

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

Petitioner: Peter Carzasty c/o Lisa Mead, Mead, Talerman & Costa, LLC

Mailing Address: 30 Green Street

Phone: 978-463-7700 Email: lisa@mtclawyers.com

Property Address: 35 Temple Street

Map and Lot(s): 15 - 60A Zoning District: R2/DCOD

Book and Page(s): 38159 - 88

Owner(s) Name: Steven Carzasty, Mark MacKay, Peter Carzasty

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)        |
| ___ Lot Area  | ___ Front Yard                                |
| <input checked="" type="checkbox"/> Open Space  | <input checked="" type="checkbox"/> Side Yard |
| <input checked="" type="checkbox"/> Lot Coverage                                      | <input checked="" type="checkbox"/> Rear Yard |
| ___ Height  | ___ Lot Width                                 |
| ___ Frontage  |   |
| <input checked="" type="checkbox"/> Modification of existing variance (please attach) | <input type="checkbox"/> Other: _____         |
|   | ___ FAR                                       |
|   | ___ 2 ½ stories                               |
|   | ___ Footprint expansion                       |

Request:  
Modify prior variance and remove existing one-story shed attached to rear of residential structure.  
Construct one-story addition in same location with slightly enlarged footprint.

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	1,370 sq ft	1,370 sq ft	10,000 sq ft
Frontage	28.4 ft	28.4 ft	90 ft
Height*	20.8 ft	20.8 ft	35 ft
Lot Coverage (%)**	59%	66.3%	25%
Open Space (%)***	23%	16%	40%
Front Setback	0 ft	0 ft	25 ft
Side A Setback	0 ft	0 ft	10 ft
Side B Setback	1.2 ft	1.2 ft	10 ft
Rear Setback	1.3 ft	1.3 ft	25 ft
Parking Spaces	2	2	2
FAR****			

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

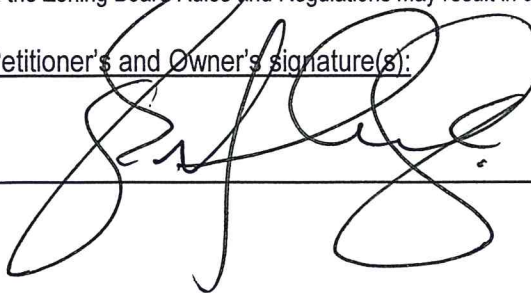
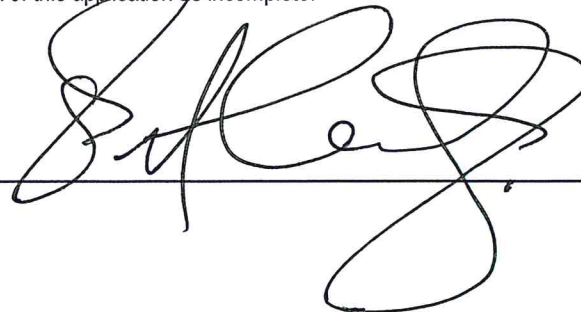
\*\*Total building footprint divided by the lot area expressed as a percentage.

\*\*\*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):





Mead, Talerman & Costa, LLC  
Attorneys at Law

30 Green Street  
Newburyport, MA 01950  
Phone 978.463.7700  
Fax 978.463.7747

www.mtclawyers.com

January 15, 2020

By Hand

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

Re: Application for a Variance Modification  
35 Street, Newburyport, MA (the "Property")  
Assessor's Map: 15 Lot: 60-A

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents Peter Carzasty (the "Petitioner"), a co-owner of the Property with his brother, Steven Carzasty, and Mark MacKay, relative to a proposed addition to the rear of a single-family residence (the "Residence"). Currently existing at the rear of the Residence is a shed which is essentially attached to the Residence, but is not integrated into the Residence. The Petitioner proposes to demolish this shed to construct a one-story addition with a slightly larger footprint measuring approximately 231 square feet.

The Property is located in the R2 Zoning District and Demolition Control Overlay District ("DCOD") under the Newburyport Zoning Ordinance (the "Ordinance") and was created by a variance granted by the Board in April 1982, a copy of which is attached hereto. Prior to the variance, the building on the parcel of land known as and numbered 33-35 Temple Street was a duplex. The variance created two separate lots and two separate residential structures with a shared wall. A copy of the ANR plan endorsed by the Newburyport Planning Board on May 31, 1982, is attached hereto and depicts the lot/building split. (**Exhibit A**) The building comprising 33-35 Temple Street was constructed in 1730 according to the Assessor's Record, and circa 1750-1775 according to the District Data Sheet. The Form B created for 33-35 Temple Street describes the building as "Colonial." (**Exhibit B**)

