

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

Petitioner: 22-24 Olive St LLC, c/o Lisa Mead, Mead, Talerman & Costa, LLC

Mailing Address: 30 Green Street, Newburyport MA 01950

Phone: 9784637700 Email: Lisa@mtclawyers.com

Property Address: 22-24 Olive St

Map and Lot(s): 52/37 Zoning District: R2/DCOD

Book and Page(s): 39775/380

Owner(s) Name: 22-24 Olive St LLC

Mailing Address (if different): 2 Elm Sq., Andover MA

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 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) |
| <input 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:
Remove additions on rear of structure and construct new addition.

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	15000	10758	10758
Frontage	120	219.70	219.70
Height*	35	24.7	24.6
Max. Lot Coverage (%)**	25	24.7	24.7
Min. Open Space (%)***	40	67.8	63.5
Primary Front Setback	25	25.1	25.1
Side A Setback/Secondary Front Setback	25	10.8	10.8
Side B Setback	20	60.7	29.9
Rear Setback	26	16.5	16.5
Parking Spaces	4	2	5
FAR****			

*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.

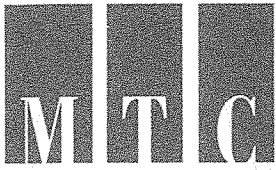

 MANAGER

 Petitioner

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


 MANAGER

 Owner (if different)



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

June 30, 2021

By Hand

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

Re: Request for Special Permit for Non-conformities;
22-24 Olive Street, Newburyport, MA (the "Property")
Assessor's Map: 52 Lot: 37

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents the 22-24 Olive Street, LLC the owner of the Property (the "Applicant"). The Property is located in the R-2 and DCOD zoning districts of the Newburyport Zoning Ordinance (the "Ordinance") and is used as a two-family residence (the "Residence"). The structure is listed as Contributory on the District Data Sheets. The Applicant proposes to remove a later added rear addition as well as an earlier rear addition and construct an addition in their place.

The Residence and Property are nonconforming as noted below and will require a special permit for nonconformities from the Zoning Board of Appeals ("ZBA").

The Applicant has also simultaneously filed a request for a Demolition Delay Permit from the Historic Commission for removal of the earlier addition related to a roof line change.

The proposed demolition does not trigger review by the ZBA under the DCOD as 24.72% of the exterior walls will be removed and/or covered as part of the project.

Special Permit for Non-Conformities and Variance

The Applicant requires a special permit for nonconformities from the ZBA pursuant to Section IX.B.2.A of the Ordinance. The Property is located in the R2 zoning district and is a pre-existing nonconforming lot for lot area, secondary front setback, and rear setback. The R2 for a two family requires 15,000 square feet of area and the Property includes 10,758, secondary front setback of 25 feet and the Property includes 10.6 feet and a rear setback of 25 feet and the Property includes 16.5 feet. The remaining dimensional controls are met.

Under the proposed project, the proposed addition meets all of the dimensional requirements and does not intensify any of the pre-existing non-conformities but indeed

Millis Office

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

removes some of the intensity of the existing non-conformities. The proposed addition is more than 500 square feet.

1. Special Permit for Non-Conformities

The Applicant requires a special permit for nonconformities pursuant to Section IX.B.3(C) of the Ordinance. The Property is located in the R2 zoning district and is a pre-existing nonconforming. For a two family, the R2 requires 15,000 square feet of area and the Property includes 10,758, secondary front setback of 25 feet and the Property includes 10.6 feet and a rear setback of 25 feet and the Property includes 16.5 feet.

The proposed addition does not exacerbate, intensify or add any new non-conformities. Indeed the proposed addition meets all of the required setbacks and other dimensional requirements. Due to the non-conforming lot area and a proposed addition of more than 500 square feet, the Applicant requires a Special Permit.

Section IX-B(2)(A) allows for the modification of a pre-existing nonconforming single-family structure where the Board finds that:

- A. there will be no addition of a new non-conformity**
- B. the proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure.**

- A. There will be no new nonconformity created by the project.
- B. The Board can also find that the proposal is not substantially more detrimental to the neighborhood.

As you can see from the attached plans, the proposed addition is smaller in footprint and in height than the existing structure. Additionally, the proposed addition steps back and apart from the existing structure. As you can see from the attached Assessor's Map, the Property has sufficient size as compared to its surrounding neighbors to accommodate the proposed addition.

Further, the proposal is to remove two additions which were not appropriate for the home. While, it is true that the Applicant is removing portion of the existing walls, by the removal of the addition, the Applicant is likewise exposing portions of the original historic exterior rear wall which had been previously covered by the more recent additions.

The proposed modifications to the structure are appropriate for the scale and massing and architectural style of the existing home. The Applicant will be removing an existing accessory building which is fully heated and currently serves as a workshop which is adjacent to and only five (5) feet from the northerly property line, thereby diminishing the impact of that side yard setback. The proposal removes all of the out-buildings and structures and proposes a compact building which exceeds the side yard setback to the northerly neighbor on Russia Street to a distance of 29.9 feet.

