

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

Petitioner: Michelle Ault

Mailing Address: 32 Turkey Hill Road, Newburyport, MA 01950

Phone: 978-998-9132 Email: michelleault@yahoo.com

Property Address: 32 Turkey Hill Road, Newburyport, MA 01950

Map and Lot(s): 102-5 Zoning District: R-1

Book and Page(s): 34263/0470

Owner(s) Name: Michelle Ault

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 type="checkbox"/> Lot Coverage <input checked="" type="checkbox"/> Rear Yard<br><input type="checkbox"/> Height <input type="checkbox"/> Lot Width<br><input type="checkbox"/> Frontage |  |
| <input type="checkbox"/> Modification of existing variance (please attach)  | <input type="checkbox"/> Other: _____  |

**Request:**

To allow construction of a single bay garage addition where the rear yard setback would be 22.5' where a 30' rear yard setback is required. Intended immediate use will be for a physical therapy gym while in-law unit is occupied. Both parents moving into the in-law unit require physical therapy on a daily basis. Long term intended use is as a garage bay. This location is chosen because it is at the same level as the in-law for accesibility and it's ability to be useful in the future.

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**

	Required Dimensional Controls from Section VI.A	Existing Dimensional Controls from survey or site plan	Proposed Dimensional Controls from proposed plans
Lot Area	20,000	31,726	31,726
Frontage	125	165.68	165.68
Height*	30'	14'-5"	14'-5"
Max. Lot Coverage (%)**	20%	7%	10.1%
Min. Open Space (%)***	50%	88.7%	85.6%
Primary Front Setback	30'	49.2'	49.2'
Side A Setback/Secondary Front Setback	30'	51.6'	51.6'
Side B Setback	20'	75.9'	75.9'
Rear Setback	30'	34.5'	22.6'
Parking Spaces	3	2	4
FAR****	NA	NA	NA

\*Height is measured to *median* roofline.

\*\*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.

  
\_\_\_\_\_  
Petitioner

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

\_\_\_\_\_  
Owner (if different)





## Variance Application Memo

32 Turkey Hill Road, Newburyport, MA 01915

16 March 2021

- i. The existing structure is a single-family home (single story ranch style).
- ii. The lot is a corner lot at Turkey Hill Road (main road) and Bourbeau Terrace (secondary road). The house faces Turkey Hill Road and its registered address is 32 Turkey Hill Road. The house is setback a typical distance from Turkey Hill Road and is consistent with other houses in the neighborhood. The yard between the house and Turkey Hill Road would conventionally be called the “front yard”, while the yard to the left of the house would conventionally be referred to as a “side yard”. However, because the lot has longer frontage on Bourbeau Terrace the zoning regulations consider Bourbeau Terrace to be the “main” front yard. This results in the yard to the left side of the house, when viewed from Turkey Hill Road to technically be the rear yard.
- iii. For most houses, when the house fronts on a main road, the yards to the side of the front of the house, if not on the corner of two streets, is typically interpreted to be a side yard. Strict application of the ordinance reduces the owner’s use of the property by requiring a 30’ rear yard setback where traditionally a 20’ side yard setback would be required.
- iv. The house was built in 1959. The zoning definitions in effect at the time do not differentiate for a corner lot the difference between a “primary front lot line” and a “front lot line” as the current definitions do. The current definition appears to have been adopted sometime in 1988 or thereafter. Hence the original decision to face the house on Turkey Hill Road rather than Bourbeau Terrace could not have predicted that the space to the left side of the house would eventually be considered a “rear yard”. It would



have, at that time, been considered a side yard under the then current definition: "A "side yard" is a space extending from the front yard to the rear yard between a building and the adjacent side line of the lot on which said building is located".

- v. For most properties in the district, the yard that appears to the side of the house (if not on the corner of a lot), when viewed from the front, is considered a side yard. Hence the relief will be in keeping with the neighborhood "norm", not a special privilege.



