

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

Petitioner: JANICE TRUEMAN / MICHAEL SPERRY

Mailing Address: 29 TYNG ST NEWBURYPORT MA 01950

Phone: 978-604-2175 Email: JANTRUE7@GMAIL.COM

Property Address: 29 TYNG ST NEWBURYPORT MA 01950

Map and Lot(s): 57/27 Zoning District: R2

Book and Page(s): 33237/0488

Owner(s) Name: TRUEMAN / SPERRY

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 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 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"/> Rear Yard | |
| <input checked="" type="checkbox"/> Lot Coverage | |
| <input type="checkbox"/> Side Yard | |
| <input type="checkbox"/> Lot Frontage | |
| <input type="checkbox"/> Front Yard | |

(Refer to the Building Permit Denial as supplied by the Building Commissioner/Zoning Codes Administrator)

Description of request:

ADDITION OF FIRST FLOOR BATHROOM

All information contained within this application will become a formal part of the Zoning Board of Appeals proceedings and decision.

DENIAL

86 City APR#: 010

Name: Mike Sperry / Ian Toureman / David Keagy (agent)

Address: 29 Tyng St. Zoning District: R-II

Request: Construct Approx 6'x15' Addition increasing existing non-conforming lot coverage. Front Setback

ZONING BOARD ok By Averaging.

Dimensional Variance

<input type="checkbox"/> Dimensional Controls (VI)	<input type="checkbox"/> PIOD (XXI)	<input type="checkbox"/> Parking (VII)
___ Lot Area ___ Open Space ___ Front Yard	___ FAR	
___ Lot Frontage ___ Height ___ Side Yard	___ 2 1/2 stories	
___ Lot Coverage ___ Lot Width ___ Rear Yard		

Use Variance	Sign Variance
<input type="checkbox"/> Not permitted use (V)	<input type="checkbox"/> Signs (VIII)
	___ Type ___ Size
	___ Lighting ___ Location

Special Permit	Special Permit for Non-Conformities
<input type="checkbox"/> Special Permit for Use (V.D) Use #: _____	<input checked="" type="checkbox"/> Extension or Alteration (IX.B.2)
<input type="checkbox"/> Spacing (VI.D)	___ Parking ___ Rear Yard
<input type="checkbox"/> In-Law Apartment (XIIA)	___ Upward Extension <input checked="" type="checkbox"/> Lot Coverage
<input type="checkbox"/> Bonus for Multifamily Developments (XVI)	___ Open Space ___ Side Yard
<input type="checkbox"/> Personal Wireless Communication Services (XX)	___ Height ___ Lot Frontage
<input type="checkbox"/> Demolition Control Overlay District (XXVIII)	___ Lot Area ___ Front Yard
<input type="checkbox"/> Wind Energy Conversion Facilities (XXVI)	<input type="checkbox"/> Over 500 s.f. increase (IX.B.3.c)
	<input type="checkbox"/> Plum Island Overlay District (XXI-G-3)
	___ FAR ___ Height Increase
	___ Footprint Expansion ___ # of bedrooms

PLANNING BOARD

Special Permit

<input type="checkbox"/> One residential structure per lot (VI.C)	<input type="checkbox"/> Courts and Lanes (XXIII)
<input type="checkbox"/> Floodplain (XIII)	<input type="checkbox"/> Waterfront West Overlay District (XXIV)
<input type="checkbox"/> Open Space Residential Development (XIV)	<input type="checkbox"/> Towle Complex Redev. Overlay District (XXV)
<input type="checkbox"/> Water Resource Protection District (XIX)	<input type="checkbox"/> Downtown Overlay District (XXVII)
<input type="checkbox"/> Federal Street Overlay District (XXII)	

Site Plan Review (XV)	Smart Growth District (XXIX)
<input type="checkbox"/> Major <input type="checkbox"/> Minor	<input type="checkbox"/> Plan Approval

HISTORICAL COMMISSION
 Demo. Delay Advisory Review

CONSERVATION COMMISSION

CITY COUNCIL
 GACM (X.H.9)

12/27/17
Date

[Signature]
Building Commissioner/Zoning Code Enf. Officer

From: **Michael Sperry** msperry01@gmail.com
Subject:
Date: **January 8, 2018 at 3:34 PM**
To:

Memo in support of the application for a special permit for non-conformities by Jan Trueman and Michael Sperry at 29 Tyng St, Newburyport MA.