From Olive Street, the addition will barely be noticeable if at all. The proposed addition is smaller and setback, as noted above, from the edges of the main home on Olive Street. The streetscape of Olive Street will remain unchanged. Additionally, as to the streetscape on Russia Street, the addition is setback more than the required front yard setback of 25 feet and as a result to not impose upon the street.

Finally, the Applicant is increasing the number of off street parking spaces to five (5) which in this tight neighborhood, will be beneficial.

Based upon the foregoing, the Board can find that the proposed addition is not substantially more detrimental to the neighborhood than the existing structure.

Respectfully submitted
22-24 Olive Street LLC
By Its Attorney

A handwritten signature in black ink, appearing to read 'L. Mead', written in a cursive style.

Lisa L. Mead

Attachment
cc: client

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# 2021-057

Name: 22-24 Olive Street LLC c/o Lisa Mead MTC LLC

Address: 22-24 Olive Street Zoning District(s): R2/DCOD

Request: Remove existing rear portion of 2 family home and construct new 2 story addition of greater than 500sf and causing a roofline change. Connected wall standard and 25% wall demolition to be documented.

ZONING BOARD REVIEW REQUIRED

Variance

- Dimensional Controls (VI)
 - Lot Area
 - Lot Frontage
 - Lot Coverage
 - Parking (VII)
 - Modification
- Open Space
- Height
- Lot Width

Sign Variance

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

Smart Growth District (XXIX)

- Plan Approval

Site Plan Review (XV)

- Major
- Minor

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

06/30/2021

Newburyport Zoning Administrator

Date

22-24 OLIVE ST

Location 22-24 OLIVE ST

MBLU 52/ 37/ 11

Owner CHARMANSKI JOHN A TRS

Assessment \$787,900

PID 3508

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$548,600	\$239,300	\$787,900

Owner of Record

Owner CHARMANSKI JOHN A TRS
Co-Owner KIT MARIE CARGILE TRS
Address 24 OLIVE ST
NEWBURYPORT, MA 01950

Sale Price \$0
Certificate
Book & Page 35391/0483
Sale Date 10/28/2016
Instrument 1F

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
CHARMANSKI JOHN A TRS	\$0		35391/0483	1F	10/28/2016
CHARMANSKI RITA T TRS	\$0		25994/0217	1F	08/17/2006
CHARMANSKI RITA T	\$0		4385/0263		

Building Information

Building 1 : Section 1

Year Built: 1850
Living Area: 3,567

Building Attributes	
Field	Description
Style:	Family Duplex
Model	Residential
Grade:	Average +10
Stories:	2 Stories

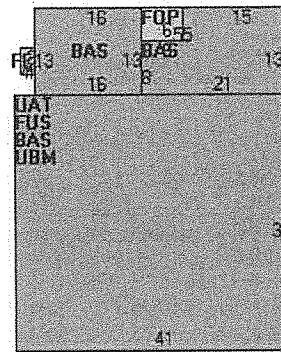
Occupancy	2
Exterior Wall 1	Brick/Masonry
Exterior Wall 2	Clapboard
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Fir 1	Hardwood
Interior Fir 2	Carpet
Heat Fuel	Gas
Heat Type:	Steam
AC Type:	None
Total Bedrooms:	4 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	11 Rooms
Bath Style:	Average
Kitchen Style:	Modern
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
Kitchen Grd	
Fndtn Cndtn	
Basement	

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos/\00\00\24\66.jpg>)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPhotos/Sketches/3508_36)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	2,009	2,009
FUS	Upper Story, Finished	1,558	1,558
FEP	Porch, Enclosed	8	0
FOP	Porch, Open	30	0
UAT	Attic	1,558	0
UBM	Basement, Unfinished	1,558	0
		6,721	3,567

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL3	FIREPLACE 2 ST	1.00 UNITS	\$3,300	1

