

City of Newburyport Zoning Board of Appeals Instructions for an Application for a VARIANCE

In order to be scheduled for a public hearing before the Zoning Board of Appeals, the petitioner shall submit the following information. If materials are not included because they are not applicable then the applicant must request a waiver from the Office of Planning and Development in order to consider the application complete.

1. Two (2) hard copies of the following information.
- a. Completed "Application for a Variance" form.
 - b. Zoning Determination form from the Zoning Administrator indicating the need for a variance.
 - c. Assessor's Card available from the Assessor's Office or from www.visionappraisal.com.
 - d. A written memo addressing the following variance criteria:
 - i. State the particular use proposed for the land or structure. (Ex. – Single family, office building, etc.)
 - ii. Explain the conditions and circumstances related to soil conditions, shape, or topography of the land that are unique to the applicant's lot, structure, or building and do not apply to the neighboring lands, structures, or buildings in the same district.
 - iii. Explain how strict application of the ordinance would deprive the applicant of reasonable use of the lot, structure, or building in a manner equivalent to the use permitted by other owners of neighboring properties in the same district.
 - iv. Explain how the unique conditions are not the result of actions taken by the applicant subsequent to the adoption of the ordinance.
 - v. Explain how relief will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the district.
 - e. Site plans or survey clearly showing existing and proposed conditions. Plans shall include the following:
 - North point;
 - Zoning district(s)
 - Names of streets
 - Wetlands (if applicable);
 - Dimensional control requirements;
 - Property boundaries; locations of buildings on adjacent properties and dimensional setbacks from property lines;
 - Indicate the proposed dimensional setbacks of the proposed structure with the existing structure(s) dimensional controls;
 - Deed restrictions, easements, and other restrictions that may affect the proposal;
 - Proposed features in solid lines; Features that are to be removed in dashed lines;
 - Title block including the Drawing Title, Location Address, and Date of Plan;
 - Graphic scale;
 - Existing and proposed parking spaces
 - f. Elevation plans showing all four sides of the existing building(s) and any proposed work to be highlighted. Plans shall include the following:
 - Title block including the Drawing Title, Location Address, and Date of Plan;
 - Setbacks of any proposed dormers;
 - Height of ridge and median roof lines
 - g. Any other supplemental information such as narratives, memos, letters of support, reports, photos, etc.
2. **Pdf files** of the above information sent via file transfer or email to planning@cityofnewburyport.com, or provided on disc or thumb drive.
3. An administrative fee of \$200.00 per application is required at the time of application, plus a publication/abutters notification fee of \$350 per project. Fees may be combined into one check made payable to the "City of Newburyport."

**City of Newburyport Zoning Board of Appeals
Application for a VARIANCE**

Petitioner: Derek Lively

Mailing Address: 25 Green Street, Suite 203

Phone: 781-910-5002 Email: kdjcontracting@gmail.com

Property Address: 28 Liberty Street, Unit 5

Map and Lot(s): _____ Zoning District: B2/DOD

Book and Page(s): _____

Owner(s) Name: Jeff Scionti

Mailing Address (if different): 28 Liberty Street, Unit 5

The petitioner is requesting a Variance from section(s):
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Dimensional Controls (VI) | <input type="checkbox"/> Parking (VII) |
| <input type="checkbox"/> Lot Area | <input type="checkbox"/> Front Yard |
| <input type="checkbox"/> Open Space | <input checked="" type="checkbox"/> Side Yard |
| <input type="checkbox"/> Lot Coverage | <input type="checkbox"/> Rear Yard |
| <input type="checkbox"/> Height | <input type="checkbox"/> Lot Width |
| <input type="checkbox"/> Frontage | |
| <input type="checkbox"/> Modification of existing variance (please attach) | <input type="checkbox"/> Other: _____ |

Request:
See attached memo

All information contained within this application will become a formal part of the Zoning Board of Appeals proceedings and decision.

