

City of Newburyport Zoning Board of Appeals

Instructions for a SPECIAL PERMIT FOR NON-CONFORMITIES Application

Instructions:

1. The petitioner shall submit nine (9) copies of the following information compiled in the following order:
- a. A completed Application for a Special Permit for Non-Conformities form.
 - b. Zoning Review form from the Zoning Administrator indicating the need for a Special Permit for Non-Conformities.
 - c. Pursuant to M.G.L.s Ch. 40A Section 6 and the City's Zoning Ordinance Sections IX.B Extension or Alteration and X.H.7 Special Permits, the petitioner must include a memo addressing each of the points below.
 - a) Please identify the particular use existing or proposed for the land or structure.
 - b) Please identify the particular respect or respects in which the existing structure or use does not conform to the requirements of the present zoning.
 - c) Please identify whether the proposed use, extension, alteration, or addition would intensify the existing non-conformities or result in additional ones.
 - d) Please identify the facts relied upon to support the Special Permit for Non-Conformities that the proposed use, extension, alteration or addition shall not be more detrimental than the existing.
 - d. Assessor's Card available from the Assessor's Office or from <http://gis.vgci.com/newburyportma/>
 - e. Plans and drawings clearly representing existing and proposed conditions. Elevation plans shall show the median height of the existing and the proposed structure. Plans must include all measurements. An architectural scale or ruler should not be necessary to read plans. Plans shall not exceed 36" x 24" and must be folded to an approximate size of 8 1/2" x 11".

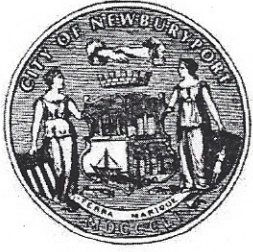
Plan(s) shall include all the following requirements:

 - North point, Date of Plan; Title of Plan, Location Address; Name of Street;
 - Zoning district(s) and dimensional control requirements;
 - Wetlands (if applicable);
 - 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, etc.;
 - Proposed features in solid lines;
 - Features that are to be removed in dashed lines; Graphic Scale;
 - Name, address, and phone numbers of the Applicant, Owner, Designer, Engineer, or Surveyor.
 - f. Any other supplemental information such as letters of support, photos, etc.
2. The petitioner shall submit .pdf files of the above information on disk or via email to planning@cityofnewburyport.com.

Filing fees: An administrative fee of \$200.00 per application is required at the time of application, plus a publication and abutters notification fee of \$350 per project. Fees may be combined into one check and issued to "The City of Newburyport."

The Newburyport Zoning Board of Appeals requests that applicants make an effort to reduce the use of paper and printing materials when filing applications with the Board. Please use the following guidelines:

- Eliminate transmittal sheets, cover letters, section dividers, and tables of contents
- Eliminate folders, envelopes, plastic covers, spiral/GBC binders, and excess binding materials
- Submit smaller sized plans as long as they are legible
- Double sided copies are encouraged



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400
WWW.CITYOFNEWBURYPORT.COM

ZONING REVIEW APPLICATION

Applicant Name Virginia Lasala
Applicant Phone & Email 978-476-7661
Property Address 15 EAGLE STREET
Zoning District(s) R2/DCOD
Existing Use Code 101
Proposed Use Code 101
Total additional square footage: >500

Each applicant shall attach a site plan showing the proposed project and setbacks *and* either fill out Project Description *or* attach a letter of Request for Building Permit Denial to this application

Project Description

2⁺ STORY ADDITION ON ONE SIDE
SINGLE STORY ADDITION ON OTHER
NON CONFORMING LOT
CONTRIBUTING HOUSE

Zoning Matrix on following page

Zoning Matrix

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls	Notes
Lot Area	5900		10,000	
Frontage	61'-		90	
Height*			35' MAX	
* Lot Coverage(%)**	29%/-		25% MAX	
*** Open Space (%)***	47%		40% MAX	
Front Setback	6'-3	6'-3	25	
Side A Setback		11'-6	10	
Side B Setback		17'	10	
Rear Setback	41.3'	41.3'	25	
Parking Spaces				
FAR^	—————>		NA	
# of Bedrooms^^	—————>		NA	

garage does not conform to accessory structures.

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.

^^Provide DPS affidavit indicating existing number

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:

>500' ?

CITY OF NEWBURYPORT, MA

BUILDING PERMIT DENIAL

City BPD#: 2018-3

Name: Virginia Lasala

Address: 15 EAGLE STREET Zoning District(s): R2/DCOD

Map and Lot: 53-61

ZONING BOARD REVIEW REQUIRED

Dimensional Variance

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

- PIOD (XXI)
 - 2 story limit

- Parking (VII)

Use Variance

- Not permitted use (V)

Sign Variance

- Signs (VIII)
 - Type Size
 - Lighting Location

Special Permit

- Special Permit for Use (V.D) Use #: _____
- 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)
- _____

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 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G-3)
 - FAR Height Increase
 - Lot Coverage Setbacks
 - Open Space

PLANNING BOARD REVIEW REQUIRED

Special Permit

- One residential structure per lot (VI.C)
- Open Space Residential Development (XIV)
- Water Resource Protection District (XIX)
- Federal Street Overlay District (XXII)
- Medical/Recreational Marijuana
- _____

- Courts and Lanes (XXIII)
- Waterfront West Overlay District (XXIV)
- Towle Complex Redev. Overlay District (XXV)
- Downtown Overlay District (XXVII)*
- Special Permit for Non-Conformities (DOD)

Site Plan Review (XV)

- Major Minor

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay *Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

- CITY COUNCIL REVIEW REQ.
 - GACM (X.H.9)

Date 1/22/2018

Jennifer Blachet
City of Newburyport Zoning Administrator

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

Petitioner: Virginia LaSala

Mailing Address: 258 Whetstone St West Newbury MA 01945

Phone: 978 476 7961 Email: j.lasala@hotmail.com

Property Address: 15 Eagle St Newburyport MA 01950

Map and Lot(s): _____ Zoning District: R2/PL0D

Book and Page(s): 26772/0002

Owner(s) Name: Michael & Jennifer Pitz

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) |
| <input type="checkbox"/> Parking | <input type="checkbox"/> Plum Island Overlay District (XXI-G-3) |
| <input type="checkbox"/> Upward Extension | <input type="checkbox"/> FAR |
| <input checked="" type="checkbox"/> Open Space | <input type="checkbox"/> Footprint Expansion |
| <input type="checkbox"/> Height | <input type="checkbox"/> Height Increase |
| <input checked="" type="checkbox"/> Lot Area | |
| <input type="checkbox"/> Rear Yard | |
| <input checked="" type="checkbox"/> Lot Coverage | |
| <input type="checkbox"/> Side Yard | |
| <input checked="" type="checkbox"/> Lot Frontage | |
| <input checked="" type="checkbox"/> Front Yard | |

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

Description of request:

Special permit for non conformity to increase lot coverage

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	2,347	5,900	39% ±		22'6"	61' ±		6'3"	24'	12'4"	41'3"
Proposed	5,915	5,900	43%		22'6"	61' ±		6'3"	11'6"	17'	41'3"
Required	10,000	10,000	25% Max		35' MAX	90		25'	10'	10'	25'

