

City of Newburyport Zoning Board of Appeals Application for a SPECIAL PERMIT FOR NON-CONFORMITIES

Petitioner: 14-16 Charles Street, LLC c/o Mark Griffin, Esq.

Mailing Address: 30 Green Street, Newburyport, MA 01950

Phone: 978-462-1514 Email: mark@finnic.com

Property Address: 14-16 Charles Street

Map and Lot(s): 22-56 Zoning District: R-3

Book and Page(s): 36148-196

Owner(s) Name: Same as above

Mailing Address (if different): Same as above

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

- | | |
|---|---|
| <input type="checkbox"/> Extension or Alteration (IX.B.2) | <input checked="" type="checkbox"/> Over 500 s.f. increase (IX.B.3.c) |
| ___ Parking | <input type="checkbox"/> Plum Island Overlay District (XXI-G-3) |
| ___ Upward Extension | ___ FAR |
| ___ Open Space | ___ Footprint Expansion |
| ___ Height | ___ Height Increase |
| ___ Lot Area | |
| ___ Rear Yard | |
| ___ Lot Coverage | |
| ___ Side Yard | |
| ___ Lot Frontage | |
| ___ Front Yard | |

(Refer to the Building Permit Denial as supplied by the Building Commissioner/Zoning Codes Administrator)

Description of request:

Construction of an addition in excess of 500sf to a two family home on a lot with legally nonconforming frontage and lot area.

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 SPECIAL PERMIT FOR NON-CONFORMITIES

	Lot s.f.	Open Space %	Lot Coverage %	FAR*	Height	Frontage	Parking Spaces	Front Setback	Side A Setback	Side B Setback	Rear Setback
Existing	7110	70.5	23	NA	31.1	61.67	4	4.17	8.63	24.5	50.95
Proposed	7110	53.63	29.68	NA	31.1	61.67	4	4.17	8.63	10.66	40.90
Required	12000	35	30	NA	35	100	4	20	10	10	20

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

Existing Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
1392	2	3059	102

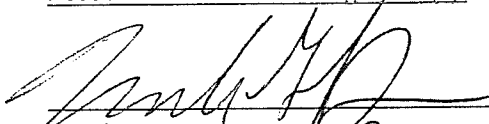
Proposed Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
1858	2	4373	102

**Reference Dimensional Code numbers and uses from the Zoning Ordinance. (e.g. – 101 = single 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 Zoning Board of Appeals. Every application for a Special Permit for Non-Conformities must be made on this form, which is the official form of the ZBA. 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.

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


 Abby for Petitioner 9/27/17

ZONING DENIAL

City APR#: 68

Name: 14-16 Charles St. LLC / Blake Wilcox

Address: 14-16 Charles St. Zoning District: R-III

Request: CONSTRUCT A TWO STORY ADDITION ~~TO~~ OVER SCOOP ON A LOT W/ INSUFFICIENT AREA & FRONTAGE

ZONING BOARD

Dimensional Variance

- Dimensional Controls (VI)
 - ___ Lot Area
 - ___ Lot Coverage
 - ___ Lot Frontage
 - ___ Open Space
 - ___ Front Yard
 - ___ Height
 - ___ Side Yard
 - ___ Lot Width
 - ___ Rear Yard
- PIOD (XXI)
 - ___ FAR
 - ___ 2 1/2 stories
- Parking (VII)

Use Variance

- Not permitted use (V)
- Sign Location/Replacement (VIII)

Special Permit

- Special Permit for Use (V.D)
- Spacing (VI.D)
- In-Law Apartment (XIIA)
- Bonus Provisions for Multifamily Developments (XVI)
- Personal Wireless Communication Services (XX)
- Demolition Control Overlay District (XXVIII)
- Wind Energy Conversion Facilities (XXVI)

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
- Over 500 s.f. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G-3)
 - ___ FAR
 - ___ Footprint Expansion
 - ___ Height Increase

PLANNING BOARD

Special Permit

- One residential structure per lot (VI.C)
- Floodplain (XIII)
- 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)

Site Plan Review (XV)