City of Newburyport Zoning Board of Appeals
Application for a VARIANCE

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls
Lot Area	5,127	5,127	20,000
Frontage	125'33"	125'33"	120'
Height*	33'9"	33'9"	35'
Lot Coverage (%)**	55.3%	55.3%	40%
Open Space (%)***	29.4%	29.4%	20%
Front Setback	1'4"	1'4"	20'
Side A Setback	6'1"	10'8"	10'
Side B Setback	9'1"	8'8"	10'
Rear Setback	16'9"	3'2"	20'
Parking Spaces	2	2	2
FAR****			

*Height is measured to *median* roof line.

**Total building footprint divided by the lot area expressed as a percentage.

***Area unoccupied by building, parking areas, or driveways expressed as a percentage of lot area. Pools, patios, and decks may be included in open space.

****FAR is only applicable in the Plum Island Overlay District (PIOD).

Any advice, opinion, or information given by any board member or any other official or employee of the City of Newburyport shall not be binding on the Zoning Board of Appeals. It shall be the responsibility of the petitioner to furnish all supporting documentation with this application. The dated copy of this application received by the City Clerk or Planning Office does not absolve the petitioner from this responsibility. The petitioner shall be responsible for all expenses for the filing, publication, and legal notification. Failure to comply with the application requirements, as cited herein and in the Zoning Board Rules and Regulations may result in a dismissal by the ZBA of this application as incomplete.

By checking this box and typing my name below, I am electronically signing this application.



 Petitioner

By checking this box and typing my name below, I am electronically signing this application.

Jeffrey Scionti

 Owner (if different)

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# 2020-051

Name: Jeff Scionti

Address: 28-32 Liberty (28 Unit 5) 7-40 A/E Zoning District(s): B2/DOD

Request: Construct second story deck and stairs that does not conform to setbacks.

ZONING BOARD REVIEW REQUIRED

Variance

- Dimensional Controls (VI)
 - Lot Area
 - Lot Frontage
 - Lot Coverage
 - Parking (VII)
 - Modification
 - Open Space
 - Height
 - Lot Width
 - Front Yard
 - Side Yard
 - Rear Yard

Sign Variance

- Signs (VIII)
 - Type
 - Lighting
 - Size
 - Location

Other

Special Permit

- Table of Use Regulations (V.D) #: _____
- Spacing (VI.D)
- In-Law Apartment (XIIA)
- Bonus for Multifamily Developments (XVI)
- Personal Wireless Communication Services (XX)
- Demolition Control Overlay District (XXVIII)*
- Wind Energy Conversion Facilities (XXVI)
- Other _____

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
 - Parking
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
 - Rear Yard
 - Lot Coverage
 - Side Yard
 - Lot Frontage
 - Front Yard
- Over 500 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G)
 - FAR
 - Lot Coverage
 - Height
 - Setbacks
 - Open Space

PLANNING BOARD REVIEW REQUIRED

Special Permit

- Table of Use Regulations (V-D) # _____
- One residential structure per lot (VI.C)
- Open Space Residential Development (XIV)
- Water Resource Protection District (XIX)
- Federal Street Overlay District (XXII)
- Courts and Lanes (XXIII)
- Waterfront West Overlay District (XXIV)
- Towle Complex Redev. Overlay District (XXV)
- Downtown Overlay District (XXVII)*
- Other _____

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
 - Parking
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
 - Rear Yard
 - Lot Coverage
 - Side Yard
 - Lot Frontage
 - Front Yard
- Over 500 sf. increase (IX.B.3.c)

Smart Growth District (XXIX)

- Plan Approval

Site Plan Review (XV)

- Major
- Minor

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- *Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

The name typed below represents the intent to sign the foregoing document:

Jennifer Blanchet
Newburyport Zoning Administrator

07/08/20
Date

28-32 LIBERTY ST UNIT 5

Location 28-32 LIBERTY ST UNIT 5

MBLU 7/ 40/E //

Owner SCIONTI JEFFREY & JOAN T/E

Assessment \$645,900

PID 274

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$645,900	\$0	\$645,900

Owner of Record

Owner SCIONTI JEFFREY & JOAN T/E
Co-Owner
Address 28 LIBERTY ST
NEWBURYPORT, MA 01950

Sale Price \$530,000
Certificate
Book & Page 36791/0549
Sale Date 06/15/2018
Instrument 10