The Property measures 1,370 square feet of land, while the R2 district requires a minimum 10,000 square feet. The frontage is 28.4 feet, while the requirement is 90 feet. The R2 district requires a minimum front setback of 25 feet and the Residence is set back 0 feet. The side yard setback on the southern side of the Residence is 1.2 feet where 10 feet are required; there is no side yard setback on the northern side of the Residence as it shares a wall with the residential structure at 33 Temple Street. The rear yard setback is 1.3 feet where the R2 district requires a minimum 25 feet. The height of the Residence is 20.8 feet, in compliance with the maximum allowable 35 feet. The lot coverage is 59% where the maximum allowable is 25%, and the open space is 23% where a minimum 40% is required.

*Millis Office*

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



As aforementioned, the Petitioner proposes to demolish the shed to construct a one-story addition. The proposed addition will extend the rear yard setback and will minimally intensify the nonconforming lot coverage and open space. The addition will provide space for a first-floor bedroom and handicap-accessible bathroom to allow aging-in-place for one of the co-owners who is unable to ambulate stairs. Again, the addition will measure approximately 231 square feet. Based upon the age of the shed and the roof line change, the Petitioner will require approval from the Historical Commission to demolish the shed.

It should be noted that but for the variance in 1982, this request would exist as a modification to a pre-existing non-conforming structure as even before the variance, the structure and lot were non-conforming.

### **Dimensional Variance**

The Petitioner requires a modification to a dimensional variance pursuant to Section X-H.6.A of the Ordinance as the Property does not conform to the Ordinance as to lot size, frontage, side yard setback, rear yard setback, lot coverage, and open space. Section X-H.6.A, incorporates G. L. c. 40A, § 10, which provides that the grant of a variance by the Board requires a finding that:

owing to circumstances relating to the soil conditions, shape or topography of [the] land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of th[e O]rdinance would involve substantial hardship, financial or otherwise, to the . . . petitioner, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of th[e O]rdinance.

The required findings, including an analysis of what constitutes a hardship, and are addressed below.

Hardship related to the land: As noted above, unique “soil conditions, shape or topography of the land” warrant the grant of a variance. The Property is an odd shape. As you can see from the plan, both because of the shared wall and the jog in the rear of the Property, the Property is an odd shape. Further, this peculiar shape is unlike any other lot in the neighborhood. See attached Assessor’s Map.

A Strict application of the provisions of the ordinance will deprive the Petitioner of reasonable use of the lot and structure: If the ordinance is strictly applied it will preclude the Petitioner from constructing the addition to allow aging in place. The Property and the Residence do not currently conform to the dimensional requirements of the Ordinance. In this particular instance, we have both unique circumstances noted above and the unique circumstances of the Petitioner wanting to relocate his brother to the home to allow the opportunity for the Petitioner to be a care giver, along with Mark MacKay, of his brother Steven Carzasty who cannot care for himself. Given the limitations of the lot, the modification of the prior variance is a request to allow the reasonable use of the Property.

The unique conditions and circumstances are not the result of actions of the Petitioner: The unique circumstances of the Property came into existence long before the Petitioner came to own the Property and the existing condition is not the result of the Petitioner’s actions.

The Board can grant relief without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Ordinance: There is no substantial detriment to the public good; to the



contrary, allowing the construction of an addition to support aging in place is in the interest of the public good. Further, the granting of a variance modification neither nullifies nor substantially derogates from the intent or purpose of the Ordinance. The first purpose of the Ordinance, Section I-C-1 is to “promote the health, safety, convenience and general welfare of the inhabitants of the City of Newburyport.” Granting a variance modification to allow an individual to age-in-place is in furtherance of this purpose. The relatively small one-story addition, at 231 square feet, will not contribute to overcrowding of land or negatively affect the density of population.

The granting of the variance will not be a substantial detriment to the public good: Again, as aforementioned, the proposed addition is small and will not be a substantial detriment to the public good. The proposed addition is only slightly larger than what exists on the property now. In fact, the impacts will be nominal in light of the existing circumstances of the Property. Therefore, the Board can grant a variance modification without causing any detriment to the neighborhood.

As a result, having demonstrated that the Board can grant the requested relief to allow the Petitioner to construct a small, one-story addition to the Residence, the Petitioner respectfully requests that the Board grant a Dimensional Variance Modification.

