

# City of Newburyport Zoning Board of Appeals Application for a VARIANCE

Petitioner: Jivonne Alley | Joppa Design Inc

Mailing Address: 35 High St, Newburyport MA 01950

Phone: (978) 462-1797 Email: jalley@joppadesigninc.com

Property Address: 31 DOVE ST

Map and Lot(s): Map 54 Lot 33 Zoning District: R2/DCOD

Book and Page(s): 25333/518

Owner(s) Name: ERIN M. & MICHAEL E. DUNPHY

Mailing Address (if different): \_\_\_\_\_

The petitioner is requesting a Variance from section(s):  
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Dimensional Controls (VI)   | <input type="checkbox"/> Parking (VII)  |
| <input type="checkbox"/> Lot Area <input type="checkbox"/> Front Yard<br><input type="checkbox"/> Open Space <input type="checkbox"/> Side Yard<br><input checked="" type="checkbox"/> Lot Coverage <input type="checkbox"/> Rear Yard<br><input type="checkbox"/> Height <input type="checkbox"/> Lot Width<br><input type="checkbox"/> Frontage | <input type="checkbox"/> PIOD (XXI)<br><input type="checkbox"/> FAR<br><input type="checkbox"/> 2 ½ stories<br><input type="checkbox"/> Footprint expansion |
| <input type="checkbox"/> Modification of existing variance (please attach)  | <input type="checkbox"/> Other: _____   |

Request:

Relief requested to construct a 2-story/256 sf addition at the rear of the existing 1,523 sf single-family residence that will exceed the allowable lot coverage based on the conditions & circumstances unique to the lot. With the requested variance the property will remain consistent with the spirit, purpose, and intent of the ordinance.

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 VARIANCE**

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls
Lot Area	3,475 sf	3,475 sf	10,000 sf
Frontage	39.75 ft	39.75 ft	90 ft
Height*	25.8 ft	25.8 ft	35 ft
Lot Coverage (%)**	23%	27%	25%
Open Space (%)***	68%	65%	40%
Front Setback	8.9 ft	8.9 ft	25 ft
Side A Setback	3.3 ft	3.3 ft	10 ft
Side B Setback	6.6 ft	6.6 ft	10 ft
Rear Setback	48.2 ft	40.2 ft	25 ft
Parking Spaces	2	2	2
FAR****			

\*Height is measured to *median* roof line.

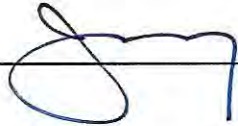
\*\*Total building footprint divided by the lot area expressed as a percentage.



\*\*\*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.

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

 11/29/19

 12/3/2019  
 12/3/2019

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

Petitioner: Jivonne Alley | Joppa Design Inc

Mailing Address: 35 High St Newburyport MA 01950

Phone: (978) 462-1797 Email: jalley@joppadesigninc.com

Property Address: 31 DOVE ST

Map and Lot(s): Map 54 Lot 33 Zoning District: R2/DCOD

Book and Page(s): 25333/518

Owner(s) Name: ERIN M. & MICHAEL E. DUNPHY

Mailing Address (if different): \_\_\_\_\_

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 checked="" type="checkbox"/> Extension or Alteration (IX.B.2) | <input 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  |   |

Description of request:

Extend existing non-conforming Side Yard 'A' setback to construct a proposed 2-story/256 sf addition at the rear of the existing 1,523 sf single-family residence that will have a proposed sideyard setback of 5.1 ft.

The property line extends from an existing setback of 3.3 ft at the front corner of the house to 4.7 ft at the rear corner of the house, with a setback of 0.0 ft at the bulkhead. The proposed project will not be more detrimental to the neighborhood than the existing non-conforming structure.

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**

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Parking Spaces	2	2	2
FAR****			

\*Height is measured to median roof line.

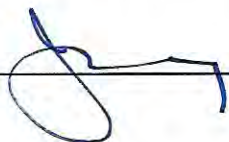
\*\*Total building footprint divided by the lot area expressed as a percentage.

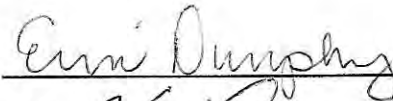

\*\*\*Area unoccupied by building, parking areas, or driveways expressed as a percentage of lot area. Pools, patios, and decks may be included in open space.

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

 11/29/19

 12/3/2019  
 12/3/2019

ZONING DETERMINATION

Name: Dunphy c/o Jivonne Alley/Joppa Design

Address: 31 Dove Street

Zoning District(s): R2

Request: Construct 2 story addition to nonconforming structure on a non conforming lot resulting in an extension of a nonconforming side yard setback and a new non conformity for lot coverage.

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

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, 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)

Site Plan Review (XV)

- Major, Minor

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay, \*Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

Handwritten signature and date 11/26/2019



27 November 2019

Zoning Board of Appeals  
City of Newburyport  
City Hall  
60 Pleasant Street  
Newburyport, MA 01950

Request for: Special Permit for Non-Conformities  
Dimensional Variance for Lot Coverage  
31 Dove Street, Newburyport MA | Map 54, Lot 33

The home owners are requesting approvals to construct a modest two (2) story, 256 sf addition at the rear of their existing 1,523 sf single-family house in the R2/DCOD district. The use will remain a single-family home.

#### **Special Permit for Non-Conformities**

The property is pre-existing non-conforming for Lot Area, Frontage, Front Yard Setback and both Side Yard Setbacks A & B. The proposed addition will extend the existing non-conformity at Side Yard A.

The existing house has a Side Yard A Setback that extends from 3.3ft at the front corner of the house to 4.7ft at the rear corner of the house, with a setback of 0.0ft at the bulkhead. The proposed addition would have a setback of 5.1ft, which would extend but not be any more detrimental than the existing non-conformity.

