

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

Petitioner: Christos N. & Meggan E. Ross

Mailing Address: 28 Frances Drive, Newburyport, MA 01950

Phone: 978-465-9914 Email: chrismeg.ross@comcast.net

Property Address: 28 Frances Drive, Newburyport, MA 01950

Map and Lot(s): 93 / 173 PID 6242 Zoning District: R1

Book and Page(s): 13739 / 0062

Owner(s) Name: Christos N. & Meggan E. Ross

Mailing Address (if different): Same

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 | |
| ___ Use | |
| ___ Rear Yard | |
| ___ Lot Coverage | |
| ___ Side Yard | |
| ___ Lot Frontage | |
| ___ Front Yard | |

(Refer to the Zoning Determination form supplied by the Zoning Administrator)

Description of request:

Finishing existing unfinished attic space greater than 500 sf on a lot that is non conforming for area. No exterior changes. Actual sf increase is 589.

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

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls
Lot Area	15,830	No change	20,000
Frontage		↓	125
Height*			30
Lot Coverage (%)**			20%
Open Space (%)***			50%
Front Setback			30
Side A Setback			20
Side B Setback			20
Rear Setback			30
Parking Spaces			2
FAR****			N/A

*Height is measured to median roof line.

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

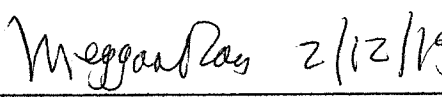
***Area unoccupied by building, parking areas, or driveways expressed as a percentage of lot area. Pools, patios, and decks may be included in open space.

****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.

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

 Dan 2/12/19

 Megan Ray 2/12/19

ZONING DETERMINATION

Name: Chris and Meggan Ross

Address: 28 Fraces Drive Zoning District(s): R1

Request: Finish existing attic unfinished space greater than 500sf on a lot that is non conforming for area. No exterior changes.

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

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-3)
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)

Smart Growth District (XXIX)

- Plan Approval

Site Plan Review (XV)

- Major, Minor

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay, *Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

Signature line

Newburyport Zoning Administrator

2/11/2019

Date

28 Frances Drive, Newburyport, MA 01950

February 12, 2019

City of Newburyport
Zoning Board of Appeals

Dear ZBA,

Special Permit for Non-Conformities Memo:

We are requesting a special permit to finish our walk-up attic within our existing residential home on 28 Frances Drive in Newburyport. This house is our primary residence and we would like to expand our current living space by 589 square feet into the attic. Our existing home sits on a lot size of 15,830 square feet, below the minimum area requirement of 20,000 square feet, thus a non-conforming lot.

The proposed renovation or alteration of our principal structure on a lot with insufficient area would increase the floor area of our dwelling unit by more than five hundred (500) square feet, thus we require a special permit for nonconformities from the board of appeals under section IX-B.2.

We have included our plot plan upon which there is no intended change from this alteration. Also included is a drawing of the intended alteration (finishing the attic) upon which there are no exterior changes to the home.

Sincerely Yours,

Handwritten signatures of Chris and Meggan Ross. The signature on the left is 'Chris' and the signature on the right is 'Meggan Ross'.

Chris & Meggan Ross

28 Frances Drive
Newburyport, MA 01950
Home: 978-465-9914
Mobile: 978-729-4127
chrismeg.ross@comcast.net

28 FRANCES DR

Location 28 FRANCES DR

MBLU 93/ 173/ //

Owner ROSS CHRISTOS N

Assessment \$691,900

PID 6242

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$410,900	\$281,000	\$691,900

Owner of Record

Owner ROSS CHRISTOS N
Co-Owner MEGGAN E T/E
Address 28 FRANCES DR
 NEWBURYPORT, MA 01950

Sale Price \$270,500
Certificate
Book & Page 13739/0062
Sale Date 09/03/1996
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
ROSS CHRISTOS N	\$270,500		13739/0062	00	09/03/1996
ASHWOOD DEVELOPMENT	\$0		13739/0060	1B	09/03/1996
TANCRETI MARK J. TRS.	\$86,000		13209/0055	00	09/27/1995
DELUCA, RICHARD A. TRS.	\$0		12754/0465	1L	09/22/1994
FRAUMENI ALFRED V	\$1		08829/0102	1A	03/05/1987

