

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

Petitioner: Windward Shaw Construction, c/o Lisa L. Mead, Mead, Talerman & Costa, LLC

Mailing Address: 30 Green Street, Newburyport MA 01950

Phone: 9784637700 Email: Lisa@mtclawyers.com

Property Address: 34 Virginia Lane

Map and Lot(s): 101 - 98 Zoning District: R-1

Book and Page(s): 33212/20

Owner(s) Name: John and Susan Greeley, TRS Greeley Realty Trust

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

(Refer to the Zoning Review form as supplied by the Zoning Administrator)

Description of request:

Construct addition at rear of pre-existing non-conforming home and add front porch.

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

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| | Lot s.f. | Open Space % | Lot Coverage % | FAR* | Height | Frontage | Parking Spaces | Front Setback | Side A Setback | Side B Setback | Rear Setback |
|----------|----------|--------------|----------------|------|--------|----------|----------------|---------------|----------------|----------------|--------------|
| Existing | 14800 | 88.7% | 8.9% | | 23.5 | 100 | 2 | 28 | 25.9 | 19.2 | 85.9 |
| Proposed | 14800 | 70% | 10.5% | | 23.5 | 100 | 2+ | 24 | 24.9 | 19.2 | 50.1 |
| Required | 20000 | 50% | 20% | | 30 | 125 | 2 | 30 | 20 | 20 | 30 |

*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** |
|-----------------------|-------------|----------------|------------------------|
| 1166 | 2 | 2086 | 101 |

Proposed Buildings:

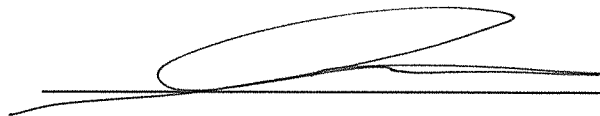
| Ground Floor Sq. Feet | # of Floors | Total Sq. Feet | Use Code of Building** |
|-----------------------|-------------|----------------|------------------------|
| 1370 | 2 | 3286 | 101 |

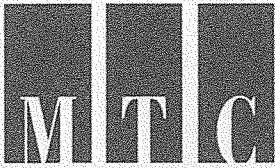
**Reference Dimensional Code numbers and uses from the Zoning Ordinance. (e.g. – 101 = single family, etc.)

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):







Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

September 13, 2018

By Hand

Ed Ramsdell, Chair
Zoning Board of Appeals
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Request for a Special Permit;
34 Virginia Lane, Newburyport, MA (the "Property");
Assessor's Map: 101 Lot 98

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents the Windward Shaw Construction, the contractor for the owners of 34 Virginia Lane (the "Petitioner"), relative to an addition to be constructed at the rear of the Property. The Property is located in the R-1 zoning district and consists of approximately 14,800 square feet of land with 100 feet of frontage on Virginia Lane. The Property is currently non-conforming for lot area, frontage, front and side setback. The area of the lot is 14,800 square feet where 20,000 square feet is required, frontage is 100 feet where 125 feet is required, one side yard setback is 19.2 feet where 20 feet is required, and the front yard setback is 28 feet where 30 feet is required.

The only work on the southerly side of the structure where there is a non-conformity will be to construct a deck. The Applicant will be constructing an addition on the rear which will meet all required side and rear yard setback requirements. The Applicant will be constructing a new covered front porch which will increase the existing front yard setback non-conformity from 28 feet to 24 feet. The addition will be more than 500 square feet.

The existing non-conforming frontage and south side yard setbacks will not be modified.

To proceed with the Project, Petitioners will require a special permit to modify the pre-existing non-conforming structure on a lot with insufficient frontage and area in accordance with section IXB(2)(A) and IXB(3)(c) of the NZO where the addition is more than 500 square feet.

Section IX-B(2)(A) and (3)(C) allows for the modification of a pre-existing non-conforming single or two-family structure where the Board finds that:

1. There will be no addition of a new non-conformity, and
2. That the proposed changes will not be substantially more detrimental to the neighborhood.

Millis Office

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

- a. Further, section IX-B(3)(C) of the NZO provides that any extension or alteration of the principal structure on a lot with insufficient area or frontage that would increase the floor area of a dwelling unit by more than 500 square feet requires a special permit under section IX(B)(2).

To address the first inquiry, as is shown on the plans, there will be no new non-conformities.

Next the Board must find that the proposed change is not substantially more detrimental to the neighborhood than the existing structure. Importantly, the addition proposed in the rear of the structure will not, by in large, be seen from Virginia Lane. The addition is also smaller in height than the existing structure. The existing structure has a mean roof height of 23' 6" whereas the proposed addition is 22' 2½ " mean height. The architectural design of the proposed addition is in keeping with the style of the home. Likewise, the proposed covered front porch is in keeping with the style of the home. The proposed covered front porch is substantially smaller in height than the existing structure.

The Property abuts other residential homes to the rear, separated by a row of trees. The proposed addition, as you will note on the plans, is more diminutive in size than the existing structure, both in height and in foot print. The proposed addition is about 30 feet closer to the rear lot line than the existing structure but still is well within the required rear yard setback. Given the style and design certainly the proposed addition will not be substantially more detrimental from the view of either the residential properties at the rear or Virginia Lane as the existing structure. The proposed covered front porch is similar in style to other homes in the neighborhood and will not be substantially more detrimental to the neighborhood.

