

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

Petitioner: Michael and Lyuda Randall c/o Lisa Mead, Mead, Talerman & Costa, LLC

Mailing Address: 30 Green Street, Newburyport MA 01950

Phone: 9784637700 Email: Lisa@mtclawyers.com

Property Address: 14 Highland Ave

Map and Lot(s): 39/50 Zoning District: R2

Book and Page(s): 18105/213

Owner(s) Name: Josephine Minalio

Mailing Address (if different): 14 Highland Ave, Newburyport

This request for a Special Permit for Non-Conformities is made under section(s):
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

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

Description of request:

Renovation of existing single family home by removing current second floor and replacing same with story and a half on same footprint.

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

	Required Dimensional Controls from Section VI.A	Existing Dimensional Controls from survey or site plan	Proposed Dimensional Controls from proposed plans
Lot Area	10,000	6000	6000
Frontage	90	60	60
Height*	35	22.8	29.5
Max. Lot Coverage (%)**	25	9.2	9.2
Min. Open Space (%)***	40	83.5	83.5
Primary Front Setback	25	14.1	14.1
Side A Setback/Secondary Front Setback	10	23.1	23.1
Side B Setback	10	12.5	12.5
Rear Setback	25	38.1	38.1
Parking Spaces	2	2	2
FAR****	NA	NA	NA

*Height is measured to median roof line.

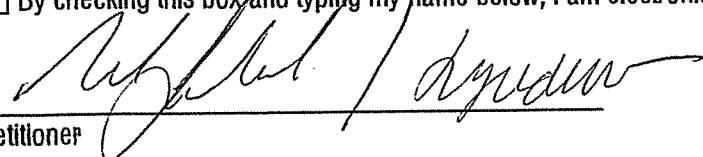
**Total building footprint divided by the lot area expressed as a percentage.

***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.

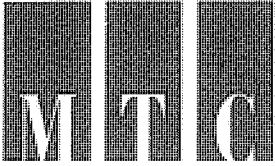
By checking this box and typing my name below, I am electronically signing this application.



 Petitioner

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

 Owner (if different)



March 17, 2021

By Hand and Electronic Mail

Rob Ciampitti, Chair
Newburyport Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Application for Special Permit for Non-Conformities
14 Highland Ave., Newburyport, MA (the "Property")
Assessors Map 39, Lot 50

Dear Chair Ciampitti and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents Michael and Lyuda Randall, the purchasers of the Property (the "Applicant"), who seeks to remove the later added rear second floor and construct a new second and a half story on top of the existing first floor.

The structure was built in or around 1939. It is located in the R2 zoning district. The setback requirements are 25' front and rear and 10 on the sides. The minimum lot size is 10,000 square feet and the required frontage is 90'.

The lot includes 6,000 square feet and 60 feet of frontage and has a front yard setback of 14.1.

The Applicant proposes to remove the roof and a portion of the rear two story structure of the existing structure and construct a new 1.5 stories over the first floor on the same footprint. While the proposal will intensify that front setback non-conformity by an upward extension, the upward extension will be along the face of the existing second floor, but the porch will remain.

The proposed structure otherwise meets all dimensional requirements. The height of the structure is proposed to be 29'5" where 35' is allowed.

The Applicant will require a Special Permit for non-conformities from the Zoning Board of Appeals pursuant to section IX-B(3)(B).

Millis Office

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

The Project does not add any new nonconformities. The Project does increase the height of the structure and therefore intensifies the non-conforming front yard setback by an upward extension.

The Applicant's proposal is not more detrimental to the neighborhood than the existing structure for the following reasons:

The existing home has been severely modified over the past number of years. While at one time the home may have been a cottage or other similar style, that style is long ago lost when an addition was constructed in the rear. (See photographs and existing conditions.) Later, in order to add some head room in the attic, two small dormers were added on the west side of the home. Notwithstanding this addition, the second floor continues to have a head height of six feet, far short of what is needed to have livable area.

The proposed renovations will continue the pattern of ridges along the street in an east west direction. Further, the porch will remain as the primary focus of the front view of the home. As you can see, there is an eclectic mix of housing sizes and architectural styles along Highland Avenue, which also includes commercial structures. To the east along the same side of Highland are generally cape or bungalow style homes while immediately next too the Property on the west is a two story colonial with a farmers porch, immediately beside that is a medical office building, across the street are two, two-story colonials and then to the east and across the street is a ranch.

The renovated structure remains in the same footprint as the existing structure and therefore there is no further encroachment on the neighboring properties.


Lot coverage and open space remain the same far exceeding the required minimum and maximums standards.

Based on the foregoing, the proposed renovation is not more detrimental than the existing structure to neighborhood due to the continuity of a single-family home, aesthetic improvement of the structure, maintenance of the existing front yard setback non-conformity, and compliance with all other dimensional requirements.

As a result of the foregoing, we respectfully request this Board to find that the Applicant's proposal satisfies the criteria for a Special Permit for Non-Conformities.

Please do not hesitate to contact me at 978-463-7700 if you have any questions.

Respectfully submitted,
Michael and Lyuda Randall,
By their Attorney



Lisa L. Mead

Attachment
cc: client

PHOTOGRAPHS OF EXISTING CONDITIONS











14 HIGHLAND AVE

Location 14 HIGHLAND AVE

MBLU 39/ 50/ 11

Owner MINALIO JOSEPHINE G

Assessment \$444,100

PID 2403

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$188,400	\$255,700	\$444,100

Owner of Record

Owner MINALIO JOSEPHINE G

Sale Price \$0

Co-Owner

Certificate

Address 14 HIGHLAND AVE
NEWBURYPORT, MA 01950

Book & Page 18105/0213

Sale Date 12/27/2001

Instrument 1F

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MINALIO JOSEPHINE G	\$0		18105/0213	1F	12/27/2001
MINALIO JOSEPHINE G	\$1		07540/0372	1A	10/04/1984
MINALIO LORETTA V	\$1		06828/0505	1A	06/10/1981
MINALIO JOSEPHINE G	\$0		4001/0126		

