



CITY OF NEWBURYPORT
 ZONING BOARD OF APPEALS
 60 PLEASANT STREET • P.O. BOX 550
 NEWBURYPORT, MA 01950
 (978) 465-4400
 WWW.CITYOFNEWBURYPORT.COM

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA
 2017 AUG 29 PM 12:37

RECORD OF PROCEEDINGS AND DECISION
 FOR A VARIANCE

An application for a Variance was filed by:

Diane and Greg Chorebanian c/o Lisa L. Mead, Mead, Talerman & Costa, LLC
 30 Green Street
 Newburyport, MA 01950

for property owned by **Diane and Greg Chorebanian** for the following request:

construct an in-law apartment not connected to the main residential structure and greater than 15' tall

The application was filed at the City Clerk's Office on **7/11/17** under the Zoning Ordinance Section X-H.3 Powers of the Board and Section **XIIA In-law Apartments and VI.A Dimensional Controls**.

The application is for the premises at **55 Washington Street** in the **R3** Zoning District, as indicated in the Newburyport Assessor's Office as map and parcel **51-25** and recorded in the Essex South District Registry of Deeds as Book and Page **29488-63**. The newspaper notices for the public hearing were posted on **07/24/17** and **07/31/17** in the Newburyport Daily News.

A public hearing was held for the above application on **8/24/17** at 7:15 p.m. at which time the Board heard the petition for a Dimensional Variance. After the close of the hearing on **8/24/17**, upon motion made by Member **Maureen Pomeroy** and duly seconded by Member **Robert Ciampitti**, the Board voted to **APPROVE** the petition for the Dimensional Variance.

The following members present and voting, and voting as follows with respect to the petition:

Robert Ciampitti	<u>Yes</u>	Richard Goulet	<u>Yes</u>
Renee Bourdeau	Absent	Maureen Pomeroy, Associate	<u>Yes</u>
Edward Ramsdell, Chair	<u>Yes</u>		

Having received the necessary two-thirds super majority vote or all the members of the ZBA, in accordance with M.G.L. c.40A, Section 10, as adopted, the petition for the Dimensional Variance was therefore **APPROVED**.

FINDINGS

After the public hearing, in accordance with the criteria set forth in the City of Newburyport Zoning Ordinance Section X-H-6 Dimensional Variances, the Newburyport Zoning Board of Appeals made the following findings:

1. The applicant is proposing to rebuild an existing detached outbuilding for the purpose of using it as an in-law apartment. Since this apartment will not be attached to the primary structure, the applicant is requesting a use variance from this requirement of the in-law regulations (Section XIA). The applicant is also seeking a Special Permit to allow the in-law use on the property, and requesting relief for the following dimensional non-conformities: Frontage (ft.) 58.9 (unchanged) where 80 is required, Outbuilding height (ft.) 23 where 15 is permitted, *Outbuilding side setback 6.6/10.1 (improved) where 10 is required, and *Outbuilding rear setback of 10.1 (improved) where 20 is required.

* - Primary structure requirements within the R3 zoning district used for analysis since the proposed outbuilding exceeds the 15' maximum height regulation. For accessory structures that exceed the dimensional regulations, the primary structure setback requirements are utilized.

2. The proposed in-law apartment, while in a detached structure on the property, has a smaller floor area at 600 square feet than what the ordinance allows, 700 square feet (of new construction); There is ample parking onsite to accommodate the existing single-family structure and the proposed in-law apartment; the outbuilding is tucked behind the adjacent property and will effectively be invisible from the street; and this project will allow a family to remain in Newburyport, allow residents to age-in-place. allow families to share resources, financial and otherwise, through cohabitation.

3. The hardship in this application deals with lot shape and existing building placement (X-H (6)(C) and literal enforcement (X-H (6)(A) causing substantial hardship, financial or otherwise.

4. Reuse and expansion of the existing outbuilding permits the desirable proposed in-law use without the necessity to seek to undertake any alterations/demolition to the existing historic home at the front of the property located within the Demolition Control Overlay District.

5. The project is not increasing existing non-conformities nor adding new ones.

6. Evidence was presented and the Board found that the proposed change continues to be in conformity with the neighborhood and will not be substantially more detrimental to the neighborhood than the existing conditions.

7. In accordance with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance the Board found, upon recommendation of the DPS, that the sidewalk is in excellent condition and due to the narrow sidewalk, new trees are not recommended.

PLAN REFERENCES

This variance is approved based on the following plans and/or documents:

"Proposed Plot Plan of Land 55 Washington Street in Newburyport, Massachusetts Essex County"
by DGT Survey Group - North Shore dated 3/24/17 and revised through 6/28/17;
"Parents Dwelling" by Fulcrum Architects dated 6/9/17

Any alterations to these plans shall require subsequent approval by the Zoning Board of Appeals.