- Major
- Minor

CITY COUNCIL

- GACM (X.H.9)
- Other: _____

CONSERVATION COMMISSION

HISTORICAL COMMISSION - Demolition Delay

9/25/17
Date


Building Commissioner/Zoning Code Enf. Officer

Property Location: 14-16 CHARLES ST
 Vision ID: 1097

MAP ID: 22/ 56/ 11

Bldg Name:
 Account # Bldg #: 1 of 1 Sec #: 1 of 1 Card 1 of 1

State Use: 1040
 Print Date: 01/11/2017 15:36

CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT			
COLE STEVEN P SYLVIA T/E 8 HALLISEY DR						Description	Code	Appraised Value	Assessed Value
NEWBURYPORT, MA 01950 Additional Owners:		SUPPLEMENTAL DATA			RESIDNTL	1040	198,800	198,800	
					RES LAND	1040	237,700	237,700	
					RESIDNTL	1040	3,900	3,900	
Other ID: 22-56 SUB-DIV PHOTO WARD 2 TILE #: ATT 1/2 HSE: GIS ID: M 252085 951051		CONDO CV: INLAW Y/N: LOT SPLIT: 40B HSNQ: ASSOC PID#			Total		440,400	440,400	

123
 NEWBURYPORT, MA
VISION

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	w/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)								
COLE STEVEN P		29039/0254	11/02/2009	U	I		1A	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
COLE HELEN S		11580/0349	11/06/1992	U	I	0	1A	2017	1040	198,800	2016	1040	189,500	2015	1040	156,000
COLE HELEN S		06762/0726	11/14/1980			0		2017	1040	237,700	2016	1040	216,500	2015	1040	216,500
								2017	1040	3,900	2016	1040	3,400	2015	1040	3,400
Total:								440,400		Total:	409,400		Total:	375,900		

EXEMPTIONS				OTHER ASSESSMENTS			
Year	Type	Description	Amount	Code	Description	Number	Amount
Total:							

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD				
NBHD/SUB	NBHD Name	Street Index Name	Tracing	Batch
6/A				

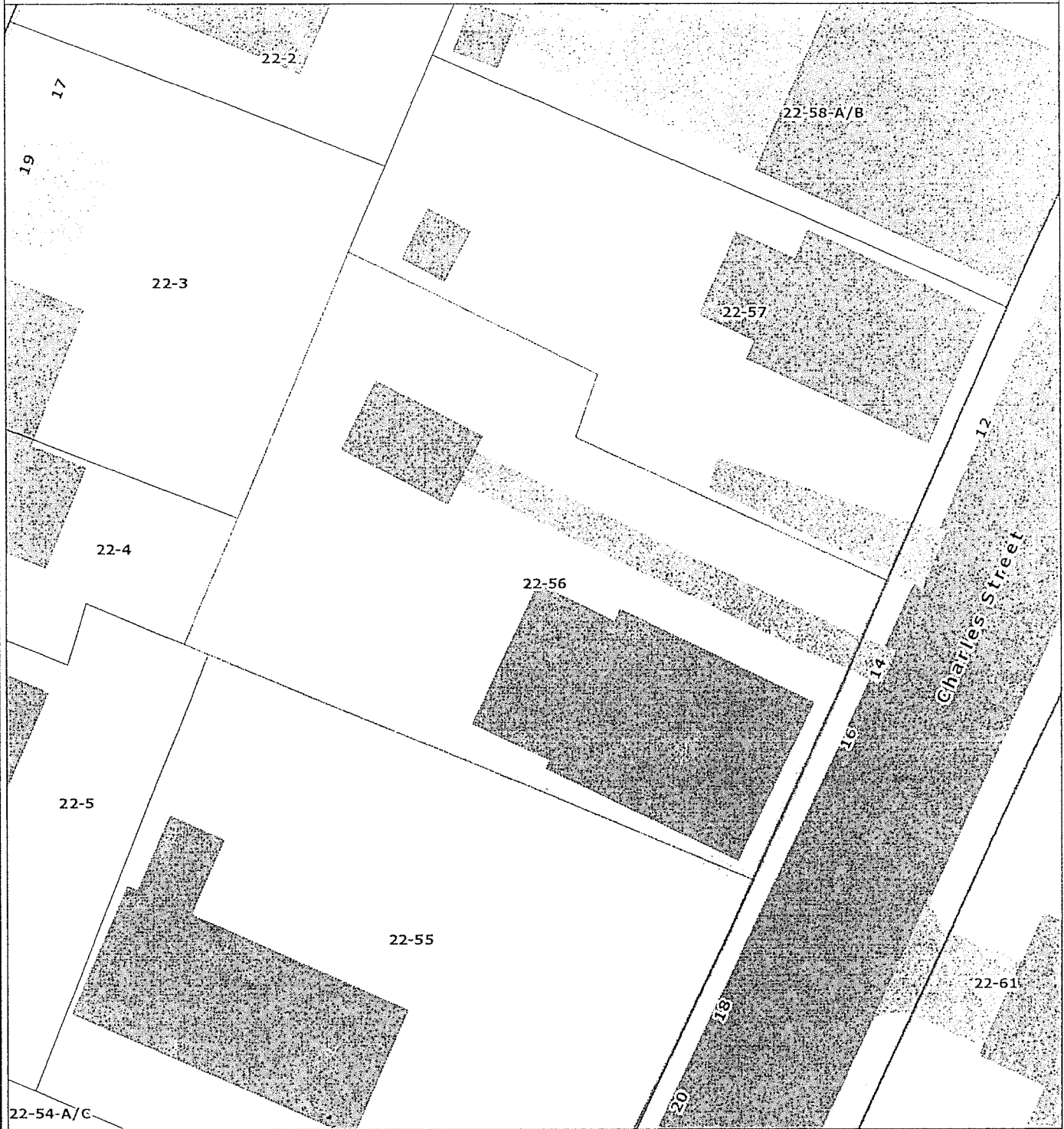
APPRAISED VALUE SUMMARY:	
Appraised Bldg. Value (Card)	198,800
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	3,900
Appraised Land Value (Bldg)	237,700
Special Land Value	0
Total Appraised Parcel Value	440,400
Valuation Method:	C
Adjustment:	0
Net Total Appraised Parcel Value	440,400