The applicant respectfully requests that the Board finds that:

1. there will be no new non-conformity for which the applicants are not seeking a variance; and
2. the proposed addition will not be substantially more detrimental to the neighborhood than the pre-existing non-conforming structure.

#### **Dimensional Variance**

The modest proposed addition has a footprint of only 128sf but would result in a new non-conformity of 27% lot coverage, which would exceed the allowable 25%.

The property is one of the smallest within a neighborhood of lots that do not meet the current zoning expectations. The majority of properties on Dove Street alone exceed the lot coverage, with 21 of 27 properties exceeding 27% and eighteen (18) of those have lot coverage between 29-44%.

With an existing lot coverage of 23% and multitude of existing non-conforming dimensional controls, the property at 31 Dove Street has unique characteristics that prohibit even the most modest of an addition to be constructed meeting all other standards without a variance.



The zoning change in 2017 from the previously-designated R3 zone is what makes this project require a variance. Under R3 it would have required only a Special Permit for Non-Conformities. The zoning change to expand the R2 zone district was made with the intent to preserve the integrity of the City's historic neighborhoods by:

- 1) preventing infill,
- 2) preventing multi-family use carved out of single- and two-family homes,
- 3) prevent incongruous "tower houses", and
- 4) preserve smaller-footprint single-family homes.

The proposed addition maintains the integrity of all of these goals. As one of the smallest lots in the neighborhood the home owners cannot reasonably improve their structure without this minor relief in order to remain in their home and safeguard that the property remains a single-family structure.

The applicant respectfully requests that the Board find that:

1. there are conditions and circumstances unique to the lot & structure; and
2. the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved; and
3. the proposed addition will not be substantially more detrimental to the neighborhood than the pre-existing non-conforming structure.

We feel that the design we are presenting is modest in size, aesthetically pleasing and will integrate gracefully within a neighborhood where the majority of structures have been added on to over the years.

In addition, the project would not trigger the DCOD requirements as less than 25% of the exterior walls will be affected and will not change the existing roofline.

Respectfully submitted,



Jivonne Alley  
Joppa Design Inc

cc: Erin & Michael Dunphy





REAR OF HOUSE



FRONT OF HOUSE



Property Location: 31 DOVE ST  
 Vision ID: 3714

MAP ID: 54/ 33/ //

Bldg Name:  
 Sec #: 1 of 1 Card 1 of 1

State Use: 1010  
 Print Date: 01/16/2019 17:04

CURRENT OWNER	TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT			
DUNPHY MICHAEL E ERIN M T/E 31 DOVE ST NEWBURYPORT, MA 01950 Additional Owners:					Description	Code	Appraised Value	Assessed Value
					RESIDNTL	1010	299,600	299,600
					RES LAND	1010	211,100	211,100
<b>SUPPLEMENTAL DATA</b>					<b>Total</b>			
Other ID: 54-33 SUB-DIV PHOTO WARD 4 TILE #: ATT 1/2 HSE: GIS ID: M_250589_951716					CONDO CV: INLAW Y/N: LOT SPLIT: 40B HSN: ASSOC PID#			
					<b>510,700</b>			

123  
 NEWBURYPORT, MA  
**VISION**

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)									
DUNPHY MICHAEL E		25333/0518	01/31/2006	Q	I	500,000	00	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	
MERCHANT MARY		21630/0213	08/27/2003	Q	I	420,000	00	2019	1010	299,600	2018	1010	278,400	2017	1010	278,400	
BREEN JOHN N		15132/0059	10/01/1998	Q	I	185,000	00	2019	1010	211,100	2018	1010	201,000	2017	1010	191,400	
MAHONEY JAMES P-RUTH W TE		5031/ 166				0											
<b>Total:</b>								<b>510,700</b>		<b>Total:</b>		<b>479,400</b>		<b>Total:</b>		<b>469,800</b>	

EXEMPTIONS				OTHER ASSESSMENTS			
Year	Type	Description	Amount	Code	Description	Number	Amount
<b>Total:</b>							

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD				
NBHD/ SUB	NBHD Name	Street Index Name	Tracing	Batch
5/A				

APPRAISED VALUE SUMMARY	
Appraised Bldg. Value (Card)	299,600
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	0
Appraised Land Value (Bldg)	211,100
Special Land Value	0
Total Appraised Parcel Value	510,700
Valuation Method:	C
Adjustment:	0
<b>Net Total Appraised Parcel Value</b>	<b>510,700</b>

NOTES							
GRAY I=A 1/2 FAT IN POOR CONDITION USED FOR STORAGE							

BUILDING PERMIT RECORD								
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments
3-5/99	05/24/1999	RS	Residential	700		0		DEMO PORCH

VISIT/ CHANGE HISTORY					
Date	Type	IS	ID	Cd.	Purpose/Result
09/19/2016			SS	FR	Field Review as mandated
02/08/2007			PM	00	Measur+Listed
07/01/1999			DR	50	Building Permit
02/03/1998			CN	00	Measur+Listed
08/02/1988			DS	00	Measur+Listed

LAND LINE VALUATION SECTION															
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor	S.A.	Acre Disc	C. Factor	ST. Idx	Adj.	Notes- Adj
1	1010	SINGLE FAM	R3				3,720	SF	56.74	1.0000	5	1.0000	1.00	0.00	
<b>Total Land Value: 211,100</b>															