Land

Land Use

Use Code 1040
Description TWO FAMILY

Land Line Valuation

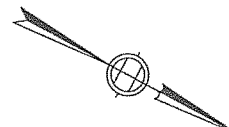
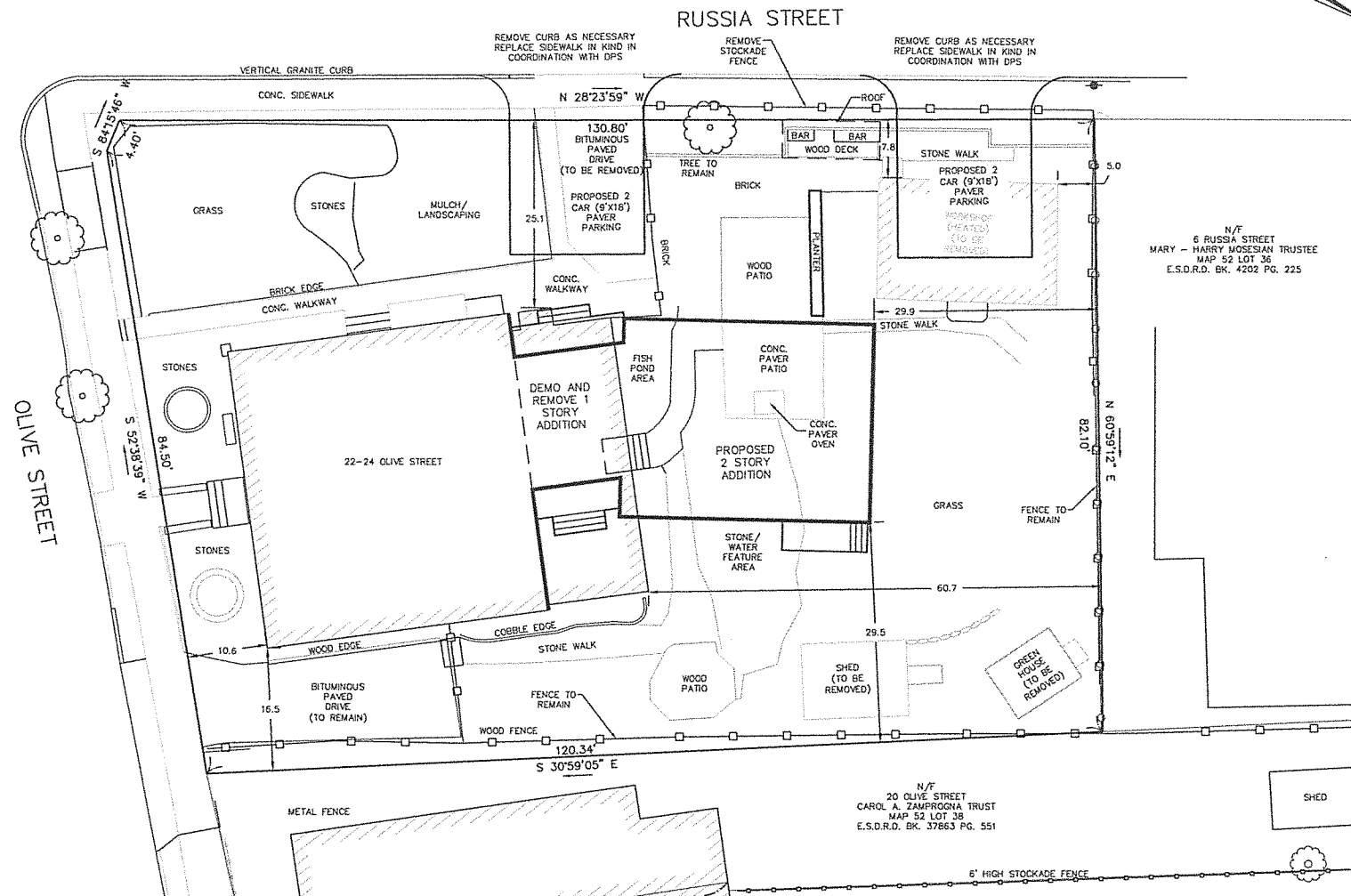
Size (Acres) 0.25
Depth 0
Assessed Value \$239,300

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
GRN1	GREEN HOUSE-RS			60.00 S.F.	\$600	1
SHD1	SHED FRAME			384.00 S.F.	\$3,500	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$500,100	\$239,300	\$739,400



ZONING

	REQUIRED (TWO-FAMILY - 102)	EXISTING (TWO-FAMILY - 102)	PROPOSED (TWO-FAMILY - 102)
MINIMUM LOT AREA	15,000 SQUARE FEET	10,758 SQUARE FEET	10,758 SQUARE FEET
MINIMUM LOT FRONTAGE	120 FEET	219.70 FEET	219.70 FEET
FRONT SETBACK	25 FEET	25.1 FEET	25.1 FEET
SIDE (FRONT) SETBACK (R)	25 FEET	10.6 FEET	10.6 FEET
SIDE SETBACK (L)	20 FEET	60.7 FEET	29.9 FEET
REAR SETBACK	25 FEET	16.5 FEET	16.5 FEET
MAXIMUM LOT COVERAGE(%)	25.0%	24.7%	24.7%
MAXIMUM HEIGHT	35 FEET	24.7 FEET	24.6 FEET
MINIMUM OPEN SPACE	40.0%	67.8%	63.5%
MINIMUM PARKING REQUIRED	4	2	5

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.

LOCUS TITLE INFORMATION

22-24 OLIVE STREET
OWNER: 22-24 OLIVE STREET LLC
DEED REFERENCE: BK. 39775 PG. 380
ASSESSORS: MAP 52 LOT 37

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 BETWEEN APRIL 14, 2021 BY THIS FIRM.

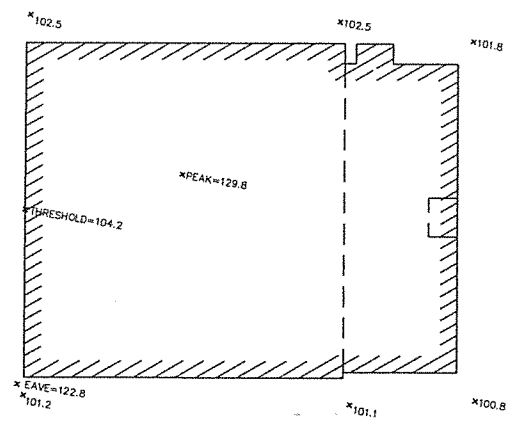
ELEVATIONS ARE BASED ON AN ASSUMED DATUM.