Ownership History

Ownership History

Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
SCIONTI JEFFREY & JOAN T/E	\$530,000		36791/0549	10	06/15/2018
MARSHALL DAVID A	\$399,000		27793/0228	00	05/21/2008
PERHAMUS KEVIN	\$410,000		22446/0445	00	02/27/2004
LUCCI JAMES	\$257,900		15073/0282	00	09/04/1998
BOYD STEPHEN B	\$230,000		10021/0125	00	06/01/1989

Building Information

Building 1 : Section 1

Year Built: 1989

Living Area: 1,627

Field	Description
Style:	Condominium
Model	Res Condo
Stories:	3 Stories
Grade	Average +20
Occupancy	1
Interior Wall 1:	Drywall/Sheet
Interior Wall 2:	
Interior Floor 1	Hardwood
Interior Floor 2	Carpet
Heat Fuel:	Gas
Heat Type:	Forced Air-Duc

Building Photo



(<http://images.vgsi.com/photos/Newburyport/MA/Photos/1011011274.jpg>)

Building Layout

FGRI[596]
BAS[637]
FUS[584]
TQS[541]
FOP[50]

(http://images.vgsi.com/photos/NewburyportMAPPhotos/Sketches/274_25)

Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	637	637
FUS	Upper Story, Finished	584	584
TQS	Three Quarter Story	541	406
FGR	Garage, Attached	596	0
FOP	Porch, Open	50	0
		2,408	1,627

AC Type:	Central
Ttl Bedrms:	2 Bedrooms
Ttl Bathrms:	2 Full
Ttl Half Bths:	1
Xtra Fixtres	
Total Rooms:	6 Rooms
Bath Style:	Modern
Kitchen Style:	Modern
Kitchen Type	00
Kitchen Func	00
Primary Bldg Use	
Htwtr Type	00
Atypical	
Park Type	N
Park Own	N
Park Tandem	N
Fireplaces	
Num Part Bedrm	
Base Fir Pm	
Num Park	00
Pct Low Ceiling	
Unit Locn	
Kitchen Grd	
Grade	Average +20
Stories:	3

Land Use

Use Code 1021
Description CONDO

Land Line Valuation

Size (Acres) 0
Depth 0
Assessed Value \$0

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Valuation Year	Assessment		
	Improvements	Land	Total
2020	\$633,300	\$0	\$633,300

Variance for 28 Liberty Street

Written Memo:

- i. We are proposing to install a second level deck, 14 x 16 feet, off of an end unit condo. This deck will extend over the existing driveway. In order to allow for the parking to stay, the deck will need to extend across the driveway and allow egress from the end unit.
- ii. This is the applicant's driveway. We need the variance so that the deck can extend, to allow for parking and to provide for proper egress for all units.
- iii. Without this variance approval the applicant cannot make reasonable use of the space when adding a deck like the other units have been permitted to have. This is because it infringed on his parking space. To make reasonable use of the space we need to extend the deck across the driveway, leaving space for parking and egress.
- iv. These conditions would fall in line with all existing outdoor second level decks that are on the same outline of the property. The applicant is the only unit that does not have an outdoor deck.
- v. The applicant is not asking for special privilege because he is following the outline of the other units current outdoor space.

Liberty Square Condominium Association

Joan and Jeff Scinti
28 Liberty Street Unit 5
Newburyport, MA 01950

Subject: 28 Liberty Street Unit 5; Back Deck Authorization

Date: August 5, 2021

Dear Joan and Jeff Scinti,

On behalf of the Board of the Liberty Square Condominium Association your contractor,

Derek Lively KDJ Enterprises LLC
is hereby authorized to perform work as defined in the submitted proposal and with the conditions below:

- 1) All construction costs are at the expense of the homeowner;
- 2) Any future maintenance or improvements will be at the expense of the homeowner; and
- 3) Building permits are secured, and Certificate of Liability is provided to the Association prior to construction commencement.

