

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

Petitioner: MICHAEL GRAF

Mailing Address: 39 LIBERTY ST, NEWBURYPORT

Phone: 978 828 6566 Email: MICHAEL@MICHAELGRAF ARCHITECT.COM

Property Address: 39 SUMMIT PLACE

Map and Lot(s): 38 -60 Zoning District: R2

Book and Page(s): 14177 / 0235

Owner(s) Name: MIKE & KERRY JONES

Mailing Address (if different): 125 WATER STREET, NEWBURYPORT

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

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

Description of request:

**AN UPWARD EXTENSION OF AN EXISTING NON CONFORMING  
CONDITION & AN ADDITION OF > 500 SQUARE FEET.**

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

	Lot s.f.	Open Space %	Lot Coverage %	FAR*	Height	Frontage	Parking Spaces	Front Setback	Side A Setback	Side B Setback	Rear Setback
Existing	33,231	87.2	11.5		21.1	110	6 <sup>+</sup>	29.2	23.3	7.6	170
Proposed	33,231	84.5	13.2		24.0	110	6 <sup>+</sup>	29.0	27.0	7.6	157.2
Required	10,000	40	25		35	90	4	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>2934 #</u>	<u>2</u>	<u>5356 #</u>	<u>102</u>
<u>684 #</u>	<u>2</u>		

### Proposed Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
<u>3317 #</u>	<u>2½</u>	<u>6623 #</u>	<u>101</u>
<u>1083 #</u>	<u>2</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):

Michael R Kenny M

2-16

# 39 SUMMIT PL

**Location** 39 SUMMIT PL

**Mblu** 38/ 60/ / /

**Owner** JACKSON ROBERT SCOTT TRS

**Assessment** \$886,300

**PID** 2273

**Building Count** 1

## Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$609,300	\$277,000	\$886,300

## Owner of Record

**Owner** JACKSON ROBERT SCOTT TRS  
**Co-Owner** 39 SUMMIT PLACE RLTY TR  
**Address** 39 SUMMIT PL  
NEWBURYPORT, MA 01950

**Sale Price** \$355,000  
**Certificate**  
**Book & Page** 14177/0235  
**Sale Date** 06/25/1997  
**Instrument** 00

## Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
JACKSON ROBERT SCOTT TRS	\$355,000		14177/0235	00	06/25/1997
SCHREMPF ALBERT A	\$125,000		07910/0363	10	09/11/1985
RANDALL GEORGE A SR	\$108,000		06722/0562		08/04/1980

## Building Information

### Building 1 : Section 1

**Year Built:** 1955

**Living Area:** 2,502

Building Attributes	
Field	Description
Style	Family Conver.
Model	Residential
Stories:	1 Story
Occupancy	2

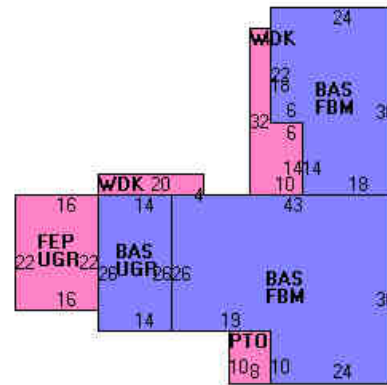
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	Ceram Clay Til
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	3
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	6 Rooms
Bath Style:	Average
Kitchen Style:	Average

### Building Photo



(http://images.vgsi.com/photos/NewburyportMAPotos//\00\00\

### Building Layout



Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	2,502	2,502	
FBM	Basement, Finished	2,138	0	
FEP	Porch, Enclosed	352	0	
PTO	Patio	80	0	
UGR	Garage, Unfinished	716	0	
WDK	Deck, Wood	292	0	
		6,080	2,502	

### Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL1	FIREPLACE 1 ST	1 UNITS	\$3,000	1
KIT	EXTRA KITCHEN	1 UNITS	\$3,100	1

**Land****Land Use**

**Use Code** 1040  
**Description** TWO FAMILY  
**Zone** R2

**Land Line Valuation**

**Size (Acres)** 0.76  
**Depth** 0  
**Assessed Value** \$277,000

**Outbuildings**

<b>Outbuildings</b>						<b>Legend</b>
<b>Code</b>	<b>Description</b>	<b>Sub Code</b>	<b>Sub Description</b>	<b>Size</b>	<b>Value</b>	<b>Bldg #</b>
FGR5	W/LOFT GOOD			672 S.F.	\$22,200	1
SPL2	POOL-INGR VN/P			800 S.F.	\$12,800	1
PAT1	PATIO-AVG			240 S.F.	\$1,100	1

**Valuation History**

<b>Assessment</b>			
<b>Valuation Year</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2017	\$533,800	\$263,900	\$797,700

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39 Liberty Street  
Newburyport MA 01950  
978 828 6566  
michael@grafbuilders.com

05 July 2018

Planning Department  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA01950

RE: Special Permit Application Memorandum for 39 Summit Place

This memorandum will address the following points required in the application for a Special Permit for Non-Conformities for the City of Newburyport Zoning Ordinance Section IXB:

- A. The proposal changes the residence Use from Two Family to Single Family
- B. The proposal intends to increase the total living area by greater than 500 square feet.
- C. The proposed requires an upward extension of an existing non-conforming condition at the West side setback.
- D. All other changes proposed are within the required dimensional controls

Sincerely,



Michael Graf, RA

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

APR# 2018-048

Name: MICHAEL GRAF / MIKE + KERRY JONES

Address: 39 SUMMIT PLACE Zoning District(s): R2

Request: BY-RIGHT CONVERSION FROM 2 FAMILY TO SINGLE FAMILY UPWARD

EXTENSION OF NON-CONF SIDE SETBACK TO ADD SECOND FLOOR. FIRST FLOOR

X ZONING BOARD REVIEW REQUIRED EXPANSION CONFORMS TO SINGLE FAMILY

Variance SETBACKS IN R2: >500 SF ADDITIONAL SF. GARAGE + UPPER FLOOR RM CONFORMS TO SETBACK FOR SINGLE FAMILY.  
 Use Regulations (V)  Parking (VII)  
 Dimensional Controls (VI)  
 \_\_\_ Lot Area \_\_\_ Open Space \_\_\_ Front Yard  
 \_\_\_ Lot Frontage \_\_\_ Height \_\_\_ Side Yard  
 \_\_\_ Lot Coverage \_\_\_ Lot Width \_\_\_ Rear Yard

Sign Variance

Signs (VIII)  
 \_\_\_ Type \_\_\_ Size  
 \_\_\_ Lighting \_\_\_ Location

Special Permit

- Special Permit for Use (V.D) Use #: \_\_\_\_\_
- 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
- 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 Permitted Uses (V-D)
- Marijuana Overlay District (V-G)
- 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
- Over 500 sf. increase (IX.B.3.c)

Site Plan Review (XV)

Major  Minor

Smart Growth District (XXIX)

Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

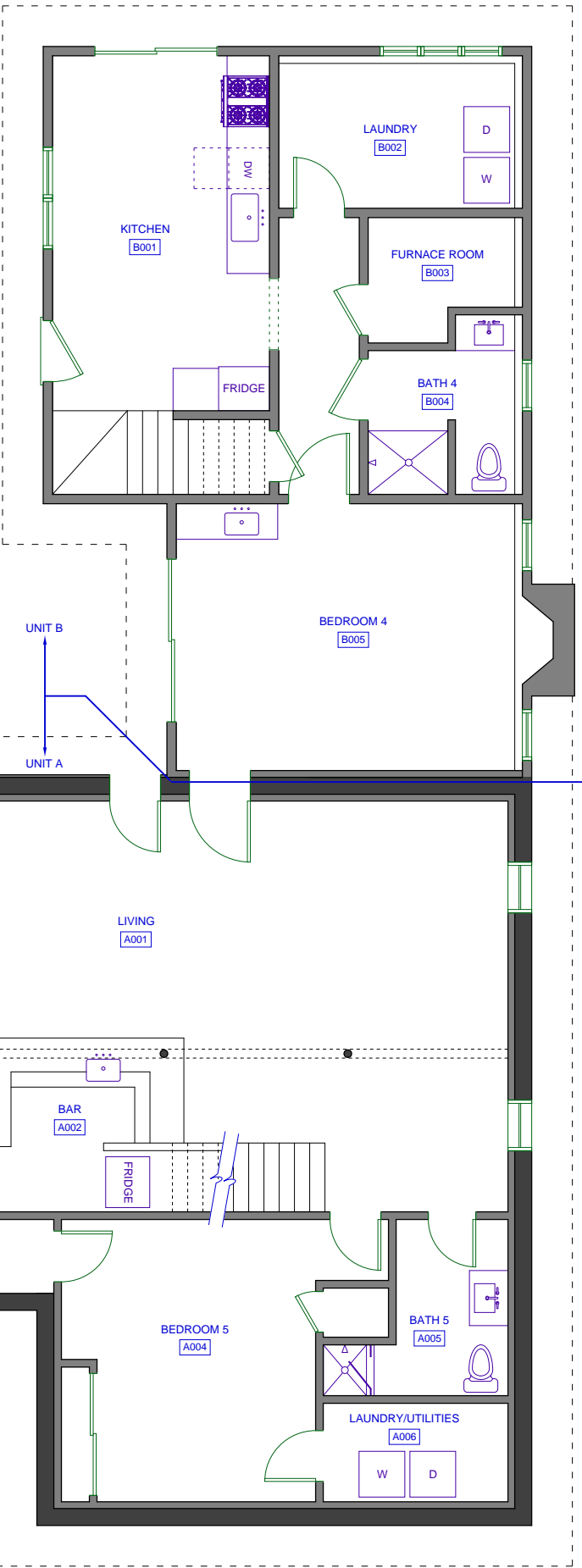
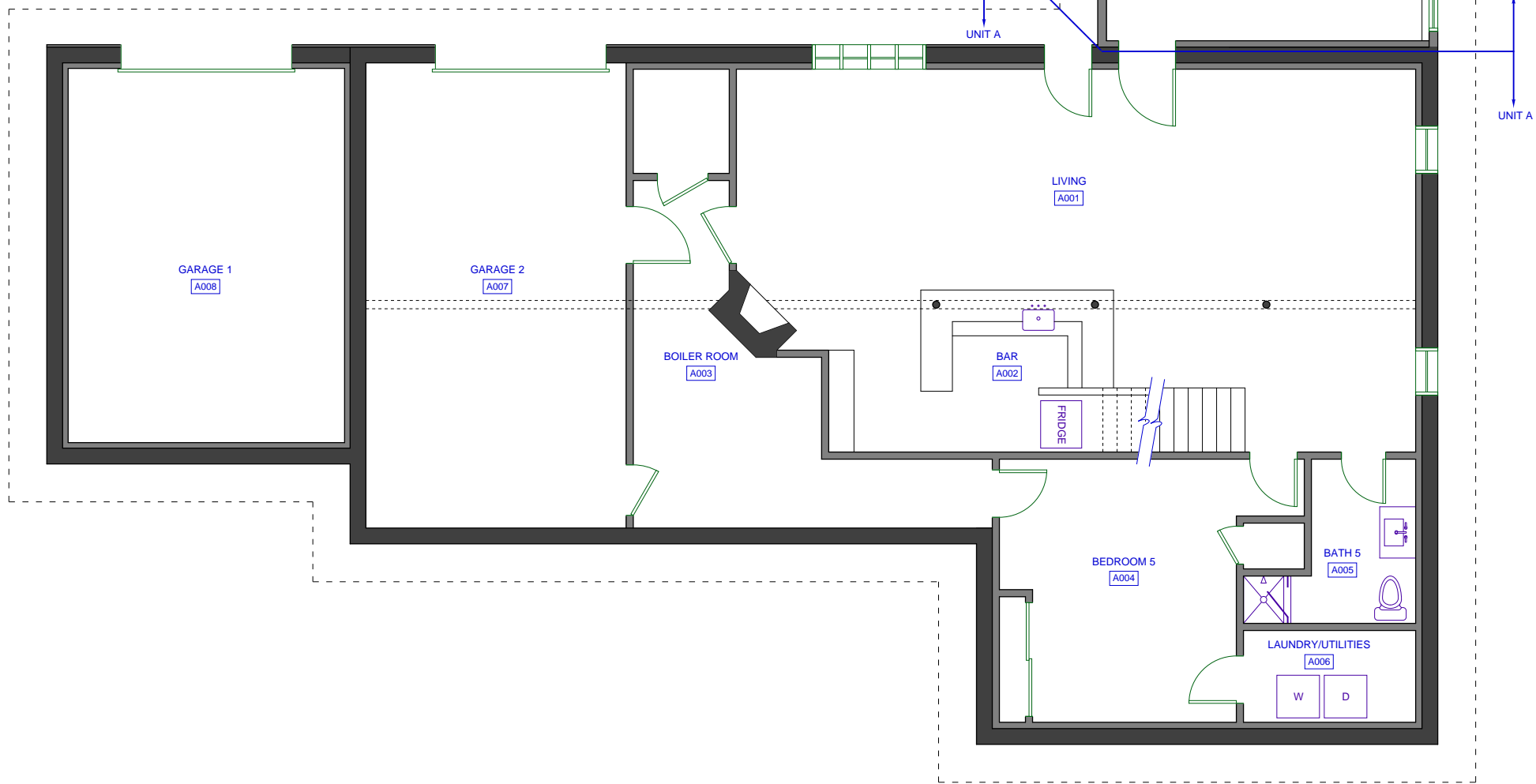
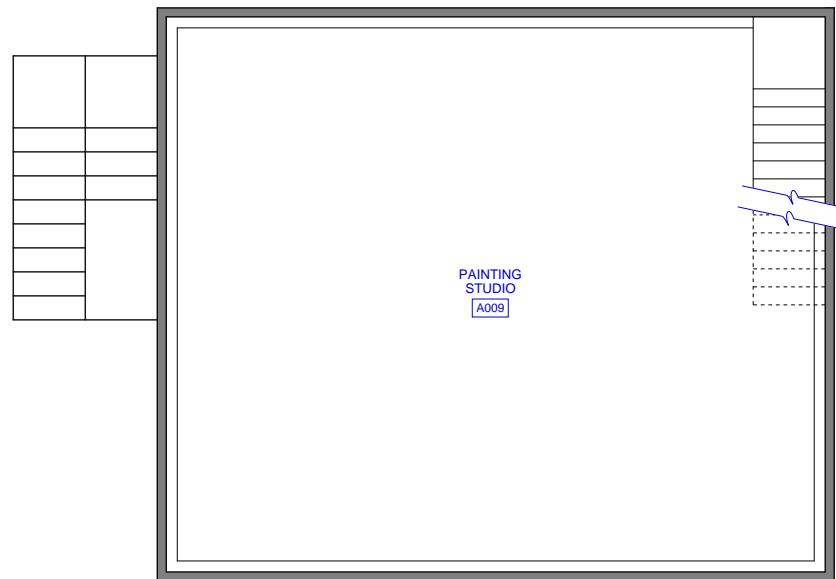
Demo. Delay  \*Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

CITY COUNCIL REVIEW REQUIRED ( X.H.9)

*Jennifer Blahut*  
Newburyport Zoning Administrator

7/2/2018  
Date



PROJECT DATA			
39 SUMMIT PLACE	EXISTING 2 FAMILY	ZONE: R2	
DIMENSIONAL CONTROL	EXISTING	PROPOSED	REQUIRED
USE CODE	102	101	
LOT STREET FRONTAGE	110 FEET	110 FEET	90 FEET
LOT AREA	33,231 S.F.	33,231 S.F.	10,000 S.F.
OPEN SPACE	87.2 %	84.5 %	40 %
LOT COVERAGE	11.5 %	13.2 %	25 %
BUILDING HEIGHT	21.1'	24.0'	35'
PARKING SPACES	6+	6+	4
FRONT SETBACK	29.2'	29.0'	25'
SIDE A SETBACK	23.3'	27.0'	10'
SIDE B SETBACK	7.6'	7.6'	10'
REAR SETBACK	170'	157.2'	25'
RESIDENCE GROUND S.F.	2934 S.F.	3317 S.F.	
STUDIO GROUND S.F.	684 S.F.	0 S.F.	
GARAGE GROUND S.F.	0 S.F.	1083 S.F.	
SHED GROUND S.F.	192 S.F.	0 S.F.	
TOTAL GROUND S.F.	3810 S.F.	4400 S.F.	
TOTAL LIVING AREA	5356 S.F.	6623 S.F.	