Respectfully submitted  
Peter Carzasty  
By his attorney



Lisa L. Mead

Attachment  
cc: Client

CITY OF NEWBURYPORT, MA  
ZONING DETERMINATION

APR# 2020-007

Name: Peter Carzasty c/o Lisa Mead MTC, LLC

Address: 35 Temple Street Zoning District(s): R2/DCOD

Request: Demolish existing non conforming rear section of structure on property granted through a prior Variance. Construct new structure at similar location expanding the existing nonconforming coverage, open space and setbacks. Demo Delay review for roof line change

ZONING BOARD REVIEW REQUIRED

Variance

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

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-3)
  - 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)

Site Plan Review (XV)

- Major
- Minor

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- \*Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

Tree and Sidewalk compliance review

 01/10/2020  
Newburyport Zoning Administrator Date



# 35 TEMPLE ST

**Location** 35 TEMPLE ST

**MBLU** 15/ 60/A / /

**Owner** MACKAY MARK

**Assessment** \$378,000

**PID** 538

**Building Count** 1

## Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$169,800	\$208,200	\$378,000

## Owner of Record

**Owner** MACKAY MARK  
**Co-Owner** CARZASTY STEVEN M J/T  
**Address** 2415 8TH AVE N APT 4  
 SEATTLE, WA 98109-2213

**Sale Price** \$112,000  
**Certificate**  
**Book & Page** 09347/0308  
**Sale Date** 12/31/1987  
**Instrument** 00

## Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MACKAY MARK	\$112,000		09347/0308	00	12/31/1987
DALEY CHRISTOPHER M	\$1		06957/0462	1A	07/16/1982

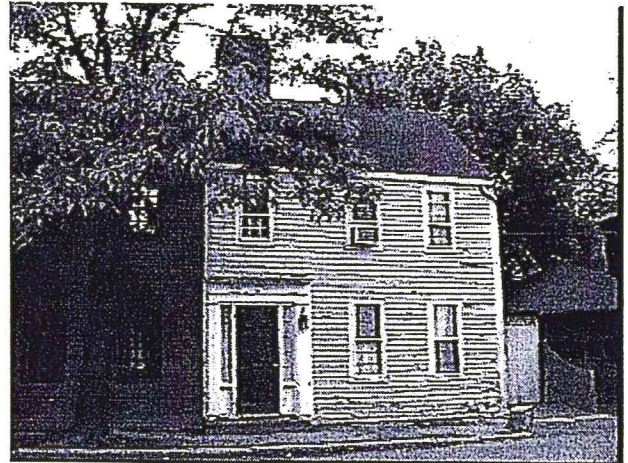
## Building Information

**Year Built:** 1730

**Living Area:** 1,320

Building Attributes	
Field	Description
Style	Old 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	Plastered
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	6 Rooms
Bath Style:	Old Style
Kitchen Style:	Average

**Building Photo**



(http://images.vgsi.com/photos/NewburyportMAPhotos//\01\00\21\35.jpg)

**Building Layout**



(http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches/538\_583.jpg)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	660	660
FUS	Upper Story, Finished	660	660
UAT	Attic	360	0
UBM	Basement, Unfinished	660	0
		2,340	1,320