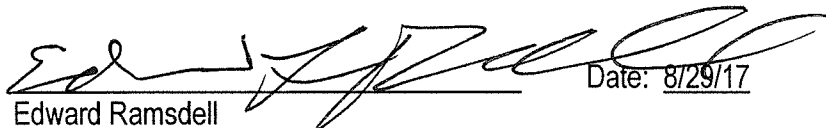
CONDITIONS OF APPROVAL

The following conditions do not limit any other rights and remedies the City of Newburyport may have.

1. This Variance shall not take effect until a copy of the decision bearing the certification of the City Clerk of Newburyport is recorded in the Essex County South Registry of Deeds under the name of the owner of record or is recorded and noted on the owner's certification of title. The fee for recording or registering shall be paid by the owner or applicant.
2. This Variance will lapse if not exercised within one year from the date of granting.

This decision was filed with the Newburyport City Clerk on **8/29/17** and sent registered mail to the applicant and by regular mail to the Parties in Interest and the abutting Municipalities.

Undersigned Chair of the Zoning Board of Appeals,


Edward Ramsdell Date: 8/29/17

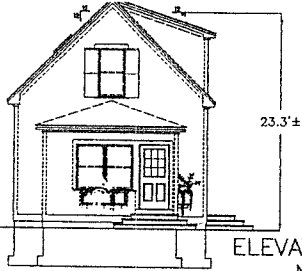
CERTIFICATION OF CITY CLERK

I, Richard Jones, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A, Section 17, that the decision for the property known as **55 Washington Street** was filed in the Office of the City Clerk on **8/29/17**. Pursuant to M.G.L. Chapter 40A, Section 11 this decision was also filed with the Newburyport Planning Board on **8/29/17**.

Twenty (20) days have elapsed since the decision was filed and **NO APPEAL** has been filed. Appeals shall be made pursuant to M.G.L. Chapter 40A, Section 17 and filed within (20) twenty days after the date of filing of this decision in the Office of the City Clerk.

Newburyport City Clerk

Date: _____



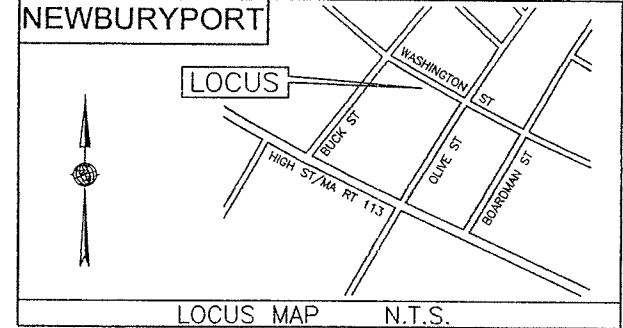
ELEVATION VIEW
N.T.S.

LOCUS DATA

OWNERS: GREGORY & DIANA CHOREBANIAN
ASSESSOR'S REF. MAP 51 LOT 25
LEGAL REF.: DEED BOOK 29488 PAGE 63

REFERENCES:

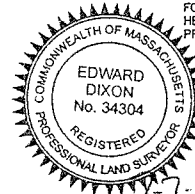
1. ESSEX COUNTY REGISTRY OF DEEDS
BK 29488 PG 557 63
2. CITY OF NEWBURYPORT ASSESSOR
MAP 51 PARCEL 25



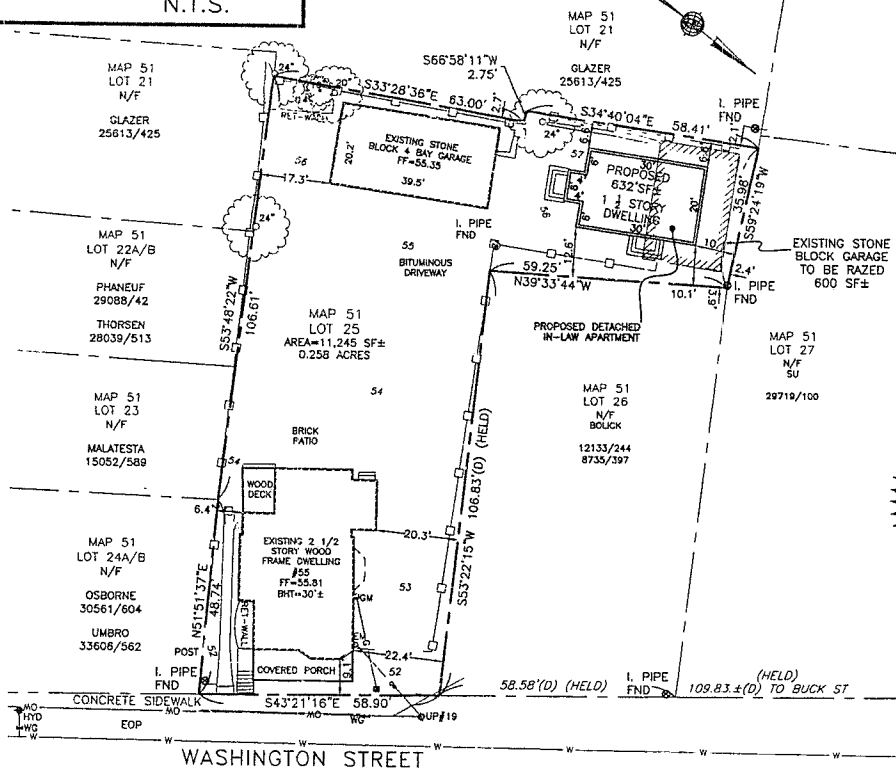
NOTES:

1. FIELD SURVEY PERFORMED: DECEMBER 5, 2016.
2. THIS PLAN IS PART OF THE APPLICATION FOR A VARIANCE TO ALLOW THE CONSTRUCTION OF A DETACHED IN-LAW APARTMENT ON THE SUBJECT PROPERTY.

I 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 THAT THE CERTIFICATION SHOWN HEREON IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.



Edward Dixon
PROFESSIONAL LAND SURVEYOR DATE



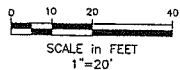
ZONING MATRIX

CURRENT ZONING: R3/IN-LAW APARTMENT (109)

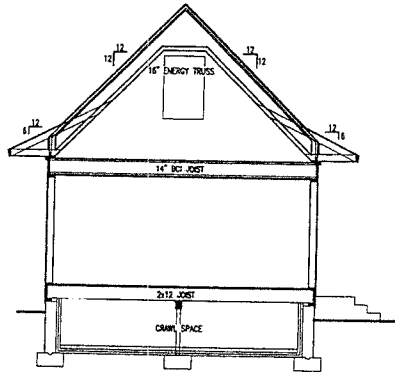
	REQUIRED 6,000 S.F.	EXISTING RESIDENCE 11,245 S.F.±	EXISTING GARAGE 11,245 S.F.± N.C.	PROPOSED IN-LAW APARTMENT 11,245 S.F.± N.C.
LOT AREA	80'	58.9'	58.9' N.C.	58.9' N.C.
FRONTAGE	20'	9.1'	NA N.C.	NA N.C.
FRONT YARD SET BACK	10'	20.3'(R) 6.4'(L)	2.1'(R) 3.9'(L)	6.6'(R) 10.1'(L)
SIDE YARD SET BACK	20'	93.3'	2.4'	10.1'
REAR YARD SET BACK	35 FT	30'± FT	12'± FT	23'± FT
BUILDING HEIGHT	30%	25.1%	25.1%	23.3%
LOT COVERAGE	35%	40.7%	40.7%	40.4%
OPEN SPACE				

N.C. = NO CHANGE

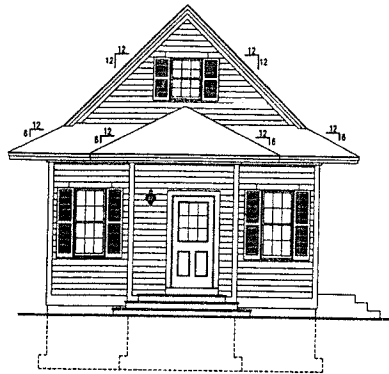
REDUCED NOT TO
SCALE



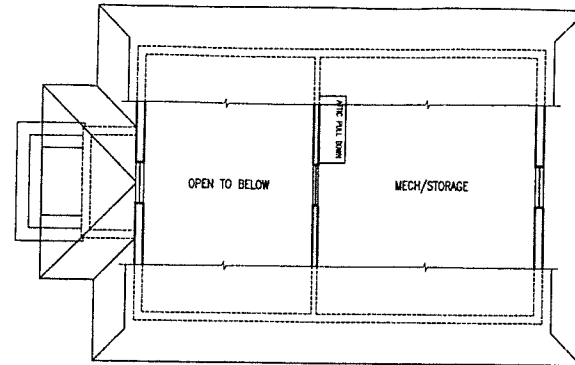
<p>PROPOSED PLOT PLAN OF LAND 55 WASHINGTON STREET IN NEWBURYPORT, MASSACHUSETTS ESSEX COUNTY</p>	RESEARCH: EDX
	FIELD: AM/CA
	CALCULATION: EDX
<p>PREPARED FOR: DIANE & GREG CHOREBANIAN</p>	DRAFTING: AAM
	CHECK: EDX
<p>PREPARED BY: DGT SURVEY GROUP - NORTH SHORE A DIVISION OF DIGITAL GEOGRAPHIC TECHNOLOGIES, INC.</p>	PROJ. MANAGER: EDX
	DATE: MARCH 24, 2017
<p>18 CENTER STREET SUITE 1 NEWBURYPORT, MA 01950</p>	D.G.T. JOB NO. N4292
	CRD FILE N4292.CRD
<p>TEL: 978-465-9992 info@dgtsurvey.com www.dgtsurvey.com</p>	SHEET NO. 1 OF 1