Building Information

Building 1 : Section 1

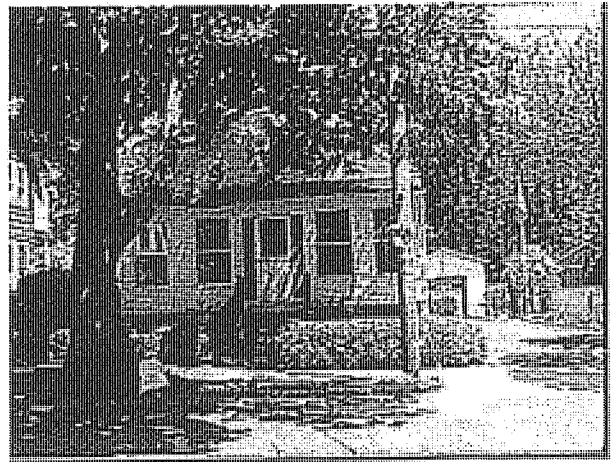
Year Built: 1939

Living Area: 1,451

Building Attributes	
Field	Description
Style:	Bungalow
Model	Residential
Grade:	Average

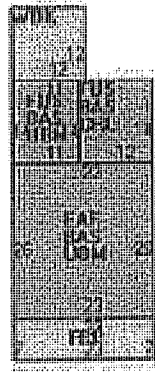
Stories:	1 1/2 Stories
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	8 Rooms
Bath Style:	Average
Kitchen Style:	Average
Num Kitchens	01
Cndln	
Num Park	
Fireplaces	
Kitchen Grd	
Fndtn Cndtn	
Basement	

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos/00000130107.jpg>)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPhotos/Sketches/2403_24)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	920	920	
FUS	Upper Story, Finished	322	322	
EAF	Attic Expansion	598	209	
CRL	Crawl Space	168	0	
FEP	Porch, Enclosed	161	0	
UBM	Basement, Unfinished	752	0	
WDK	Deck, Wood	144	0	
		3,065	1,451	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1010
Description SINGLE FAM

Land Line Valuation

Size (Acres) 0.14
Depth 0
Assessed Value \$255,700

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE			220.00 S.F.	\$3,100	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$183,000	\$255,700	\$438,700

ZONING DETERMINATION

Name: Michael and Lynda Randall c/o/Lisa Mead, MTC LLC

Address: 14 Highland Ave Zoning District(s): R2

Request: Construct upward extension greater than 500sf of existing non conforming single family structure. Existing roofline greater than 75years old to be demolished.

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)
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), 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

CONSERVATION COMMISSION REVIEW REQUIRED

Review for tree and sidewalk

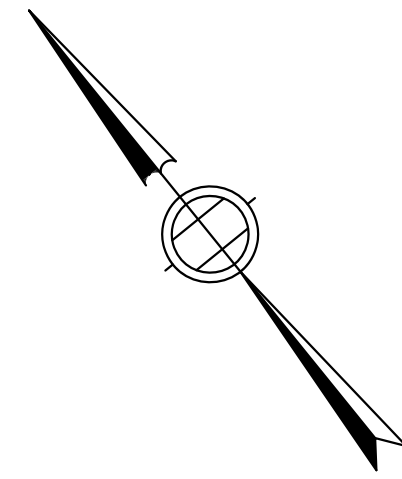
The name typed below represents the intent to sign the foregoing document:

Jennifer T Blanchet

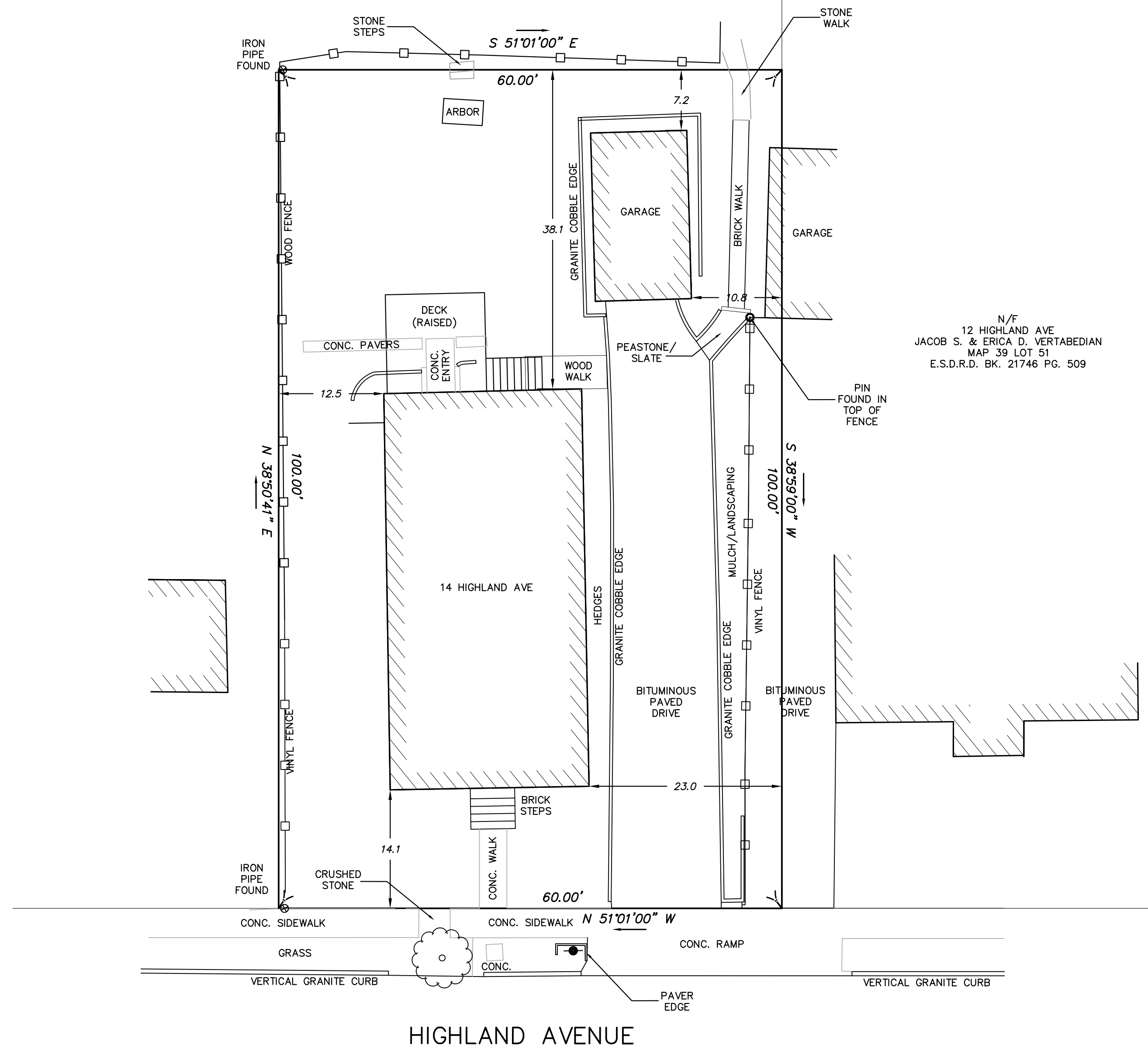
03/15/21

Newburyport Zoning Administrator

Date



N/F
16 HIGHLAND AVE
STACEY DICICCO
MAP 39 LOT 49
E.S.D.R.D. BK. 34887 PG. 481



N/F
12 HIGHLAND AVE
JACOB S. & ERICA D. VERTABEDIAN
MAP 39 LOT 51
E.S.D.R.D. BK. 21746 PG. 509

ZONING

RESIDENTIAL (R-2)
SINGLE-FAMILY (101)

	REQUIRED (SINGLE-FAMILY - 101)	EXISTING (SINGLE-FAMILY - 101)	PROPOSED (SINGLE-FAMILY - 101)
MINIMUM LOT AREA	10,000 SQUARE FEET	6,000 SQUARE FEET	6,000 SQUARE FEET
MINIMUM LOT FRONTAGE	90 FEET	60.00 FEET	60.00 FEET
FRONT SETBACK	25 FEET	14.1 FEET	14.1 FEET
SIDE SETBACK (R)	10 FEET	23.0 FEET	23.0 FEET
SIDE SETBACK (L)	10 FEET	12.5 FEET	12.5 FEET
REAR SETBACK	25 FEET	38.1 FEET	38.1 FEET
MAXIMUM LOT COVERAGE(%)	25.0%	9.2%	9.2%
MAXIMUM HEIGHT	35 FEET	22.8 FEET	29.5 FEET
MINIMUM OPEN SPACE	40.0%	83.5%	83.5%
MINIMUM PARKING REQUIRED	2	2+	2+

ON-LINE ZONING ORDINANCES
CITY OF NEWBURYPORT WEBSITE
<http://www.cityofnewburyport.com/Planning/Index.html>
PLANNING DEPARTMENT - MAIN PHONE 978-465-4400

INFORMATION REGARDING ZONING, INCLUDING PARKING ABOVE, SHOWN HEREON IS NOT INTENDED TO BE A DEFINITIVE ZONING OPINION AND IS FOR INFORMATIONAL PURPOSES ONLY. ALL INFORMATION SHOULD BE VERIFIED BY LEGAL COUNSEL PRIOR TO RELIANCE UPON THE SAME.

NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING BUILDING AND PROPOSED ADDITION TO THE SAME ON THE LOCUS PROPERTY. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED JANUARY 20 & 21, 2021.

OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES.

TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

P.L.S.
EVERETT J. CHANDLER, P.L.S.
MASS. REGISTRATION NO. 41783

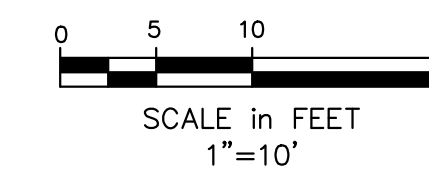
LOCUS TITLE INFORMATION

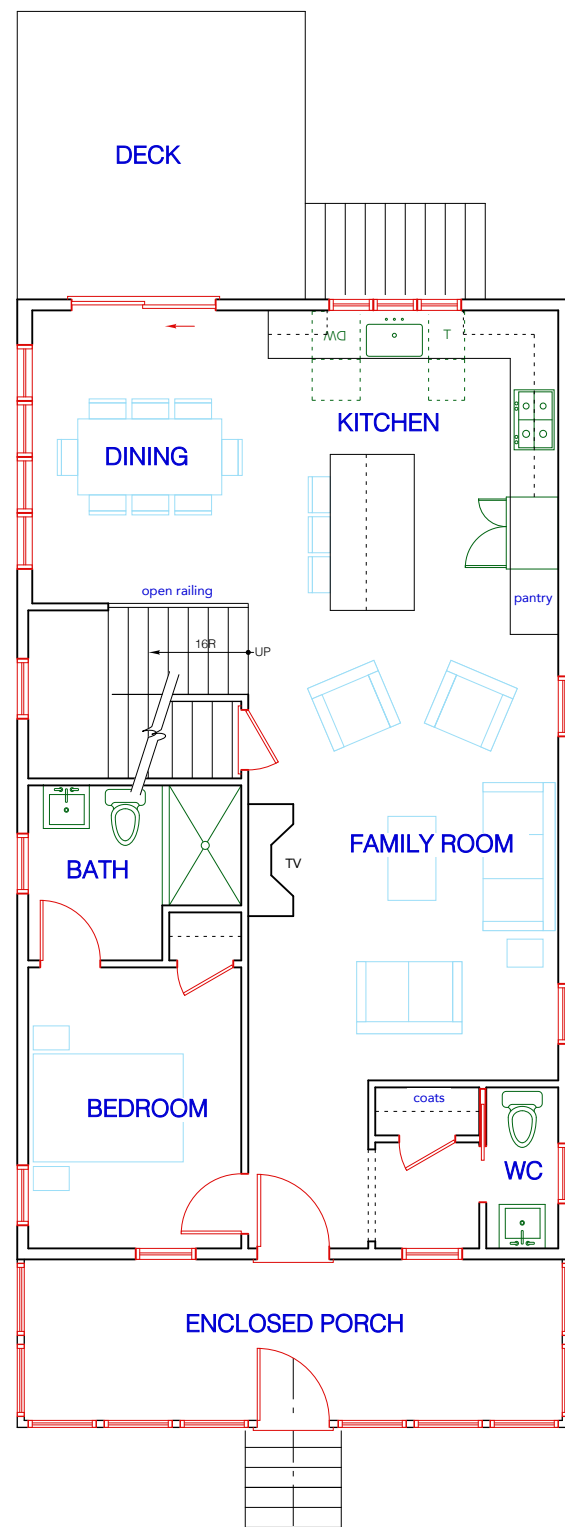
14 HIGHLAND AVENUE

OWNER: DANNY & KATHLEEN A. ROGERS

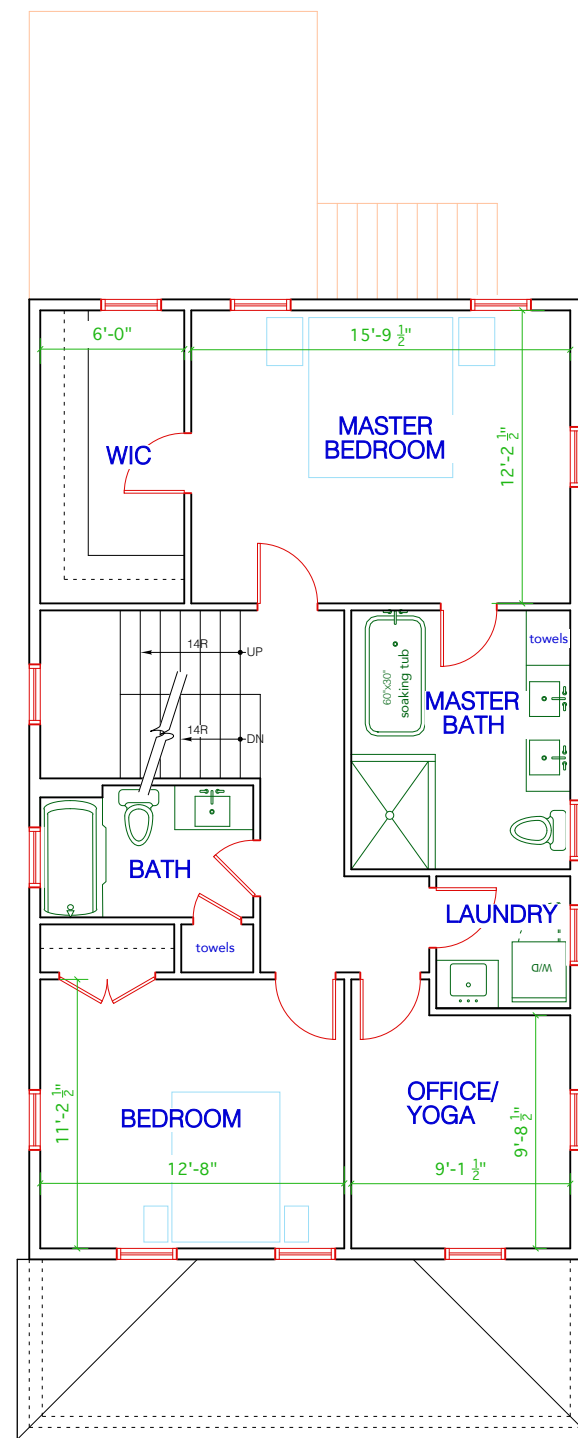
DEED REFERENCE: BOOK: 39255 PAGE: 122

ASSESSORS: MAP 39 LOT 50

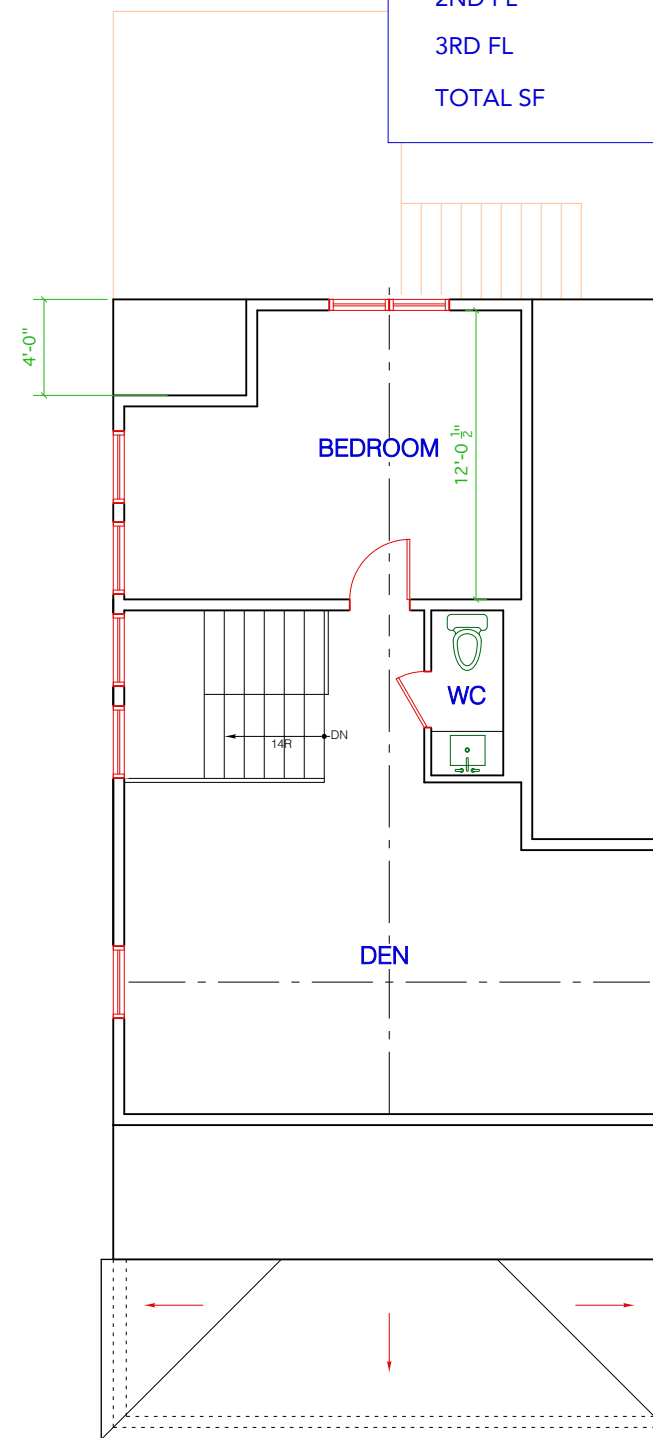




1 First Floor Plan
SCALE: 1/8" = 1'-0"



2 Second Floor Plan
SCALE: 1/8" = 1'-0"



3 Third Floor Plan
SCALE: 1/8" = 1'-0"

SF CALCULATIONS	
1ST FL	920 SF
2ND FL	920 SF
3RD FL	644 SF
TOTAL SF	2,484 SF

project:

RANDALL RESIDENCE

14 Highland Avenue
Newburyport, MA
01950

architect:

GRAF ARCHITECTS

2 Liberty Street
Newburyport, MA
01950
T. 978 499 9442
www.grafarch.com

title:

PROPOSED Floor Plans

SCALE: 1/8" = 1'-0"
15 march 2021

A01

project:

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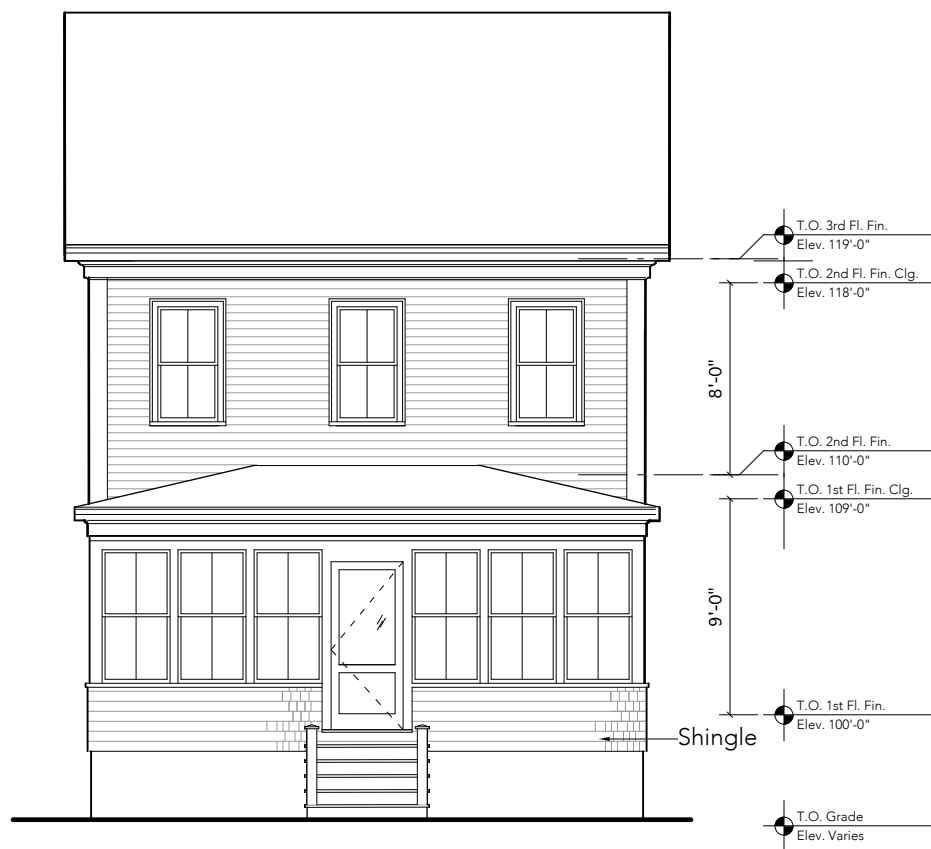
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PROPOSED Exterior Elevations

SCALE: 1/8" = 1'-0"