**Extra Features**

Extra Features	Legend
No Data for Extra Features	



**Land Use**

**Use Code** 1010  
**Description** SINGLE FAM

**Land Line Valuation**

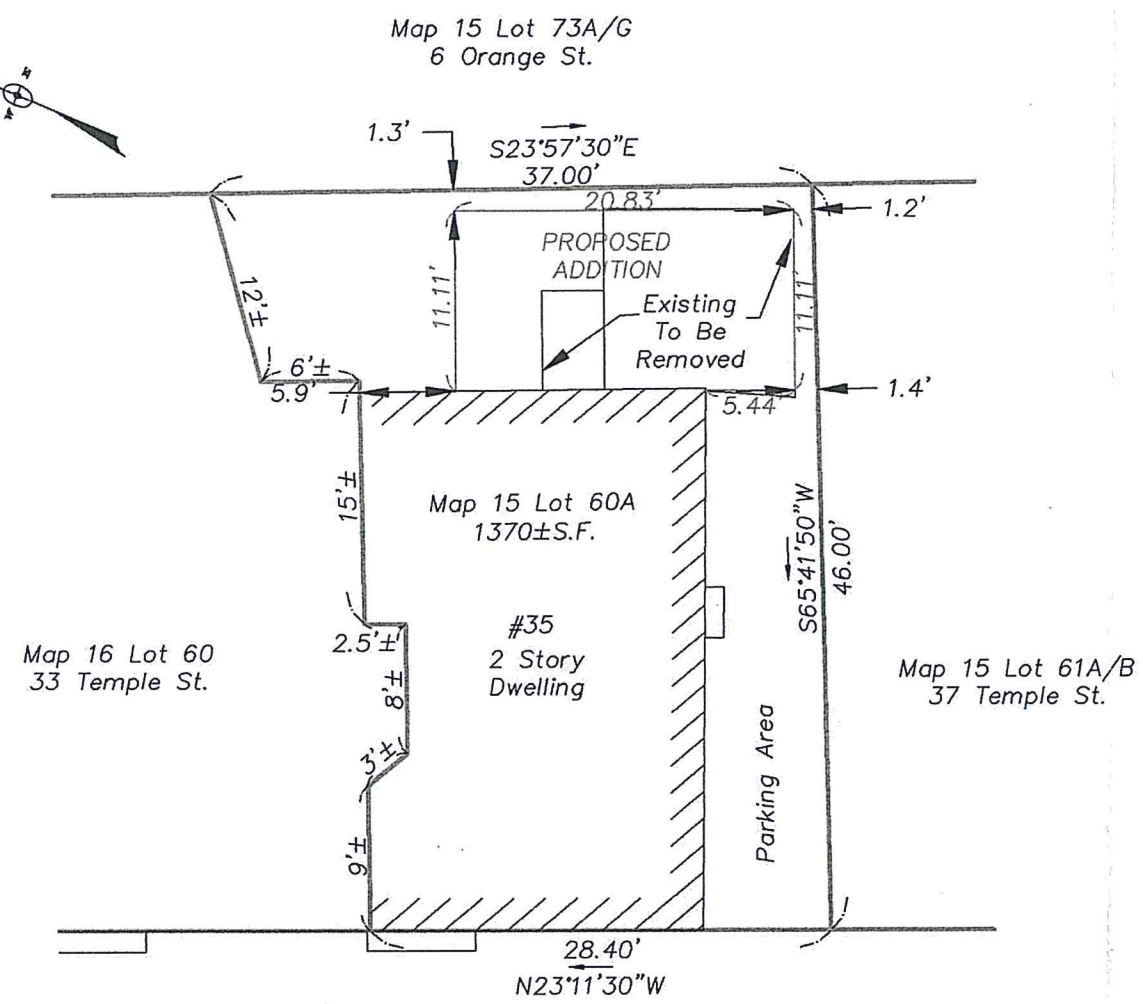
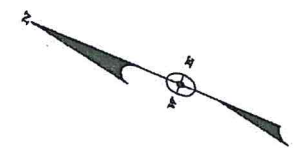
**Size (Acres)** 0.03  
**Depth** 0  
**Assessed Value** \$208,200

**Outbuildings**

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

**Valuation History**

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$169,800	\$208,200	\$378,000



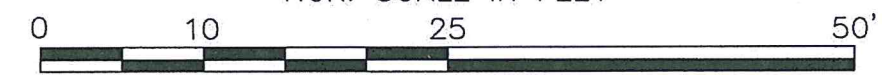
ZONING DISTRICT - R2			
	REQUIRED	EXISTING	PROPOSED
LOT AREA	10,000	1,370	1,370
FRONTAGE	90.0'	28.4'	28.4'
HEIGHT	35'		
% LOT COVERAGE	25	59	66.3
OPEN SPACE	40%	23%	16%
FRONT	25'	0.0'	0.0'
SIDE LT	10'	0.0'	0.0'
SIDE RT	10'	1.2'	1.2'
REAR	25'	1.3'	1.3'

PROPOSED PLOT PLAN  
 35 TEMPLE STREET  
 NEWBURYPORT, MASSACHUSETTS

Prepared By  
 LeBlanc Survey Associates, Inc.  
 161 Holten Street  
 Danvers, MA 01923  
 (978) 774-6012

December 3, 2019 Scale: 1"=10'