NOTES	
WHITE	


BUILDING PERMIT RECORD									VISIT/ CHANGE HISTORY					
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Purpose/Result
									12/04/2015			DAR	02	Measur+2Visits
									12/19/2006			RL	00	Measur+Listed
									06/08/1998			NR	02	Measur+2Visits
									07/19/1988			DS	00	Measur+Listed


LAND LINE VALUATION SECTION:																				
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor	S.A.	Acre Disc	C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing	S Adj Fact	Adj. Unit Price	Land Value	
																Spec Use	Spec Calc			
1	1040	TWO FAMILY	R3				7,100 SF	29.11	1.1500	6	1.0000	1.00		0.00				1.00	33.47	237,700

Total Card Land Units: 0.16 AC Parcel Total Land Area: 0.16 AC Total Land Value: 237,700



<ul style="list-style-type: none"> <input type="checkbox"/> MVPC Bo <input type="checkbox"/> Newburyport Boundary Trees <ul style="list-style-type: none"> ■ Immediate Action Needed ■ No Action Needed - Unknown - Railroad <input type="checkbox"/> Parcels - Sidewalks Water System <ul style="list-style-type: none"> ● Hydrant - Trails ■ Building Footprints - Driveways <input type="checkbox"/> Easements 	<ul style="list-style-type: none"> Road Right of Way <ul style="list-style-type: none"> ■ Paved □ Unpaved Hydrographic Features <ul style="list-style-type: none"> ○ Stream ○ Intermittent Stream Wetlands <ul style="list-style-type: none"> ○ City ○ City and State ○ State <input type="checkbox"/> Exempt Lands Recreation Areas
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1" = 24 ft

Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83, Meters Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION

FINNERAN & NICHOLSON, P.C.

ATTORNEYS AND COUNSELORS AT LAW
30 GREEN STREET
NEWBURYPORT, MASSACHUSETTS 01950
(978) 462-1514
FACSIMILE (978) 465-2584
E-MAIL: CASES@FINNIC.COM
WEBSITE: WWW.FINNERANNICHOLSON.COM

September 27, 2017

Newburyport Zoning Board of Appeals
Attn: Edward Ramsdell, Chairman
60 Pleasant Street
Newburyport, MA 01950

Re: 14-16 Charles Street; Letter in Support of Special Permit for Nonconformities

Dear Mr. Ramsdell:

I represent 14-16 Charles Street, LLC with respect to the proposed construction of a two story addition to the existing two family home.

Existing Conditions

The Premises is located in the R-3 Zoning District. The lot is preexisting legally nonconforming with respect to lot area (7110) and frontage (61.67). The existing building is a two-family home (Use #102) which is preexisting legally nonconforming with respect to Front (4.17') and side (8.63') setbacks.

Proposed Construction

The applicant proposes to remove a small "bump out" from the rear of the existing building and to construct a two-story addition. The construction will add approximately 1314sf in additional floor area. The existing is Use #102 which will not be changed.