*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**
<u>823</u>	<u>2</u>	<u>1523</u>	<u>101</u>
_____	_____	_____	_____

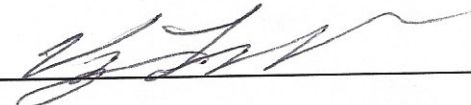
Proposed Buildings:

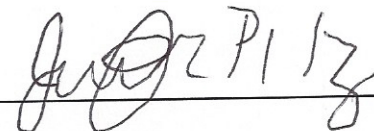
Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
<u>1,229</u>	<u>2</u>	_____	<u>101</u>
_____	_____	_____	_____

**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):



 P1 13

memo

Orange Architect

To: Newburyport Zoning Board of Appeals
From: Hilary Ward
CC: L & S Construction, Michael and Jennifer Pilz
Date: 01/29/2018
Re: 15 Eagle Street Special Permit Application

Comments:

- a. The existing use for 15 Eagle Street is a single-family residence. It is proposed to remain a single-family residence. It is in the R-3 Zoning district. There is one existing curb cut to a bituminous driveway (1083 s.f.). The existing house footprint is 904 s.f. There is a 360 s.f. detached garage on site.
- b. The antique house does not meet the front yard setback. The existing setback is 6.3 feet, where the setback requirement is 20 feet. The existing frontage is 64 feet. In an R-3 district, the frontage requirement is 80 feet. The lot size is 5915 s.f. The lot area requirement for this lot is 8,000 s.f. The existing lot coverage is 2347 s.f., which is 39%.
- c. There is no proposed change to the front yard setback. The frontage and curb cut will remain as is. There is no proposed change to the footprint at the front of the house. The proposed alterations will add 406 s.f. of impervious area to the house. This will increase the lot coverage by 6.8%. In order to build the new addition, approximately 189 s.f. of bituminous will be removed. As a result, the total lot coverage will be 42%.
- d. Very little of the house will be visible from the street. The addition only extends beyond the edges of the house on one side, and will be 35 feet from the street. The access to the house will remain the same, while allowing the addition of 2 new bedrooms and bathrooms. This will allow a family of 6 to live in this antique house in an existing residential neighborhood. The existing ridge line of the house will still be the highest ridge, and highest point of the roofline. The proposed additions are still well within the required setbacks for the zoning district.

15 EAGLE ST

Location 15 EAGLE ST

Mblu 53/ 61/ / /

Owner LEE WILLIAM DAVIS

Assessment \$484,000

PID 3632

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$272,700	\$211,300	\$484,000

Owner of Record

Owner LEE WILLIAM DAVIS
Co-Owner LEE KATHERINE T/E
Address 15 EAGLE ST
 NEWBURYPORT, MA 01950

Sale Price \$452,000
Certificate
Book & Page 26772/0002
Sale Date 04/25/2007
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
LEE WILLIAM DAVIS	\$452,000		26772/0002	00	04/25/2007
SMITH VICTORIA BETH	\$350,000		17534/0308	00	08/15/2001
MCHUGH MICHAEL L	\$170,000		15500/0459	00	02/26/1999
GAGNON ELIZABETH A	\$0		4285/ 21		

Building Information

Building 1 : Section 1

Year Built: 1879
Living Area: 1,523

Building Attributes	
Field	Description
Style	Antique
Model	Residential
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	Wood Shingle

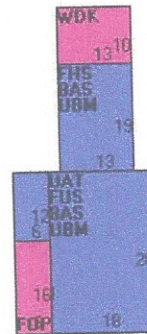
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	Hardwood
Heat Fuel	Oil
Heat Type:	Steam
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	7 Rooms
Bath Style:	Average
Kitchen Style:	Average

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos//\00\00>)

Building Layout



Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	823	823
FUS	Upper Story, Finished	576	576
FHS	Half Story, Finished	247	124
FOP	Porch, Open	96	0
UAT	Attic	504	0
UBM	Basement, Unfinished	823	0
WDK	Deck, Wood	130	0
		3,199	1,523

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1010
Description SINGLE FAM
Zone R3

Land Line Valuation

Size (Acres) 0.14
Depth 0
Assessed Value \$211,300

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE			360 S.F.	\$5,000	1

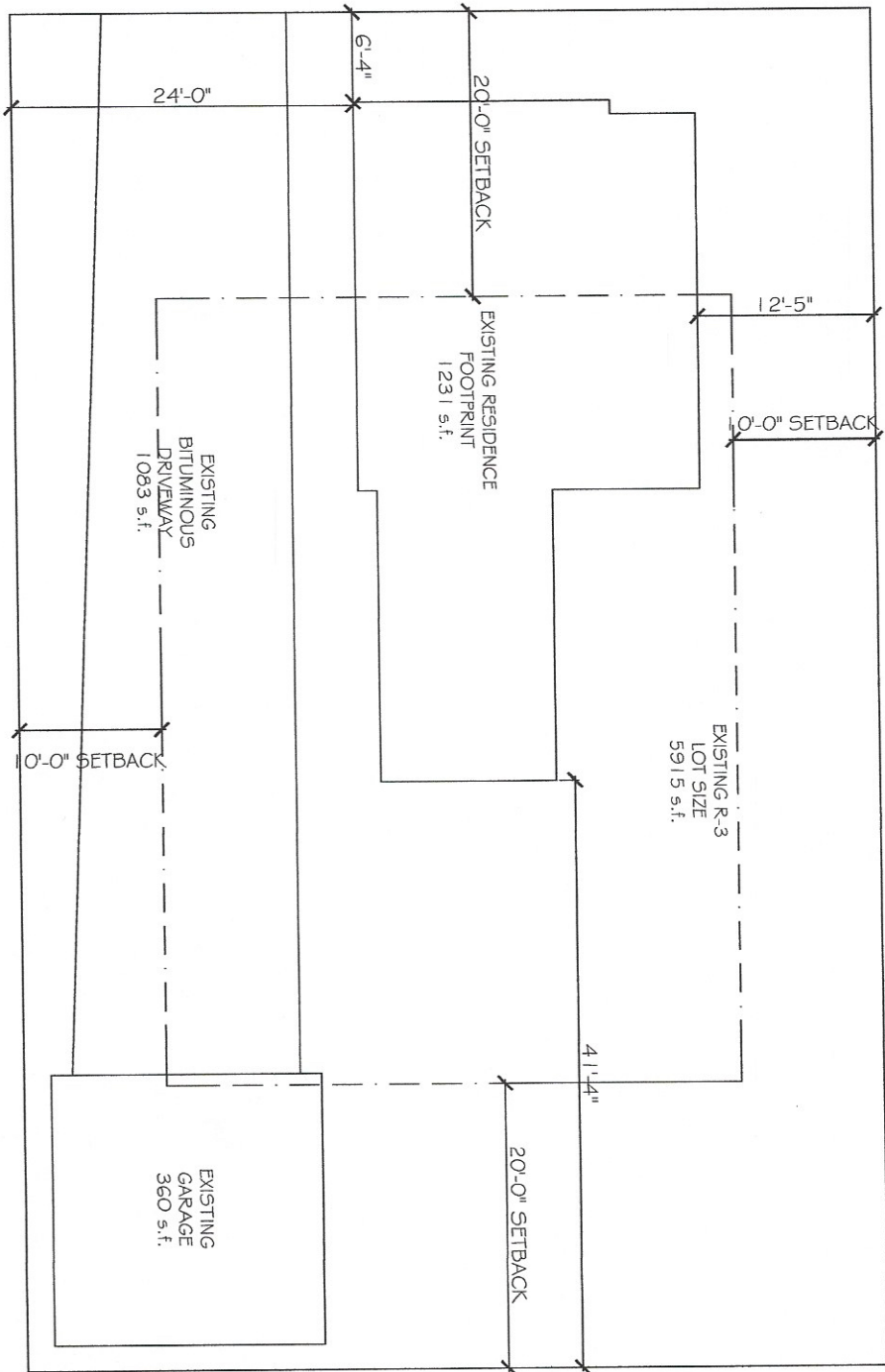
Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$272,700	\$201,300	\$474,000

