

2020-019
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JAN 16 2020

Newburyport Planning Dept.

Zoning Board of Appeals

City of Newburyport PLANNING BOARD
Application for a SPECIAL PERMIT for NON-CONFORMITIES

Petitioner: Gregory Elliott and Candace McMahon

Mailing Address: 12 54th Street Newburyport, MA 01950

Phone: 603-819-1558 or 978-502-2333 Email: gdelliott7@comcast.net; candymc

Property Address: 12 54th Street, Newburyport, MA 01950

Map and Lot(s): 76, LOT #4 Zoning District: R3/PIOD

Book and Page(s): Bk. 26901 Pg. 412

Owner(s) Name: Gregory Elliott and Candace McMahon

Mailing Address (if different): _____

This request for a Special Permit for Non-Conformities is made under section(s):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Extension or Alteration (IX.B.2) | <input checked="" type="checkbox"/> Over 500 s.f. increase (IX.B.3.c) |
| ___ Parking | ___ Rear Yard |
| ___ Upward Extension | ___ Lot Coverage |
| ___ Open Space | ___ Side Yard |
| ___ Height | ___ Lot Frontage |
| ___ Lot Area | ___ Front Yard |
| ___ Use | |

(Refer to the Zoning Review form as supplied by the Zoning Administrator)

Description of request:

Construct single story addition to footprint to create a second story addition above the existing section of 1920's Single Family structure. 1 Bedroom added to make max of 3. >500sf increase to structure on a lot that is non conforming for lot area.

All information contained within this application will become a formal part of the Planning Board's proceedings and decision.

Zoning Matrix

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls	Notes
Lot Area	9,500	9,500	12,000	
Frontage	120	120	120	
Height*	< 35	< 35	< 35	(see plan)
Lot Coverage(%)**	16	17	20	
Open Space (%)***	84	83	25	
Front Setback	9.6	9.6	20	
Side A Setback	5.0	5.0	20	
Side B Setback	58.49	58.49	20	
Rear Setback	33.8	33.8	20	
Parking Spaces	4	4	2	
FAR^	15.42	24.78	2375(25)	.25
# of Bedrooms^^	2	3	3	

Detail description for Zoning Matrix infill

*Building Height is measured from the mean grade elevation at perimeter to the mean roof elevation.

**Lot coverage is the percentage of lot area devoted to building area (all enclosed and roofed spaces including accessory building). Divide the total building area by the lot size.

***Open Space is the space on a lot unoccupied by buildings, driveways, or parking areas. Decks, patios, and pools and tennis courts may be considered as open space. Total all building and parking areas and divide by lot size. Proceed to subtract that number from 100%. The result is open space percentage.

^FAR is only applicable to the Plum Island Overlay District (PIOD). Divide the total gross floor area of a building (regardless of usable area) and divide by lot size.

^^If within the PIOD, provide DPS affidavit indicating existing number

For office use only:

- Building Permit Denial to be issued by Zoning Administrator and Applicant to apply for appropriate permits outlined on Denial form
- No relief from Zoning Ordinance required based on materials submitted. Scope changes may result in the need for relief from the Zoning Ordinance.
Stamp below:

City of Newburyport PLANNING BOARD
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	Lot s.f.	Open Space %	Lot Coverage %	Height	Frontage	Parking Spaces	Front Setback	Side A Setback	Side B Setback	Rear Setback
Existing										
Proposed										
Required										

Existing Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
<u>1470</u>	<u>1</u>	<u>1470</u>	<u>101</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

Proposed Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
<u>1603</u> ^{INCLUDE PARCEL 2}	<u>2</u>	<u>2365</u> ^{TOTAL}	<u>101</u>
<u>762</u> ^{2nd Fl.}	<u> </u>	<u> </u>	<u> </u>

**Reference Dimensional Code numbers and uses from the Zoning Ordinance. (e.g. – 101 = single family, 102 = two-family, etc.)

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 Planning Board. Every application for a Planning Board Special Permit for Non-Conformities must be made on this form, which is the official form of the Planning Board. 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 Planning Board Rules and Regulations may result in the Planning Board dismissing the application as incomplete.

Petitioner's and Owner's signature(s):



ZONING DETERMINATION

Name: Gregory Elliot & Candice McMahon

Address: 12 54th Street

Zoning District(s): R3/PIOD

Request: Construct single story addition to footprint and second story addition above existing section of 1920's Single Family structure. 1 Bedroom added to make max. of 3. > 500sf increase to structure on a lot that is non conforming for lot area.