The proposal will not create any new nonconformities and nor will it intensify any of the existing nonconforming setbacks.

The building commissioner has issued a permit denial requiring special permit for nonconformities since the proposed addition exceeds 500sf and the lot is nonconforming for area and frontage.

Special Permit for Nonconformities

The Petitioner requires a Special Permit for Nonconformities under Section IXB3C for an addition in excess of 500 sf on a lot which is nonconforming for lot area or frontage. The criteria for such a permit is as follows:

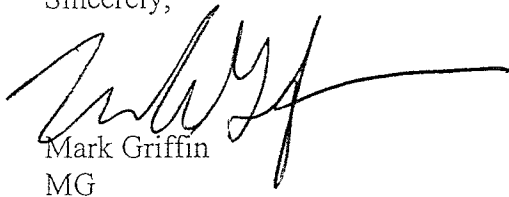
That the proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure or use....

First, the existing home is in terrible condition. The Petitioner will remodel and improve its exterior and will construct the addition to be aesthetically pleasing and to blend in with the existing structure's form and lines. A significant amount of time has been spent by the Petitioner in meeting with the neighbors and the final product in this filing is a result of that neighborhood input. It is expected that most of the neighbors will not oppose this application.

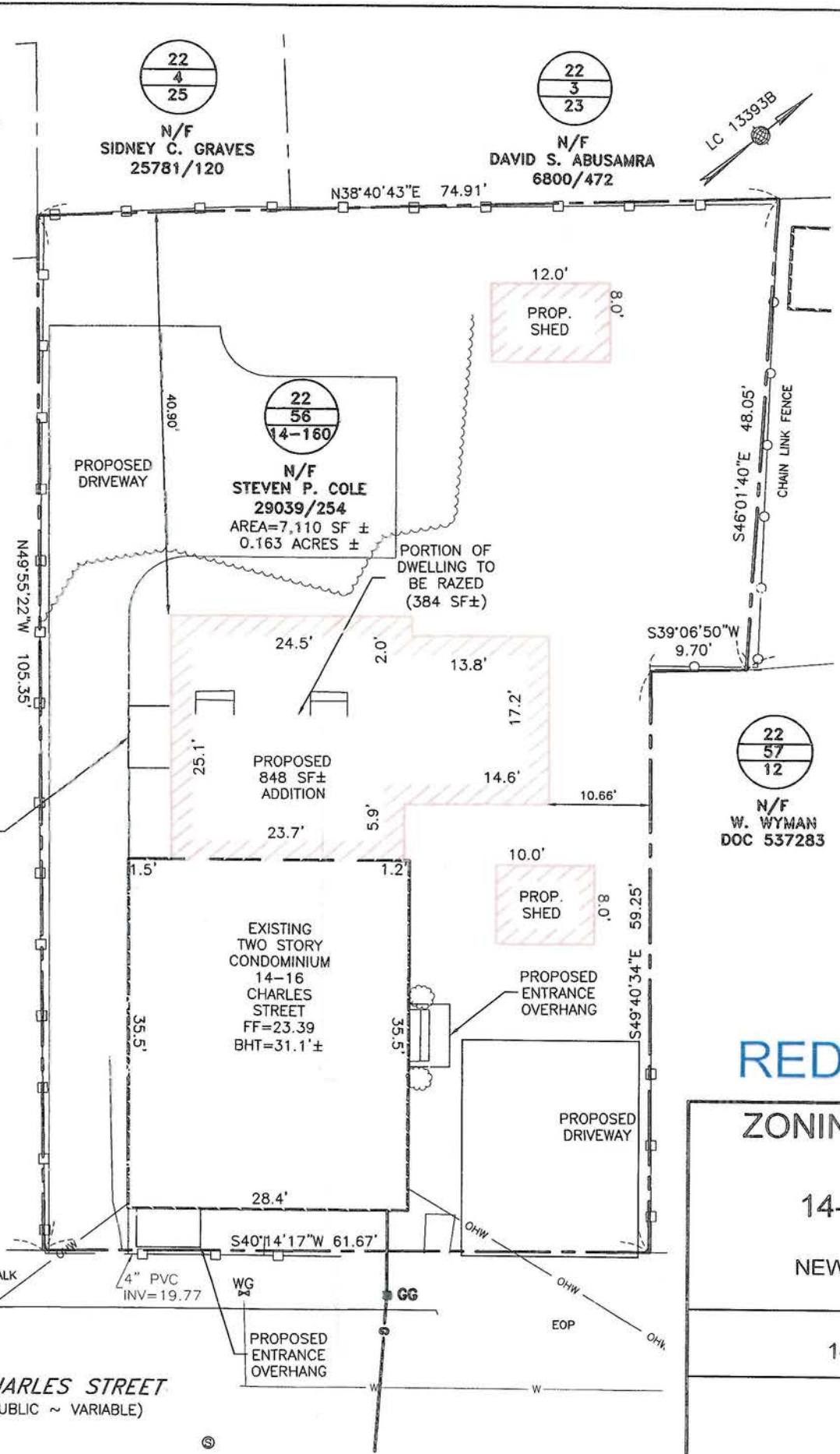
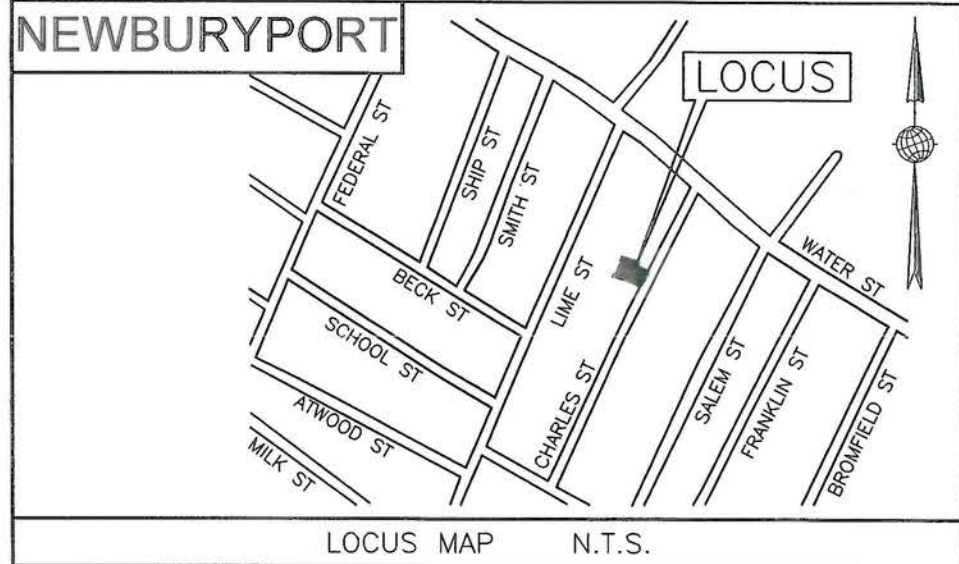