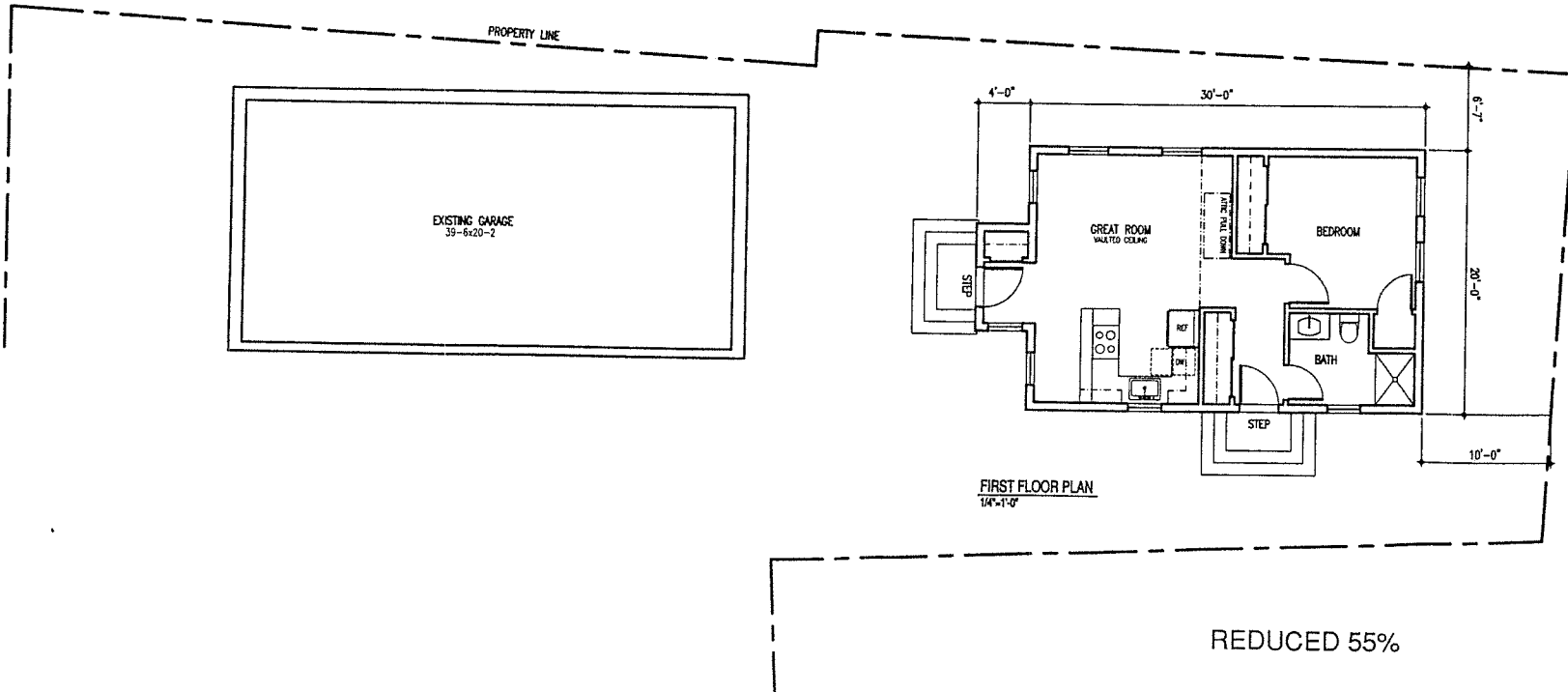
BUILDING SECTION
1/4\"/>



SOUTHEAST ELEVATION
1/4\"/>



SECOND FLOOR PLAN
1/4\"/>



FIRST FLOOR PLAN
1/4\"/>

REDUCED 55%

▲
▲ ▲
FULCRUM, INC.
ARCHITECTS
22 LAFAYETTE RD
SALISBURY, MA 01952
Tel: 978-462-5151
cFax: 978-359-0059
info@fulcrumarch.com

PROJECT: _____

PARENTS DWELLING
55 WASHINGTON STREET
NEWBURYPORT, MA 01950

ISSUED FOR:
SK REVIEW 4-9-2017

DRAWN BY:
REV:

FILE NAME:
PROJECT NUMBER:
PROJECT SHEET NO.:



SHEET NUMBER

A-1