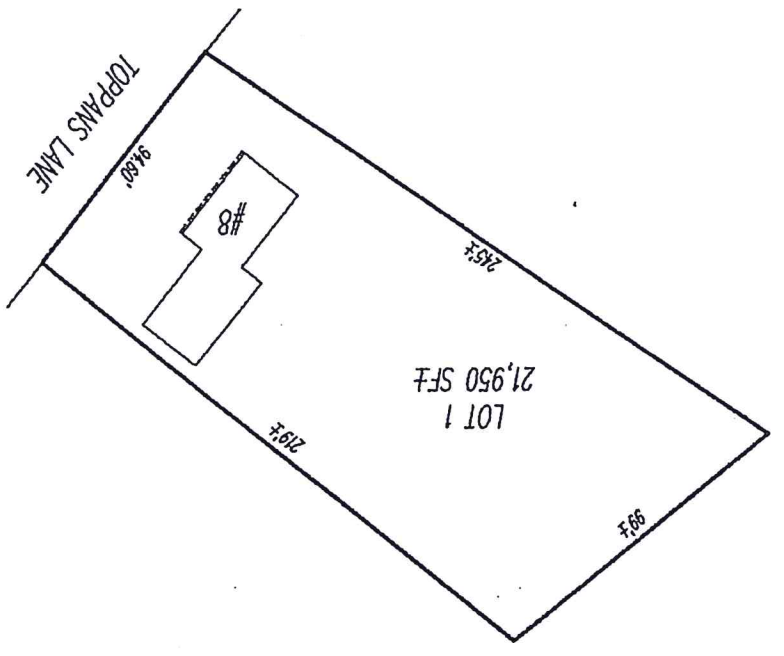
WE CERTIFY THAT THE BOUNDARIES ARE NOT WITHIN THE SPECIAL
 FLOOD HAZARD AREA. SEE FIRM.

250099C0109F dtd: 07/03/2012

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS
 NOT NECESSARILY ACCURATE. UNTIL DEFENSIVE PLANS ARE ISSUED
 BY HUD AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED,
 THESE DIMENSIONS SHOULD BE DEFERRED.



BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE
 MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE
 INSPECTION PLAN. IN OUR JUDGMENT ALL VISIBLE ENCUMBRANCES ARE
 SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS
 REGARDING DWELLING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS
 OTHERWISE NOTED IN DRAWING BELOW). NOTES NOT DETAINED ARE ABOVE
 GROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS, ETC.
 THIS IS A SURFACE INSPECTION PLAN, NOT AN INSTRUMENT SURVEY.
 DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO
 PLAN SURVEY LOCATION OF THE STRUCTURE(S) SHOWN HEREON. IS
 EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET
 REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION
 UNDER MASS. G.L. TITLE VI, CHAP. 40A, SEC. 7, UNLESS OTHERWISE
 NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE
 CONDITIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION
 PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE
 ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.



REQUESTED BY: SCHEER KAHN & EPSTEIN P.C.
 DRAWN BY: GRC
 CHECKED BY: CES
 FILE: 18MIP13691



18MIP13691

James M. Utterback
Margaret N. Utterback
6 Toppans Lane
Newburyport, MA
USA 01950
978-462-6989

Dear Members of the Newburyport Zoning Board:

We hope you will accept this brief note from us regarding plans for renovations at 8 Toppans Lane to be brought before you this evening by Brian and Katie Suchecki with our apology for not being able to attend in person. The plans they have discussed with us to enlarge their home seem like a good improvement and entirely in keeping with the neighborhood and with our adjoining historic property. We have no concerns about their enlargement of the home to suit their family and write in support of the slight variances they request.

Sincerely, Jim and Peggy Utterback

Peggy Utterback
James Utterback



2-26-19

Dear Board Members,

My new neighbors at 8 Toppans Lane, Dr. Bryan & Kate Suchocki, have shown us, Dr. David & Jean Phoenix of 12 Toppans Lane, the plans for their new house redesign. We have reviewed the drawings and find the changes most pleasing. The proposed structural and facade changes will bring a greater sense of architectural harmony between number eight Toppans Lane and the other older homes along Toppans.

So nice it is that the Suchocki's are making the large investment to reverse a very simple 1960's style home that never fit in with the adjoining homes. The Suchocki's should be applauded for their contribution to the Toppans neighborhood!