15 march 2021

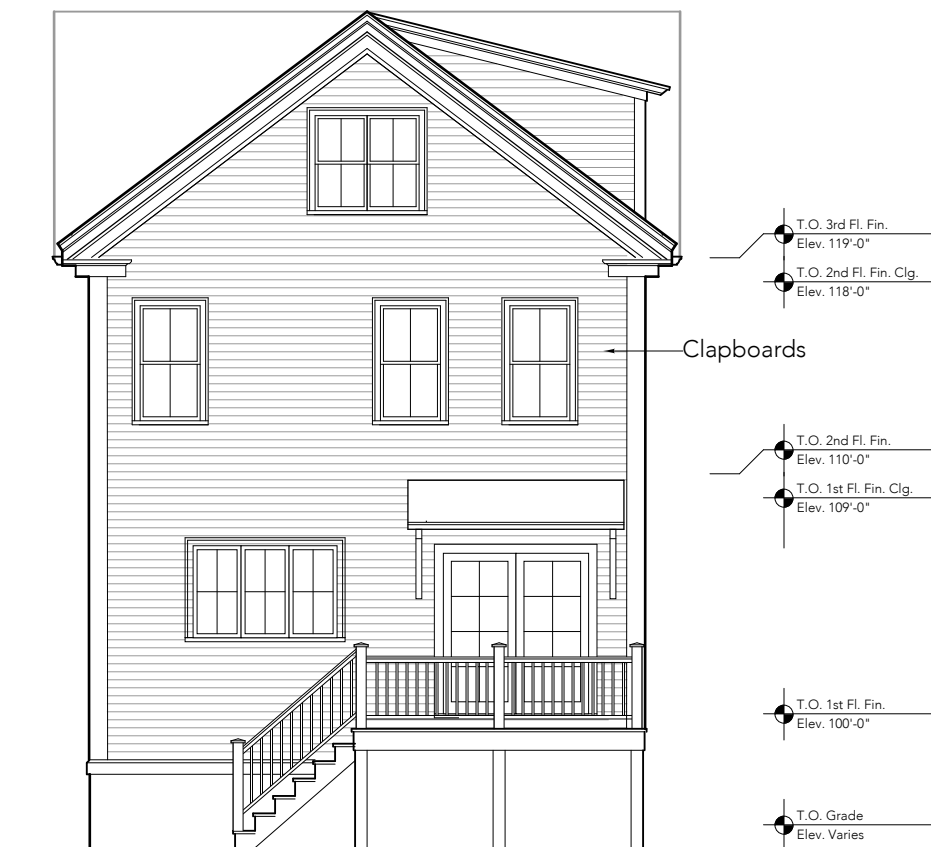
A02



1 Exterior Elevation - SOUTH
SCALE: 1/8" = 1'-0"



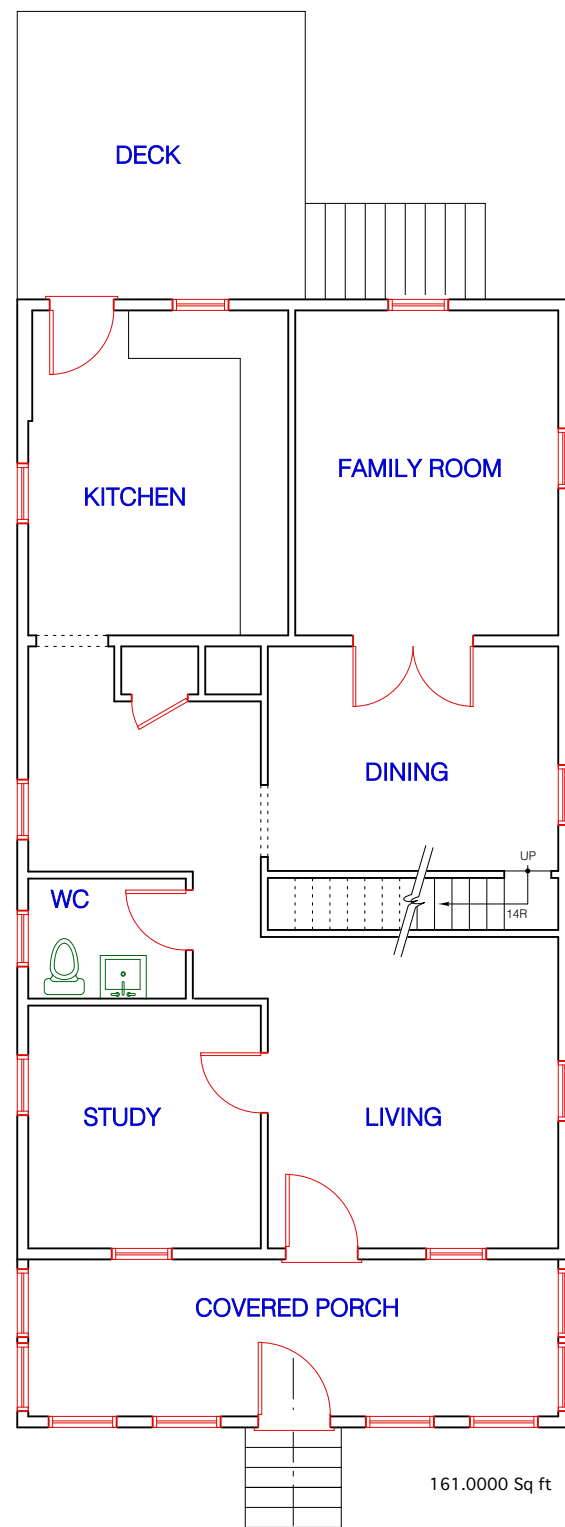
2 Exterior Elevation - EAST
SCALE: 1/8" = 1'-0"



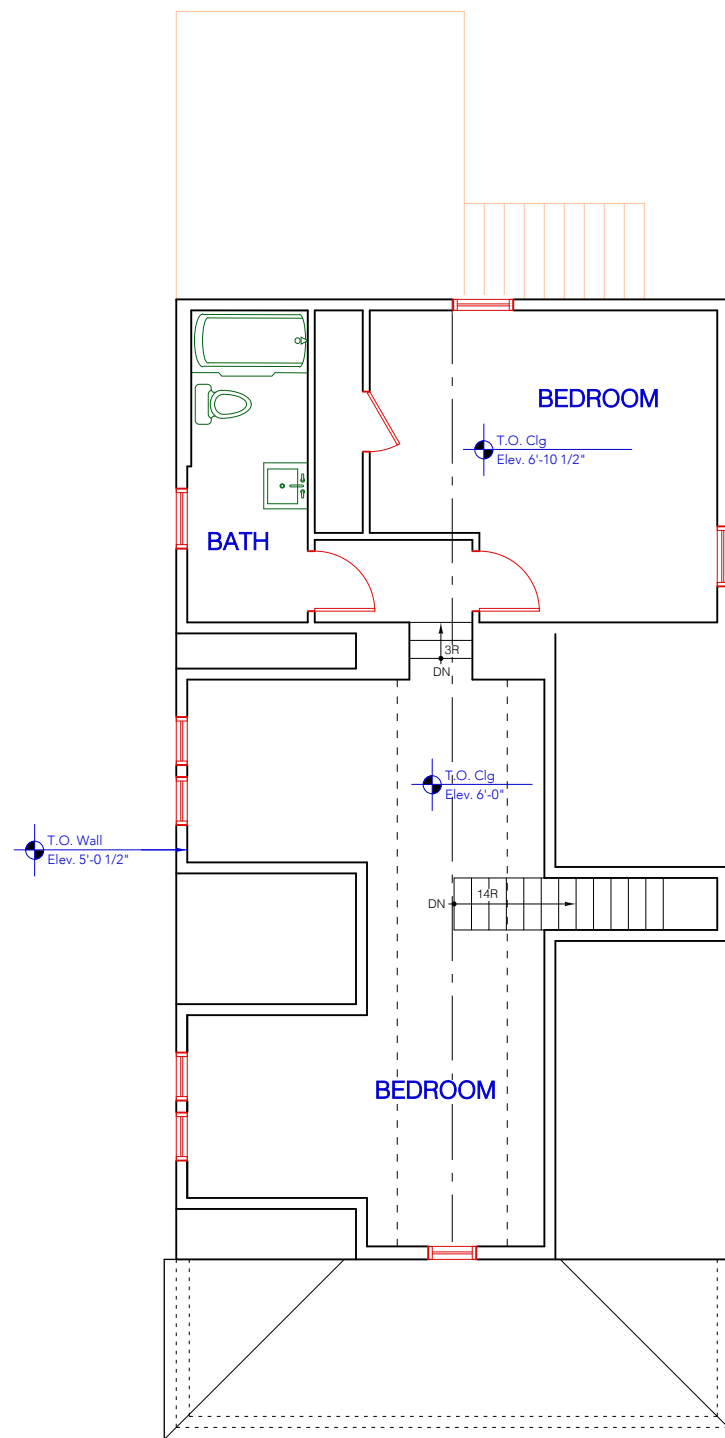
3 Exterior Elevation - NORTH
SCALE: 1/8" = 1'-0"