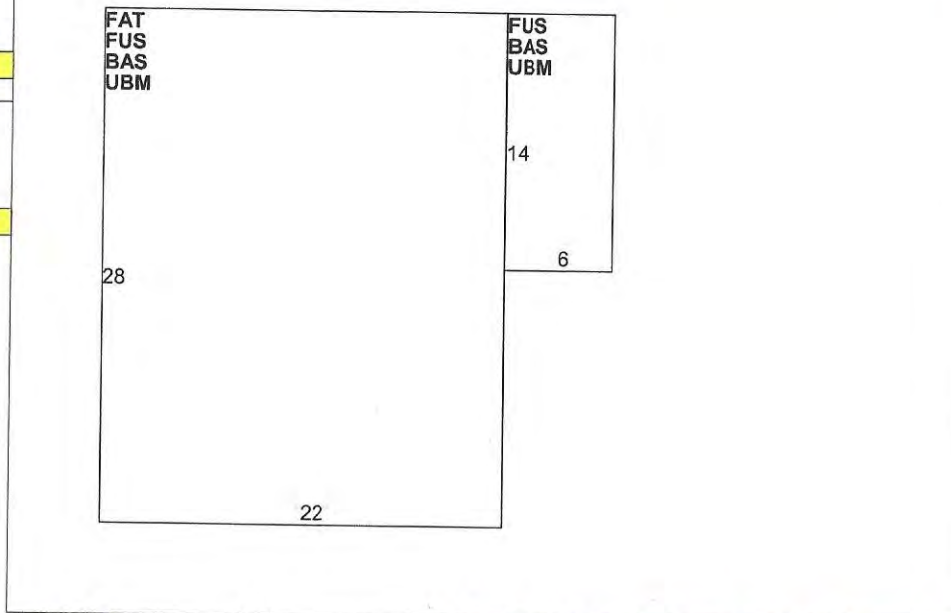
Total Card Land Units: 0.09 AC Parcel Total Land Area: 0.09 AC Total Land Value: 211,100



CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	63		Antique				
Model	01		Residential				
Grade	04		Average +10				
Stories	2		2 Stories				
Occupancy	1			Kitchen Grd			
Exterior Wall 1	11		Clapboard				
Exterior Wall 2							
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gls/Cmp				
Interior Wall 1	03		Plastered				
Interior Wall 2							
Interior Flr 1	12		Hardwood				
Interior Flr 2	14		Carpet				
Heat Fuel	03		Gas				
Heat Type	06		Steam				
AC Type	01		None				
Total Bedrooms	03		3 Bedrooms				
Total Bthrms	1						
Total Half Baths	1						
Total Xtra Fixtrs							
Total Rooms	8						
Bath Style	02		Average				
Kitchen Style	02		Average				

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)												
Code	Description	Sub	Sub Descript	L/B	Units	Unit Price	Yr	Gde	Dp Rt	Cnd	%Cnd	Apr Value

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value	
BAS	First Floor	700	700	700	219.71	153,799	
FAT	Attic	123	616	123	43.87	27,025	
FUS	Upper Story, Finished	700	700	700	219.71	153,799	
UBM	Basement, Unfinished	0	700	140	43.94	30,760	
<b>Ttl. Gross Liv/Lease Area:</b>		1,523	2,716	1,663		365,383	





# 31 Dove St | Footprint of proposed addition indicated.

12/2/2019



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport & MassGIS. MVPC AND THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

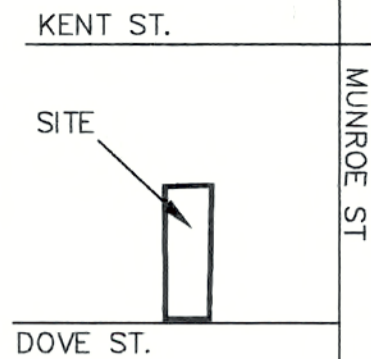
- Municipal Boundary**
- Roads
  - Interstate
  - Major Road
  - Local Road