Sincerely,

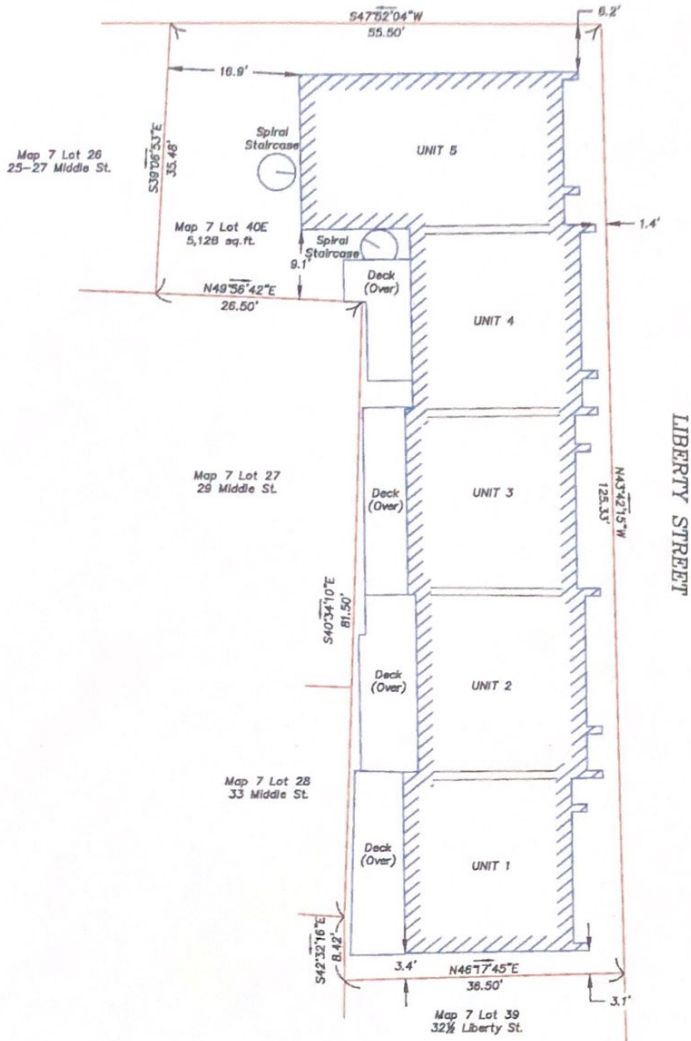
Elizabeth Mish
Treasurer

Elizabeth Mish

Date: August 5, 2021

CC: Scott Seaver
President

CENTER STREET



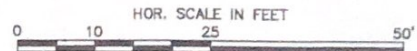
- REFERENCES:
- 1) Deed Book 36791 Page 549
 - 2) Plan Book 252 Plan 73
 - 3) Plan Book 245 Plan 6
 - 4) Land Court Cert. #2183



PLOT PLAN
28 LIBERTY STREET
NEWBURYPORT, MASSACHUSETTS

Prepared By
LeBlanc Survey Associates, Inc.
161 Holten Street
Danvers, MA 01923
(978) 774-6012

September 2, 2021 Scale: 1"=10'



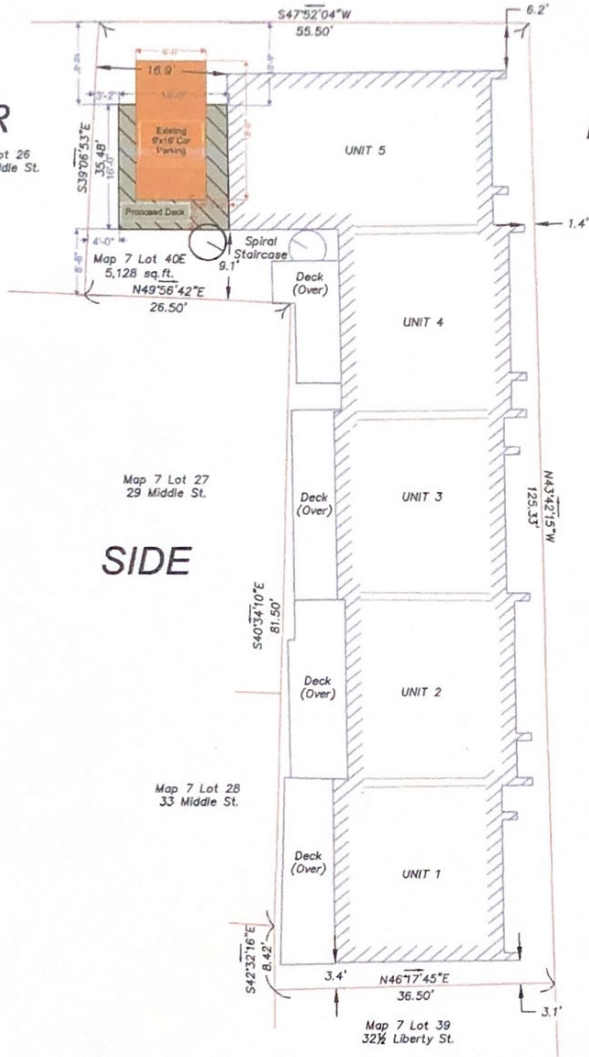
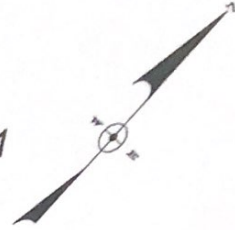
FRONT 2