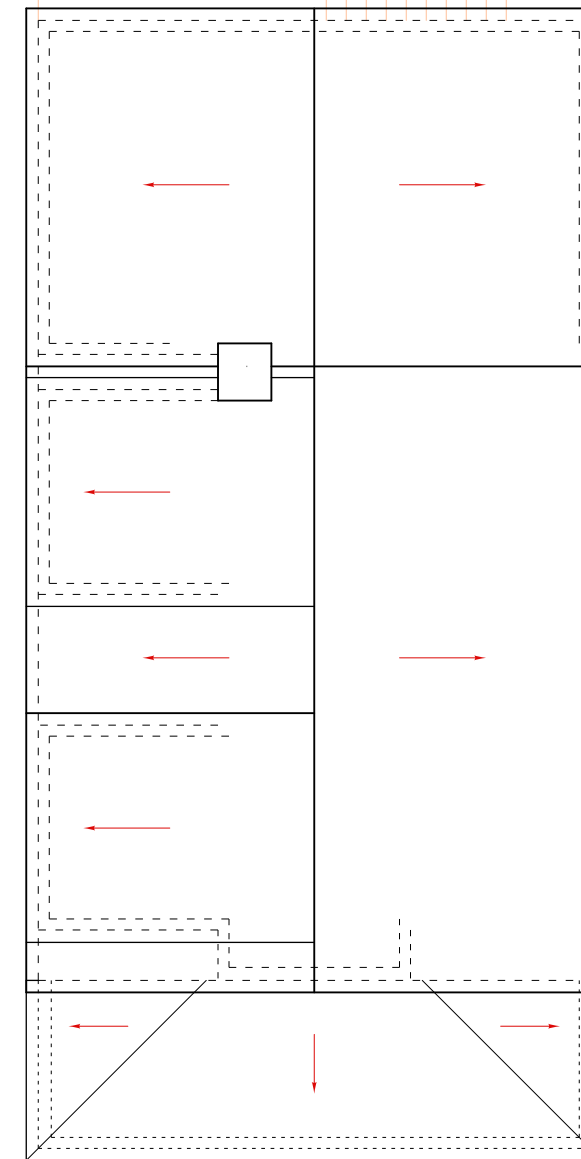
4 Exterior Elevation - WEST
SCALE: 1/8" = 1'-0"



1 First Floor Plan
SCALE: 1/8" = 1'-0"



2 Second Floor Plan
SCALE: 1/8" = 1'-0"



3 Roof Plan
SCALE: 1/8" = 1'-0"

SF CALCULATIONS	
1ST FL	1,079 SF
2ND FL	687 SF
TOTAL SF	1,766 SF

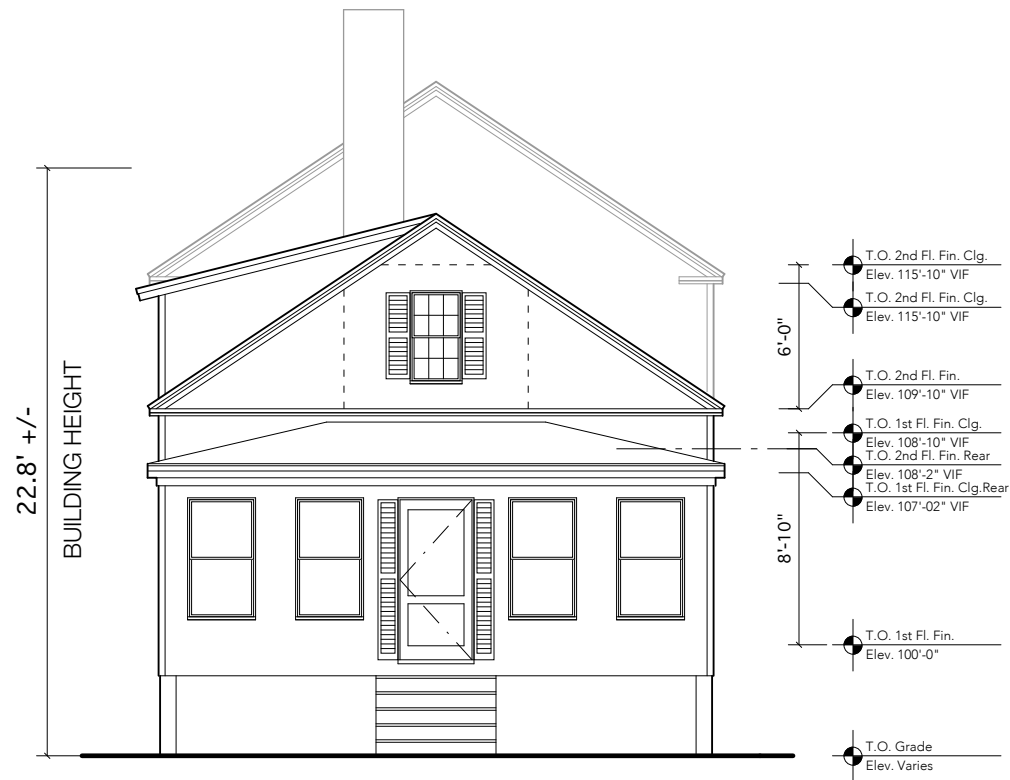
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www.grafarch.com