Legend



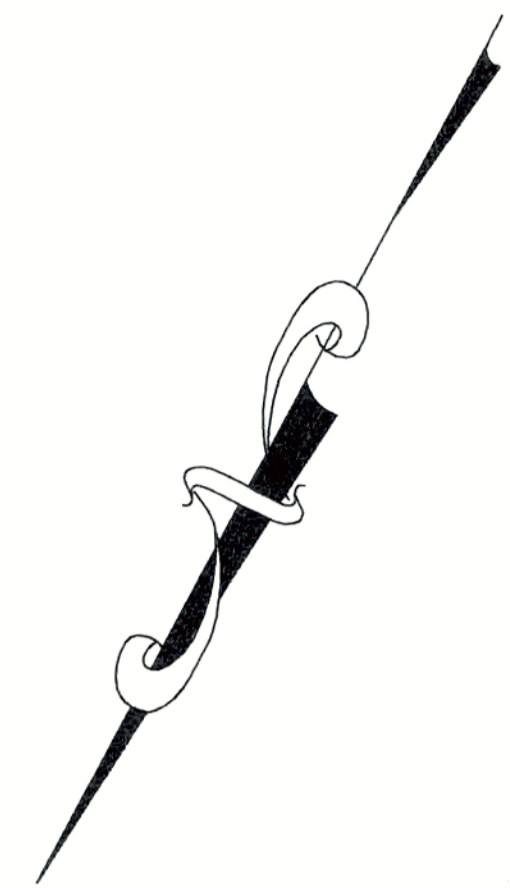
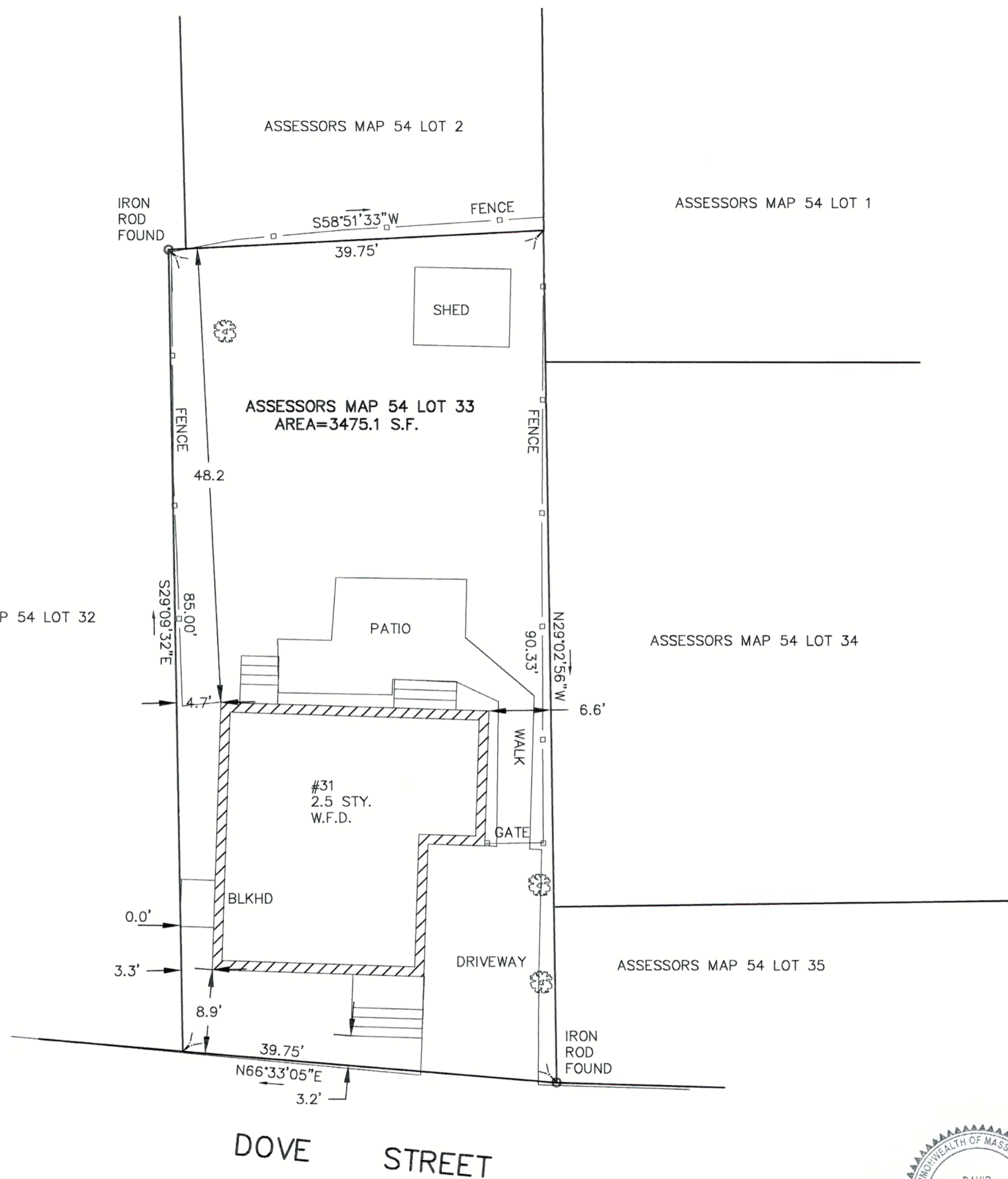
Projection: NAD\_1983\_StatePlane\_Massachusetts\_Mainland\_FIPS\_2001





LOCUS MAP N.T.S.

ASSESSORS MAP 54 LOT 32



**NOTES**

- 1.) THIS PLAN IS THE RESULT OF AN ON GROUND SURVEY PERFORMED BY WAYPOINT SURVEYING SERVICES IN OCTOBER 2019.

**GRAPHIC SCALE**



( IN FEET )  
1 inch = 10 ft.

**ZONING TABLE**

ZONING DISTRICT: R2 SINGLE FAMILY OVERLAY DISTRICT

	REQUIRED	EXISTING
MIN. LOT AREA	10,000 S.F.	3475.1 S.F.
MIN. FRONTAGE	90'	39.75'
MIN. FRONT YD.	25'	8.9'/3.2' STPS
MIN. SIDE YD.	10'	0.0' BLKHD
MIN. REAR YD.	25'	48.2'
MAX. LOT COVERAGE	25%	23%
OPEN SPACE	40%	68%