CITY OF NEWBURYPORT, MA  
**ZONING DETERMINATION**

APR# 2021-024

Name: Michelle Ault c/o John Crowell

Address: 32 Turkey Hill Rd Zoning District(s): R1

Request: Construct addition to home to contain in-law apartment. Construct garage/home gym addition in rear setback (at side of house) on a corner lot.

**ZONING BOARD REVIEW REQUIRED**

**Variance**

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

**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**

The name typed below represents the intent to sign the foregoing document:

Jennifer T Blanchet

03/15/21

Newburyport Zoning Administrator

Date

## 32 TURKEY HILL RD

**Location** 32 TURKEY HILL RD

**MBLU** 102/ 5/ / /

**Owner** AULT MICHELLE

**Assessment** \$558,100

**PID** 6666

**Building Count** 1

### Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$305,400	\$252,700	\$558,100

### Owner of Record

**Owner** AULT MICHELLE

**Sale Price** \$435,000

**Co-Owner**

**Certificate**

**Address** 32 TURKEY HILL RD

**Book & Page** 34263/0470

NEWBURYPORT, MA 01950

**Sale Date** 07/31/2015

**Instrument** 10

### Ownership History

Ownership History

Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
AULT MICHELLE	\$435,000		34263/0470	10	07/31/2015
KELLEY PHYLLIS B	\$0		15079/0505	1A	09/09/1998
WOODMAN GEORGIA TRS.	\$1		12355 0026/0	1A	12/31/1993
BOURBEAU PHYLLIS	\$0		4573/0375		

## Building Information

### Building 1 : Section 1

**Year Built:** 1959  
**Living Area:** 1,359

Building Attributes	
Field	Description
Style:	Ranch
Model	Residential
Grade:	Average +10
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood

### Building Photo

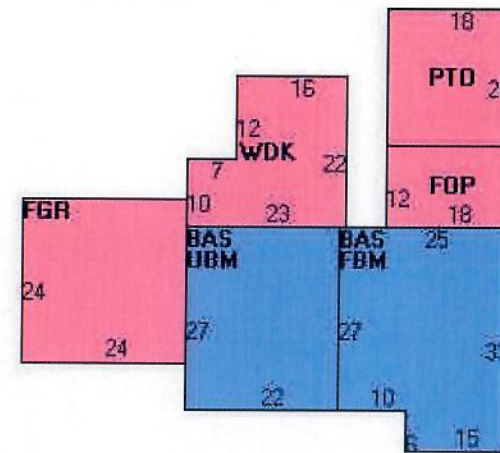


(<http://images.vgsi.com/photos/NewburyportMAPhotos/\01\00\87\11.jpg>)



Interior Flr 2	Carpet
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	6 Rooms
Bath Style:	Modern
Kitchen Style:	Modern
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
Kitchen Grd	Excellent
Fndtn Cndtn	
Basement	

## Building Layout



([http://images.vgsi.com/photos/NewburyportMAPPhotos//Sketches/6666\\_68](http://images.vgsi.com/photos/NewburyportMAPPhotos//Sketches/6666_68))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,359	1,359
FBM	Basement, Finished	765	0
FGR	Garage, Attached	576	0
FOP	Porch, Open	216	0
PTO	Patio	360	0
UBM	Basement, Unfinished	594	0
WDK	Deck, Wood	422	0
		4,292	1,359



**Extra Features**

Extra Features					<u>Legend</u>
Code	Description	Size	Value	Bldg #	
FPL1	FIREPLACE 1 ST	1.00 UNITS	\$3,400	1	