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1 Existing Site Plan
1/8" = 1'-0"



S-1

Existing Site Plan
1/8" = 1'-0"

30 JANUARY 2018

HOUSE RENOVATION

15 Eagle St.
Newburyport, MA

L & S CONSTRUCTION
West Newbury, MA

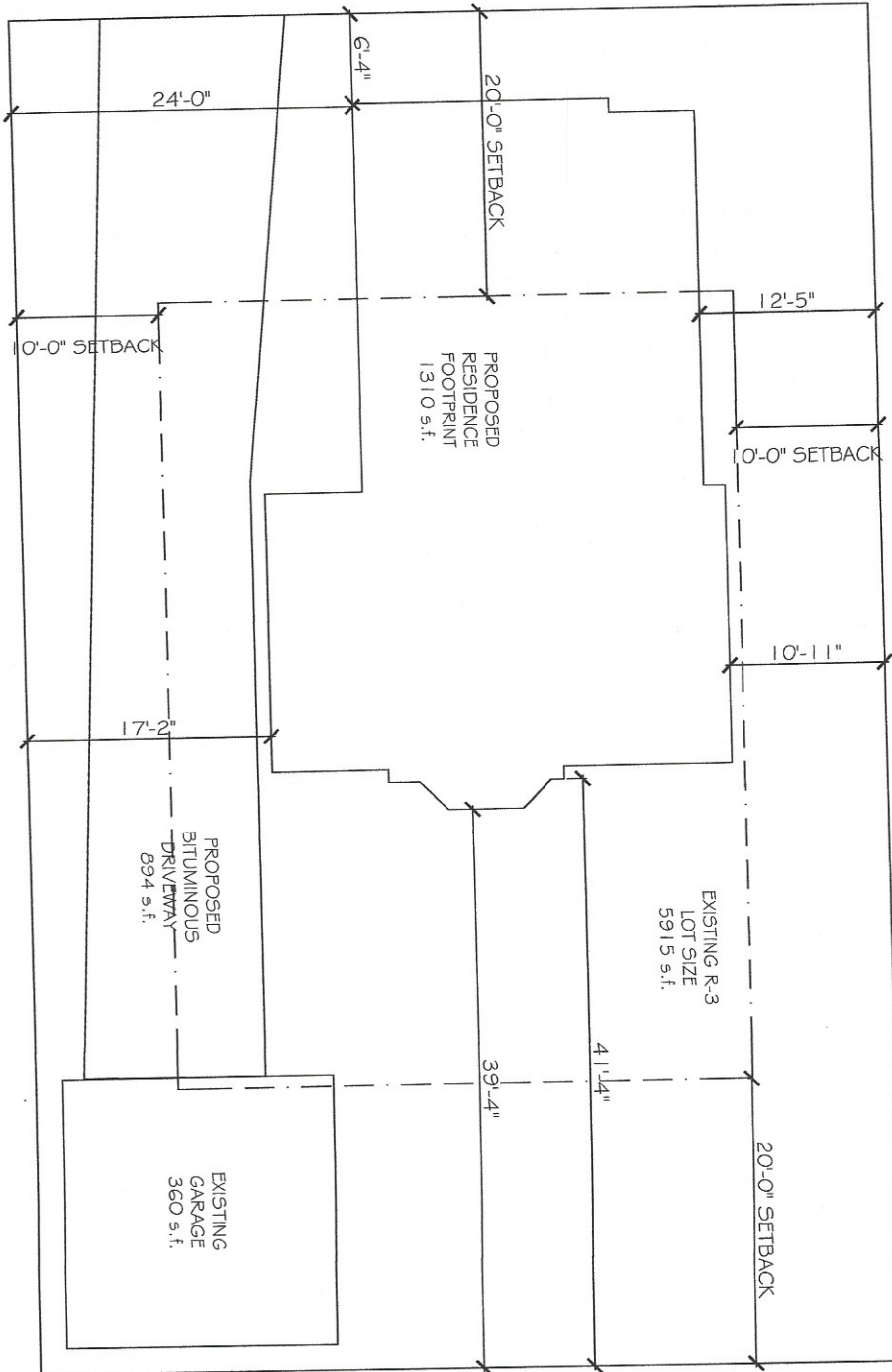
Hilary R. Ward, Architect
orange ARCHITECT