DESIGN INFORMATION IS AS PROVIDED BY THE CLIENT.

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

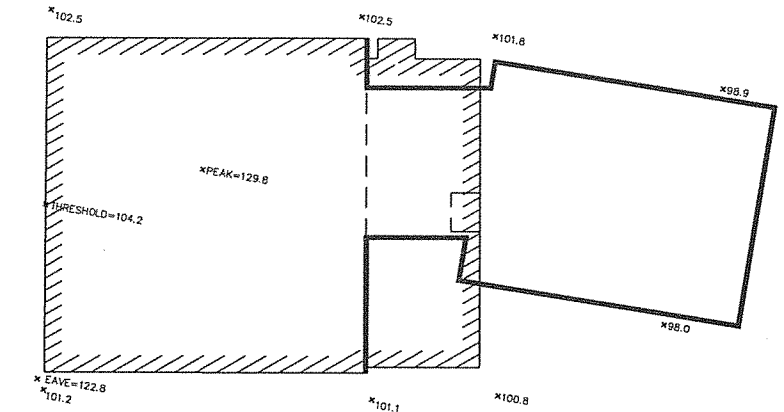
TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

P.L.S. *Everett J. Chandler*
EVERETT J. CHANDLER, P.L.S.
MASS. REGISTRATION NO. 41765

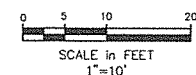


EXISTING BUILDING

Building Height Calculations		
	Existing	Proposed
Building Height	24.7	25.5
Grades Used In Calculation		
	102.5	102.5
	102.5	102.5
	101.8	101.8
	100.8	100.8
	101.1	101.1
	101.2	101.2
		98.9
		98.0
Average Grade	101.7	100.9
Ridge Grade	129.8	129.8
Eave Grade	122.8	122.8
Mean Roof Grade	126.3	126.3



