Form revised 7/25/16

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

Petitioner:	Christopher Dougherty and Lauren Wendel c/o Mark Griffin Esq.					
Mailing Address:	30 Green Street, Newburyport, MA 01950					
Phone:	978-462-1514	Email: mark@finnic.com				
Property Address:	6 Everette Drive					
•	103/58	Zoning District: R-1				
Book and Page(s):	25435/240					
Owner(s) Name:	Same as above					
Mailing Address (if d	lifferent):					
This request for a Sp	pecial Permit for Non-Conformities is n	ade under section(s):				
Parking Upward Ex Open Spac Height Lot Area	Alteration (IX.B.2) Rear Yard tension Lot Coverage Side Yard Lot Frontage Front Yard Ermit Denial as supplied by the Building Comm	Over 500 s.f. increase (IX.B.3.c) Plum Island Overlay District (\(\infty XI-G-3\)) FAR Footprint Expansion Height Increase				

Description of request:

Construct an addition over 500sf to a home with nonconforming lot area and frontage. Addition will extend or alter a preexisting nonconforming front setback.

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	10365	83.89	11.19	NA	20	100	2	27.6	36.5	18.7	22.3
Proposed	10365	82.86	13.74	NA	23.5	100	2	18	36.5	18.7	22.3
Required	20000	50	20	NA	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**		
894	2	1488	101		
Proposed Buildings: Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**		
828	2	1996	101		
	Control of the Contro				

^{**}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):

Page 2 of 2

MAP ID: 103/58///

Bldg Name:

State Use: 1010

Print Date: 01/12/2017 00:53 Bldg #: 1 of 1 Sec #: 1 of 1 Card 1 of 1 Vision ID: 6760 Account # CURRENT OWNER CURRENT ASSESSMENT TOPO. UTILITIES STRT./ROAD LOCATION Assessed Value WENDEL LAUREN L Description Code Appraised Value CHRISTOPHER DOUGHERTY T/C 123 RESIDNTL 1010 178,800 178,800 6 EVERETTE DR 249,000 NEWBURYPORT, MA RES LAND 1010 249,000 10,400 RESIDNTL 1010 10,400 NEWBURYPORT, MA 01950 SUPPLEMENTAL DATA Additional Owners: CONDO CY: 103-58 Other ID: INLAW Y/N: SUB-DIY рното LOT SPLIT: VISION WARD 6 40B HSNG: TILE #: ATT 1/2 HSE: Total 438,200 438,200 GIS ID: M 247014 951361 ASSOC PID# PREVIOUS ASSESSMENTS (HISTOR 8) RECORD OF OWNERSHIP BK-VOL/PAGE | SALE DATE | q/u | v/i | SALE PRICE | V.C Assessed Value Yr. Code Assessed Value Yr. Code Assessed Value WENDEL LAUREN L 25435/u240 03/06/2006 Q 429,000 00 Yr.Code 178,800 2016 1010 249,000 2016 1010 173,400 173,400 2015 1010 EISERMAN JOEL T & 5696/377 07/09/1970 2017 | 1010 2017 1010 226,8002015 1010 226,800 2017 1010 10,400 2016 1010 8,2002015 1010 8,200 438,200 408,400 Total: 408,400 Total: Total: OTHER ASSESSMENTS This signature acknowledges a visit by a Data Collector or Assessor EXEMPTIONS Type Description Code Description Number Amount Comm. Int. Year Amount APPRAISED VALUE SUMMARY 175,400 Appraised Bldg. Value (Card) Total: 3,400 Appraised XF (B) Value (Bldg) ASSESSING NEIGHBORHOOD 10,400 NBHD/SUB NBHD Name Street Index Name Batch Appraised OB (L) Value (Bldg) Tracing 6/A 249,000 Appraised Land Value (Bldg) NOTES Special Land Value EST 100% SR 1-25-88 Total Appraised Parcel Value 438,200 WHITE Valuation Method: EST POOL GATE LOCKED 1/16EXT=AVG;EST CTH AREA;EST REAR&OB=POO Adjustment: Net Total Appraised Parcel Value 438.200 BUILDING PERMIT RECORD VISIT/ CHANGE HISTORY Permit ID | Issue Date TvpeDescription Amount Insp. Date % Comp. Date Comp. Comments Date TvpeIS Purpose/Result 01/20/2016 02 Measur+2Visits DAR 10/26/2006 02 Measur+2 Visits RL 09/03/1996 BB01 Measur+1Visit Measur+2Visits 10/24/1988 SR 02 LAND LINE VALUATION SECTION B Use Use Unit Acre C. ST. Special Pricing S Adj # Code Description Factor Factor Idx Fact Adj. Unit Price Price Zone D Front Devth Units Disc Adi. Notes- Adi Spec Use | Spec Calc Land Value 1 1010 SINGLE FAM 1.0000 10,400 SF 20.82 1.1500 6 1.00 0.00 1.00 249,000 0.24(AC) Parcel Total Land Aren: 0.24 AC 249,000 Total Card Land Units: Total Land Value:

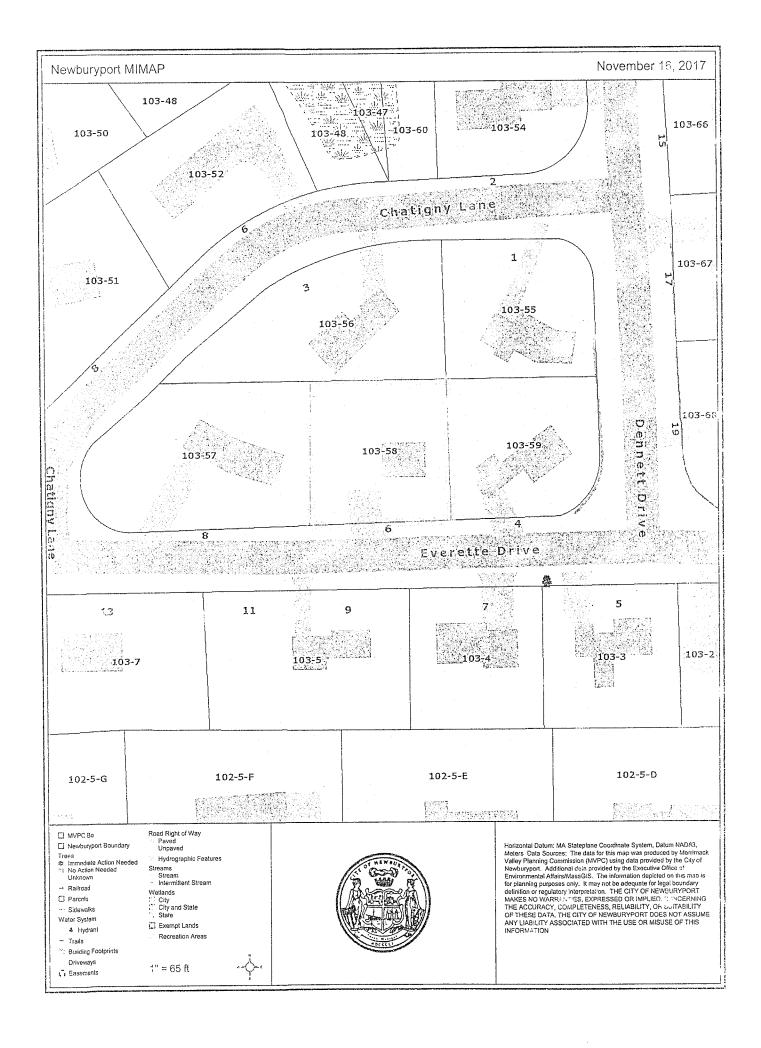
Property Location: 6 EVERETTE DR

MAP ID: 103/58///

Bldg Name:

State Use: 1010 Print Date: 01/12/2017 00:53

Sec #: 1 Card 1 1 ofBldg #: 1 of 1 Vision ID: 6760 Account # CONSTRUCTION DETAIL (CONTINUED) CONSTRUCTION DETAIL Cd. Ch. Description Element Cd. Ch. Description Element Style Colonial Model Residential CTH BAS Grade 03 Average Stories 2 Stories Kitchen Grd MIXED USE Occupancy FUS Exterior Wall 1 25 Vinyl Siding Code Description Percentage BAS 100 1010 SINGLE FAM Exterior Wall 2 FBM Roof Structure Gable/Hip Roof Cover 03 Asph/F Gls/Cmp 05 Drywall/Sheet Interior Wall 1 COST/MARKET VALUATION 22 Interior Wall 2 Adj. Base Rate: 117.47 Interior Flr 1 12 Hardwood Interior Flr 2 23 Heat Fuel Oil 02 224,847 Replace Cost 05 Hot Water Heat Type AYB 1966 AC Type None 1994 EYB Total Bedrooms 03 3 Bedrooms Dep Code 14 Remodel Rating Total Bthrms Year Remodeled Total Half Baths 0 Dep % Total Xtra Fixtrs Functional Obslnc Total Rooms 7 Rooms External Obslnc Bath Style Average Cost Trend Factor 28 02 Kitchen Style Average Condition % Complete Overall % Cond Apprais Val 175,400 Dep % Ovr Dep Ovr Comment Misc Imp Ovr Misc Imp Ovr Comment Cost to Cure Ovr Cost to Cure Ovr Comment OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B) Description Sub Sub Descript L/B Units Unit Price Yr Gde Dp Rt Cnd %Cnd Apr Value Code POOL-INGR V 32.00 1988 8,200 SPL2 512 2016 75 75 1.100 SHD1 SHED FRAME 120 12.00 1,100 SHD1 SHED FRAME 120 12.00 2016 4,400.00 1994 100 3,400 FPL3 FIREPLACE 2 BUILDING SUB-AREA SUMMARY SECTION Description Unit Cost Undeprec. Value Code Living Area Gross Area Eff. Area First Floor 952 952 952 117.47 111,836 BAS CTH Cathedral Ceiling 308 0.00 290 52.90 34,068 Basement, Finished 644 FBM 78,943 FUS Upper Story, Finished 672 672 672 117.47 224.847 Ttl. Gross Liv/Lease Area: 1.624 2.576 1.9141



OFFICE OF THE BUILDING COMMISSIONER/ZONING CODE ENFORCEMENT OFFICER ZONING DENIAL

City APR#:
Name: Lauren Wendel + Christopher Doucherty Greene Const
Address: 6 Everette Drive Zoning District: 2-I
Request: Construct Approx 15x22 Garage/Living SPACe
ADDITION RED FRONT SOTRACK 500 TSF. Reliet
ZONING BOARD
Dimensional Variance Dimensional Controls (VI) Lot Area Lot Frontage Open Space Front Yard Side Yard Rear Yard Dimensional Controls (VI) Plod (XXI) Parking (VII) Parking (VII) Parking (VII) Parking (VII) Parking (VII) Parking (VII)
Use Variance
☐ Not permitted use (V) ☐ Sign Location/Replacement (VIII)
Special Permit Special Permit for Use (V.D) Spacing (VI.D) In-Law Apartment (XIIA) Bonus Provisions for Multifamily Developments(XVI) Personal Wireless Communication Services (XX) Demolition Control Overlay District (XXVIII) Wind Energy Conversion Facilities (XXVI) PLANNING BOARD Special Permit for Non-Conformities Extension or Alteration (IX.B.2) Parking Rear Yard Upward Extension Lot Coverage Side Yard Height Lot Area Front Yard Over 500 s.f. increase (IX.B.3.c) Plum Island Overlay District (XXI-G-3) FAR Footprint Expansion Height Increase
Special Permit One residential structure per lot (VI.C) Floodplain (XIII) 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)
Site Plan Review (XV) Major Minor
CITY COUNCIL
GACM (X.H.9) Other:
CONSERVATION COMMISSION
HISTORICAL COMMISSION - Demolition Delay

Date

Building Commissioner/Zoning Code Enf. Officer

FINNERAN & NICHOLSON, P.C.