The Petitioner respectfully requests you grant a Special Permit to modify the existing non-conforming structure.

Respectfully submitted
Windward Shaw Construction
By his Attorney



Lisa L. Mead

Attachment
cc: Client

CITY OF NEWBURYPORT, MA
ZONING REVIEW (BUILDING PERMIT DENIAL)

APR# 2018-078

Name: Windward Shaw Construction/Lisa Mead MTC, LLC

Address: 34 Virginia Lane Zoning District(s): R1

Request: Construct a farmers porch on the front of a nonconforming single family residential property. Porch increases the nonconforming setback at the front lot line. Rear additions and deck are in a compliant manner and do not require relief beyond that for greater than a 500sf increase. Note: APR 2018-072 was issued for a previous version of this project that was not filed)

ZONING BOARD REVIEW REQUIRED

Variance

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

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

CITY COUNCIL REVIEW REQUIRED (X.H.9)


Newburyport Zoning Administrator

9/13/2018
Date

| TOPO. | UTILITIES | STRT./ROAD | LOCATION | DESCRIPTION | Code | Appraised Value | Assessed Value |
|--------------------------|-----------|------------|----------|-------------|------|-----------------|----------------|
| | | | | RESIDENTIAL | 1010 | 298,500 | 298,500 |
| | | | | RES. LAND | 1010 | 278,100 | 278,100 |
| | | | | RESIDENTIAL | 1010 | 1,900 | 1,900 |
| SUPPLEMENTAL DATA | | | | | | | |
| Other ID: 101-98 | | | | | | | |
| CONDO CV: | | | | | | | |
| INLAW Y/N: Y | | | | | | | |
| LOT SPLIT: | | | | | | | |
| 40B HSNB: | | | | | | | |
| TILE #: | | | | | | | |
| ATT 1/2 HSE: | | | | | | | |
| GIS ID: M_247514_951219 | | | | | | | |
| ASSOC PID# | | | | | | | |
| Total: 578,500 | | | | | | | |

| RECORD OF OWNERSHIP | | | | | | | |
|---------------------|------------|-----|-----|------------|------|------|------|
| BK-VOL/PAGE | SALE DATE | q/u | w/i | SALE PRICE | Y.C. | Yr. | Code |
| 33212/0020 | 04/11/2014 | Q | I | 465,000 | 00 | 2018 | 1010 |
| 07494/0350 | 08/15/1984 | Q | I | 120,000 | 00 | 2018 | 1010 |
| 07232/0567 | 10/03/1983 | Q | I | 104,900 | 00 | 2018 | 1010 |
| 06815/0191 | 05/05/1981 | Q | I | 86,250 | 00 | 2018 | 1010 |
| 06737/0656 | 09/16/1980 | Q | I | 16,500 | 00 | 2018 | 1010 |
| Total: 578,500 | | | | | | | |

| PREVIOUS ASSESSMENTS (HISTORY) | | | | | | | |
|--------------------------------|------|----------------|------|------|----------------|------|------|
| Yr. | Code | Assessed Value | Yr. | Code | Assessed Value | Yr. | Code |
| 2017 | 1010 | 298,500 | 2017 | 1010 | 303,600 | 2016 | 1010 |
| 2016 | 1010 | 278,100 | 2016 | 1010 | 264,900 | 2016 | 1010 |
| 2015 | 1010 | 1,900 | 2015 | 1010 | 1,900 | 2015 | 1010 |
| Total: 578,500 | | | | | | | |

This signature acknowledges a visit by a Data Collector or Assessor

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card) 288,000
 Appraised XF (B) Value (Bldg) 10,500
 Appraised OB (L) Value (Bldg) 1,900
 Appraised Land Value (Bldg) 278,100
 Special Land Value 0
 Total Appraised Parcel Value 578,500
 Valuation Method: C
 Adjustment: 0

| BUILDING PERMIT RECORD | | | | | | | |
|------------------------|------------|------|-------------|--------|------------|---------|------------|
| Permit ID | Issue Date | Type | Description | Amount | Insp. Date | % Comp. | Date Comp. |
| | | | | | | | |

| VISIT/CHANGE HISTORY | | | | | | | |
|----------------------|------------|------|-------------|--------|------------|---------|------------|
| Permit ID | Issue Date | Type | Description | Amount | Insp. Date | % Comp. | Date Comp. |
| | | | | | | | |

| LAND LINE VALUATION SECTION | | | | | | | |
|-----------------------------|-----------------|------|---|-------|-------|-----------|---------------------------|
| B Use Code | Use Description | Zone | D | Front | Depth | Units | Unit Price |
| I | 1010 SINGLE FAM | RI | | | | 14,800 SF | 15.66 |
| | | | | | | | Factor S.A. 7 |
| | | | | | | | Acres Disc 1.0000 |
| | | | | | | | Factor Idx Adj. 0.00 |
| | | | | | | | Notes-Adj. |
| | | | | | | | Special Pricing |
| | | | | | | | Spec Use Spec Calc |
| | | | | | | | S Adj Fact Adj. 1.00 |
| | | | | | | | Unit Price 18.79 |
| | | | | | | | Land Value 278,100 |
| | | | | | | | Total Land Value: 278,100 |

VISION