978.810.1229

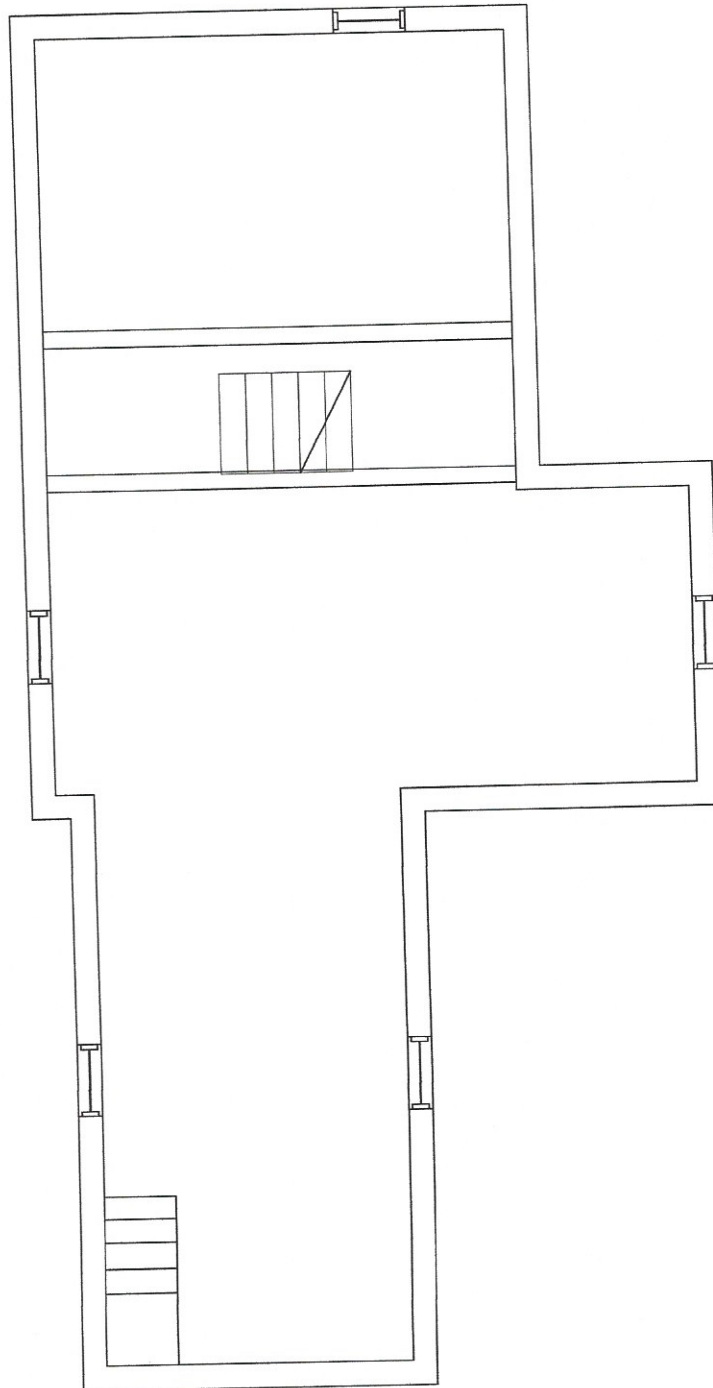


1 Existing Site Plan
1/8" = 1'-0"



S-2	Proposed Site Plan 1/8" = 1'-0"	HOUSE RENOVATION 15 Eagle St. Newburyport, MA	Hilary R. Ward, Architect orange ARCHITECT 978.810.1229
	30 JANUARY 2018	L & S CONSTRUCTION West Newbury, MA	

1
1/4" = 1'-0"
EXISTING BASEMENT PLAN



E-1

EXISTING BASEMENT PLAN
1/4" = 1'-0"

30 JANUARY 2018

HOUSE RENOVATION

15 Eagle St.
Newburyport, MA

L & S CONSTRUCTION
West Newbury, MA

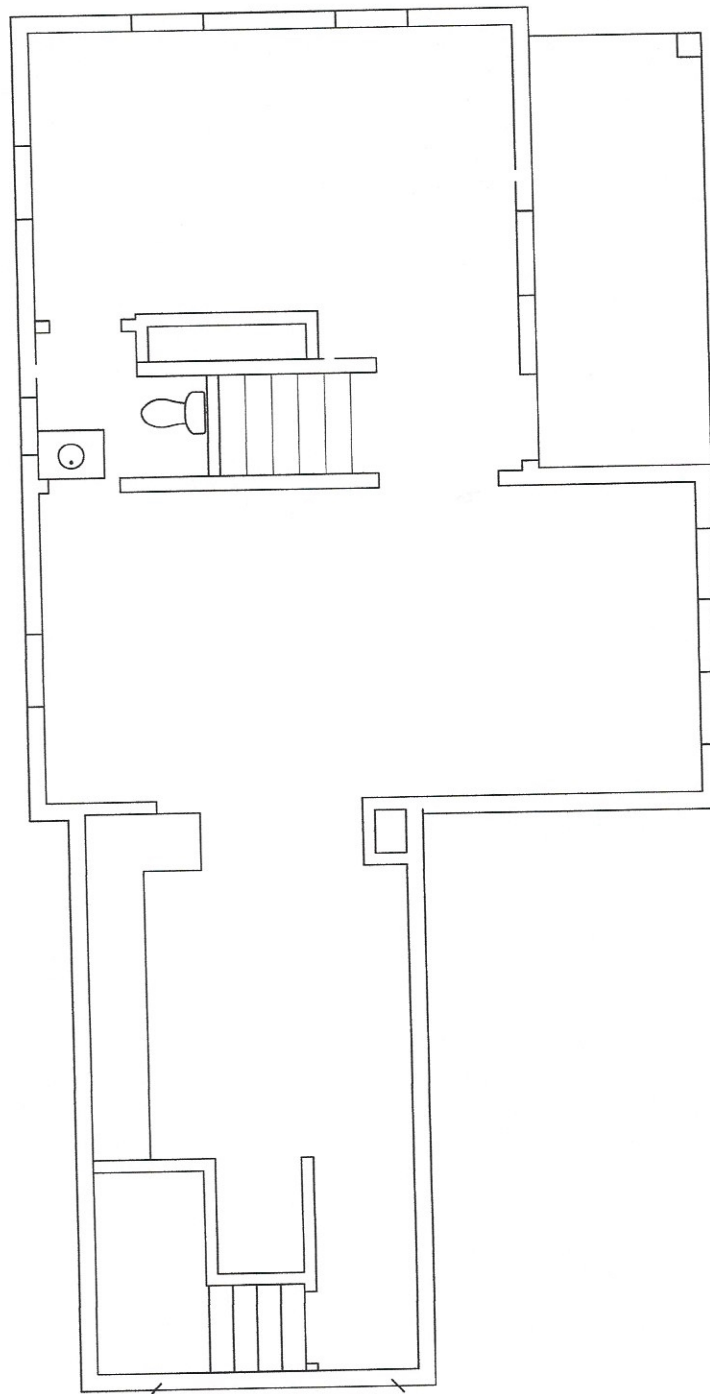
Hilary R. Ward, Architect

orange ARCHITECT



978.810.1229

1
1/4"=1'-0"
EXISTING FIRST FLOOR PLAN



E-2

EXISTING PLAN AT FIRST FLOOR HOUSE RENOVATION

1/4"=1'-0"