ZBA SPECIAL PERMIT APPLICATION SET  
05 JULY 2018

PROPERTY OWNER  
Mike + Kerry Jones  
125 Water Street  
Newburyport, MA 01950  
T 303 549 6805  
T 303 549 8295

ARCHITECT  
Michael Graf, RA  
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ENGINEER  
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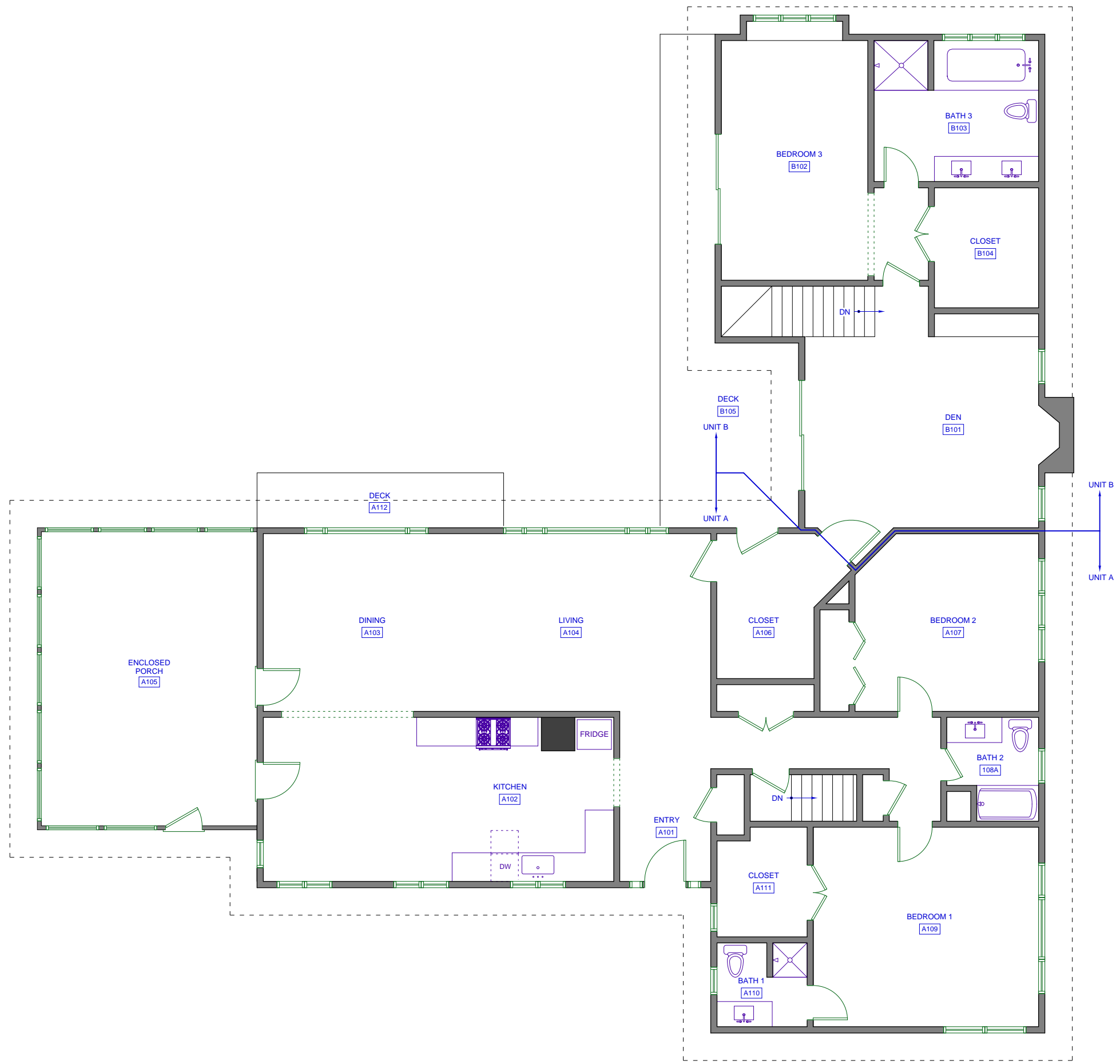
REVISIONS

1 Existing Ground Floor Plan  
Scale: 1/8"= 1'-0"

Existing Ground Level Floor Plans  
Project No.: 2535  
Scale: As Noted  
05 JULY 2018