HOR. SCALE IN FEET



ZONING DISTRICT - R2

- REFERENCES:  
 1) Deed Book 9347 Page 308  
 2) Plan Book 172 Plan 25



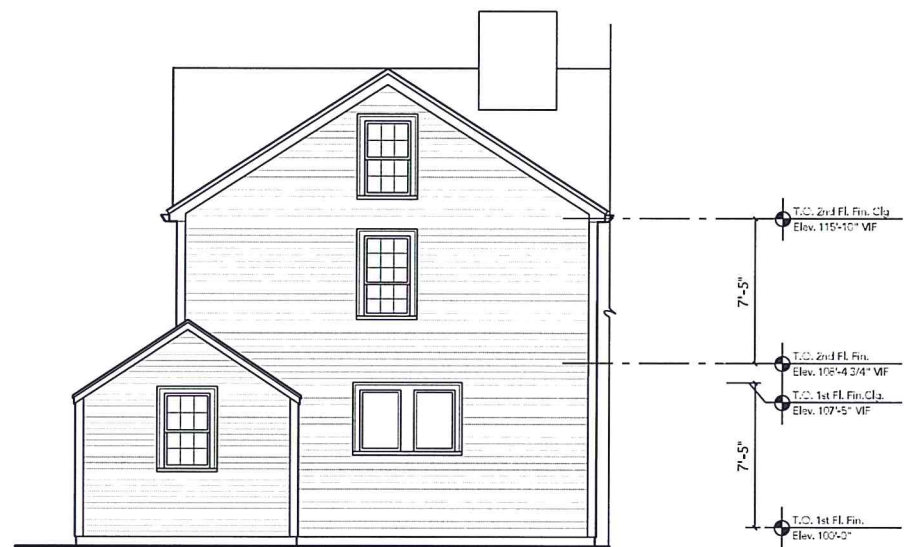




1 Exterior Elevation - FRONT  
SCALE: 1/8" = 1'-0"



2 Exterior Elevation - SIDE  
SCALE: 1/8" = 1'-0"



3 Exterior Elevation - REAR  
SCALE: 1/8" = 1'-0"



4 Exterior Elevation - SIDE  
SCALE: 1/8" = 1'-0"

project:

**CARZASTY:  
MACKAY  
RESIDENCE**

35 Temple Street  
Newburyport, MA  
01950

architect:

**GRAF  
ARCHITECTS**

2 Liberty Street  
Newburyport, MA  
01950  
T. 978 499 9442  
www.grafarch.com

title:

**EXISTING  
Exterior Elevations**

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

27 november 2019

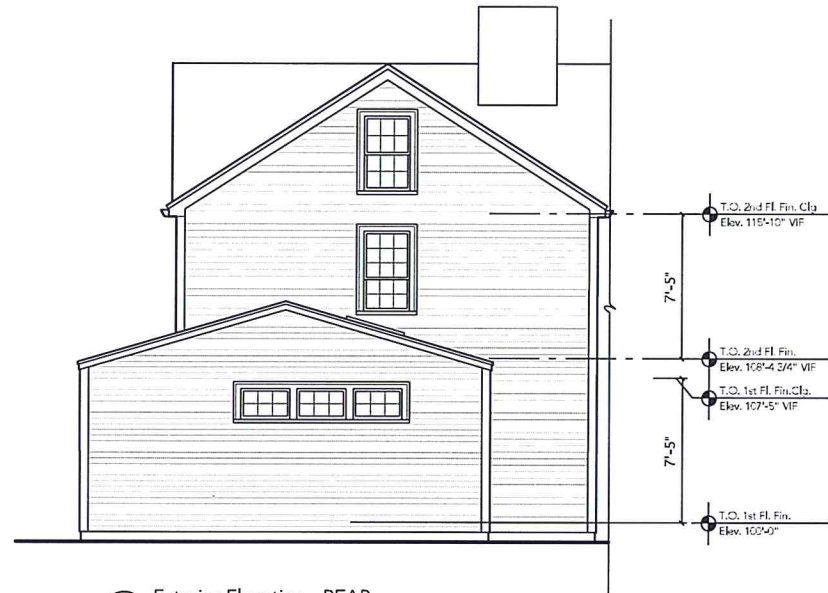
**EX1**



1 Exterior Elevation - FRONT  
SCALE: 1/8" = 1'-0"



2 Exterior Elevation - SIDE  
SCALE: 1/8" = 1'-0"



3 Exterior Elevation - REAR  
SCALE: 1/8" = 1'-0"



4 Exterior Elevation - SIDE  
SCALE: 1/8" = 1'-0"

project:

**CARZASTY:  
MACKAY  
RESIDENCE**

35 Temple Street  
Newburyport, MA  
01950

architect:

**GRAF  
ARCHITECTS**  
2 Liberty Street  
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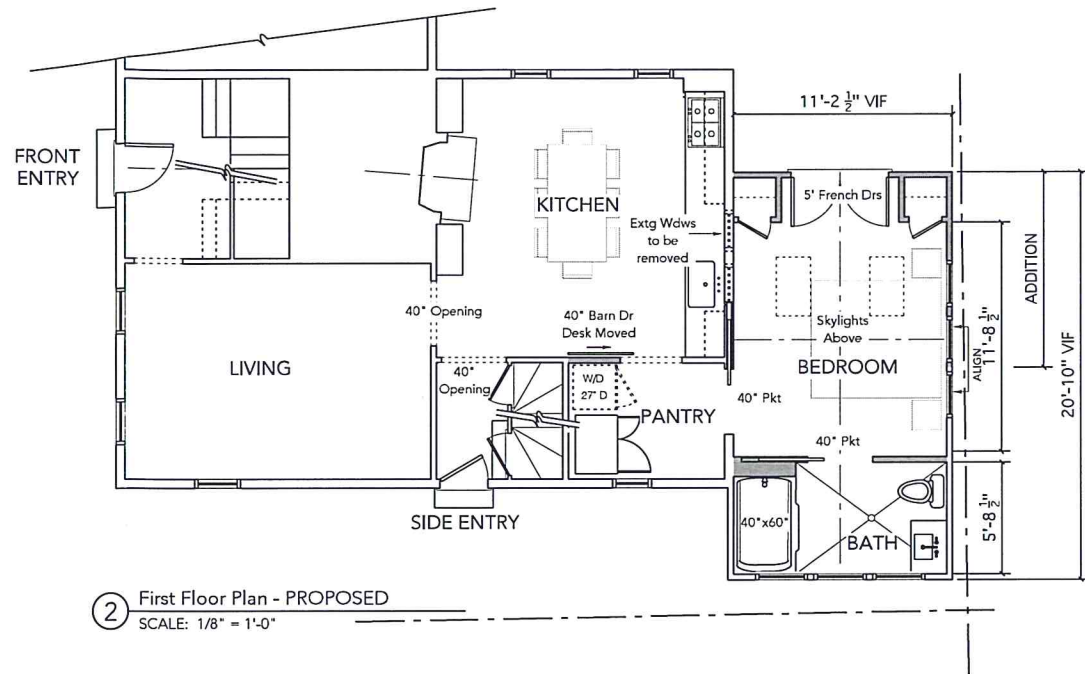
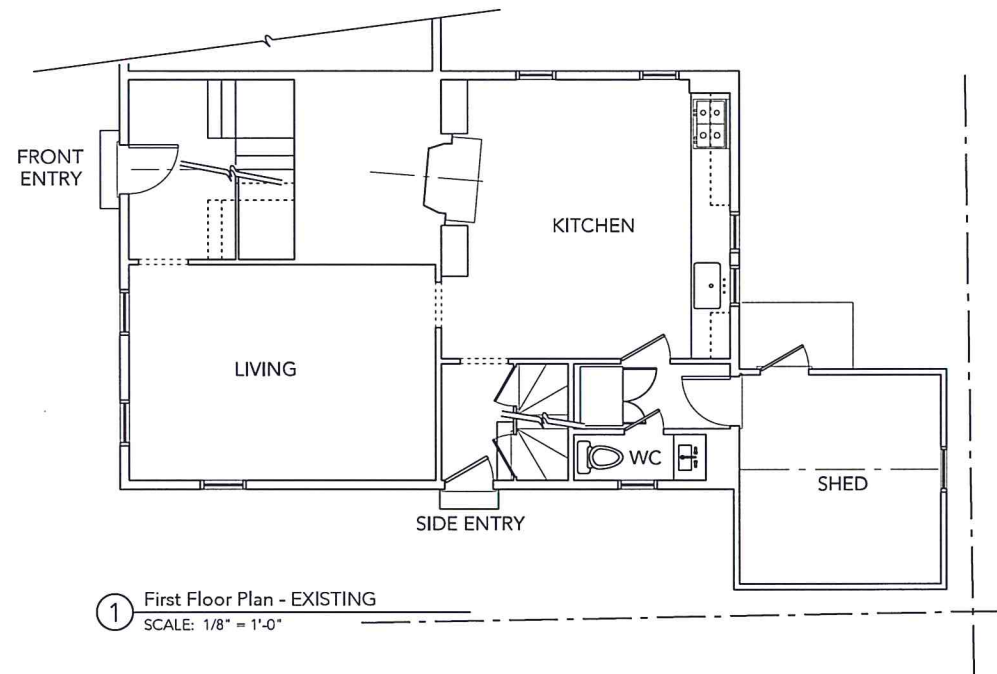
title:

**PROPOSED  
Exterior Elevations**

SCALE: 1/8" = 1'-0"  
27 november 2019

A02





project:

**CARZASTY:  
MACKAY  
RESIDENCE**

35 Temple Street  
Newburyport, MA  
01950

architect:

**GRAF  
ARCHITECTS**  
2 Liberty Street  
Newburyport, MA  
01950  
T. 978 499 9442  
[www.grafarch.com](http://www.grafarch.com)

title:

**EXISTING + PROPOSED  
Floor Plans**

SCALE: 1/8" = 1'-0"  
27 november 2019

**A01**



# City of Newburyport

01/15/2020



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport & MassIT/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.