15 Eagle St.
Newburyport, MA

L & S CONSTRUCTION
West Newbury, MA

30 JANUARY 2018

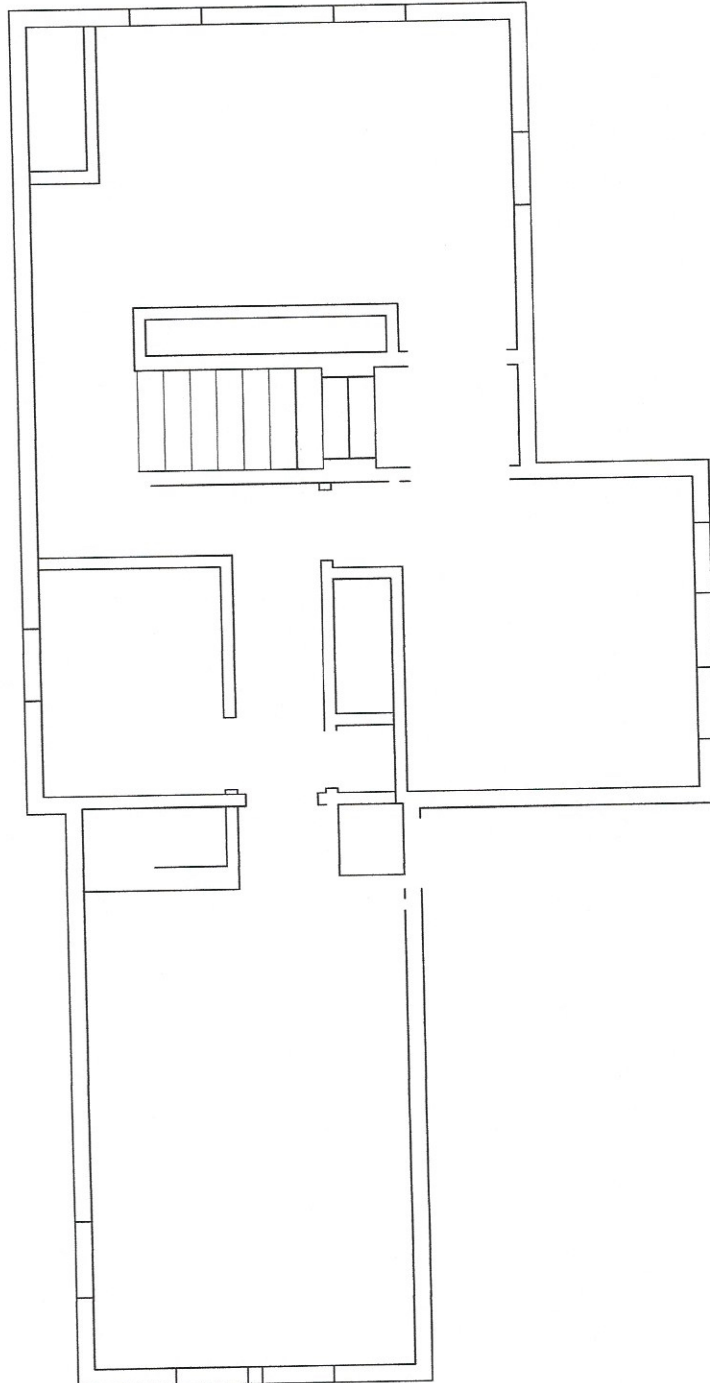
Hilary R. Ward, Architect

orange ARCHITECT



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1 EXISTING PLAN AT SECOND FLOOR
1/4" = 1'-0"



E-3

EXISTING PLAN AT SECOND FLOOR HOUSE RENOVATION

1/4" = 1'-0"