EXISTING BUILDING WITH ADDITION



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Winter GEC, LLC

44 MERRIMAC STREET
NEWBURYPORT, MA 01950
978-270-8626

SCALE:
HORIZ: 1"= 10'
VERT: _____

NO.	DATE	BY	REVISIONS

FIELD: CO/EC
CALCS: EC
CHECKED: EJC
APPROVED: EJC

ZONING PLAN

22-24 OLIVE STREET

PLAN OF LAND IN
NEWBURYPORT, MASSACHUSETTS
SURVEYED FOR
SARKIS DEVELOPMENT COMPANY

PROJECT NO.
2021-22-24OLIVE
DATE: JUN 28, 2021
SHEET NO.
1 OF 1

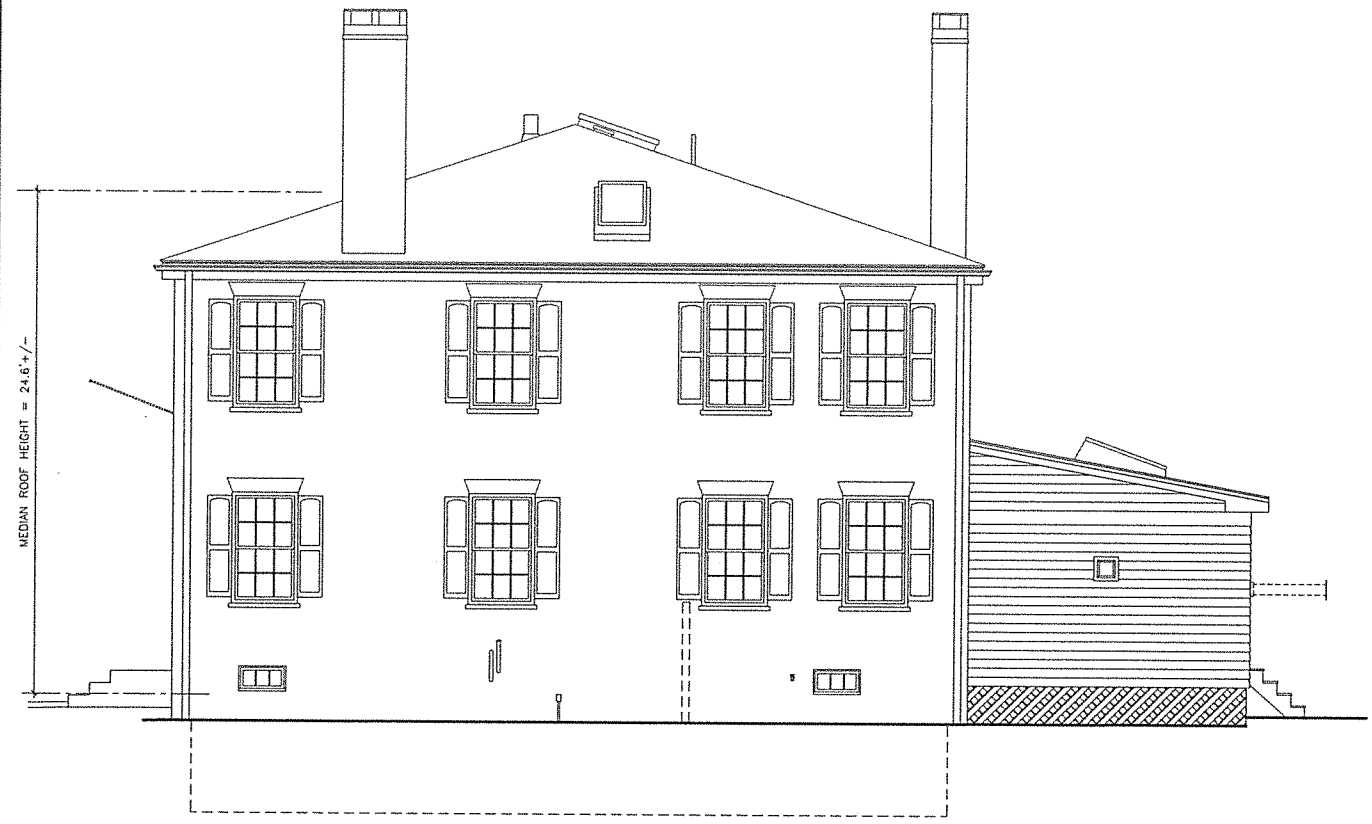
NOTE: CORRECT DRAWING FORMAT IS 24"x36". ANY PLOT OF THIS DRAWING TO OTHER FORMAT DIMENSIONS HAS BEEN PLOTTED TO FIT. NEW OUTPUT SIZE. DRAWING AND DETAIL SCALES MUST BE REDUCED OR INCREASED PROPORTIONATELY.
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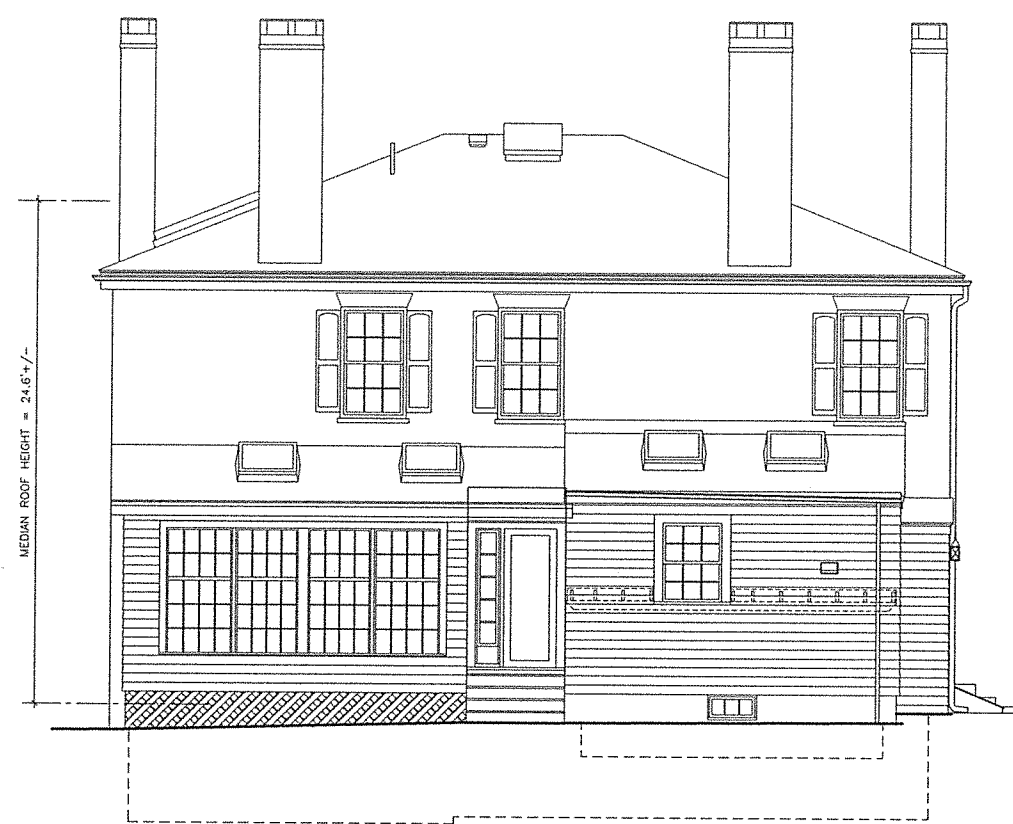
3 Existing South Elevation (Russia Street)
 EX-2.0 Scale: 1/4"=1'-0"



1 Existing East Elevation (Olive Street)
 EX-2.0 Scale: 1/4"=1'-0"



4 Existing North Elevation
 EX-2.0 Scale: 1/4"=1'-0"



2 Existing West Elevation
 EX-2.0 Scale: 1/4"=1'-0"

Tektoniks
 Architects
 17 Larchmont Road
 Salem, Massachusetts 01970
 tel. 617.816.3555
 www.tektoniksarchitects.com