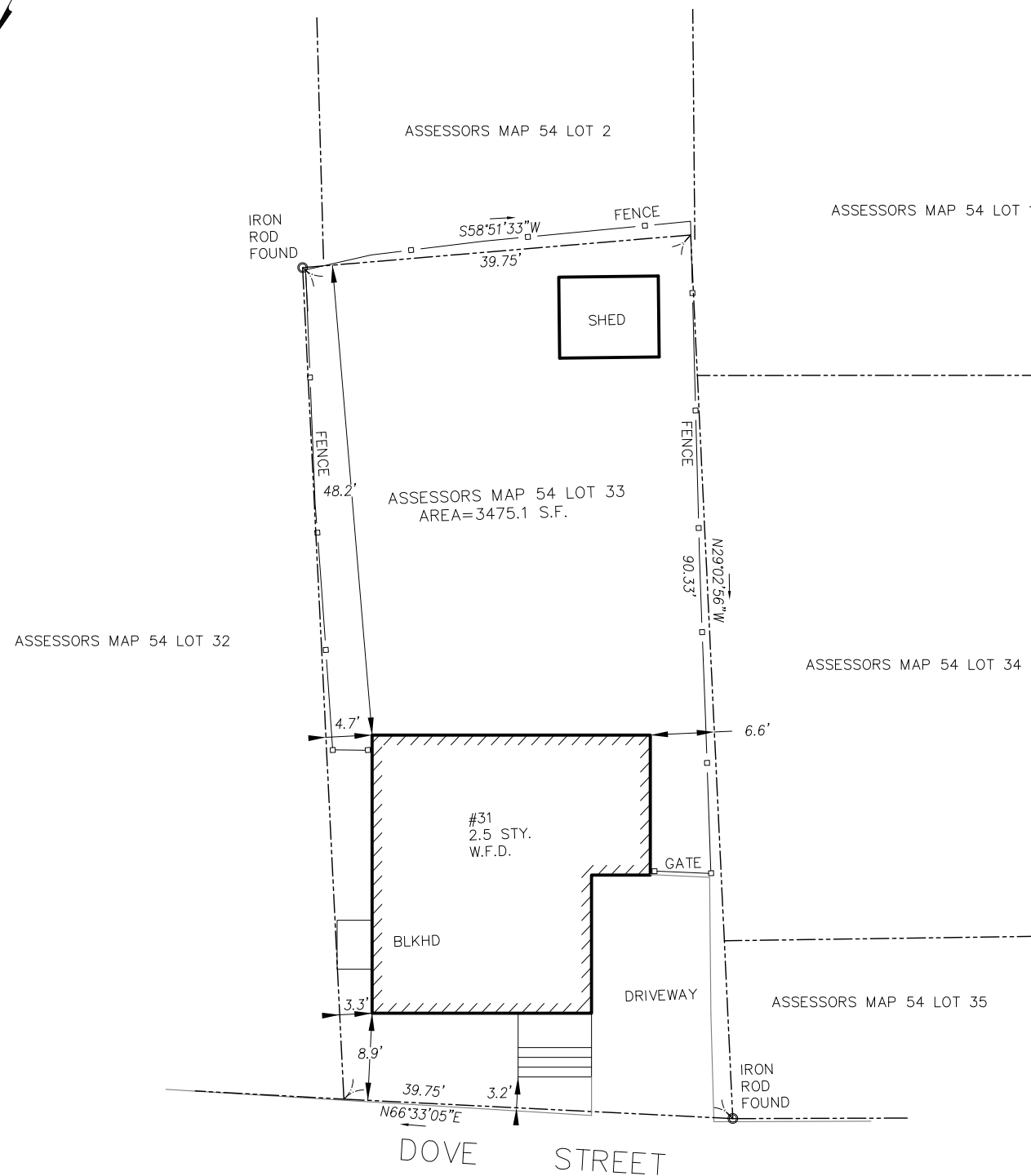
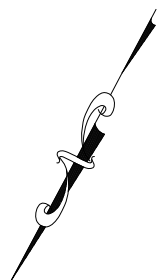
**SITE PLAN**  
31 DOVE STREET  
NEWBURYPORT MASSACHUSETTS  
ASSESSORS MAP 54 LOT 33  
PREPARED FOR  
JOPPA DESIGN INC.

SCALE: 1" = 10'      NOVEMBER 12, 2019

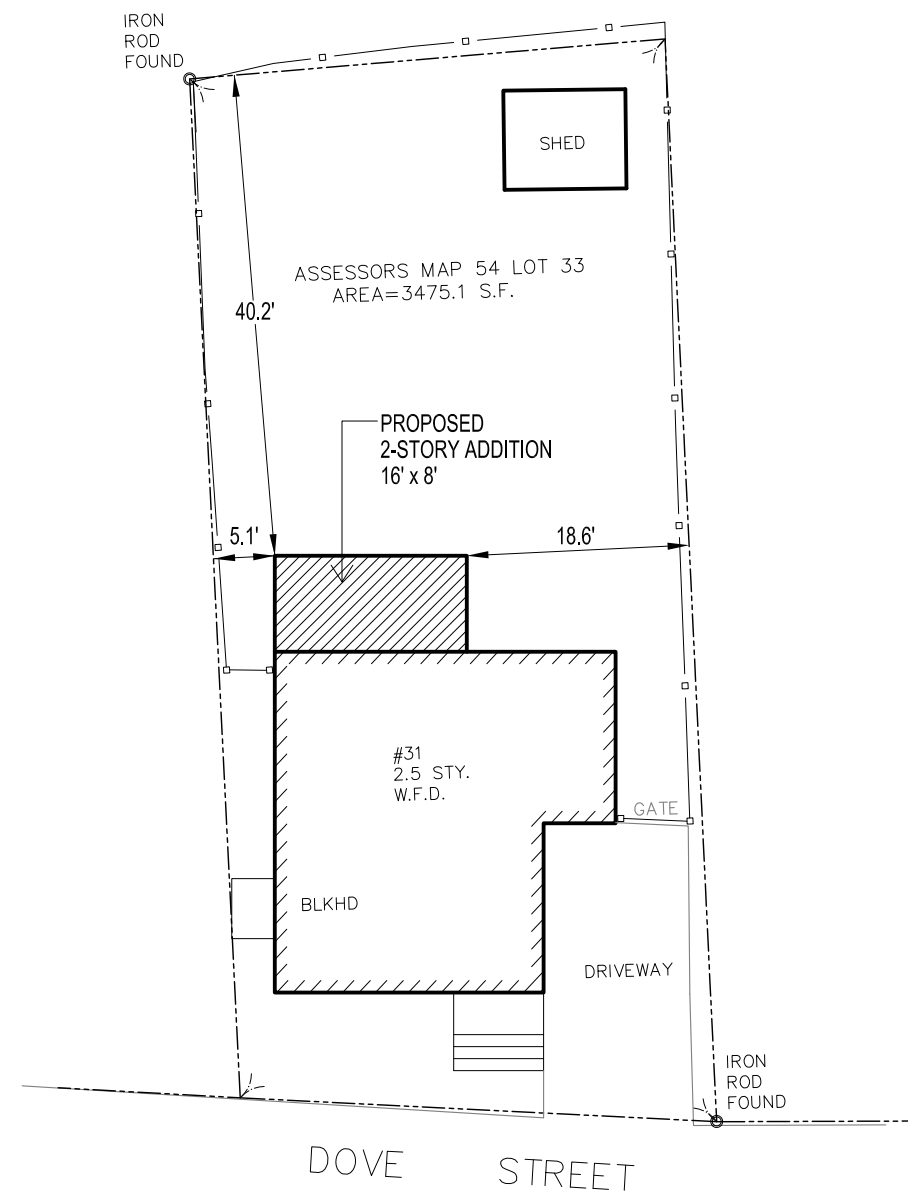
**WAYPOINT SURVEYING SERVICES**  
141 BRIDGE ROAD, SUITE 202-5  
SALISBURY, MASSACHUSETTS 01952  
(978) 505-5261