- A) The current use of existing land is residential/single family (101)
Proposed use is also residential/single family.

- B) 1) The Lot Size is Non-Conforming

2) The Frontage Requirement is Non-Conforming

3) The Front and Right Setbacks are Non-Conforming
(Please see the attached Site Plan and Zoning matrix)

- C) The proposed bathroom addition will not intensify existing conditions. However, they will create the following new non-conformities.
 - 1) The Lot Coverage will go from the existing 26.3% to 27.7%

 - 2) The Left Side Setback will go from 16'2 to 10'2 feet.

- D) The single story proposed bathroom will not be more detrimental than the existing structure. At a modest 12' median roof height, it is much smaller than the existing main house height and will cast no shadow nor block any views.

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	6452	65.8	26.3	NA.	22	49.5	2	11-2	16.2	6.5	55
Proposed	6452	64.4	27.7	NA.	22	49.5	2	17-6	10-2	6.5	55
Required	10,000	40	25	NA.	35	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>1279</u>	<u>2</u>	<u>1806</u>	<u>101</u>

Proposed Buildings:

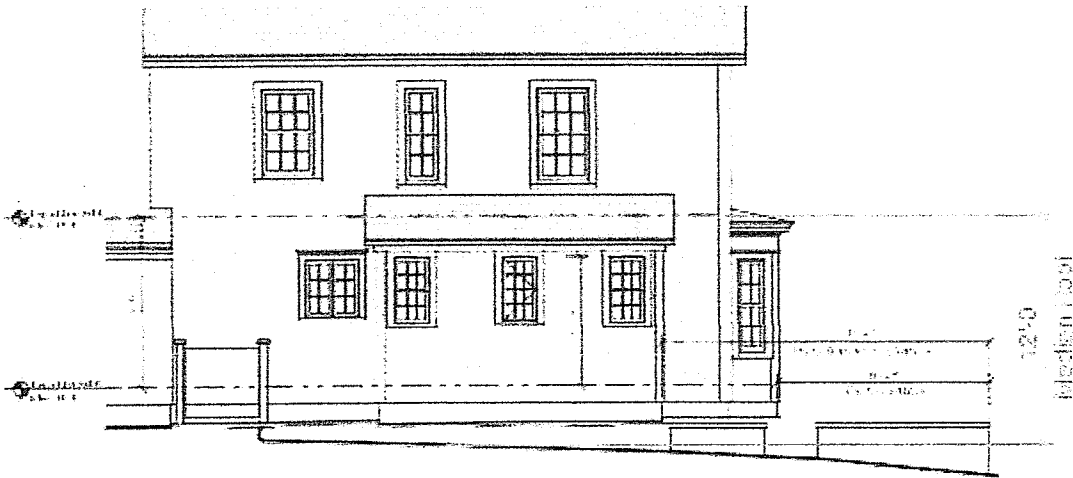
Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
<u>1369</u>	<u>2</u>	<u>1896</u>	<u>101</u>

**Reference Dimensional Code numbers and uses from the Zoning Ordinance. (e.g. - 101 = single family, etc.)

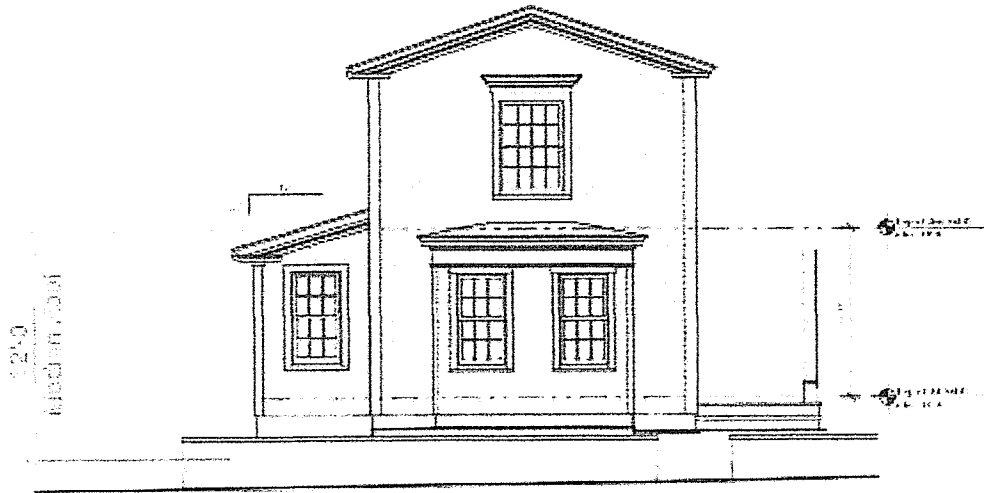
Any advice, opinion, or information given by any board member or any other official or employee of the City of Newburyport shall not be binding on the Zoning Board of Appeals. Every application for a Special Permit for Non-Conformities must be made on this form, which is the official form of the ZBA. 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):