**Land****Land Use**

Use Code 1010  
Description SINGLE FAM

**Land Line Valuation**

Size (Acres) 0.73  
Depth 0  
Assessed Value \$252,700

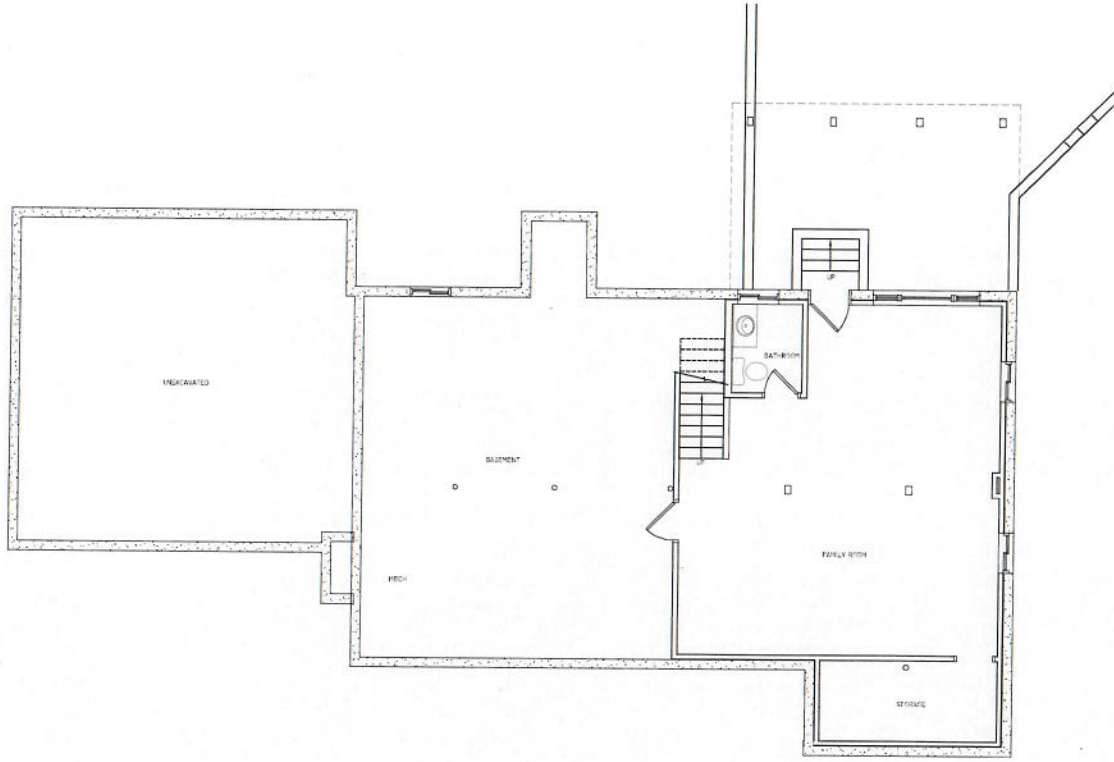
**Outbuildings**

Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAT2	PATIO-GOOD			200.00 S.F.	\$2,200	1

**Valuation History**

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$286,700	\$252,700	\$539,400