CONSULTANTS

PROJECT
**Condominium Conversion/
 Renovations
 + Additions to
 Private Residence**
 22-24 Olive Street
 Newburyport, Massachusetts
 01950

DWG. TITLE
**Zoning Board of
 Appeals Submission**
**Existing Building
 Elevations**

REVISIONS

No.	Description

SEAL
 SIGNATURE _____
 PROJECT No. _____
 SCALE 1/4" = 1'-0"
 DATE OF ISSUE 25 June 2021
 DRAWING No. _____

EX-2.0

NOTE: CORRECT DRAWING FORMAT IS 24"x36". ANY PLOT OF THIS DRAWING TO OTHER FORMAT DIMENSIONS HAS BEEN PLOTTED TO FIT MEDIA OUTPUT SIZE. DRAWING AND DETAIL SCALES MUST BE REDUCED OR INCREASED PROPORTIONATELY.
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1 South Elevation
 A-2.0 Scale: 1/4" = 1'-0"



2 East Elevation
 A-2.0 Scale: 1/4" = 1'-0"



17 Larchmont Road
 Salem, Massachusetts 01970
 tel. 617.816.3555
 www.tektoniksarchitects.com

CONSULTANTS

PROJECT

**Condominium
 Conversion/
 Renovations
 + Additions to
 Private Residence**

22-24 Olive Street
 Newburyport, Massachusetts
 01950

DWG. TITLE

**Zoning Board of
 Appeals Submission**
**South + East
 Building Elevations
 Progress Set**

REVISIONS

No.	Description

SEAL

SIGNATURE

PROJECT No.

SCALE 1/4" = 1'-0"

DATE OF ISSUE 25 June 2021

DRAWING No.

A-2.0

NOTE: CORRECT DRAWING FORMAT IS 24"x36". ANY PORT OF THIS DRAWING TO OTHER FORMAT DIMENSIONS HAS BEEN PROTECTED TO FIT MEDIA OUTPUT SIZE. DRAWING AND DETAIL SCALES MUST BE REDUCED OR INCREASED PROPORTIONATELY.

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1 North Elevation
A-2.1 Scale: 1/4"=1'-0"



2 West Elevation
A-2.1 Scale: 1/4"=1'-0"



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Salem, Massachusetts 01970
tel. 617.816.3555
www.tektoniksarchitects.com

CONSULTANTS

PROJECT

Condominium
Conversion/
Renovations
+ Additions to
Private Residence

22-24 Olive Street
Newburyport, Massachusetts
01950

DWG. TITLE

Zoning Board of
Appeals Submission

North + West
Building Elevations

REVISIONS

No.	Description

SEAL

SIGNATURE

PROJECT No.

SCALE

1/4" = 1'-0"