EX00





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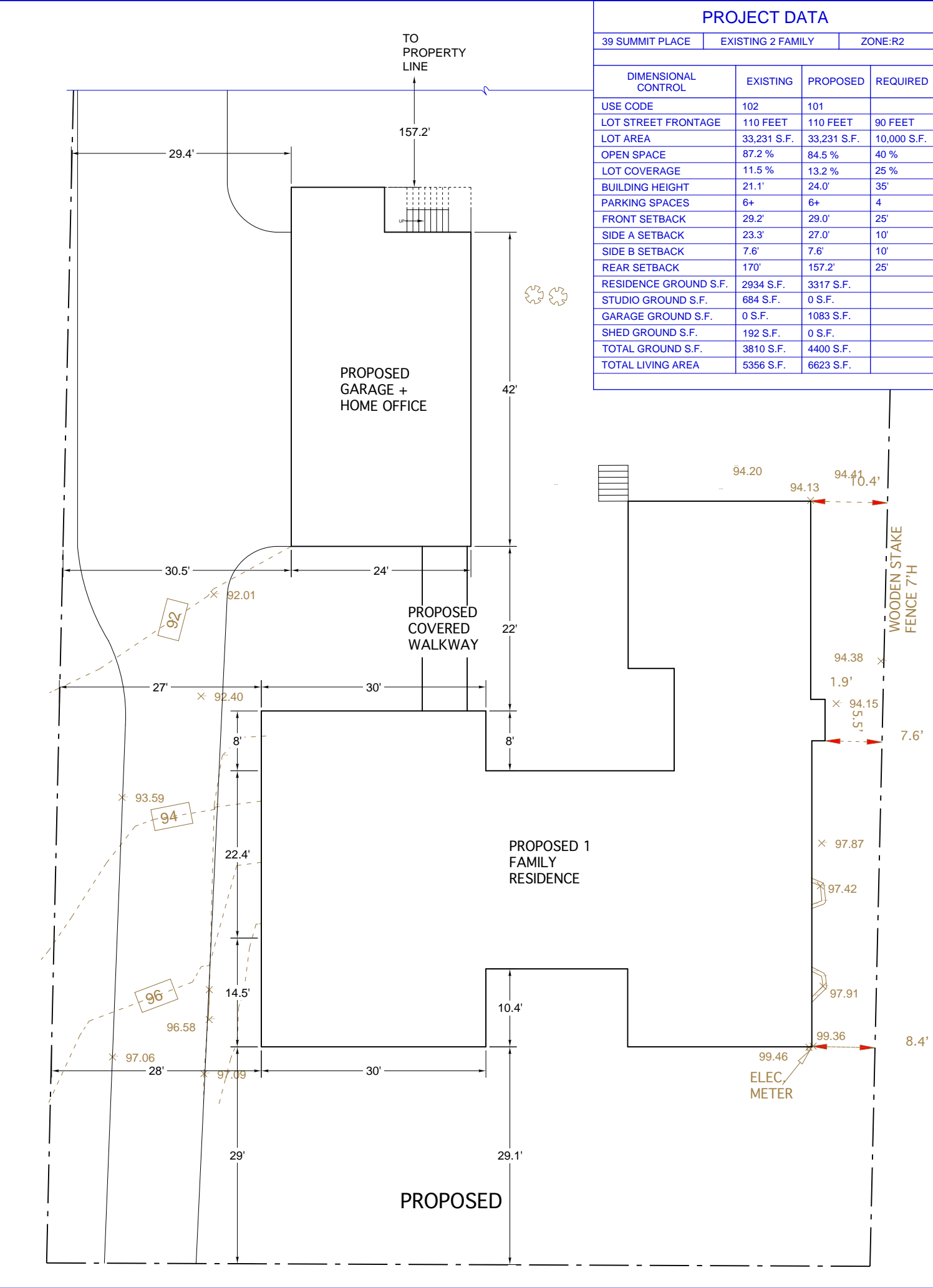
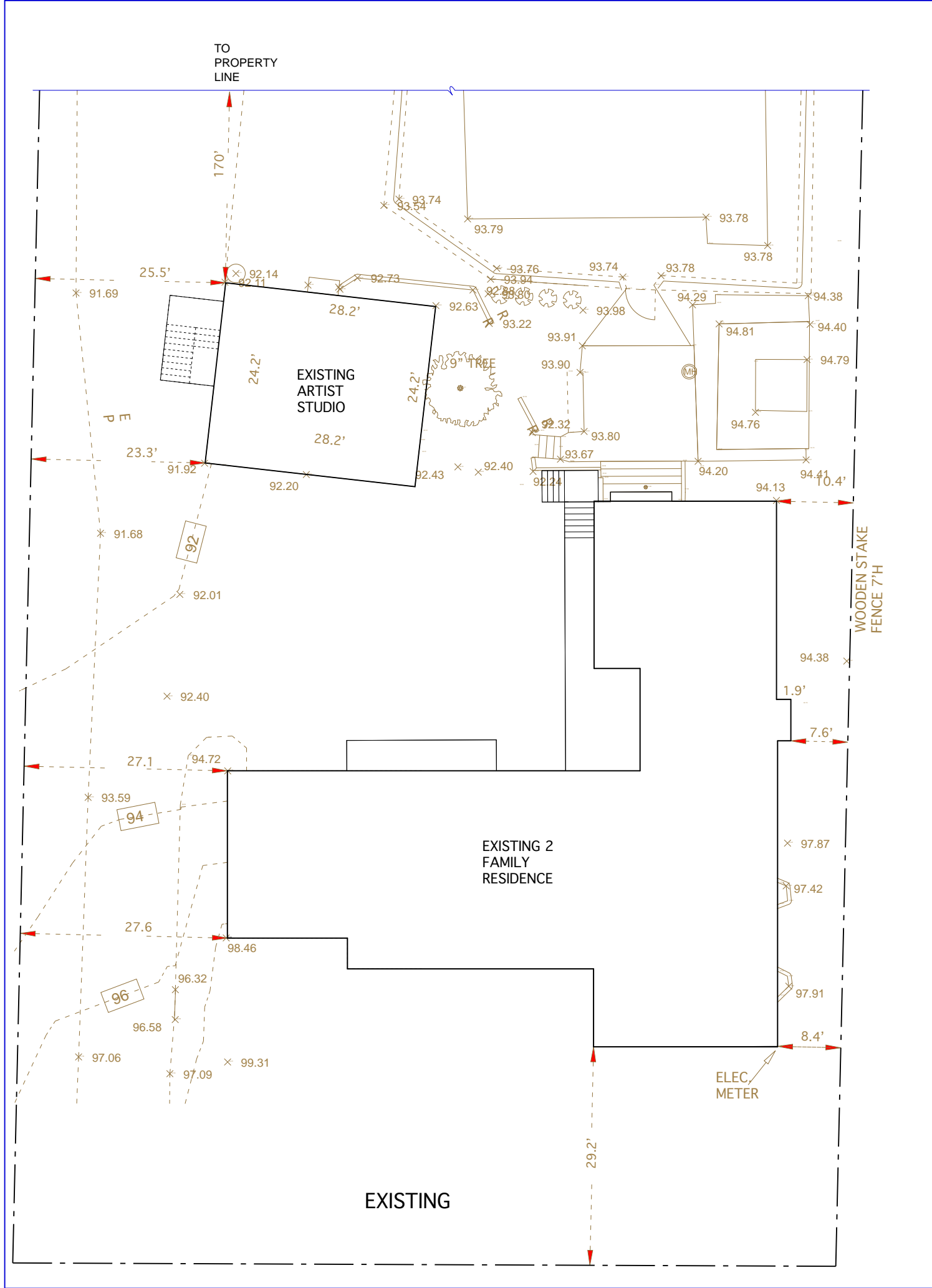
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REVISIONS

Existing First Floor Plan  
Scale: As Noted  
Project No.: 2535  
05 JULY 2018

1 Existing First Floor Plan  
Scale: 1/8" = 1'-0"

EX01



PROJECT DATA					
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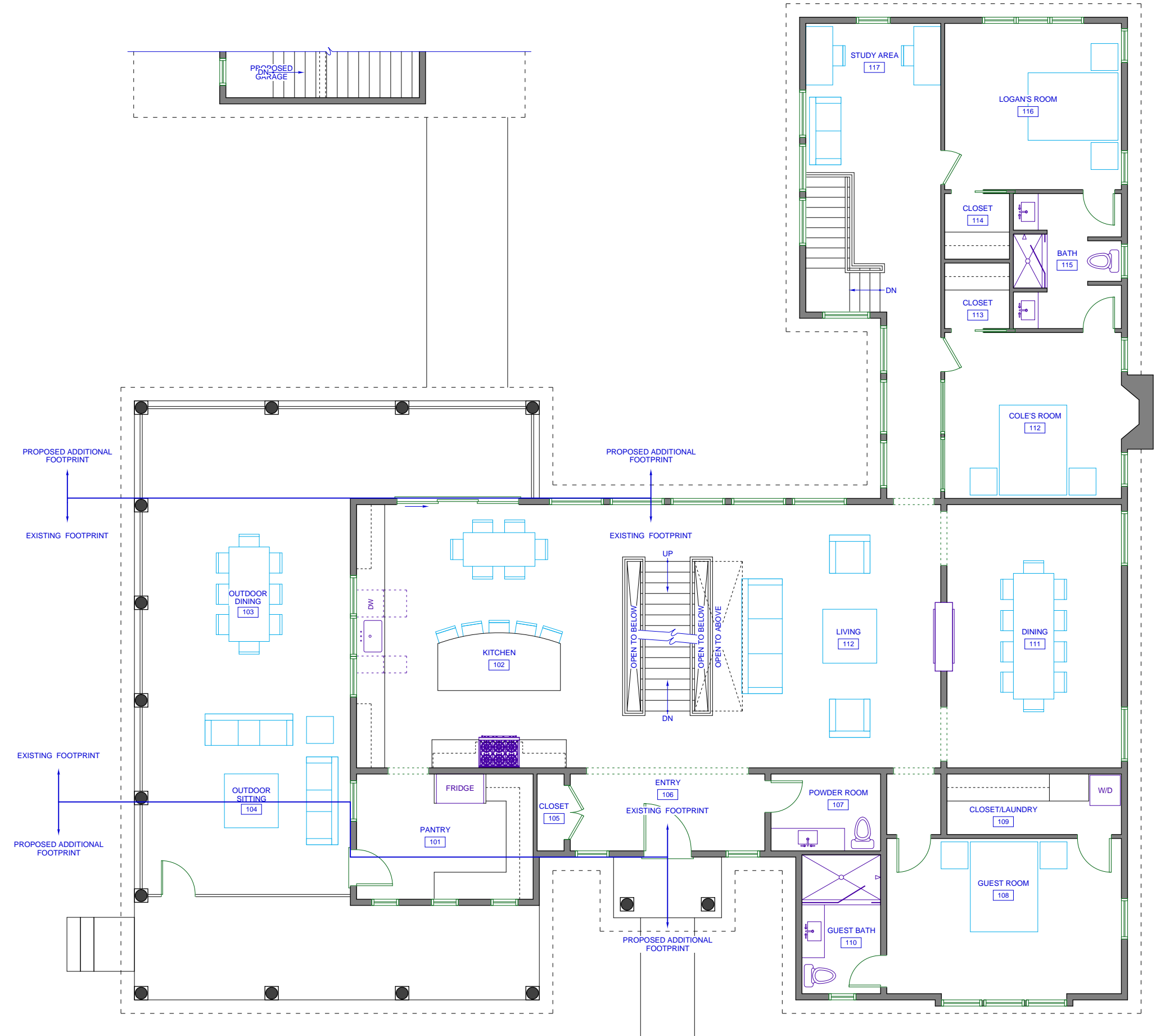
REVISIONS