Moreover, the Petitioner has designed the addition so as to minimize the impact on neighboring properties by building into the open areas on the lot and staying within setbacks. The proposed building is not out of character with the existing lot which is of a larger than average size for the neighborhood and it is not out of character with other structures in the neighborhood. No dimensional requirements are exceeded nor are any nonconforming setbacks intensified. Further, the existing home is not being altered in a way that would be detrimental to its historic nature. The roofline remains intact, as does its front façade at street view for the public. There is no significant demolition taking place that would trigger the application of the DCOD special permit requirement. This is an appropriate adaptive reuse of the property for its current use – two family occupancy.

Based on the foregoing, the proposed structure will not be substantially more detrimental to the neighborhood than the existing structure.

Sincerely,



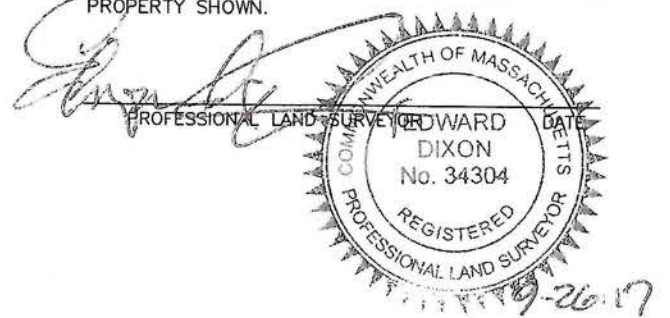
Mark Griffin
MG



REFERENCES:
 1. ESSEX COUNTY REGISTRY OF DEEDS
 BK 29039 PG 254 (DEED)
 PL 106 OF 1928 (PLAN)
 LC13393A-E
 PL BK 213 PLAN 89 (PLAN)
 PL 268 OF 1948 (PLAN)