title:
EXISTING Floor Plans

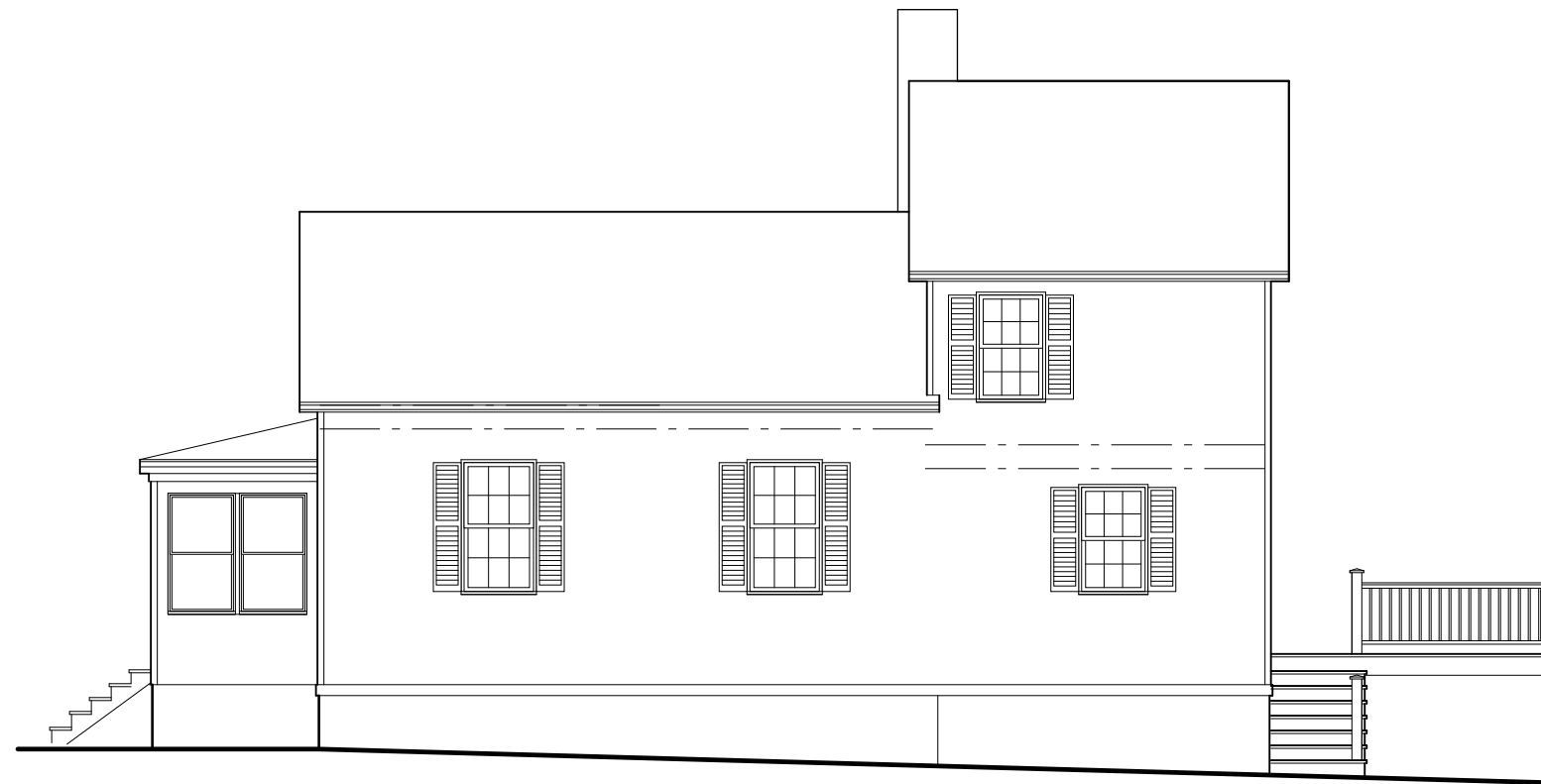
SCALE: 1/8" = 1'-0"
15 march 2021

EX1

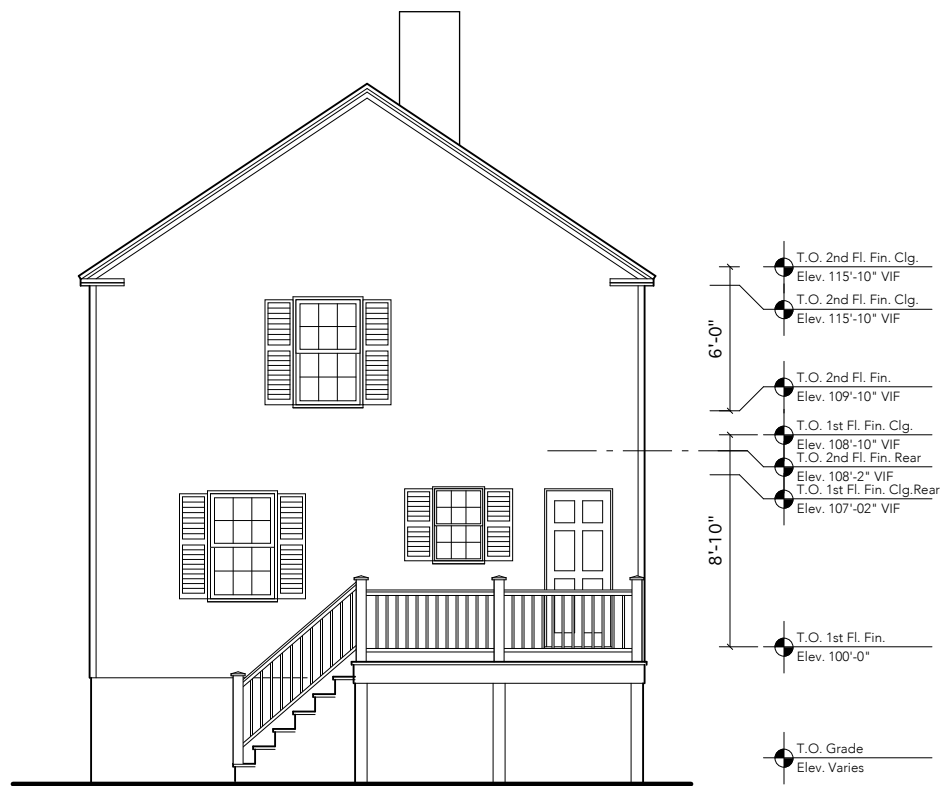


- T.O. 2nd Fl. Fin. Clg.
Elev. 115'-10" VIF
- T.O. 2nd Fl. Fin. Clg.
Elev. 115'-10" VIF
- T.O. 2nd Fl. Fin.
Elev. 109'-10" VIF
- T.O. 1st Fl. Fin. Clg.
Elev. 108'-10" VIF
- T.O. 2nd Fl. Fin. Rear
Elev. 108'-2" VIF
- T.O. 1st Fl. Fin. Clg. Rear
Elev. 107'-02" VIF
- T.O. 1st Fl. Fin.
Elev. 100'-0"
- T.O. Grade
Elev. Varies

① Front Exterior Elevation - EXISTING
SCALE: 1/8" = 1'-0"



② Side Exterior Elevation - EXISTING
SCALE: 1/8" = 1'-0"



- T.O. 2nd Fl. Fin. Clg.
Elev. 115'-10" VIF
- T.O. 2nd Fl. Fin. Clg.
Elev. 115'-10" VIF
- T.O. 2nd Fl. Fin.
Elev. 109'-10" VIF
- T.O. 1st Fl. Fin. Clg.
Elev. 108'-10" VIF
- T.O. 2nd Fl. Fin. Rear
Elev. 108'-2" VIF
- T.O. 1st Fl. Fin. Clg. Rear
Elev. 107'-02" VIF
- T.O. 1st Fl. Fin.
Elev. 100'-0"
- T.O. Grade
Elev. Varies

③ Rear Exterior Elevation - EXISTING
SCALE: 1/8" = 1'-0"



④ Side Exterior Elevation - EXISTING
SCALE: 1/8" = 1'-0"

project:

RANDALL RESIDENCE

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Newburyport, MA
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architect:

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title:

EXISTING Exterior Elevations

SCALE: 1/8" = 1'-0"

15 march 2021

EX2