REVISION

DRAWN BY: D.A.	SHEET #: 1 of 1	CHECKED BY: D.A.
FILE #: 3310	DESIGN BY: D.A.	



**1 SITE PLAN | EXISTING**  
 SCALE: 1/16" = 1'-0"

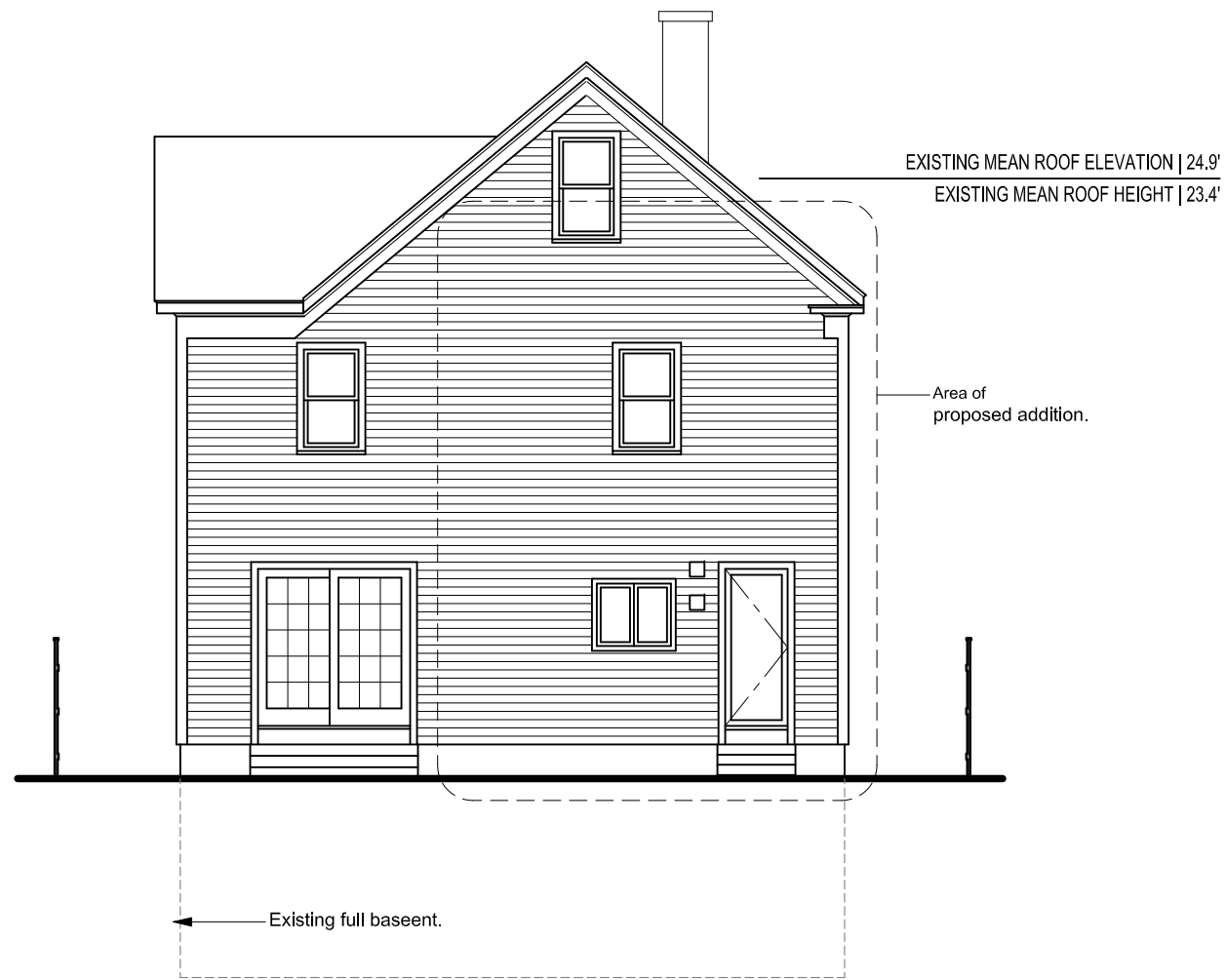


**2 SITE PLAN | PROPOSED**  
 SCALE: 1/16" = 1'-0"

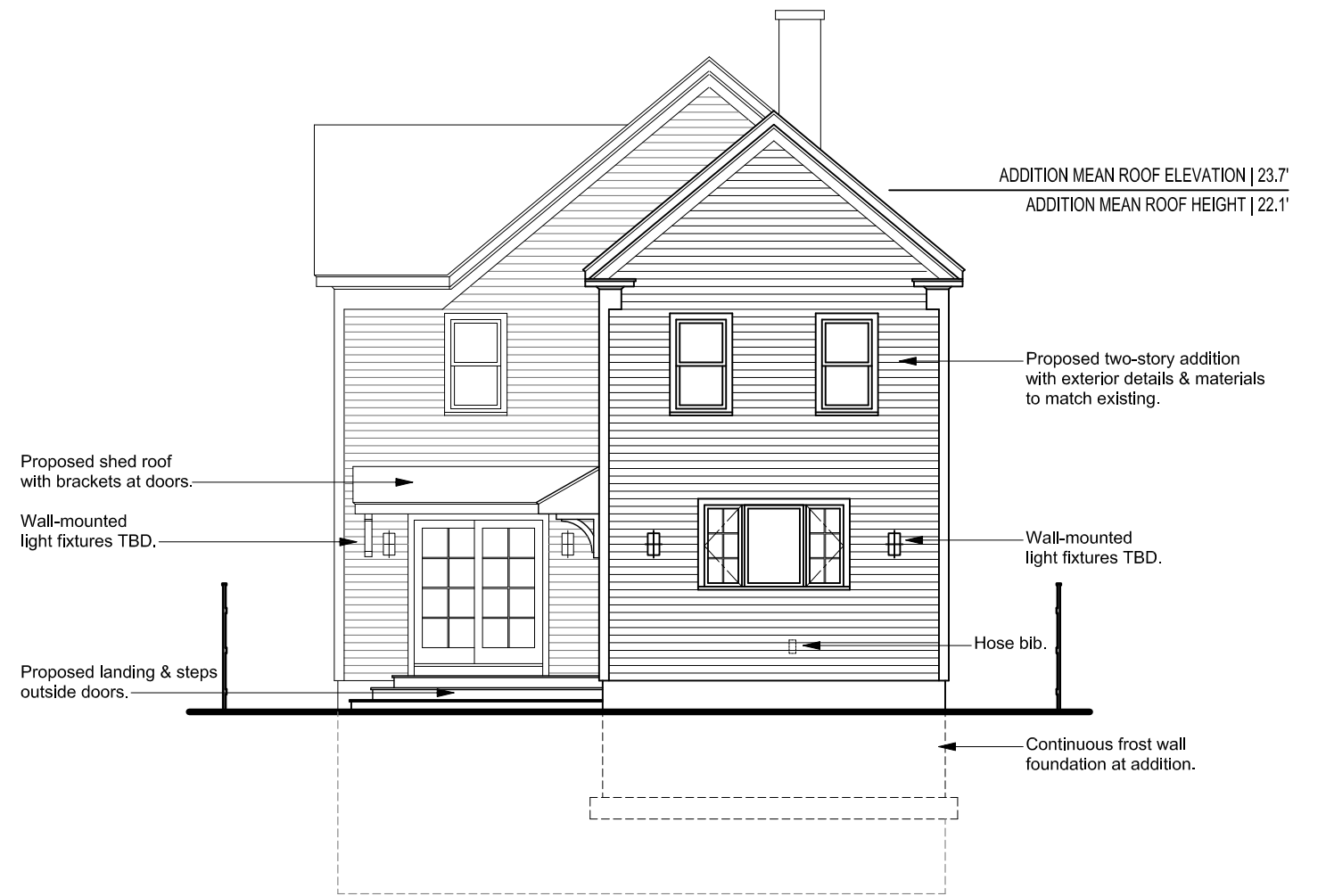
 = Proposed Addition



Scale: 1/16"=1'-0"