NOTES:
 1. THE PURPOSE OF THIS PLAN IS TO ACHIEVE ZONING BOARD APPROVAL FOR THE CONSTRUCTION OF AN ADDITION AND TWO SHEDS. THE PROPOSED ADDITION CONFORMS TO THE CURRENT ZONING BYLAWS, WHERE AS THE EXISTING STRUCTURE, ERECTED CIRCA 1850, DOES NOT.
 2. ABUTTER'S REFERENCES FROM CITY OF NEWBURYPORT ASSESSOR'S
 3. THIS PLAN IS PREPARED FOR OUR CLIENT USE ONLY FOR THE SPECIFIC PURPOSE OF OBTAINING PERMITS AND LOCAL APPROVALS, AND IS NOT TO BE USED OR RELIED UPON AS A CONSTRUCTION DOCUMENT OR ANY OTHER USE BY OTHERS WITHOUT THE WRITTEN CONSENT OF HANCOCK ASSOCIATES.

I HEREBY CERTIFY THAT:
 THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY AND PRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.
 I FURTHER CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIP AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR THE NEW WAYS ARE SHOWN AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.



REDUCED-NOT TO SCALE

ZONING BOARD OF APPEALS
PLAN OF LAND
14-16 CHARLES STREET
 IN
 NEWBURYPORT, MASSACHUSETTS
 ESSEX COUNTY

PREPARED FOR:
14-16 CHARLES STREET, LLC

PREPARED BY:
HANCOCK ASSOCIATES
 Civil Engineers
 Land Surveyors
 Wetland Scientists
 18 CENTER STREET SUITE 1
 NEWBURYPORT, MA 01950
 TEL: 978-465-9992
 www.hancockassociates.com

RESEARCH: EDX/AM
FIELD: CA/JL/AM
CALCULATION: EDX
DRAFTING: AAM
CHECK: EDX
PROJ. MANAGER: EDX
DATE: SEPTEMBER 19, 2017
HANCOCK JOB# 22016
CRD FILE N4338.CRD
SHEET NO. 1 OF 1

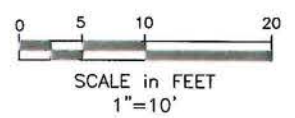
- LEGEND:**
- TMH TELEPHONE MANHOLE
 - EM ELECTRIC METER
 - GM GAS METER
 - GG GAS GATE
 - CB CATCH BASIN
 - N/F NOW OR FORMERLY
 - UP UTILITY POLE
 - VGC VERTICAL GRANITE CURB
 - WG WATER GATE
 - 6132/242 DEED BOOK/PAGE
 - STOCKADE FENCE
 - SIGN
 - MAP LOT