Existing + Proposed Site Plans

05 JULY 2018

Scale: As Noted

Project No.: 2535



**1** Proposed First Floor Plan  
Scale: 1/8" = 1'-0"

**PROJECT DATA**

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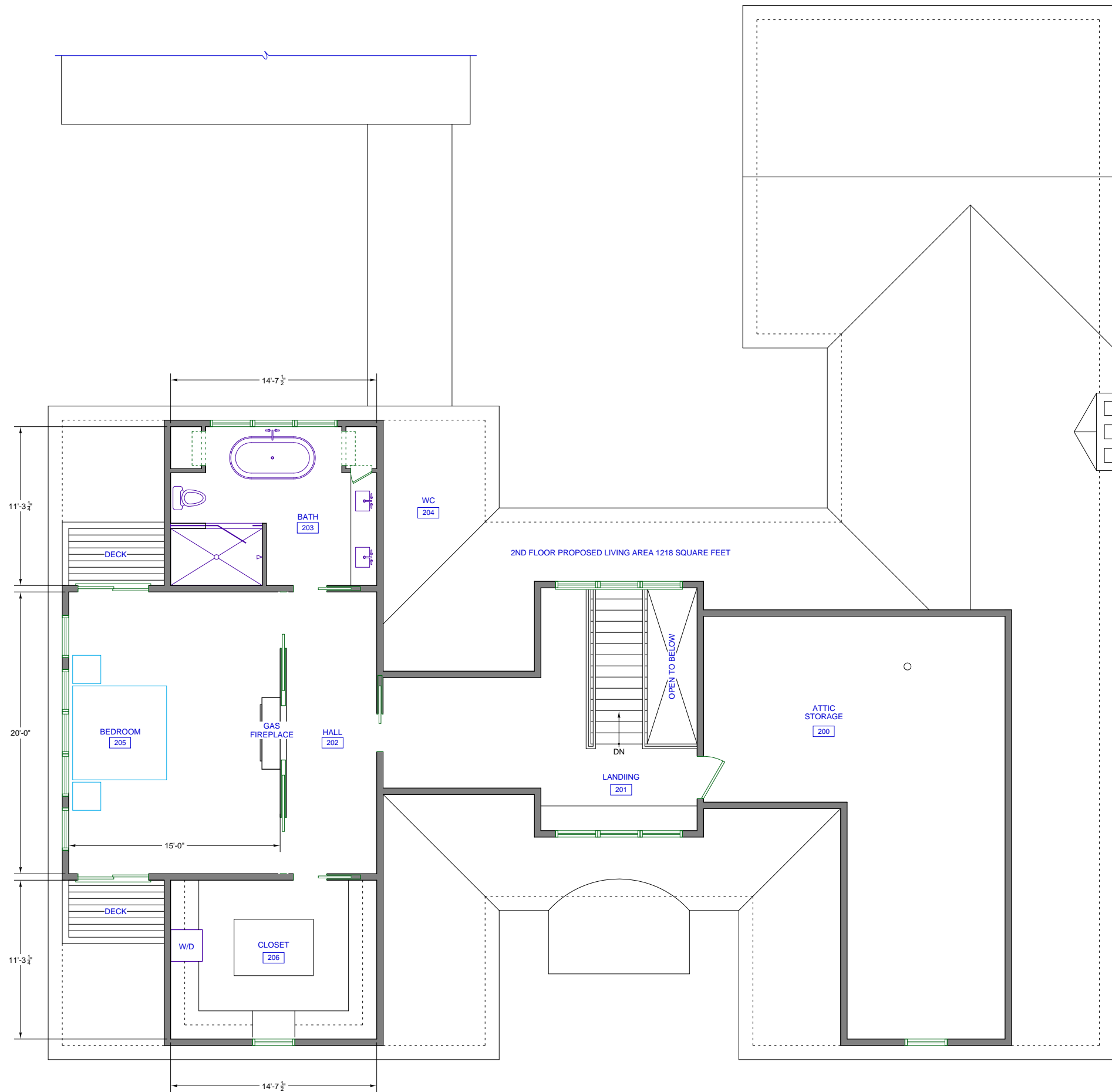
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REVISIONS


Proposed First Floor Plan  
Scale: As Noted  
Project No.: 2535  
05 JULY 2018



1 Proposed Second Floor Plan  
Scale: 1/8" = 1'-0"

PROJECT DATA			
DIMENSIONAL CONTROL	EXISTING	PROPOSED	REQUIRED
USE CODE	102	101	
LOT STREET FRONTAGE	110 FEET	110 FEET	90 FEET
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REVISIONS