**Legend**

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



NEWBURYPORT  
DISTRICT DATA SHEET

Street Address	Map & Parcel	Historic Name	Date of Construction	Style	Status
✓ 1 # 373	5-17		ca 1810-1825	Federalist	C
2-66 3-5	5-18		ca 1875; ca 1900	Italianate; Queen Anne	C
11	5-19	parking lot			
13	5-20	parking lot			
17-19	5-21	parking lot			
23-27	5-22	apartment bldg.	ca 1975	contemporary	INT
✓ 29 # 733	15-76		ca 1775-1800; ca 1865	twin-chimney gambrel; Victorian roof alterations	C
✓ 33-35 # 380	15-60		ca 1750-1775	central-chimney timber frame	C
✓ 37 # 381	15-61		ca 1810	Federalist	C
✓ 39-41 # 382	15-62		ca 1775	central-chimney timber frame	C
✓ 45 # 383	15-63		ca 1750-1775	twin-chimney gambrel timber frame	C
47-49 ?	15-64		ca 1800-1830; 20th c	Federalist; alterations	C



FORM B - BUILDING

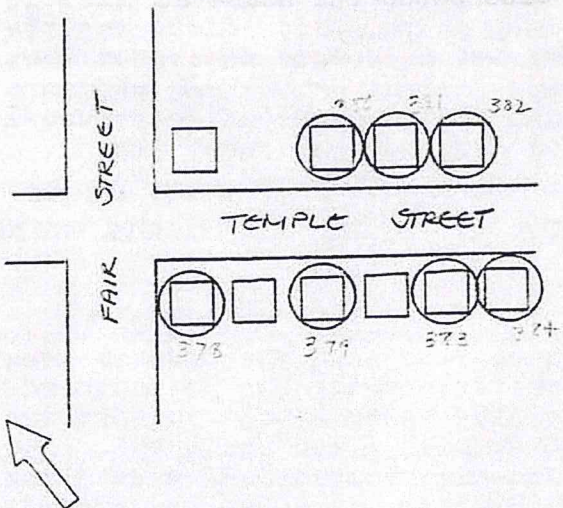
Area	Form no.
	380

MASSACHUSETTS HISTORICAL COMMISSION  
 100 State Street Boston, MA 02108



City Newburyport  
 Address 33-35 Temple Street  
 Historic Name Timothy Knapp House  
 Original Residence  
 Present Residence  
 Ownership:  Private individual  
                   Private organization \_\_\_\_\_  
                   Public \_\_\_\_\_  
 Original owner Unknown

Draw map showing building location in relation to nearest cross streets and other buildings or geographical features. Indicate north.



DESCRIPTION:

Date 18th century  
 Source Osgood, "Recollections of Temple Street"  
 Style Colonial  
 Architect unknown  
 Exterior wall fabric asphalt siding and roofing paper  
 Outbuildings \_\_\_\_\_  
 Major alterations (with dates) doorways altered (date unknown), resided (date unknown)  
 Moved \_\_\_\_\_ Date \_\_\_\_\_  
 Approx. acreage \_\_\_\_\_  
 Setting in residential area of 18th and 19th century houses.

Recorded by Mary Jane Stirgolt  
 Organization Office of Community Development  
 Date 09-01-80



ARCHITECTURAL SIGNIFICANCE (describe important architectural features and evaluate in terms of other buildings within community)

This is an early house that has lost most of its architectural features through later alterations. The house was probably originally built as a symmetrical five bay house with the entrance in the central bay. The house has a steeply pitched roof and windows with nine over six lights. The windows have simple surrounds which have been partly obscured by the application of asphalt siding. The doorways have also been altered and have none of their original architectural detail.

HISTORICAL SIGNIFICANCE (explain the role owners played in local or state history and how the building relates to the development of the community)

This house was probably built early in the eighteenth century and extended by two bays before 1800. At about that time the house was occupied by Timothy Knapp. Knapp was a ship's caulker and graver. This tradition stayed in the Knapp family for generations. In 1851 William Knapp, lived at 33 Temple and is also listed as a caulker. At that time Mrs. Fannie Knapp lived in the other half of the house, then 31 Temple.

This house remained in the Knapp family until the end of the nineteenth century. The Knapp family also owned the house at 37 Temple Street.

BIBLIOGRAPHY and/or REFERENCES

- Alfred Osgood, "Recollections of Temple Street" Ms. Historical Society of Old Newbury, Newburyport, Mass.  
Assessor's Records 1890-1980  
1851 Plan of Newburyport, Mass. H. McIntire  
1872 Map of the City of Newburyport, Mass. D. G. Beers and Co.  
1884 Atlas of Essex County, G. H. Walker

BK 6938 PG 287

ESSEX, ss.