Building Information

Building 1 : Section 1

Year Built: 1996
Living Area: 2,764

Building Attributes	
Field	Description
Style	Colonial
Model	Residential
Stories:	2 Stories
Occupancy	1

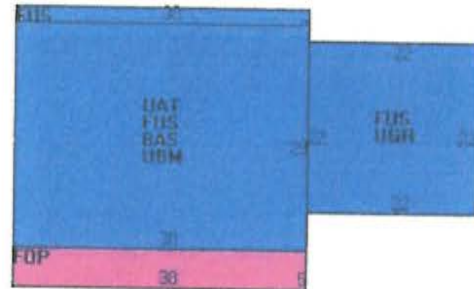
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	4 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	7
Bath Style:	Average
Kitchen Style:	Average

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPPhotos//\01\00\>)

Building Layout



(<http://images.vgsi.com/photos/NewburyportMAPPhotos//Sketches>)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
FUS	Upper Story, Finished	1,662	1,662	
BAS	First Floor	1,102	1,102	
FOP	Porch, Open	190	0	
UAT	Attic	1,102	0	
UBM	Basement, Unfinished	1,102	0	
UGR	Garage, Unfinished	484	0	
		5,642	2,764	

Extra Features

Extra Features					Legend
Code	Description	Size	Value	Bldg #	
FPL3	FIREPLACE 2 ST	1 UNITS	\$3,900		1

Land

Land Use

Use Code 1010
 Description SINGLE FAM
 Zone R1

Land Line Valuation

Size (Acres) 0.36
 Depth 0
 Assessed Value \$281,000

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SPL1	POOL-INGR CONC			594 S.F.	\$10,700	1
PAT1	PATIO-AVG			200 S.F.	\$1,400	1
PAT1	PATIO-AVG			500 S.F.	\$4,100	1

Valuation History

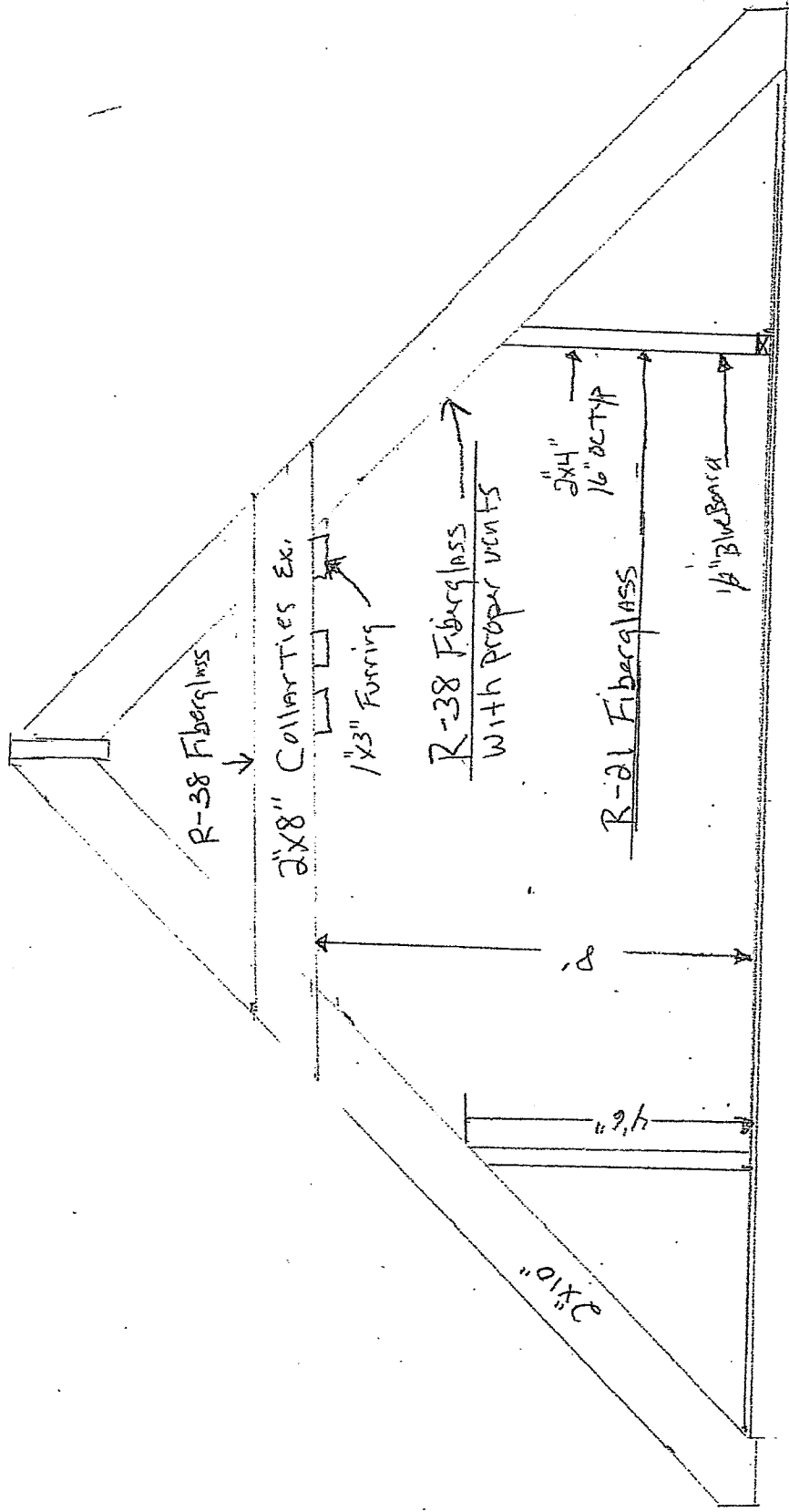
Assessment			
Valuation Year	Improvements	Land	Total
2018	\$387,500	\$267,700	\$655,200