James E. Inman Michael Sperry



Proposed East Elevation
Scale: 1/8" = 1'-0"



Proposed North Elevation
Scale: 1/8" = 1'-0"



KEERY
design

107 Merrimack Street
Northampton, Massachusetts 01060
413-253-1140 / 413-253-1142

Master Bedroom Addition to the Home of

Jan Trueman and Michael Sperry

22 Long Street, Newburyport, MA 01890

Project No.: 17018 Scale: As Noted

Revisions:

SK1

Dec 21, 2017

MORTGAGE INSPECTION PLAN

FILE NO.: 155664

ADDRESS: 29 TYNG STREET, NEWBURYPORT, MA
 ATTORNEY: MARIAN P. ABRAHAM, P.C.
 LENDER: SUMMIT MORTGAGE
 OWNER: JAMES RICE
 APPLICANT: JOHANE FIBLE
 DATE: 06/16/2005 SCALE: 1"=30'

UNREGISTERED LAND

DEED BOOK: 19482 PAGE: 149
 DEED BOOK: 19482 PAGE: 162 LOT(S):
 PLAN NUMBER: _____ OF _____

REGISTERED LAND

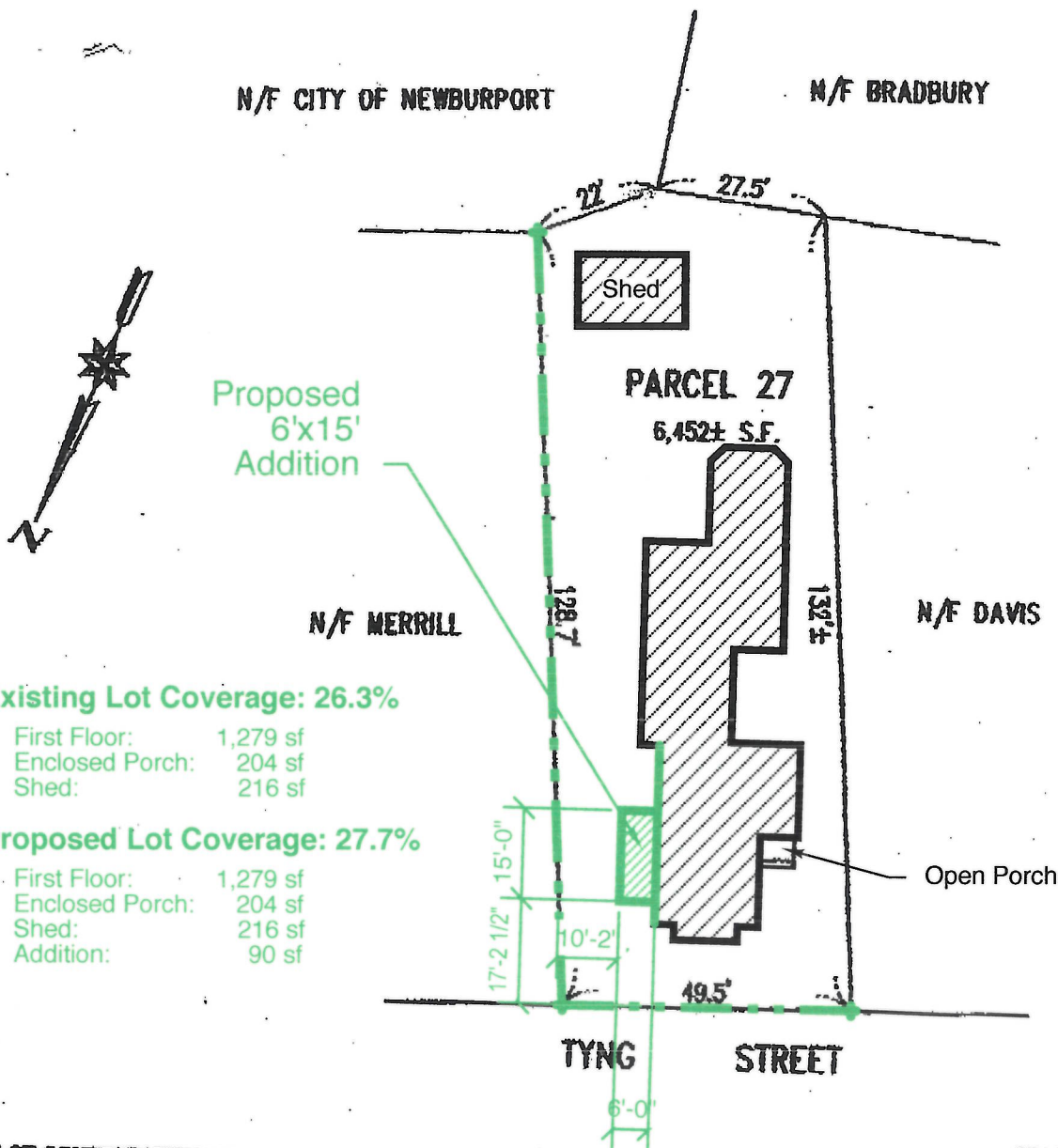
REGISTRATION BOOK: _____ PAGE: _____
 CERTIFICATE OF TITLE: _____
 PLAN NUMBER: _____ LOT(S): _____