CENTER STREET

REAR

Map 7 Lot 26
25-27 Middle St.

FRONT 1



DESCRIPTION:
Proposed 14' x 16' deck extending southwest from existing structure residing at 28 Liberty Street. Deck to be pressure treated pine wood with vinyl/composite rails and caps to match look of existing building. Deck height at top cap to be 12' with a clearance of 7'6" and 6"x6" posts. Egress spiral stair case to be relocated off of existing structure to meet egress requirements.

LIBERTY STREET

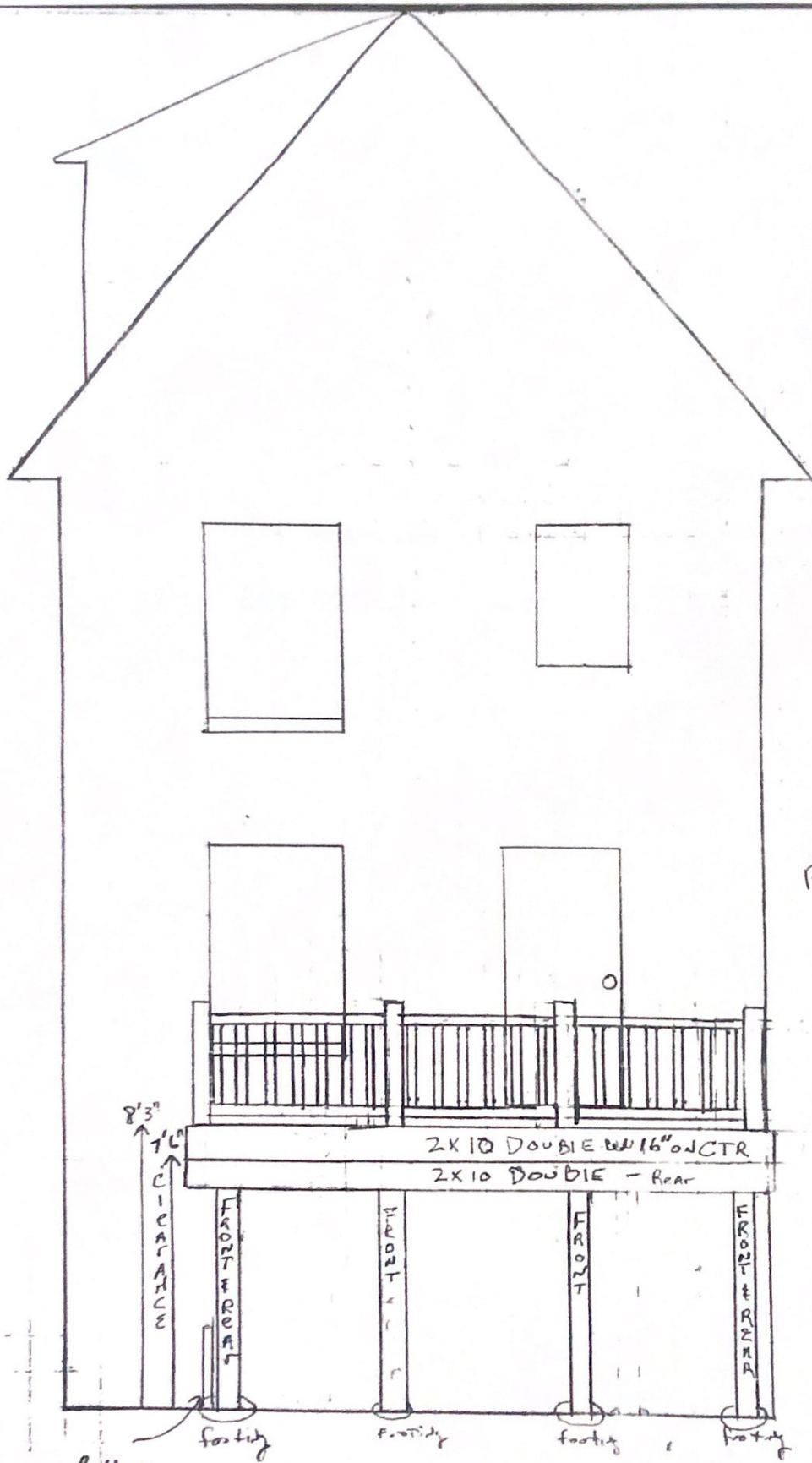