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MR & MRS Koss

28 Frances Dr

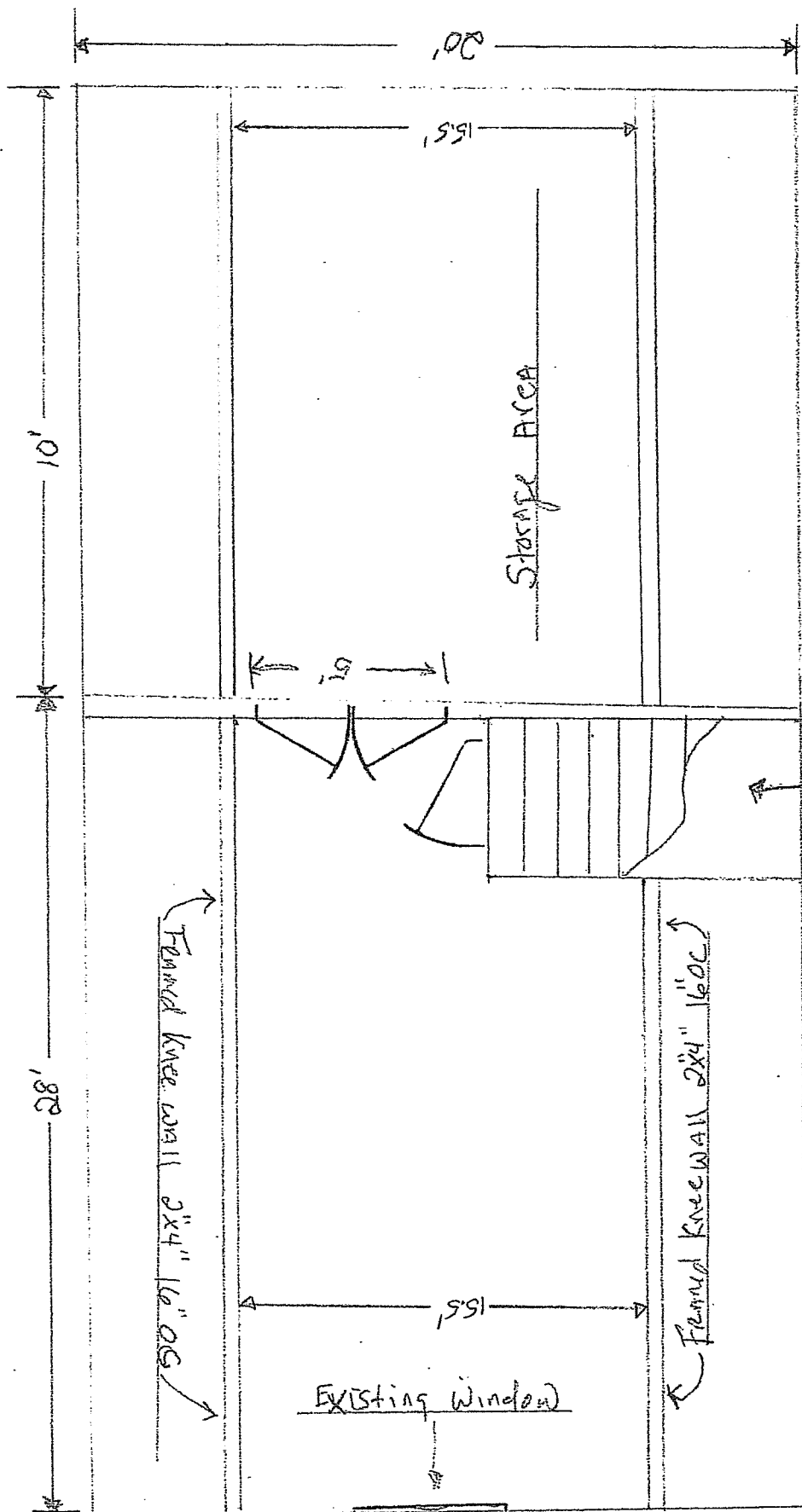
NOT TO SCALE



Section

MR + MRS ROSS

28 FRANCES DR



NOT TO SCALE

**CERTIFIED AS-BUILT
FOUNDATION PLAN**

OWNER/APPLICANT: ASHWOOD HOMES

LOCATION: LOT 93 FRANCES DRIVE
NEWBURYPORT, MA

SCALE: 1" = 20' DATE: 4-9-96

I CERTIFY THAT THE FOUNDATION SHOWN ON THIS PLAN IS LOCATED APPROXIMATELY AS SHOWN HEREON AND THAT WHEN CONSTRUCTED IT DOES CONFORM WITH THE FRONT, SIDE, AND REAR SETBACK REQUIREMENTS SET FORTH IN THE ZONING BYLAWS OF THE CITY OF NEWBURYPORT. I FURTHER CERTIFY THAT THE FOUNDATION IS NOT LOCATED WITHIN A FEDERAL FLOOD HAZARD ZONE A OR B AS SHOWN ON HUD FLOOD INSURANCE RATE MAP (FIRM) 250097 COMMUNITY PANEL NUMBER 0002 C REVISED/EFFECTIVE DATE NOVEMBER 1, 1985.

BY: Robert E. Smith DATE: 4-10-96

SETBACKS SHOWN ON THIS PLAN ARE FOR THE DETERMINATION OF ZONING REQUIREMENTS ONLY.

COUNTY _____

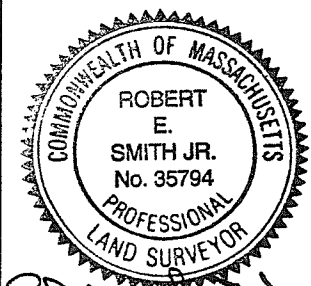
DEED REFERENCE
DERIVED FROM
BK. _____ PG. _____