FLOOD HAZARD INFORMATION

FLOOD MAP COMMUNITY NO.: 250007 ZONE: C
 PANEL: 0002C DATED: 11/01/1995

ASSESSORS MAP

MAP: 57 BLOCK: _____ PARCEL: 27



Existing Lot Coverage: 26.3%

First Floor: 1,279 sf
 Enclosed Porch: 204 sf
 Shed: 216 sf

Proposed Lot Coverage: 27.7%

First Floor: 1,279 sf
 Enclosed Porch: 204 sf
 Shed: 216 sf
 Addition: 90 sf

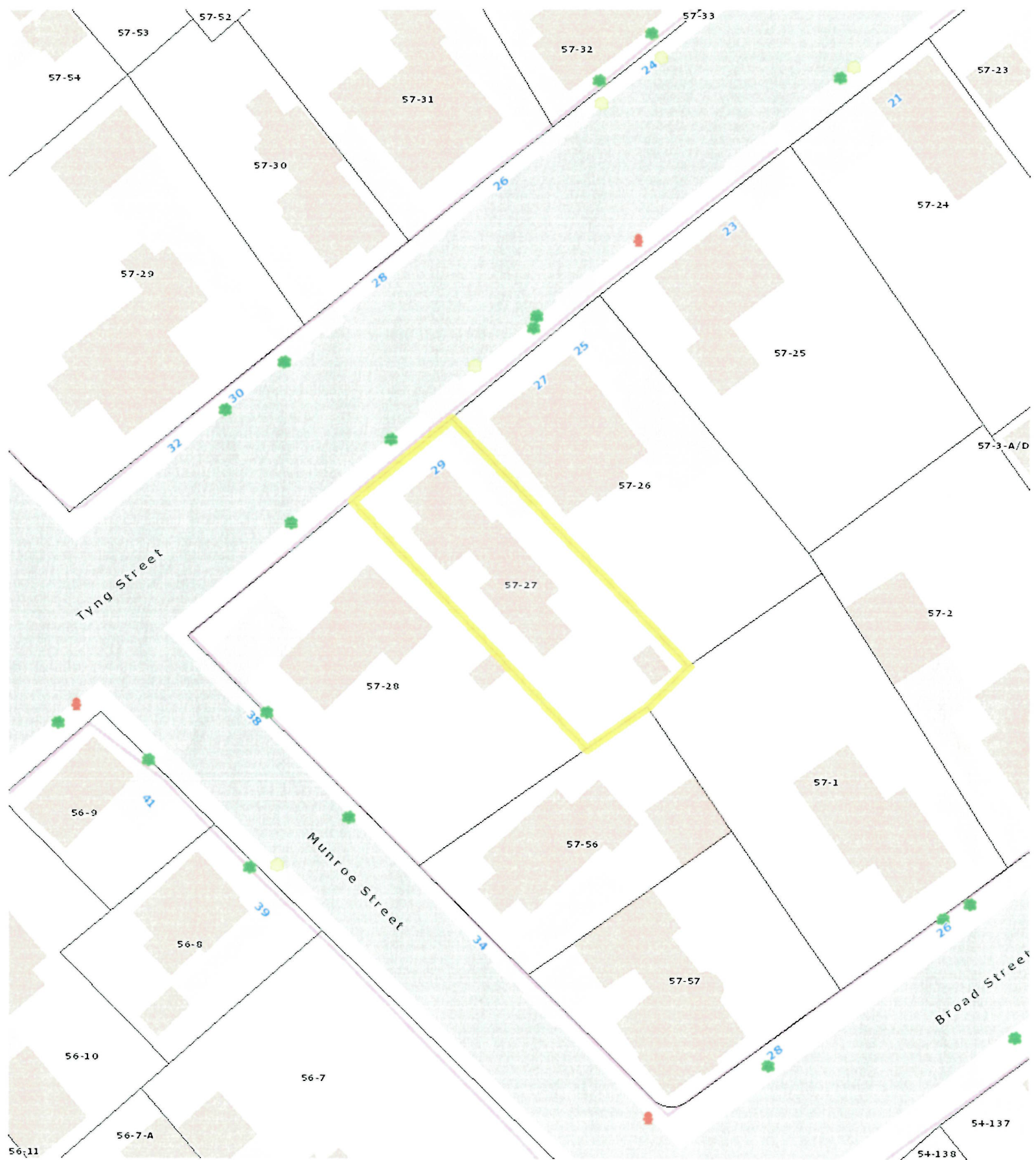
NOTE: LOT CONFIGURATION TAKEN FROM ASSESSOR'S MAP.