ZONING BOARD REVIEW REQUIRED

Variance

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

Sign Variance

- Signs (VIII), Type, Size, Lighting, 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) > 500 S.F., Parking, Rear Yard, Upward Extension, Lot Coverage, Open Space, Side Yard, Height, Lot Frontage, Lot Area, Front Yard, Use, Over 500 sf. increase (IX.B.3.c), Plum Island Overlay District (XXI-G-3), FAR, Height, Lot Coverage, 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, Rear Yard, Upward Extension, Lot Coverage, Open Space, Side Yard, Height, Lot Frontage, Lot Area, Front Yard, Use, Over 500 sf. increase (IX.B.3.c)

Site Plan Review (XV)

- Major, Minor

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay, *Advisory Review

ROOFLINE CHANGE - DETERMINATION OF SIGNIFICANCE.

CONSERVATION COMMISSION REVIEW REQUIRED

Signature line

Newburyport Zoning Administrator

10/30/2019

Date

City of Newburyport

12/30/19

Office of Planning and Development

Zoning Board

60 Pleasant Street

Newburyport, Ma 01950

RE: SPECIAL PERMIT FOR NON-CONFORMITIES APPLICATION (c.)

Gregory Elliot & Candice McMahon 12,54th St. Newburyport, Ma

Dear Board,

This letter is in response to Item (c.) addressing each of the points a) through d) Permit Application;

- a) The proposed use for the property will remain a single family residence.
- b) The existing structure presently has a 9,500SF. lot and the required lot size would be 12,000SF. We do not conform to the existing 20' front and side setback (East) but will not be increasing this non-conformance. All other Zoning requirements are met.
- c) According to Zoning , we are over 500SF. for our alteration and are exceeding the existing height (upward extension) but not exceeding the code maximum of 35' mean height.
- d) The proposed use is in accordance with and in harmony with the existing houses surrounding it, the majority being 2 Story residences. This lot is a larger than most lots on the Island and this addition keeps the overall open feeling for the neighbors.

12 54TH ST

Location 12 54TH ST

MBLU 76/ 4/ / /

Owner ELLIOTT GREGORY D

Assessment \$556,400

PID 5198

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$130,300	\$426,100	\$556,400

Owner of Record

Owner ELLIOTT GREGORY D
Co-Owner CANDACE D MCMAHON T/C
Address 12 54TH ST
 NEWBURYPORT, MA 01950

Sale Price \$0
Certificate
Book & Page 36546/0372
Sale Date 02/23/2018
Instrument 1F

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
ELLIOTT GREGORY D	\$0		36546/0372	1F	02/23/2018
ELLIOTT GREGORY D	\$0		26901/0413	1F	06/05/2007
ELLIOTT GREGORY D	\$540,000		26866/0091	00	05/24/2007
LOCNISKAR ROGER J	\$160,000		13327/0059	00	12/15/1995
ZOELLER RONALD P	\$0		5539/ 318		

Building Information

Building 1 : Section 1

Year Built: 1920
Living Area: 1,338

Building Photo

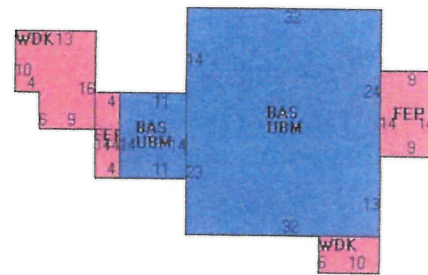
Building Attributes	
Field	Description
Style	Ranch
Model	Residential
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Aluminum Sidng
Exterior Wall 2	

Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	Hardwood
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	8
Bath Style:	Average
Kitchen Style:	Average



(http://images.vgsi.com/photos/NewburyportMAPPhotos//\01\0

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPPhotos//Sketch

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1,338	1,338	
FEP	Porch, Enclosed	182	0	
UBM	Basement, Unfinished	1,338	0	
WDK	Deck, Wood	244	0	
		3,102	1,338	

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL1	FIREPLACE 1 ST	1 UNITS	\$2,700	1

Land

Land Use

Use Code 1010
Description SINGLE FAM

Land Line Valuation

Size (Acres) 0.22
Depth 0
Assessed Value \$426,100

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAT1	PATIO-AVG			96 S.F.	\$200	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$127,800	\$405,900	\$533,700

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