15 Eagle St.
Newburyport, MA

L & S CONSTRUCTION
West Newbury, MA

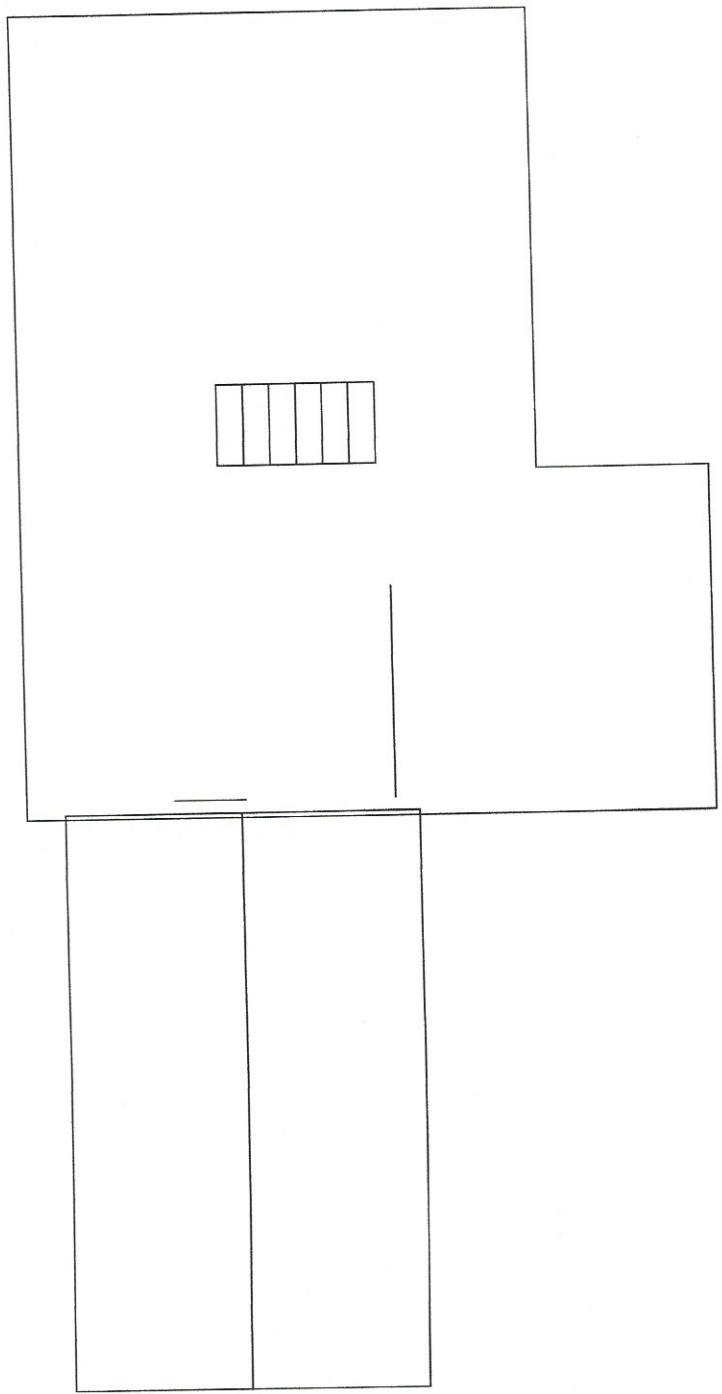
Hilary R. Ward, Architect



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30 JANUARY 2018

1
1/4"=1'-0"
EXISTING PLAN AT ATTIC



D-4

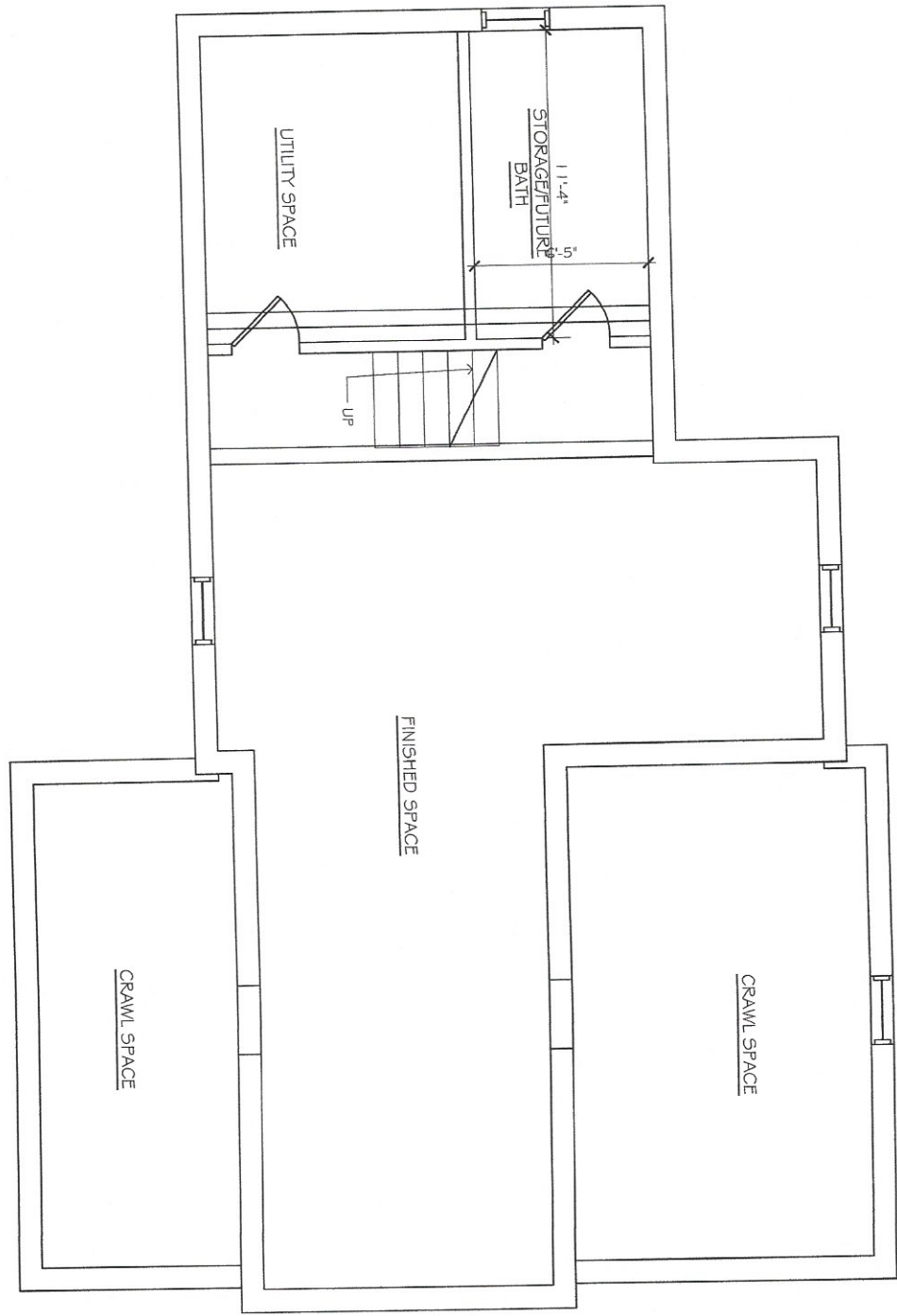
DEMOLITION PLAN AT ATTIC
1/4"=1'-0"

30 JANUARY 2018

HOUSE RENOVATION
15 Eagle St.
Newburyport, MA
L & S CONSTRUCTION
West Newbury, MA

Hilary R. Ward, Architect
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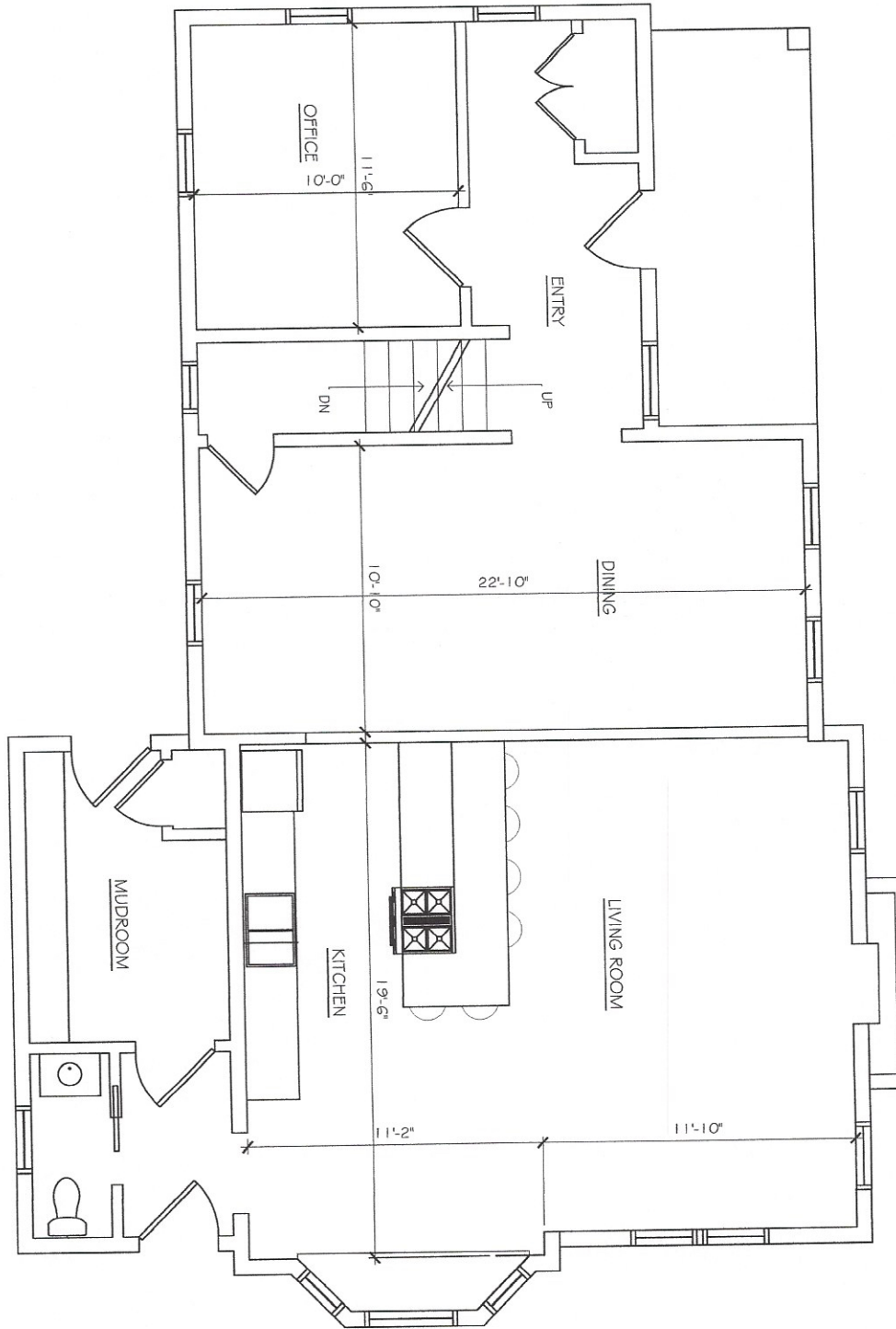
1 Basement plan
1/4"=1'-0"