**10** REAR ELEVATION | EXISTING  
SCALE: 1/8" = 1'-0"



**11** REAR ELEVATION | PROPOSED  
SCALE: 1/8" = 1'-0"

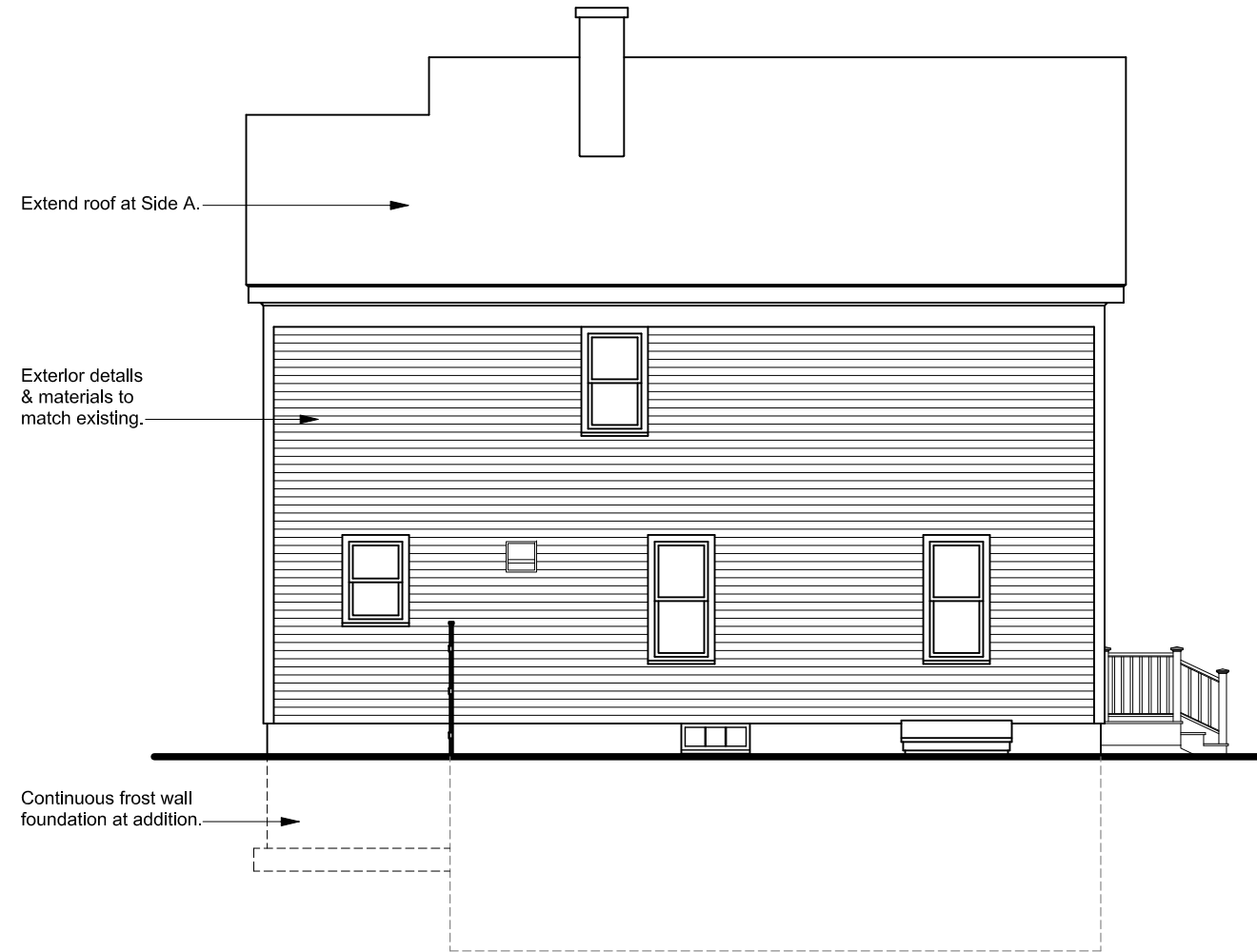


Scale: 1/8"=1'-0"

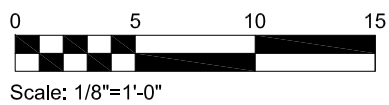