PLAN REFERENCE
BK. _____ PG. _____

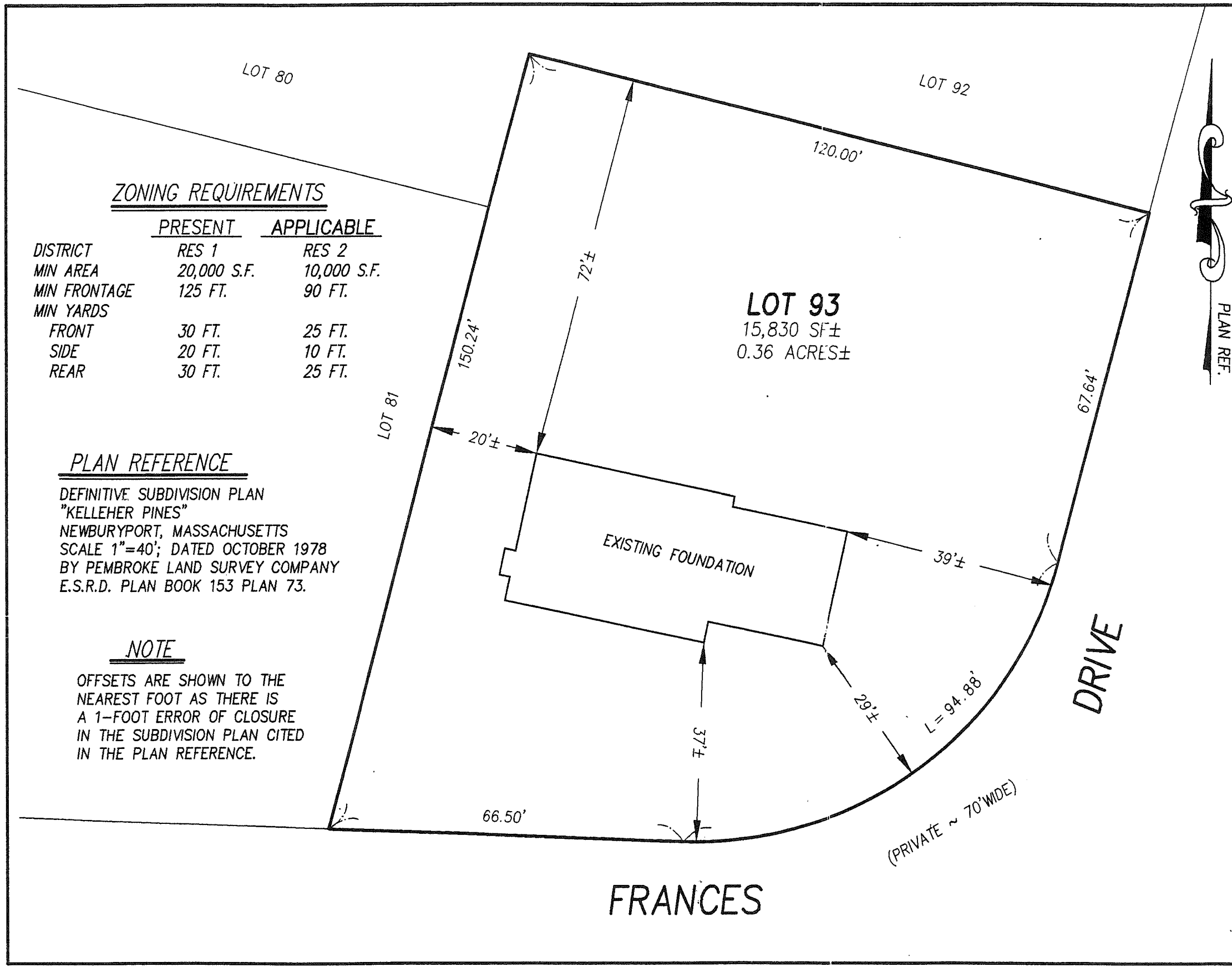
FILE NO. 95216WS.DWG

JOB NO. 95216-93

W.C. CAMMETT ENGINEERING, INC.
297 ELM ST. AMESBURY, MA.



Robert E. Smith
4-10-96



ZONING REQUIREMENTS

	<u>PRESENT</u>	<u>APPLICABLE</u>
DISTRICT	RES 1	RES 2
MIN AREA	20,000 S.F.	10,000 S.F.
MIN FRONTAGE	125 FT.	90 FT.
MIN YARDS		
FRONT	30 FT.	25 FT.
SIDE	20 FT.	10 FT.
REAR	30 FT.	25 FT.

PLAN REFERENCE

DEFINITIVE SUBDIVISION PLAN
"KELLEHER PINES"
NEWBURYPORT, MASSACHUSETTS
SCALE 1"=40'; DATED OCTOBER 1978
BY PEMBROKE LAND SURVEY COMPANY
E.S.R.D. PLAN BOOK 153 PLAN 73.

NOTE

OFFSETS ARE SHOWN TO THE NEAREST FOOT AS THERE IS A 1-FOOT ERROR OF CLOSURE IN THE SUBDIVISION PLAN CITED IN THE PLAN REFERENCE.

PLAN REF.