A-1	BASEMENT PLAN 1/4"=1'-0"	HOUSE RENOVATION 15 Eagle St. Newburyport, MA L & S CONSTRUCTION West Newbury, MA	Hilary R. Ward, Architect orange ARCHITECT 978.810.1229
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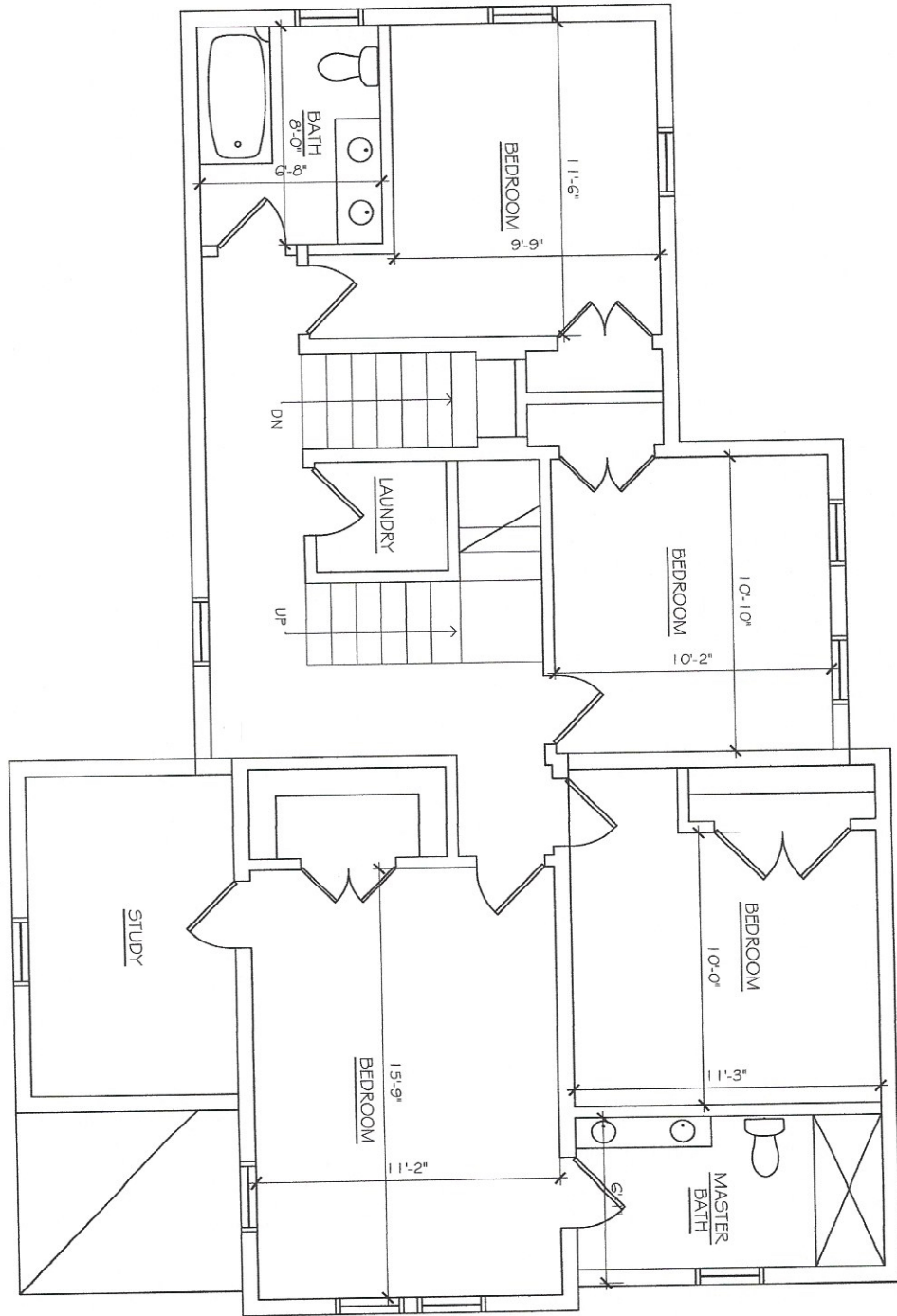
30 JANUARY 2018

1 First Floor Plan
1/4"=1'-0"



<p>A-2</p>	<p>First Floor Plan 1/4" = 1'-0"</p> <p>30 JANUARY 2018</p>	<p>HOUSE RENOVATION 15 Eagle St. Newburyport, MA</p> <p>L & S CONSTRUCTION West Newbury, MA</p>	<p>Hilary R. Ward, Architect</p> <p>orange ARCHITECT</p> <p>978.810.1229</p>
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1 Second Floor Plan
1/4" = 1'-0"



A-3

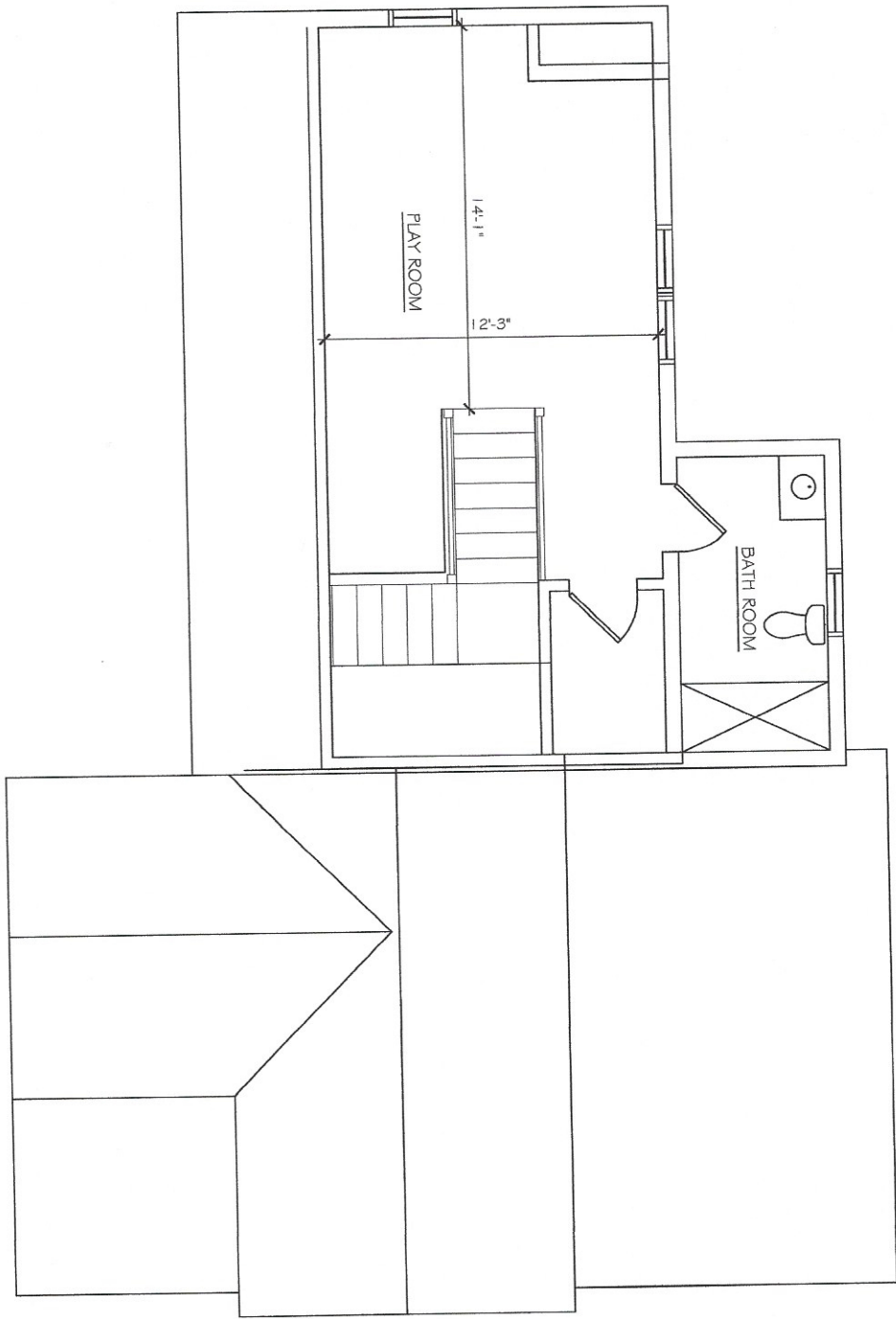
Second Floor Plan
1/4" = 1'-0"