ZONING

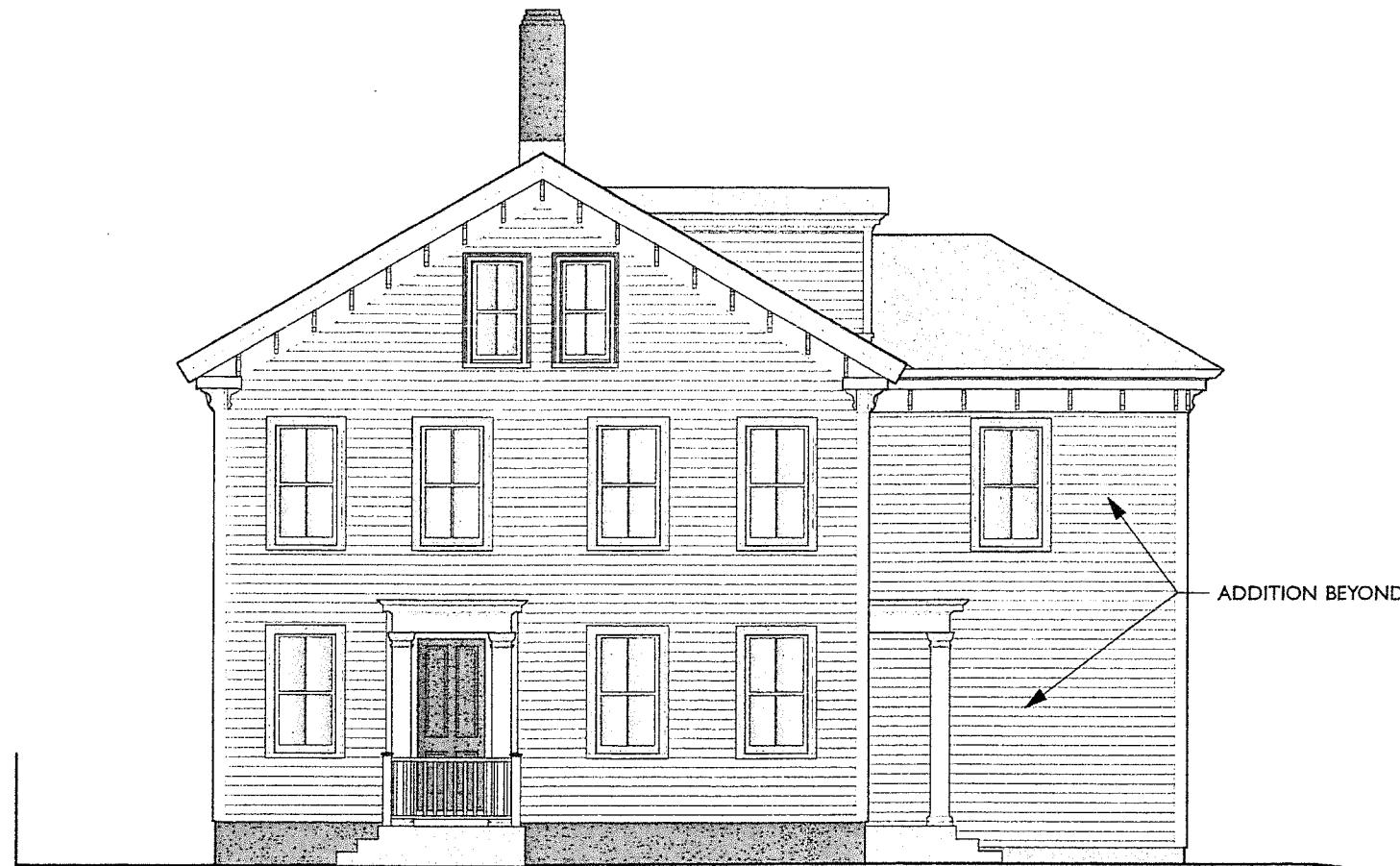
RESIDENTIAL 3 (R-3)
 TWO FAMILY USE (USE NUMBER 1040)

	REQUIRED	EXISTING	PROPOSED
MIN LOT AREA	12,000 SF	7,110.4± SF	7,110.4± SF(NC)
MINIMUM FRONTAGE	100 FEET	61.67' FEET	61.67' FEET(NC)
FRONT	20 FEET	4.17' FEET	4.17' FEET(NC)
SIDE	10 FEET*	8.63' FEET* (L) 24.50 FEET (R)	8.83' FEET* (L) 10.66' (R)
REAR	20 FEET	50.95 FEET	40.90 FEET
% LOT COVERAGE	30%	23%	29.68%
MAX BLD HEIGHT	35 FEET	31.1 FEET±	31.1 FEET± (NC)
% OPEN SPACE	35%	70.5%	53.63%