ATTORNEYS AND COUNSELORS AT LAW
30 GREEN STREET
NEWBURYPORT, MASSACHUSETTS 01950
(978) 462-1514
FACSIMILE (978) 465-2584
E-MAIL: CASES & FINNIC.COM

WEBSITE: WWW.FINNERANNICHOLSON.COM

November 17, 2017

Newburyport Zoning Board of Appeals Attn: Edward Ramsdell, Chairman 60 Pleasant Street Newburyport, MA 01950

Re:

6 Everette Drive; Letter in Support of Special Permit for Nonconformities

For Lauren Wendel and Christopher Dougherty

Our File 17-361

Dear Mr. Ramsdell:

I represent Lauren Wendel and Christopher Dougherty with respect to the proposed construction of a two-story addition with attached garage on their existing lot. This letter is provided in support of their application for a Special Permit for Nonconformities.

Existing Conditions

The Premises is located in the R-1 Zoning District. The lot is preexisting legally nonconforming with respect to lot area (10365), frontage (100) and front (27.6) and rear setbacks (22.3).

Proposed Construction

The applicant proposes to remove an existing addition and construct a two-story addition to the existing building containing an attached garage on the first floor. The addition is approximately 808sf in floor area¹. However, the existing addition that is being removed is 300sf, so the net of additional floor area is only 508sf. The building commissioner has further required a special permit for nonconformities since the proposed addition exceeds 500sf and the lot is nonconforming for area and frontage.

The proposal will extend one new nonconformity – the preexisting nonconforming front setback – and the building commissioner has issued a permit denial requiring a special permit for nonconformities associated with the above requirement.

The proposed use is Use #101 which is allowed by right in the R-1 Zoning District.

 $^{^{1}}$ In accordance with Section IXB3C(2) the applicants do not count the garage space as floor area.

Special Permit for Nonconformities

The Petitioner requires a Special Permit for Nonconformities under Section IXB3C for an addition in excess of 500 sf on a lot which is nonconforming for lot area or frontage. The criteria for such a permit is as follows:

That the proposed change will not be substantially more detrimental to the neighborhood than the preexisting nonconforming structure or use....

First, the addition to be constructed will be aesthetically pleasing and will be situated in such a manner as to minimize the amount of additional construction outside the footprint of the existing addition which will be removed. Approximately half of the proposed addition will be in the footprint of the existing addition.

Moreover, although the total square footage of floor area for this project will be 808sf the net additional floor area is only 508sf when the removal of the existing addition is accounted for. This serves to minimize the massing and density of the project.

Further, the proposal fits in with the neighborhood with respect to existing dimensions. All of the immediately abutting properties have less than the required 20,000sf lot area and many are larger in square footage than the existing structure – and the structure as proposed. Accordingly, the addition will not look out of place in the neighborhood. Moreover, many of the abutting properties have setbacks – including front setbacks – which do not conform with the dimensional requirements. Based on this the partial decrease in front setback distance proposed for the new addition should not make it look out of place in the neighborhood, nor will it adversely affect the streetscape. Finally, setbacks are generally required in order to provide light and air and to prevent crowding of adjacent properties. None of these considerations come into play with this proposal, where the home is located in a neighborhood where the lots and homes enjoy relatively spacious yards compared to the dense downtown residential neighborhoods.

Based on the foregoing, the proposed structure will not be substantially more detrimental to the neighborhood than the existing structure.