David W. Phoenix

City of Newburyport

03/16/2019



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- Legend**
- Municipal Boundary
 - Roads
 - Interstate
 - Major Road
 - Local Road
 - Parcels
 - Paved
 - Unpaved
 - Hydrographic Feature
 - Streams
 - Stream
 - Intermittent Str





Toppans Ln
Newburyport, Massachusetts
Google
Street View - Oct 2017



Google

Toppans Ln
Newburyport, Massachusetts
Google
Street View - Oct 2017



Image capture: Oct 2017 © 2019 Google United States Terms Report a problem

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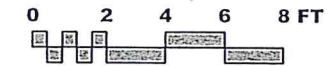
THE SUCHECKI RESIDENCE
AT
8 TOPPANS LANE
NEWBURYPORT, MA



EXISTING FRONT ELEVATION

SCALE: 3/16" = 1'-0"

DATE: 3-19-19

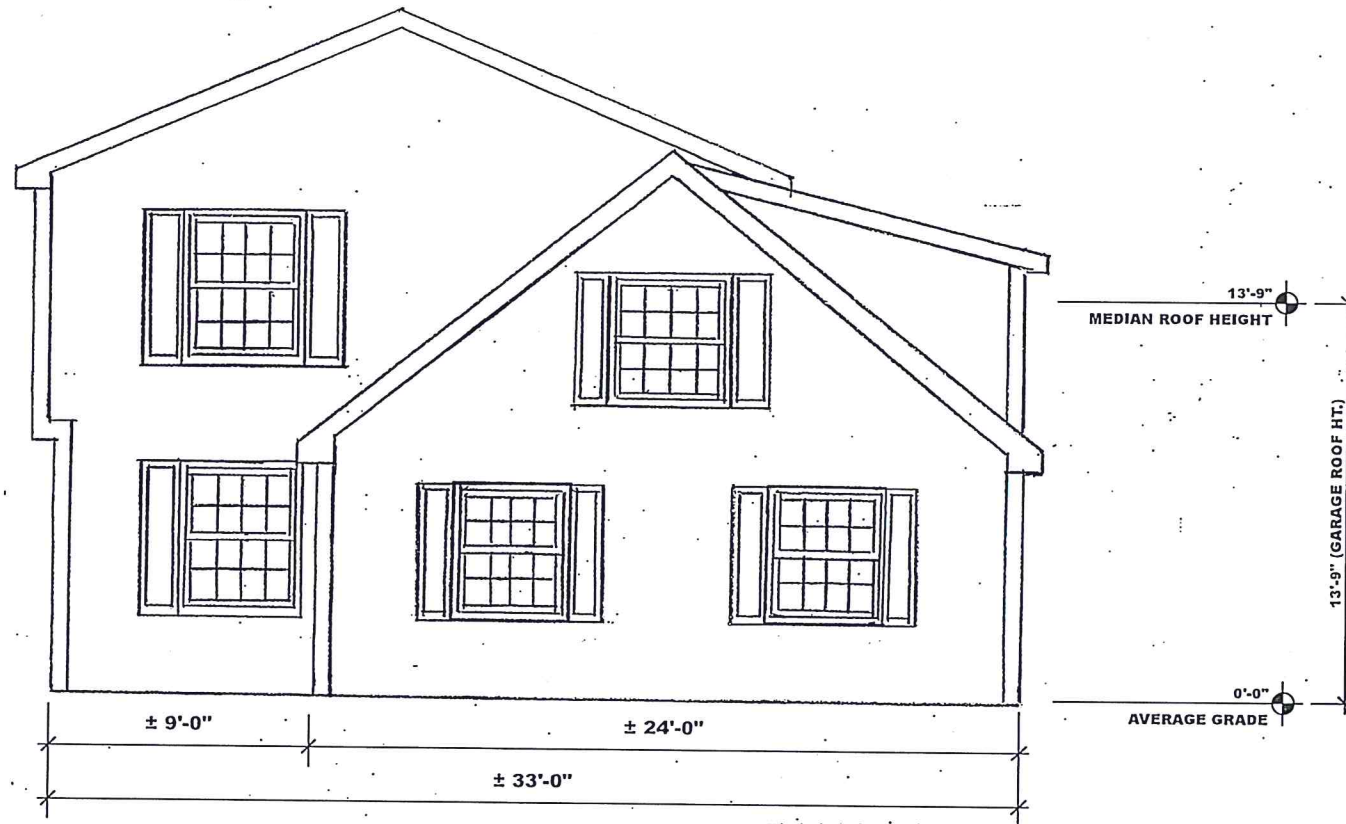
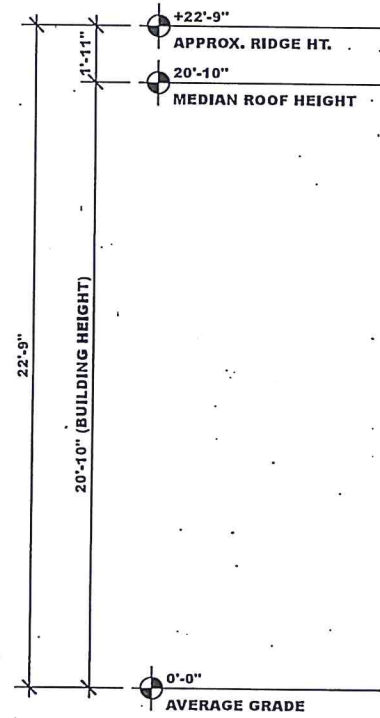