Proposed Second Floor Plans  
Scale: As Noted  
Project No.: 2535  
05 JULY 2018

A02



PROJECT DATA			
39 SUMMIT PLACE	EXISTING 2 FAMILY	ZONE: R2	
DIMENSIONAL CONTROL	EXISTING	PROPOSED	REQUIRED
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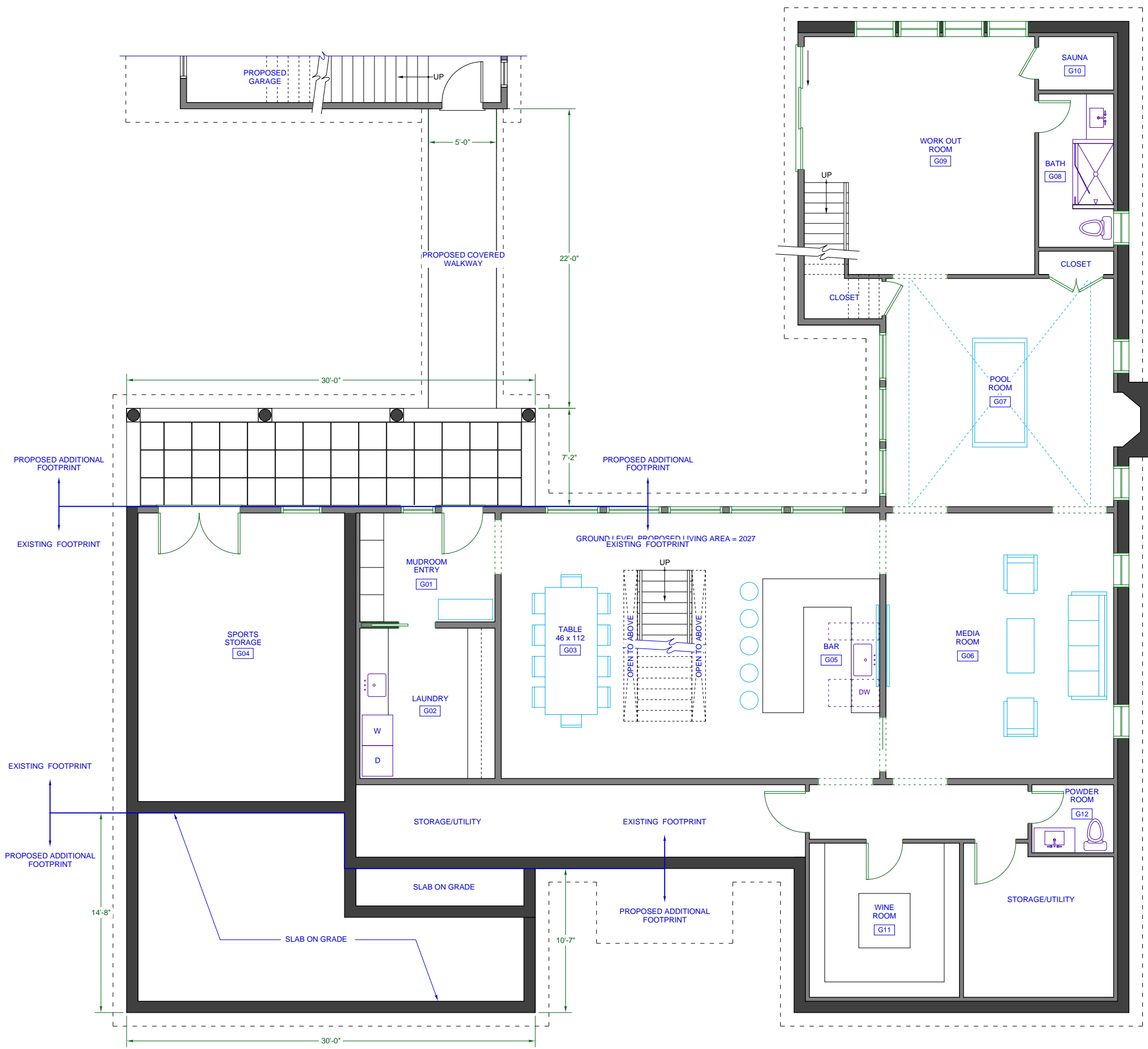
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REVISIONS

Project No.: 2535  
Scale: As Noted  
05 JULY 2018  
Proposed Ground Level Floor Plans

A03



1 Proposed Ground Floor Plan  
Scale: 1/8" = 1'-0"



**PROJECT DATA**

39 SUMMIT PLACE	EXISTING 2 FAMILY	ZONE: R2	
<b>DIMENSIONAL CONTROL</b>	EXISTING	PROPOSED	REQUIRED
USE CODE	102	101	
LOT STREET FRONTAGE	110 FEET	110 FEET	90 FEET
LOT AREA	33,231 S.F.	33,231 S.F.	10,000 S.F.
OPEN SPACE	87.2 %	84.5 %	40 %
LOT COVERAGE	11.5 %	13.2 %	25 %
BUILDING HEIGHT	21.1'	24.0'	35'
PARKING SPACES	6+	6+	4
FRONT SETBACK	29.2'	29.0'	25'
SIDE A SETBACK	23.3'	27.0'	10'
SIDE B SETBACK	7.6'	7.6'	10'
REAR SETBACK	170'	157.2'	25'
RESIDENCE GROUND S.F.	2934 S.F.	3317 S.F.	
STUDIO GROUND S.F.	684 S.F.	0 S.F.	
GARAGE GROUND S.F.	0 S.F.	1083 S.F.	
SHED GROUND S.F.	192 S.F.	0 S.F.	
TOTAL GROUND S.F.	3810 S.F.	4400 S.F.	
TOTAL LIVING AREA	5356 S.F.	6623 S.F.	

ZBA SPECIAL PERMIT APPLICATION SET  
05 JULY 2018

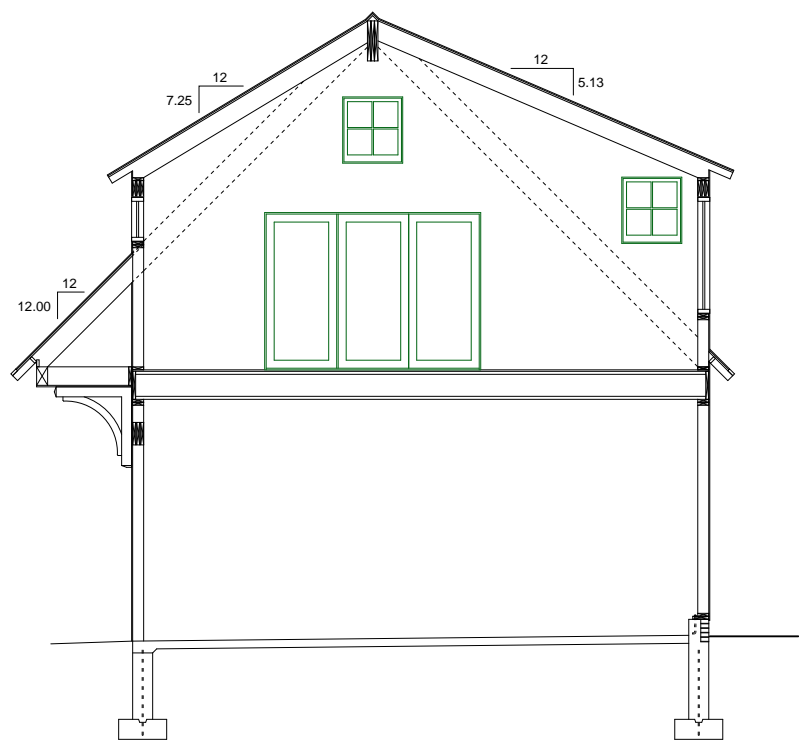
PROPERTY OWNER  
**Mike + Kerry Jones**  
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Newburyport, MA 01950  
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ARCHITECT  
**Michael Graf, RA**  
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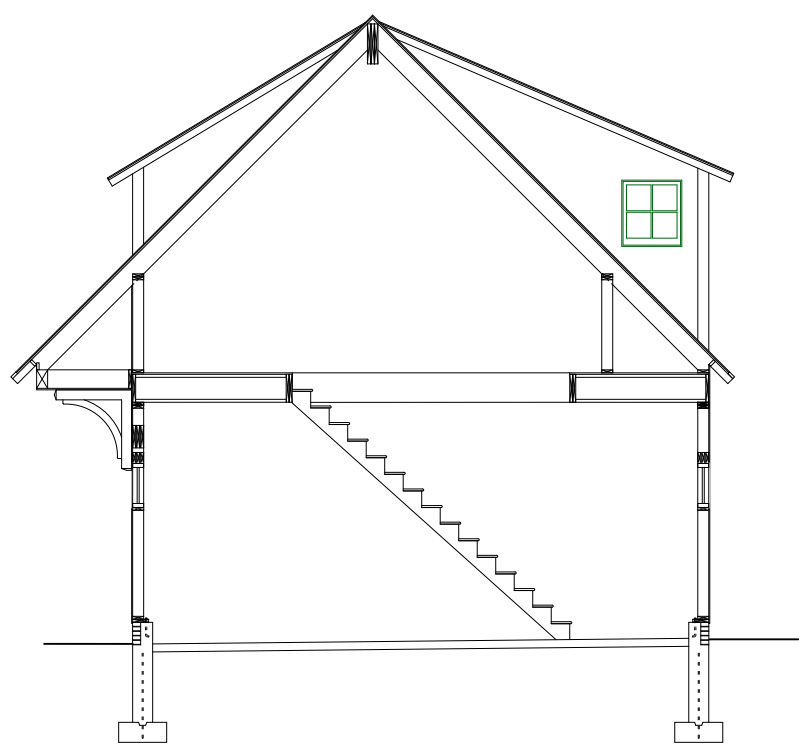
ENGINEER  
**Joe Fix Engineering**  
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Newbury, MA 01951  
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REVISIONS