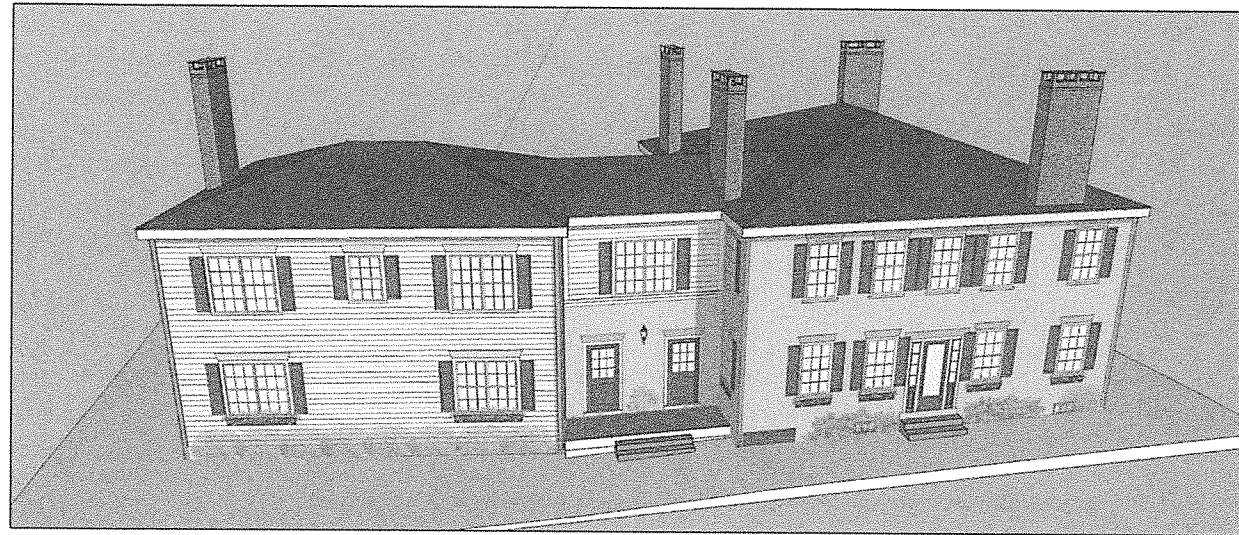
DATE OF ISSUE

25 June 2021

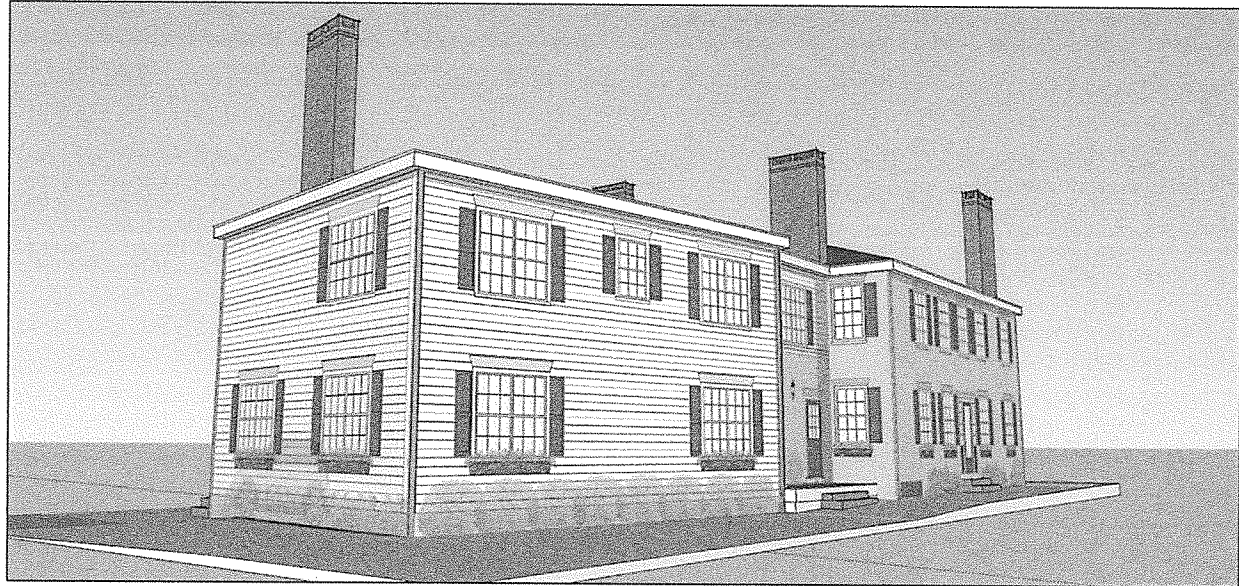
DRAWING No.

A-2.1

NOTE: CORRECT DRAWING FORMAT IS 24"x36". ANY PLOT OF THIS DRAWING TO OTHER FORMAT DIMENSIONS HAS BEEN PLOTTED TO FIT MEDIA OUTPUT SIZE. DRAWING AND DETAIL SCALES MUST BE REDUCED OR INCREASED PROPORTIONATELY.