1 BASEMENT PLAN  
SCALE: 1/4" = 1'-0"

EXISTING BASEMENT FLOOR PLAN

AULT RESIDENCE  
32 TURNER HILL ROAD, NEWBURYPORT, MA



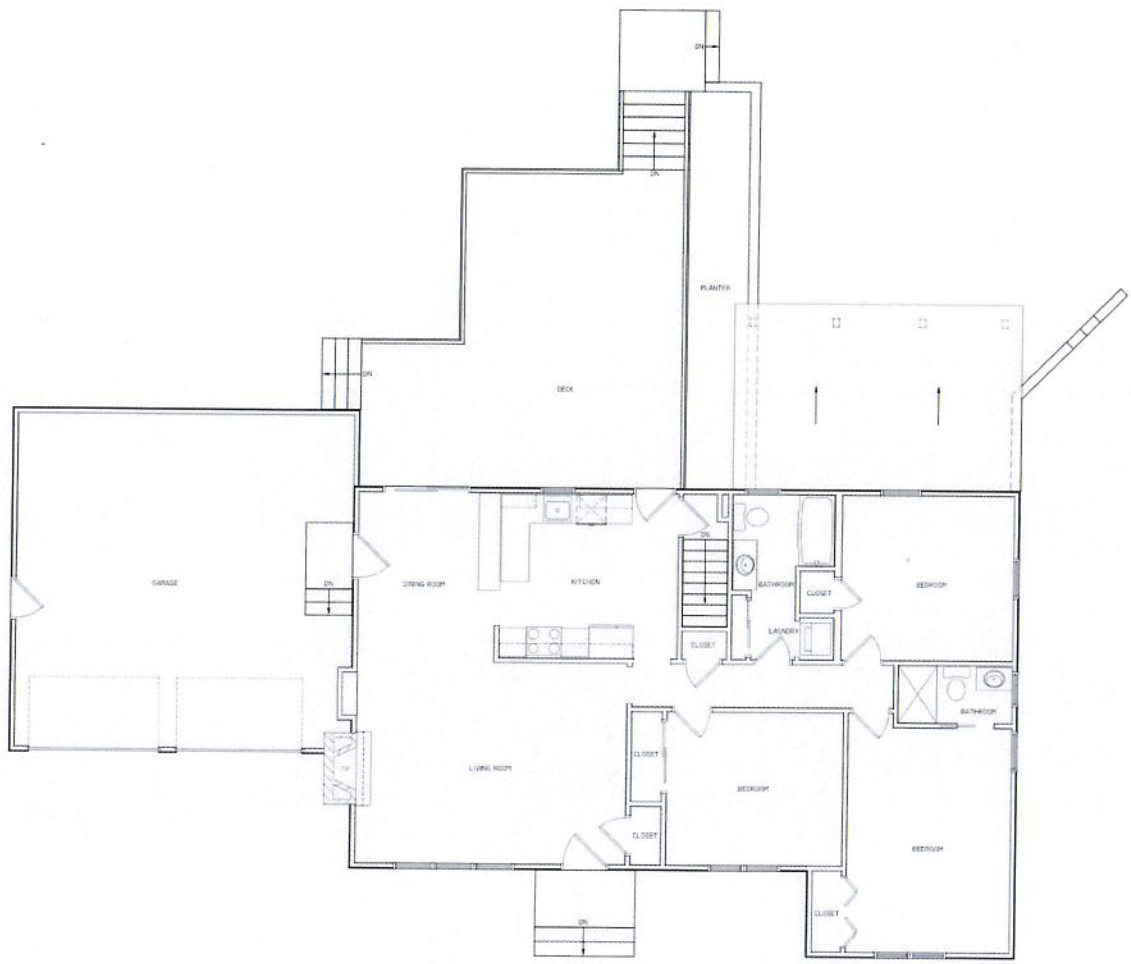
DEER HILL ARCHITECTS, LLC

40 LOWELL STREET, SUITE 12, PEABODY, MA  
TELEPHONE: (978) 532-1111  
WWW.DHA-LLC.COM

16 MAR 2021  
1/4" = 1'-0"

EX1





2 FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

EXISTING FIRST FLOOR PLAN

AULT RESIDENCE  
32 TURKEY HILL ROAD, NEWBURYPORT, MA

DEER HILL ARCHITECTS, LLC  
40 FLORELL STREET, SUITE 12, NEWBURYPORT, MA  
TEL: 978.251.4444 FAX: 978.251.4444  
WWW.DEERHILLARCHITECTS.COM