SIDE

SIDE

- REFERENCES:
- 1) Deed Book 36791 Page 549
 - 2) Plan Book 252 Plan 73
 - 3) Plan Book 245 Plan 6
 - 4) Land Court Cert. #2183

PROPOSED DECK PLAN
28 LIBERTY STREET
NEWBURYPORT, MASSACHUSETTS

FOR PERMIT ONLY
NOT FOR CONSTRUCTION
N.T.S.



REAR

8'3"
↑
CLEARANCE

2x10 DOUBLE WITH 16" ON CTR
2x10 DOUBLE - REAR

FRONT & REAR

FRONT

FRONT

FRONT & REAR

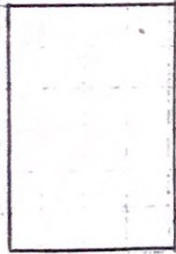
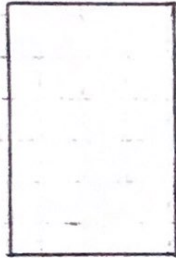
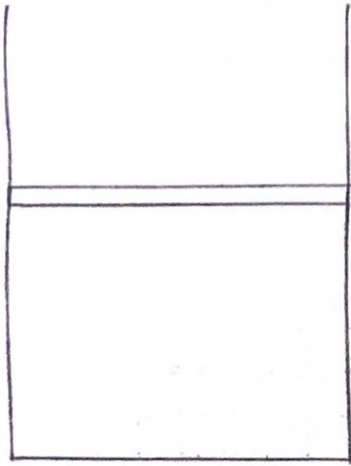
BOLLARD