30 JANUARY 2018

HOUSE RENOVATION
15 Eagle St.
Newburyport, MA
L & S CONSTRUCTION
West Newbury, MA

Hilary R. Ward, Architect
orange ARCHITECT
978.810.1229

1 Attic Floor Plan
1/4" = 1'-0"



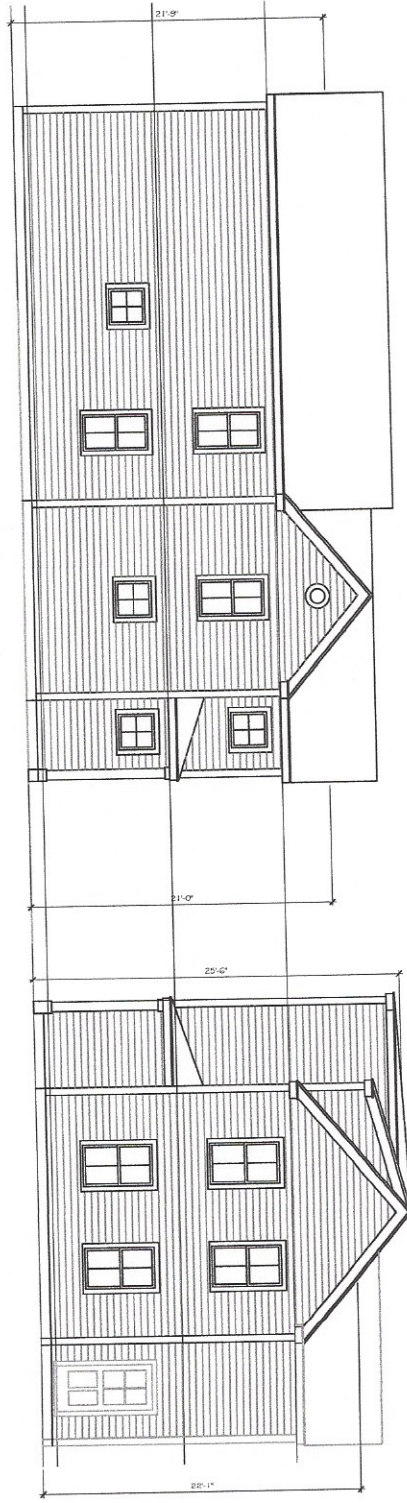
A-5

Attic Floor Plan
1/4" = 1'-0"

30 JANUARY 2018

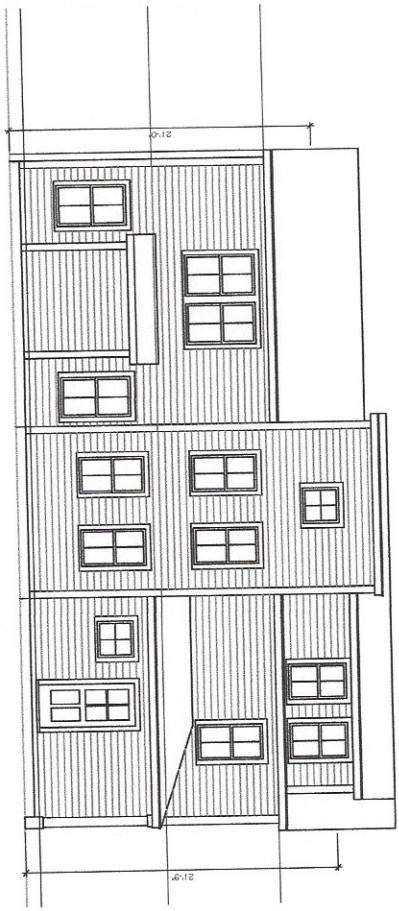
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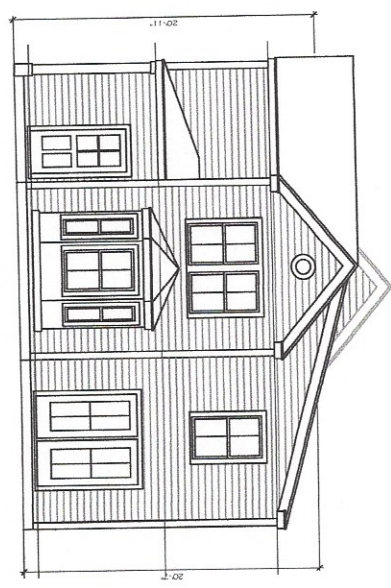


1 SIDE ELEVATION
1/8" = 1'-0"

2 FRONT ELEVATION
1/8" = 1'-0"



3 SIDE ELEVATION
1/8" = 1'-0"



4 BACK ELEVATION
1/8" = 1'-0"

A-5

Exterior Elevations
1/8" = 1'-0"

30 JANUARY 2018

HOUSE RENOVATION
15 Eagle St.
Newburyport, MA
L & S CONSTRUCTION
West Newbury, MA

Hilary R. Ward, Architect
orange ARCHITECT
978.810.1229

15 Eagle St
Newburyport, MA 01950
(978) 518- 5327

January, 29, 2018

OVERVIEW

We have reviewed the Pilz family's plan to add and renovate the existing home, and we are in support of the project.

Signed, *Daniel Joseph Lyons II*
Daniel Joseph Lyons II
17 Eagle St

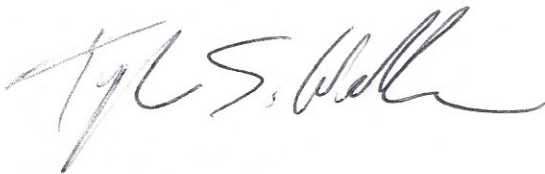
15 Eagle St
Newburyport, MA 01950
(978) 518- 5327

January, 29, 2018

OVERVIEW

We have reviewed the Pilz family's plan to add and renovate the existing home, and we are in support of the project.

Signed,



Tyler S Walker

13 Eagle St.

Newburyport, MA 01950