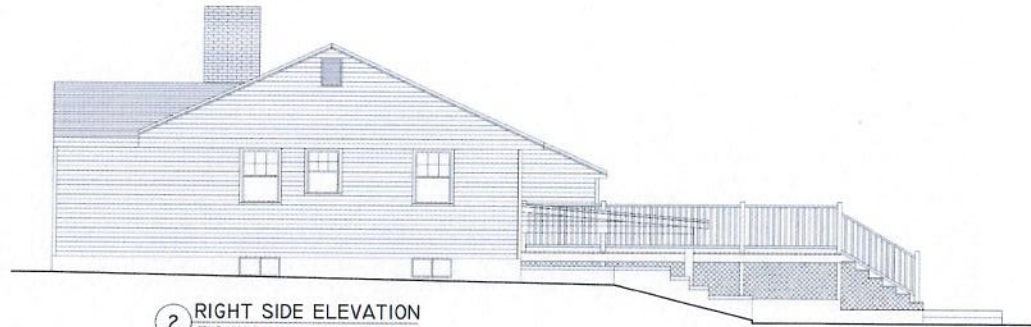


16 MAR 2021  
1/4" = 1'-0"

EX2



1 FRONT ELEVATION  
SCALE 1/4" = 1'-0"



2 RIGHT SIDE ELEVATION  
SCALE 1/4" = 1'-0"



3 REAR ELEVATION  
SCALE 1/4" = 1'-0"



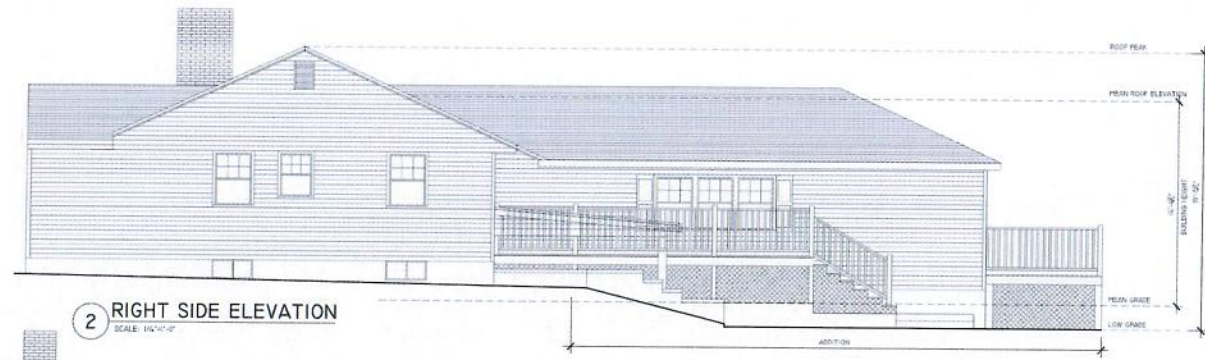
4 LEFT SIDE ELEVATION  
SCALE 1/4" = 1'-0"



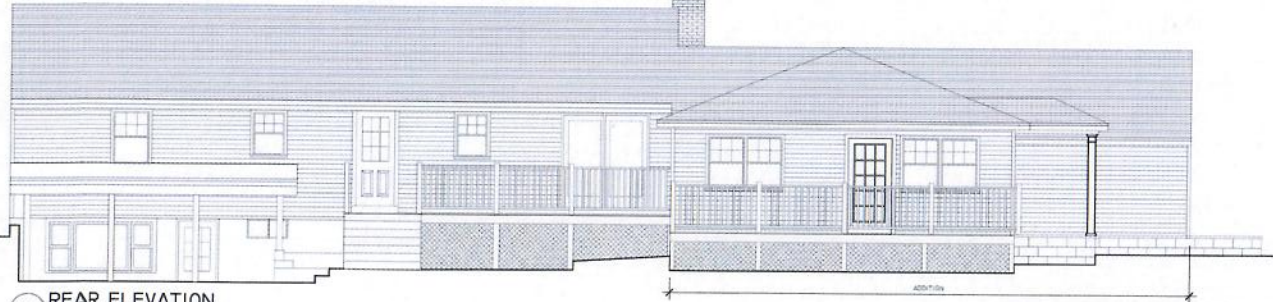




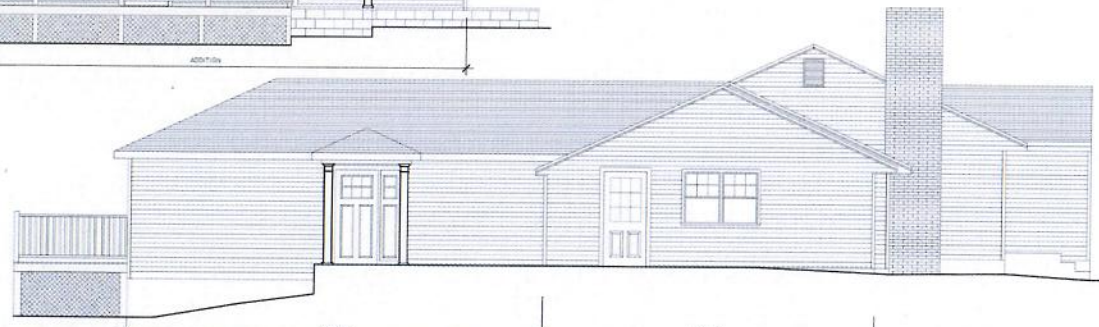
1 FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