THE SUCHECKI RESIDENCE

AT

8 TOPPANS LANE

NEWBURYPORT, MA



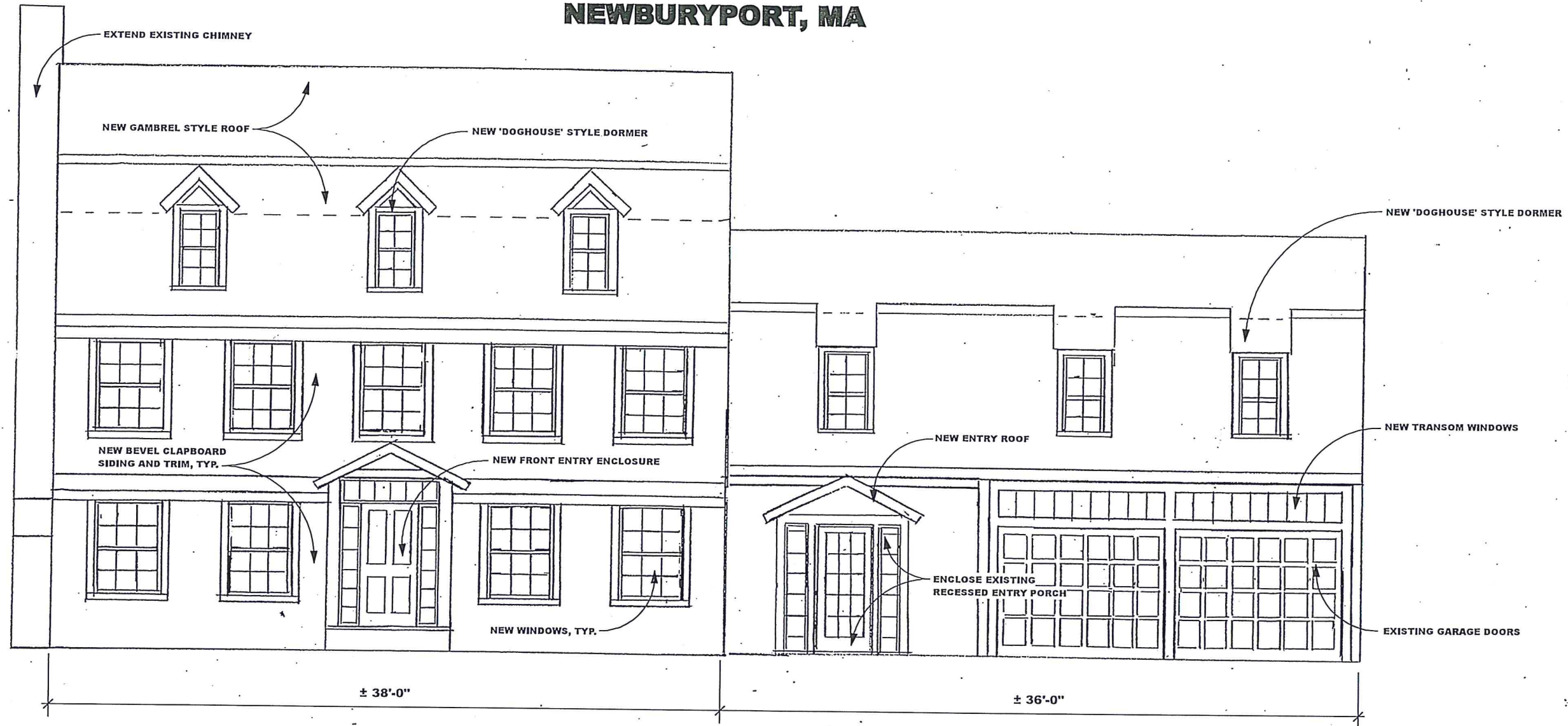
EXISTING RIGHT SIDE ELEVATION

SCALE: 3/16" = 1'-0"