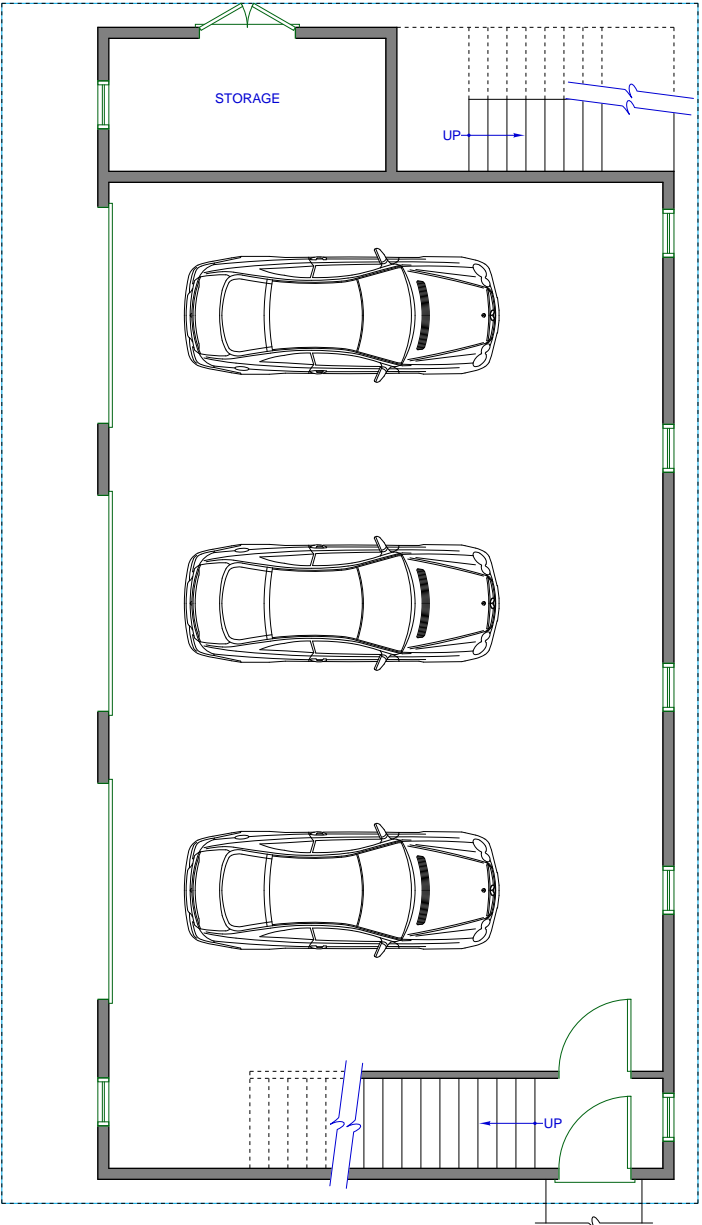

Proposed Garage + Home Office Plans  
 Project No.: 2535  
 Scale: As Noted  
 05 JULY 2018



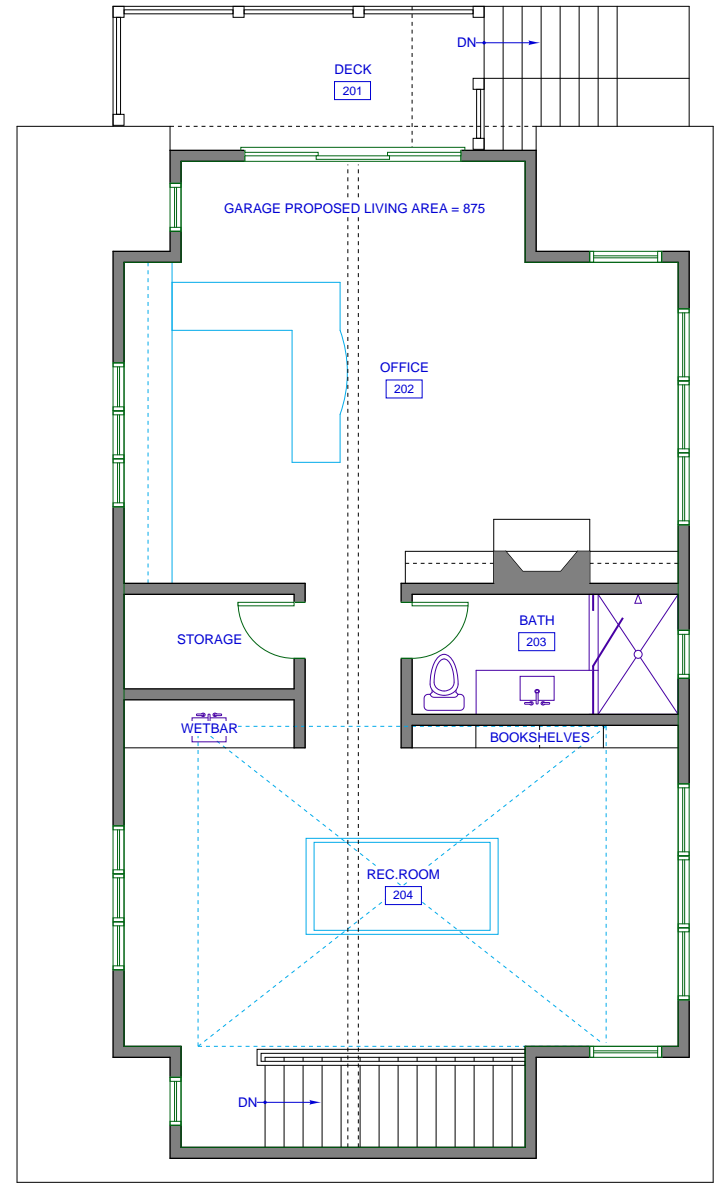
3 Section  
Scale: 1/8" = 1'-0"



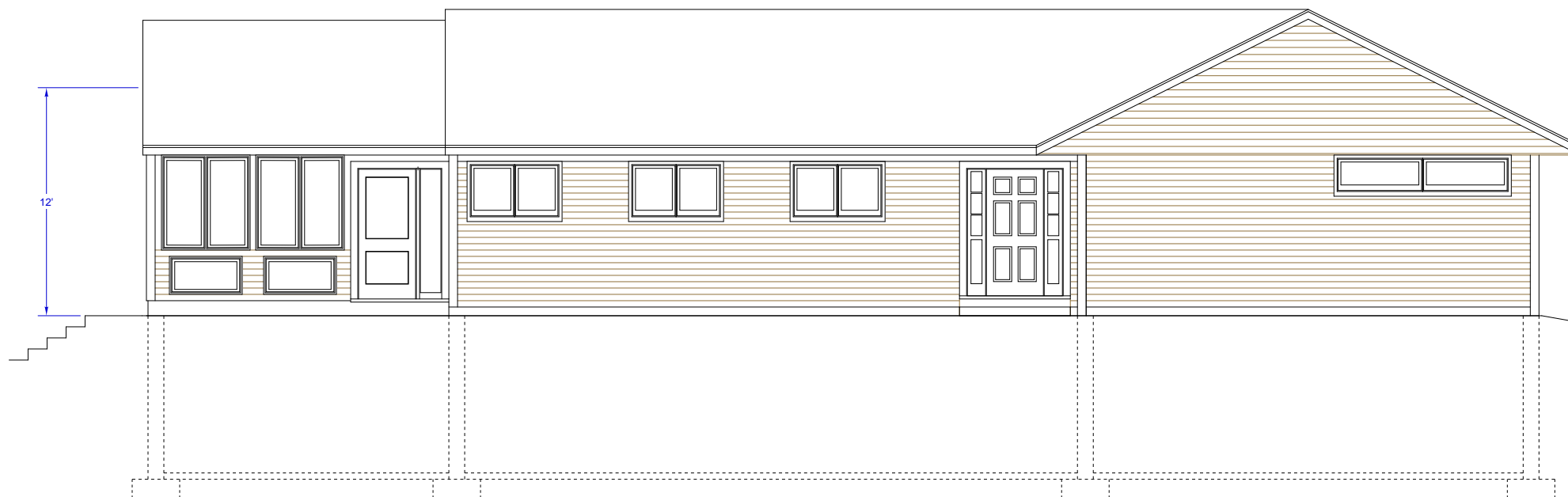
4 Section  
Scale: 1/8" = 1'-0"



1 Proposed First Floor Plan  
Scale: 1/8" = 1'-0"



2 Proposed Second Floor Plan  
Scale: 1/8" = 1'-0"



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



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

PROJECT DATA			
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SHED GROUND S.F.	192 S.F.	0 S.F.	
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TOTAL LIVING AREA	5356 S.F.	6623 S.F.	