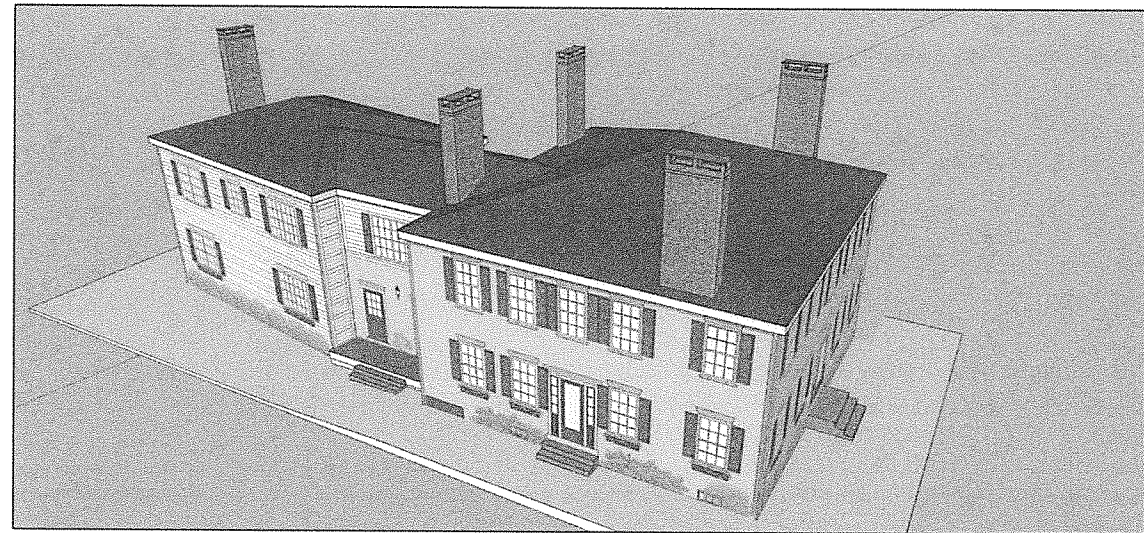
ELEVATION 1: RUSSIA STREET, AERIAL VIEW



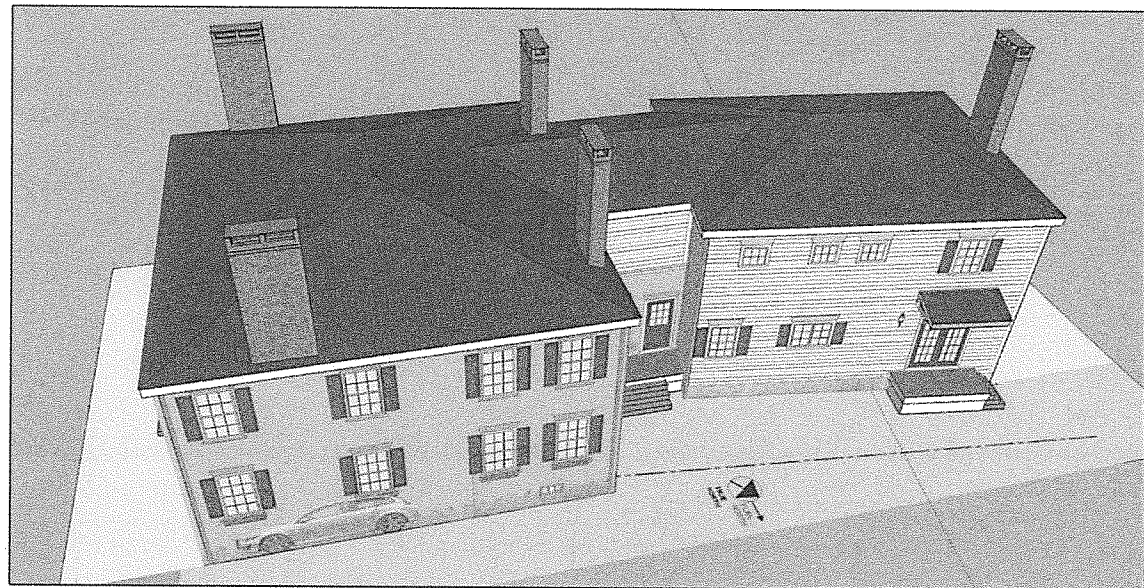
ELEVATION 2: RUSSIA STREET, GROUND-LEVEL VIEW



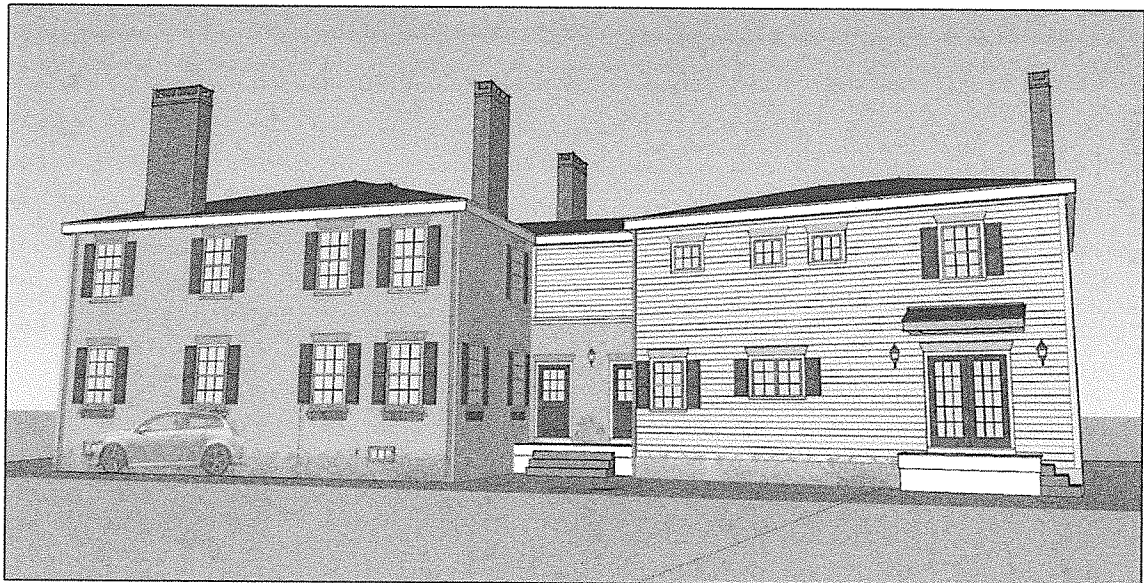
ELEVATION 3: RUSSIA STREET, "CONNECTOR" ENTRY



ELEVATION 4: RUSSIA + OLIVE STREETS - AERIAL VIEW



ELEVATION 5: NORTH ELEVATION - AERIAL



ELEVATION 6: NORTH ELEVATION - GROUND-LEVEL VIEW



17 Larchmont Road
Salem, Massachusetts 01970
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CONSULTANTS

PROJECT

**Condominium
Conversion/
Renovations
+ Additions to
Private Residence**

22-24 Olive Street
Newburyport, Massachusetts
01950

DWG. TITLE

**Zoning Board of
Appeals Submission**

3D Views

REVISIONS

No.	Description

SEAL

SIGNATURE

PROJECT No.

SCALE

N.T.S.

DATE OF ISSUE

25 June 2021

DRAWING No.

A-2.2

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