DATE: 3-19-19



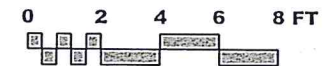
THE SUCHECKI RESIDENCE
AT
8 TOPPANS LANE
NEWBURYPORT, MA



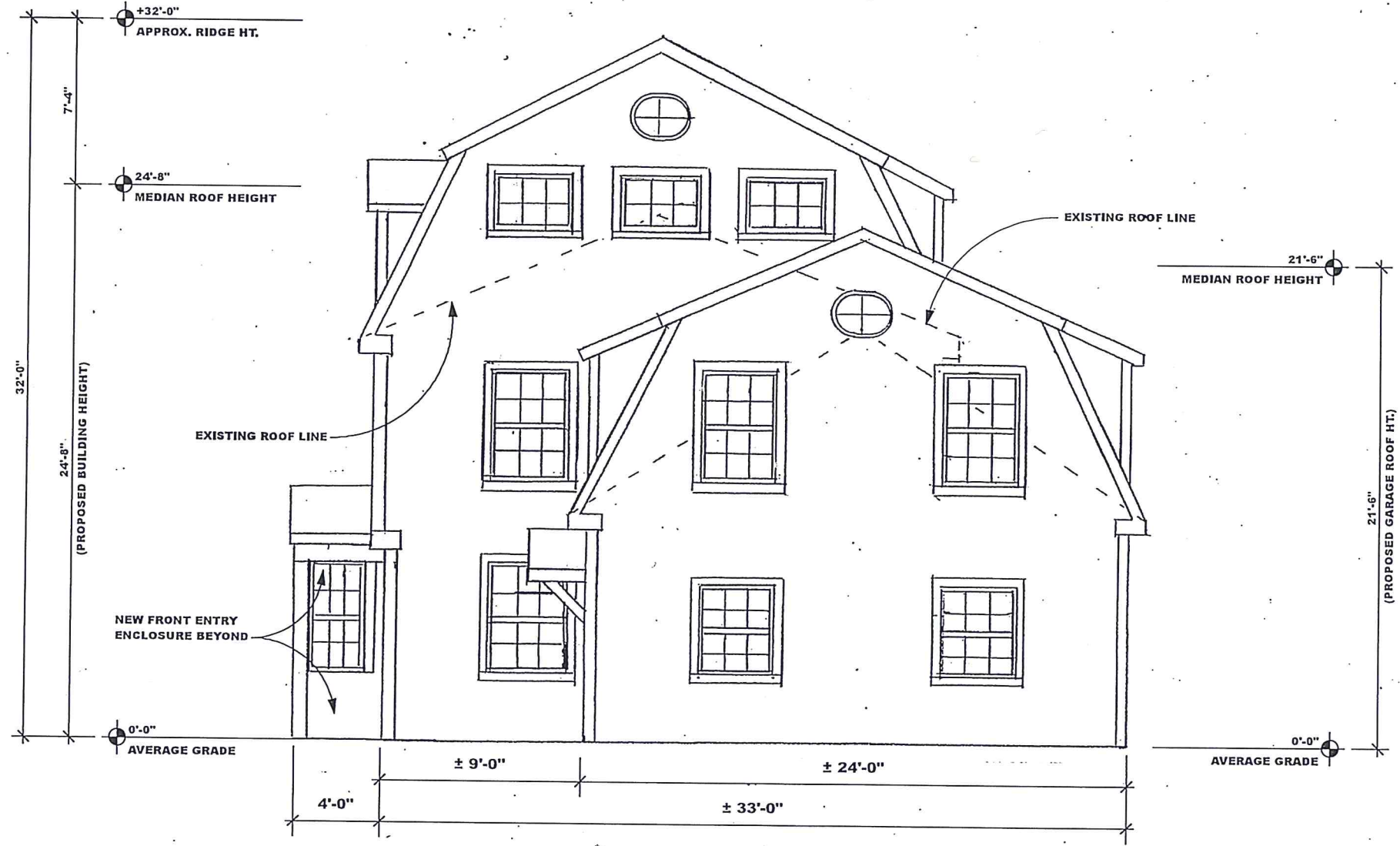
PROPOSED FRONT ELEVATION

SCALE: 3/16" = 1'-0"

DATE: 3-19-19



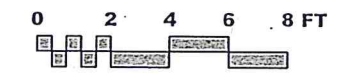
THE SUCHECKI RESIDENCE
AT
8 TOPPANS LANE
NEWBURYPORT, MA



PROPOSED RIGHT SIDE ELEVATION

SCALE: 3/16" = 1'-0"