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REVISIONS


Existing + Proposed North Elevations  
Project No.: 2532  
Scale: As Noted  
05 JULY 2018

A05



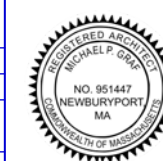
1 Existing East Elevation  
Scale: 1/8" = 1'-0"



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

**PROJECT DATA**

DIMENSIONAL CONTROL	EXISTING	PROPOSED	REQUIRED
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REVISIONS

NO.	DESCRIPTION

Existing + Proposed East Elevations

Project No.: 2532  
Scale: As Noted  
05 JULY 2018



**PROJECT DATA**

39 SUMMIT PLACE    EXISTING 2 FAMILY    ZONE:R2

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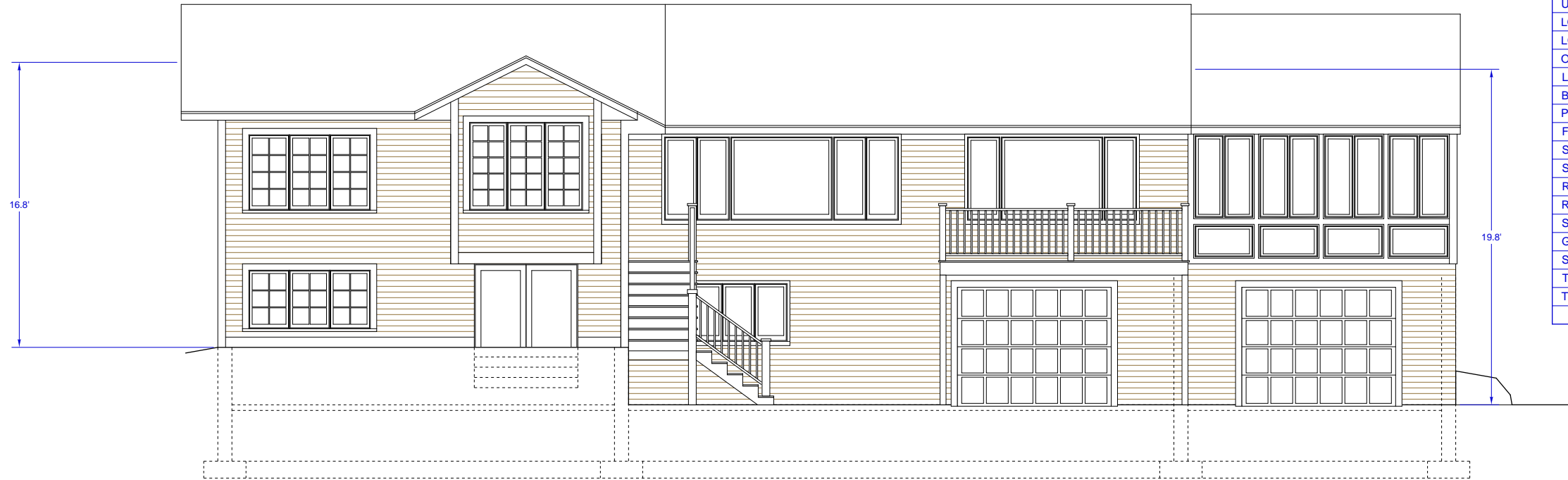
REVISIONS

No.	Description

Existing + Proposed South Elevations

Project No.: 2532    Scale: As Noted    05 JULY 2018

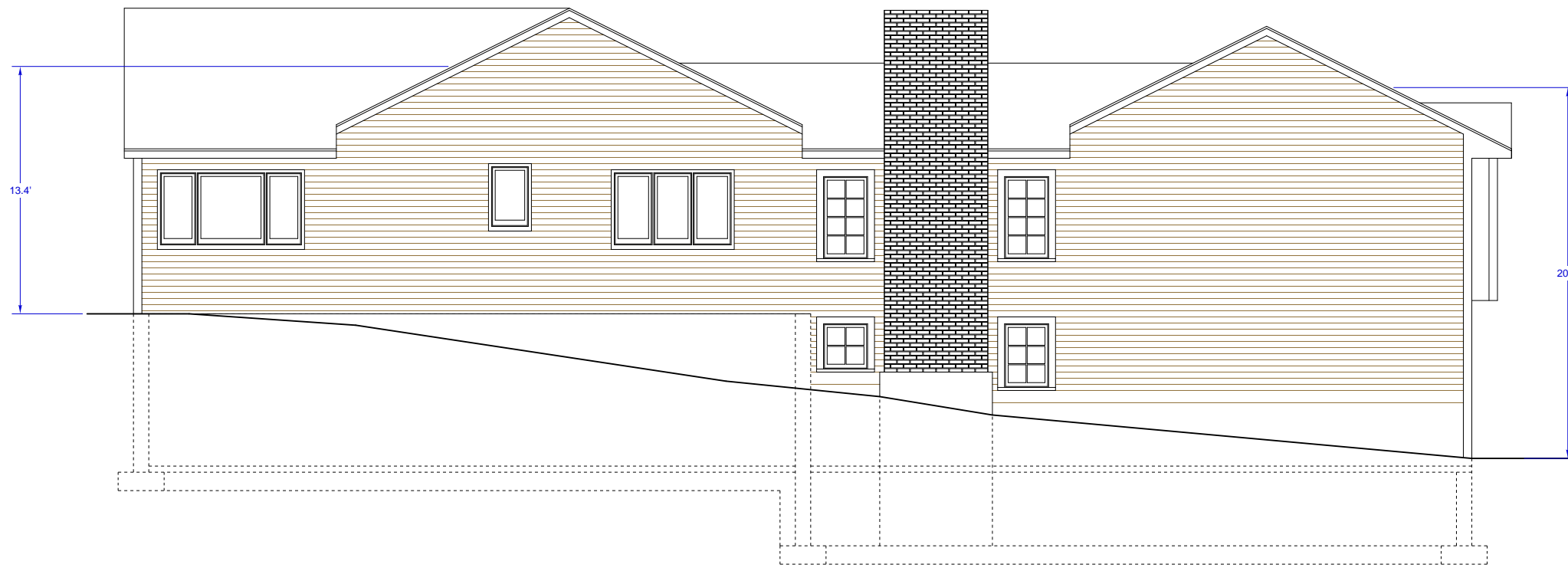
**A07**



**1 Existing South Elevation**  
Scale: 1/8" = 1'-0"



**2 Proposed South Elevation**  
Scale: 1/8" = 1'-0"



1 Existing West Elevation  
Scale: 1/8" = 1'-0"



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

PROJECT DATA			
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REVISIONS

No.	Description

Existing + Proposed West Elevations

Project No.: 2532 Scale: As Noted 05 JULY 2018

A08





PROJECT DATA			
DIMENSIONAL CONTROL	EXISTING	PROPOSED	REQUIRED
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REVISIONS


Photographs

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Project No.: 2532  
05 JULY 2018

A11