**20** SIDE ELEVATION | EXISTING  
SCALE: 1/8" = 1'-0"

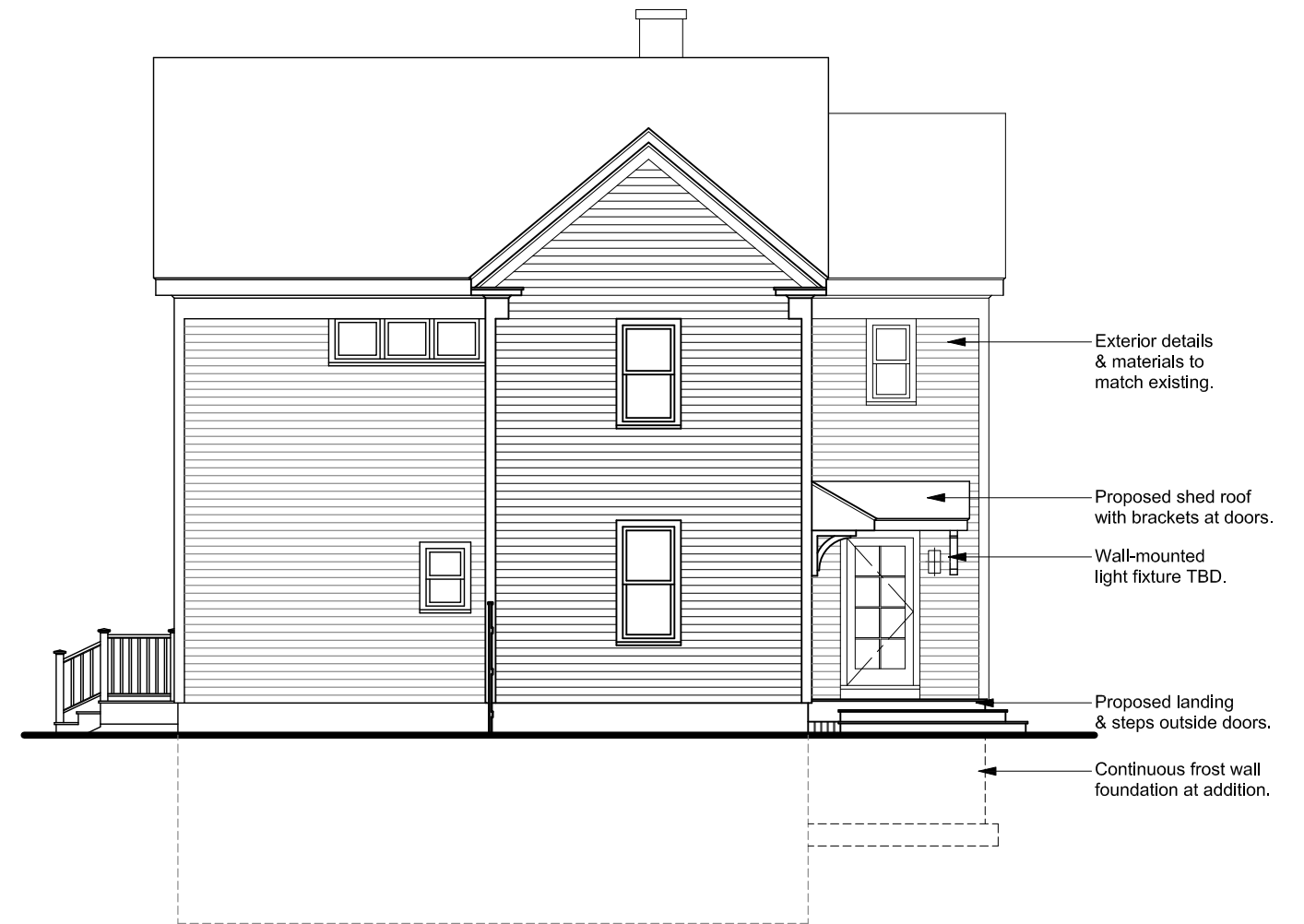


**21** SIDE ELEVATION | PROPOSED  
SCALE: 1/8" = 1'-0"





**30** SIDE ELEVATION | EXISTING  
SCALE: 1/8" = 1'-0"



**31** SIDE ELEVATION | PROPOSED  
SCALE: 1/8" = 1'-0"