DATE: 3-19-19



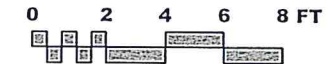
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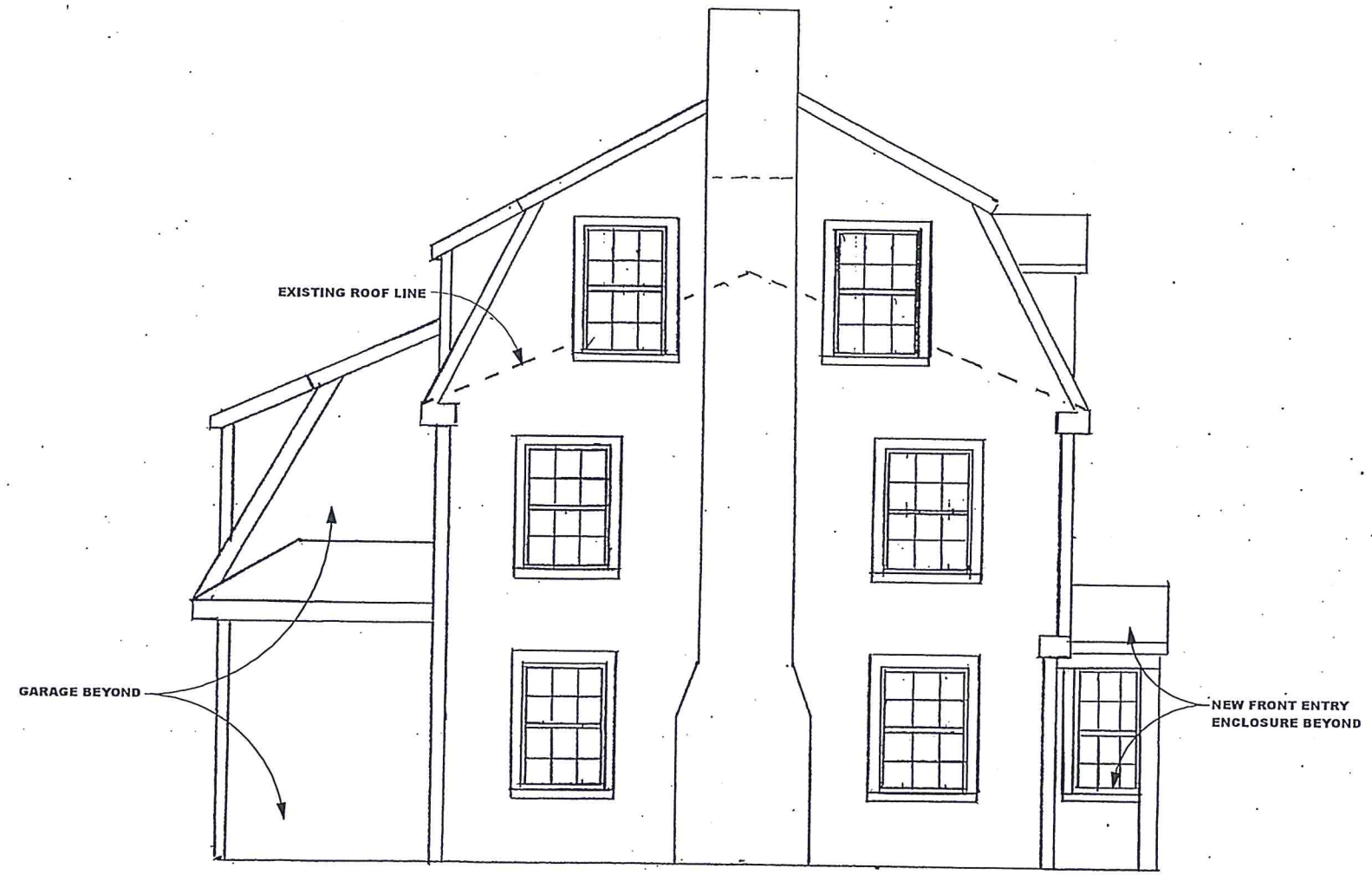
PROPOSED REAR ELEVATION

SCALE: 3/16" = 1'-0"

DATE: 3-19-19



THE SUCHECKI RESIDENCE
AT
8 TOPPANS LANE
NEWBURYPORT, MA



PROPOSED LEFT SIDE ELEVATION

SCALE: 3/16" = 1'-0"

DATE: 3-19-19