footing

footing

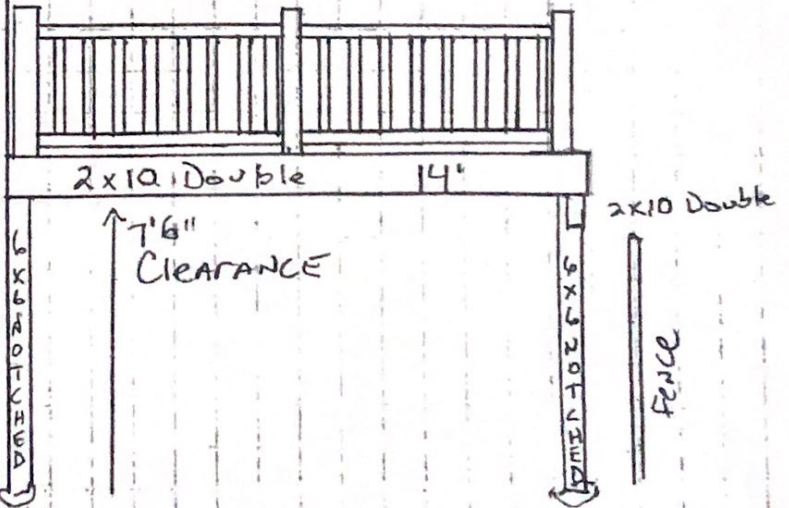
footing

footing



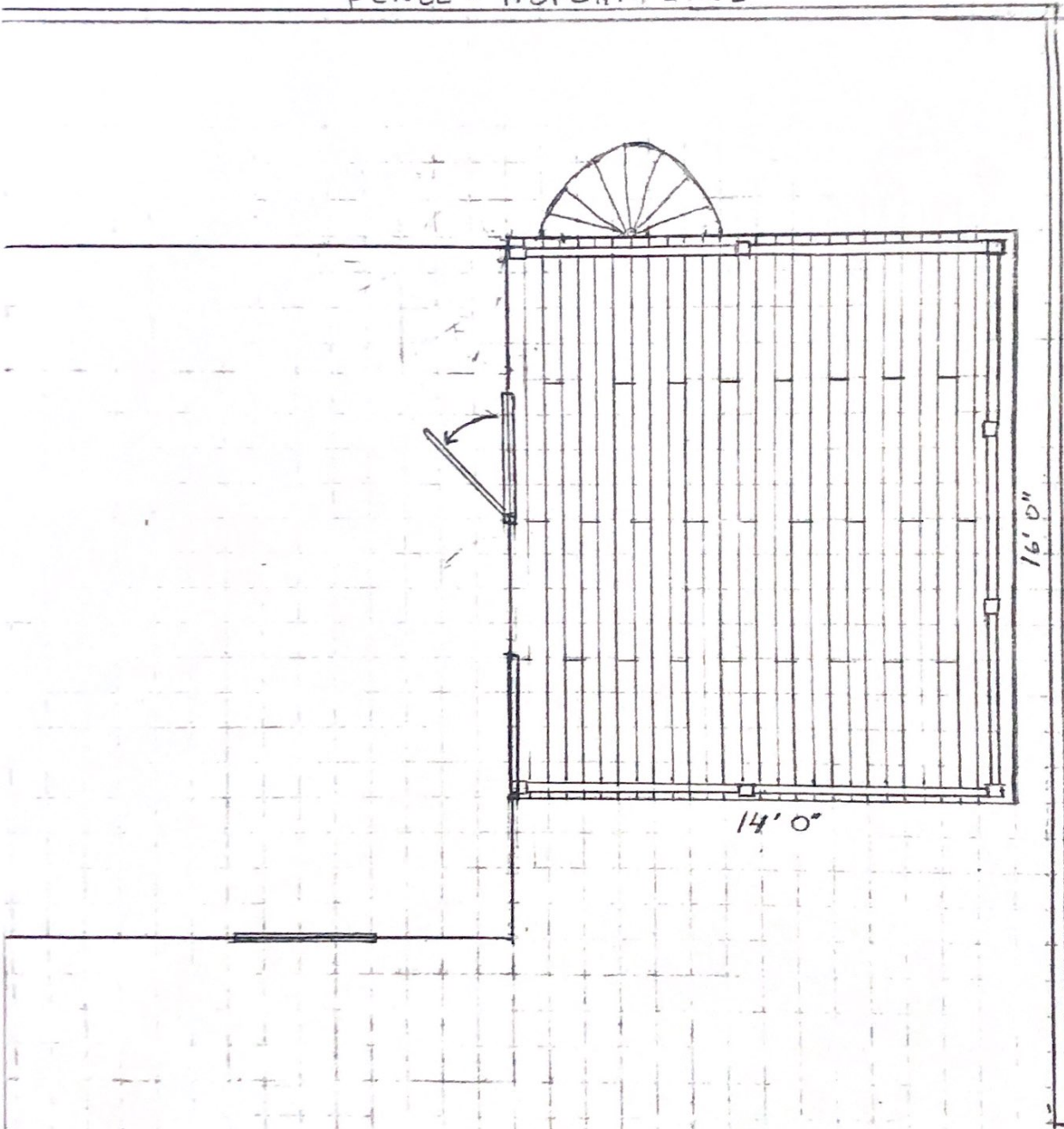
FRONT 2

CENTER STREET



Stairs 8'6" From LANDING

FENCE - PROPERTY LINE



FENCE - PROPERTY LINE

14' 0"

