COMMONWEALTH OF MASSACHUSETTS

CITY OF NEWBURYPORT

CERTIFICATE OF CITY CLERK

RE: VARIANCE FOR ILONA VON KAROLYI  
PREMISES SITUATED AT 33-35 TEMPLE STREET  
NEWBURYPORT, MASSACHUSETTS

I certify pursuant to Chapter 40A, Section 11, of the Massachusetts General Laws, as amended by Chapter 808 of the Acts of 1975, that the attached decision with reference to the above entitled matter, is a true copy of the Decision filed with the Office of the City Clerk on April 28, 1982, and that twenty (20) days have elapsed and no appeal has been filed.

33 & 35 Temple Street, Newburyport MA.

Date: May 21, 1982

*George H. Lawler*  
GEORGE H. LAWLER  
CITY CLERK







BK 6938 PG 288

City of Newburyport, Mass.

BOARD OF APPEALS  
CITY HALL

RECEIVED  
CITY CLERK'S OFFICE  
APR 28 1982  
NEWBURYPORT, MASS.

April 20, 1982

The Zoning Board of Appeals of the City of Newburyport, Massachusetts met on Tuesday, April 13, 1982 at 8:00 p.m. at City Hall, Newburyport to act on a petition from Ilona Von Karolyi of 33 Temple Street, Newburyport, Massachusetts in conformity with the provisions of Massachusetts Zoning Law, Chapter 40A, amended by the Massachusetts Zoning Law, Chapter 808, Acts of 1975.

The petitioner requested a VARIANCE under the provisions of State Zoning Ordinance and Local Zoning Ordinance, Section VI-B, General Regulations; Section VI, Dimensional Controls; and Section X-H-3C, Powers of the Board of Appeals; for the purpose of splitting a single lot with a duplex structure thereon for separate sale in an R-3 Zone at premises situate at 33-35 Temple Street, Newburyport, Massachusetts. The petitioner also requested a VARIANCE under Section VII-1, Parking; and Section X-H-3C, Powers of the Board of Appeals; for the purpose of allowing relief of minimum parking space dimensions for 2 of the 4 parking spaces to be provided.

Appearing in favor of the petitioner was Mr. Harold Reiley. There was no opposition.

DECISION

The Zoning Board of Appeals of the City of Newburyport has considered the above application and finds as follows:

The petitioner had come before the Board in March, 1981 and had been granted a Special Permit to split the dwelling into a duplex for separate sale, however; upon going to her attorney to have separate deeds drawn up for the property she was advised that to ensure clear title a Variance should be obtained instead of a Special Permit. Therefore the Board feels that this application is a correction of a language problem.

A TRUE COPY ATTEST  
*George H. Fairbank*  
CITY CLERK  
NEWBURYPORT, MASS.

Von Karolyi Decision Continued

The petitioner also indicated that each of the dwelling units have their own entrance, heating system and utility accomadations. A letter from Water Manager John Pritchard did indicate that an additional water service would have to be installed should the dwelling be split.

The petitioner also requested a Variance for relief from the the minimum parking dimension requirement. Four spaces will be available. The Board has determined that two spaces at 33 Temple Street shall be 10' x 20' conforming spaces, while the two spaces at 35 Temple Street shall be no less than 8.4' x 17.5'.

The Board feels that to allow the petitioners' request would not negatively impact any of the General Conditions set forth within the Newburyport Zoning Ordinance, Section X-H, Board of Appeals Item #6 - VARIANCE. More specifically, the Board feels that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent of the Zoning Ordinance.

Therefore, based on the above considerations, the Zoning Board of Appeals of the City of Newburyport voted unanimously to grant the petitioners' request for a VARIANCE.

Notice is hereby given that appeals, if any, shall be made pursuant to Section 17 of Chapter 40A and shall be made within twenty (20) days after which this decision has been filed with the City Clerk. A copy of this decision will also be filed with the Newburyport Planning Board.

*Vincent J. Connolly*  
Vincent J. Connolly, Chairman

*Angelo Fotinopoulos*  
Angelo Fotinopoulos, Member

*Gerald Larson*  
Gerald Larson, Member

*Alexander Kravchuk*  
Alexander Kravchuk, Member

*Eugene Gammons*  
Eugene Gammons, Member

OF NEWBURYPORT  
A TRUE COPY ATTEST  
*George H. Karolyi*  
NEWBURYPORT, MASS.  
MAY 27 1982  
INST. # 118

ESSEX SS. RECORDED *May 27* 1982 4PM. PKST/10