MORTGAGE LENDER

USE ONLY

THIS IS THE RESULT OF TAPE MEASUREMENT, NOT THE RESULT OF AN INSTRUMENT SURVEY AND IS CERTIFIED TO THE TITLE INSURANCE COMPANY AND ABOVE LISTED ATTORNEY AND LENDER.

 **DES LAURIERS & ASSOCIATES, INC.**



CONSTRUCTION DETAIL

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	06		Conventional				
Model	01		Residential				
Grade	03		Average				
Stories	2		2 Stories				
Occupancy	1		Clapboard				
Exterior Wall 1	11		Wood Shingle				
Exterior Wall 2	14		Gable/Hip				
Roof Structure	03		Asph/F Gls/Cmp				
Roof Cover	03		Plastered				
Interior Wall 1	03		Drywall/Sheet				
Interior Wall 2	05		Hardwood				
Interior Flr 1	12		Pine/Soft Wood				
Interior Flr 2	09		Gas				
Heat Fuel	03		Hot Water				
Heat Type	05		None				
A/C Type	01		3 Bedrooms				
Total Bedrooms	03						
Total Bathrms	2						
Total Half Baths	1						
Total Xtra Fixts	1						
Total Rooms	6		6 Rooms				
Bath Style	02		Average				
Kitchen Style	02		Average				

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)

Code	Description	Sub	Sub Descrip	L/B/Units	Unit Price	Yr	Gde	Dp Rt	Chd	%Chd	Apr Value
PATI	PATIO-AVG			L	398	9,000	2006	0		75	2,700
SHD2	W/LIGHTS ET			L	216	19,000	2014	0		75	3,100
FPL1	FIREPLACE 1			B	1	3,500.00	1999	1		100	2,900

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprc. Value
BAS	First Floor	1,279	1,279	1,279	170.75	218,387
FEP	Porch Enclosed	0	204	143	119.69	24,417
FOP	Porch Open	0	24	5	35.57	854
FUS	Upper Story, Finished	527	527	527	170.75	89,984
UBM	Basement, Unfinished	0	527	105	34.02	17,929
Total		1,806	2,561	2,059		351,570

MIXED USE

Code	Description	Percentage
1010	SINGLE FAM	100

COST/MARKET VALUATION

Adj. Base Rate:	170.75
Replace Cost	351,570
AYB	1920
EYB	1999
VG	
Dep Code	
Remodel Rating	
Year Remodeled	
Dep %	18
Functional Obsolescence	0
External Obsolescence	0
Cost Trend Factor	1
Condition	
% Complete	
Overall % Cond	82
Apprais Val	288,300
Dep % Ovr	0
Dep Ovr Comment	
Misc Imp Ovr	0
Misc Imp Ovr Comment	
Cost to Cure Ovr	0
Cost to Cure Ovr Comment	