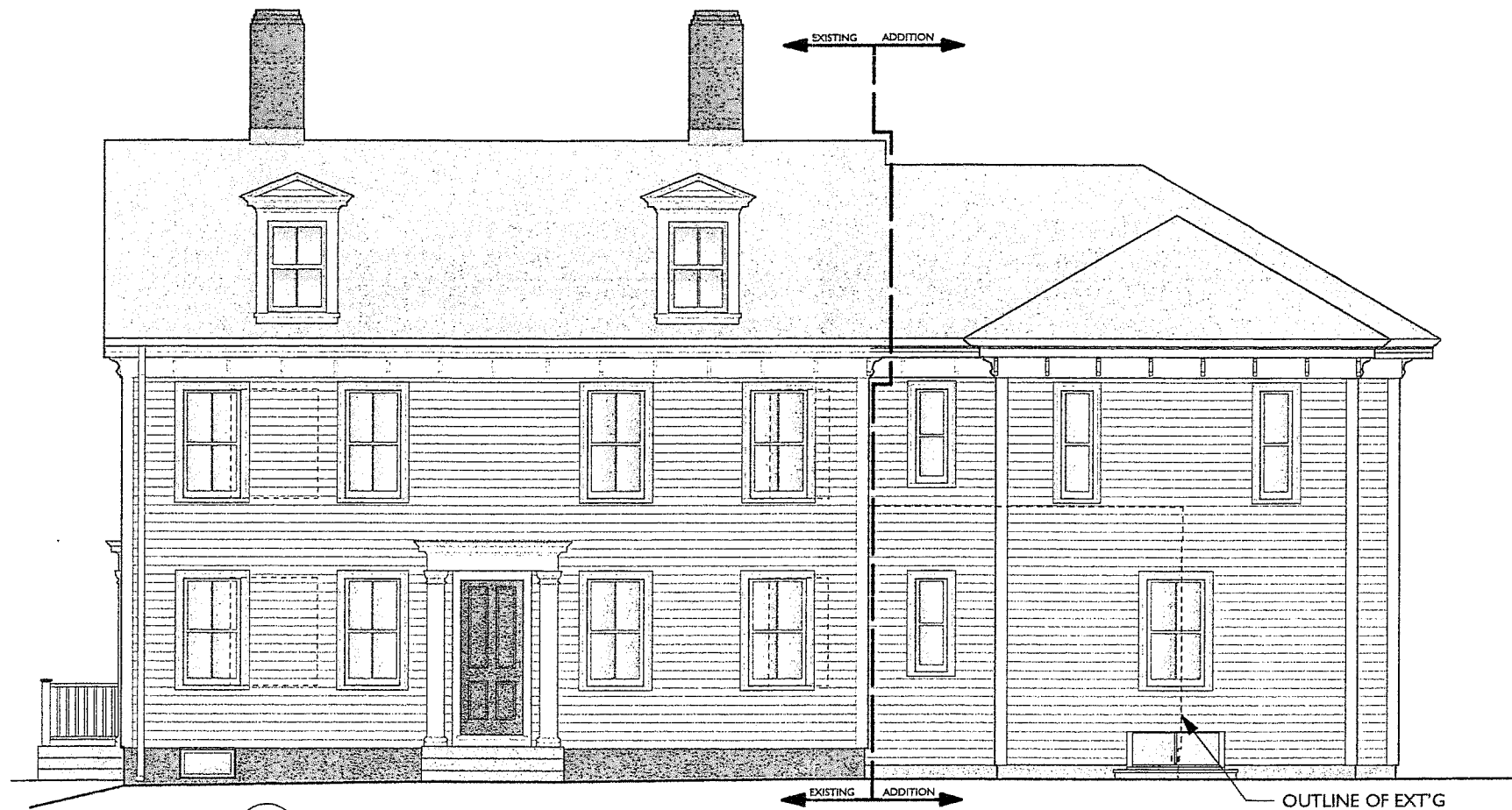
*DENOTES PRE-EXISTING NON CONFORMANCE OF THE R-3 ZONE



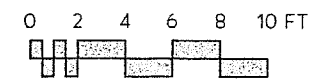
BY:	DESCRIPTION:	DATE:	REV: 0
DRAWING NO.:	22016-ZBA.DWG		



2 PROPOSED FRONT (STREET SIDE) ELEVATION 14-16 CHARLES STREET
Scale: 1/8" = 1'-0"



1 PROPOSED RIGHT SIDE ELEVATION 14-16 CHARLES STREET
Scale: 1/8" = 1'-0"



SCOTT BROWN
ESTD ARCHITECTS 2007
29 WATER STREET,
SUITE 209
NEWBURYPORT, MA 01950
T. 978.465.3535
WWW.SCOTTBROWNARCHITECT.COM

ADDITIONS AND ALTERATIONS
TO:
RESIDENTIAL UNITS
AT
14-16 CHARLES ST
NEWBURYPORT, MA

REVISION AND REISSUE NOTES

NO.	DATE	ISSUE NOTES
	9-26-17	ZBA SUBMISSION

PROJECT NO: 2017-14	PROJECT MANAG. DATE:	DATE: 09.26.2017
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SCALE: AS NOTED

PROPOSED
ELEVATIONS

A1

ADDITIONS AND ALTERATIONS
 TO:
RESIDENTIAL UNITS
 AT
 14-16 CHARLES ST
 NEWBURYPORT, MA

REVISION AND REISSUE NOTES

NO.	DATE	ISSUE NOTES
	9-26-17	ZBA SUBMISSION

PROJECT NO: 2017-14	PROJECT MANAG.	DATE: 09.26.2017
SCALE: AS NOTED		

PROPOSED
ELEVATIONS

A2