2 RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"



3 REAR ELEVATION  
SCALE: 3/4" = 1'-0"



4 LEFT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

DEER HILL ARCHITECTS, LLC



40 LOWELL STREET, SUITE 12, PEABODY, MA  
TELEPHONE (978) 532-8665 FAX (978) 532-3388

PROPOSED ELEVATIONS

AULT RESIDENCE

32 DORSET HILL ROAD, VERBENHURST, MA

16 MAR 2021  
1/4" = 1'-0"

A2

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

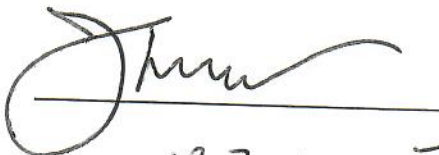
RE: Request for Variance/ In-Law Unit Approval

Dear Chair and Members of the Board:

I have been provided the plans for construction of a 700 sq. ft. in law unit and a third car garage to be utilized as a gym for physical therapy for Michelle Ault's parents who would be moving in if approved, at 32 Turkey Hill Rd., Newburyport, MA 01950.

The proposed project will be in keeping with the neighborhood and in fact will enhance the area. I have no objection to the proposed project.

Sincerely,



Address:

16 Bourbeau Terrace Date: 3, 18, 2021

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

RE: Request for Variance/ In-Law Unit Approval

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The proposed project will be in keeping with the neighborhood and in fact will enhance the area. I have no objection to the proposed project.

Sincerely,

JOE SPAULINO

Joe Spaulino

Address: 6 Bayberry Rd Date: 3/18/2021



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

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Dear Chair and Members of the Board:

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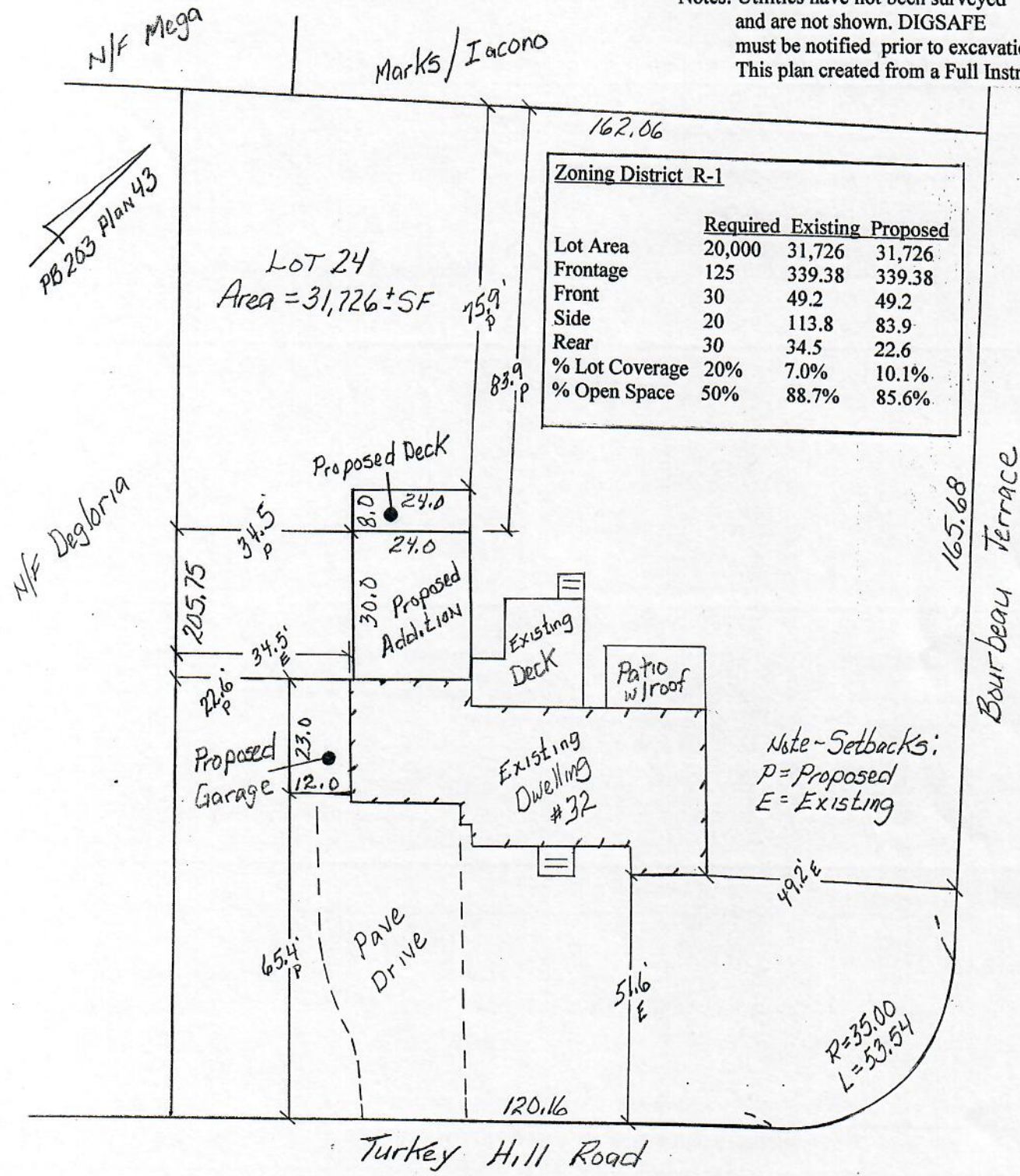
The proposed project will be in keeping with the neighborhood and in fact will enhance the area. I have no objection to the proposed project.

Sincerely,

Morga Boslu

Address: 33 Turkey Hill Date: 3 / 18 / 21

Notes: Utilities have not been surveyed and are not shown. DIGSAFE must be notified prior to excavation. This plan created from a Full Instrument Survey.



Zoning District R-1

	Required	Existing	Proposed
Lot Area	20,000	31,726	31,726
Frontage	125	339.38	339.38
Front	30	49.2	49.2
Side	20	113.8	83.9
Rear	30	34.5	22.6
% Lot Coverage	20%	7.0%	10.1%
% Open Space	50%	88.7%	85.6%

Note - Setbacks:  
P = Proposed  
E = Existing

ASSESSORS:  
ID 102-5  
REFERENCES:  
Plan Book 203 Plan 43

I CERTIFY THAT THE DWELLING EXISTS AS SHOWN AND THAT THE PROPOSED IMPROVEMENTS ARE TO BE BUILT AS SHOWN WITH RESPECT TO THE LOT LINES.

3/17/21 *[Signature]*  
Date Professional Land Surveyor

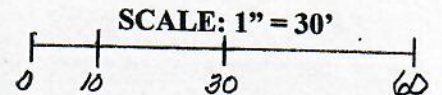
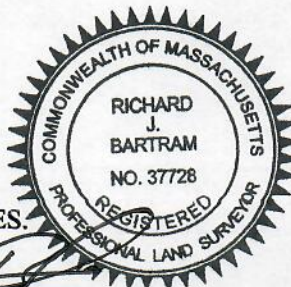


EXHIBIT PLAN OF LAND  
IN  
NEWBURYPORT MA  
32 TURKEY HILL ROAD  
PREPARED FOR  
MICHELLE AULT  
Scale 1" = 30'  
BARTRAM LAND SURVEY  
2 Fruit Street Byfield MA 01922