Sincerely,

MG

f:\cases\17-361\memo in support of spnc.doc2

ZONING OWNER: RESIDENTIAL 1 (R1) LAUREN WENDEL & CHRISTOPHER DOUGHERTY DEED BOOK 25435 PAGE 240 EXISTING ASSESSOR'S MAP 103 LOT 58 MIN LOT AREA 20,000 SF *10,365± SF 10.365± SF (NC) 125 FEET *100.00' FEET 100.00' FEET (NC) REFERENCES: FRONT 30 FEET *27.6' FEET 1. ESSEX COUNTY REGISTRY OF DEEDS SIDE 36.5 (L) 36.3 (L) *18.70 FEET (R) 18.70 FEET (NC)(R) 20 FEET BK 111 PL 9 (PLAN DATED 11/1967) REAR 30 FEET *22.3 FEET 22.3 FEET (NC) MAP 103 LOT 56 % LOT COVERAGE 20% N/F FAUL & SARAH CLAFLIN 11.19% 13.74% N/F KRISTINA DAVIS REVOCABLE TRUST MAX BLD HEIGHT (MEAN) 30 FEET NOTES: 20 FEET± 23.5 FEET± (ADDITION) 14169/591 % OPEN SPACE 50% 83.89% 82.86% I. PIPE FOUND 1. THE PURPOSE OF THIS PLAN IS TO ACHIEVE ZONING BOARD APPROVAL FOR THE CONSTRUCTION OF AN ADDITION. *DENOTES PRE-EXISTING NON CONFORMANCE SHED (BENT) 2. ABUTTER'S REFERENCES FROM CITY OF NEWBURYPORT ASSESSOR'S 3. THIS PLAN IS PREPARED FOR OUR CLIENT USE ONLY FOR THE SPECIFIC PURPOSE OF OBTAINING PERMITS AND LOCAL APPROVALS, AND IS NOT TO BE USED OR RELIED MAP 103 LOT 58 UPON AS A CONSTRUCTION DOCUMENT OR ANY OTHER USE ٥I BY OTHERS WITHOUT THE WRITTEN CONSENT OF HANCOCK ٥Į 128.89 ASSOCIATES. 4. SEE PLAN SET ENTITLED "PREPARED GARAGE ADDITION" PREPARED FOR LAUREN WENDEL AND CHRIS DOUGHERTY, PREPARED BY J C M ARCHITECTS. DATED SEPTEMBER 16, 궏 2017 - LAST REVISED OCTOBER 12, 2017 WOODEN I HEREBY CERTIFY THAT: EXISTING STEPHEN MURPHY & CAROLYN BURT 13348/47 IN GROUND POOL SEAN & WENDY CADIGAN EXISTING TWO STORY THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY 15940/445 DWELLING #6 5 AND PRESENTS THE FACTS AS FOUND AT THE TIME OF BHT=20'± THE SURVEY. I FURTHER CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIP AND THE LINES OF THE STREETS AND 28.4 WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE I. PIPE FOUND STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR THE NEW WAYS ARE SHOWN AND IS NOT A FOR THE NEW WATS ARE SHOUTH AND IS NOT THE CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. . PIN FOUND 100.00' (BENT) N77°45'30"W FOR EVERETTE DRIVE 60' WIDE~PUBLIC **ZONING BOARD OF APPEALS** EDX/AM PLAN OF LAND LEGEND: CA/AM TMH TELEPHONE MANHOLE **6 EVERETTE DRIVE** EM ELECTRIC METER CALCULATION: GM GAS METER GG GAS GATE CB CATCH BASIN IN NEWBURYPORT, MASSACHUSETTS DRAFTING: NOW OR FORMERLY UP UTILITY POLE VGC VERTICAL GRANITE CURB **ESSEX COUNTY** CHECK: WG WATER GATE PREPARED FOR: 23.5 6132/242 DEED BOOK/PAGE GREENE CONSTRUCTION SERVICES, LLC PROJ. MANAGER: EDX PREPARED BY: SIGN DATE: HANCOCK NOVEMBER 16, 2017 15 22 MAP LOT HANCOCK JOB# **ASSOCIATES** 22017 Civil Engineers CRD FILE 22017EXCON.CRD 18 CENTER STREET SCALE in FEET SUITE 1 Land Surveyors PROPOSED LEFT SIDE VIEW 1"=20" NEWBURYPORT, MA Wetland Scientists TEL: 978-465-9992 DESCRIPTION: DATE: REV: SHEET NO. NOT TO SCALE 01950 22017-ZBA DWG www.hancockassociates.com 1 OF 1

EXISTING REMOVED LIVABLE SQUARE FOOTAGE

= 300+- SF

- PROPOSED FIRST FLOOR LIVABLE SQUARE FOOTAGE

= 234+- SF

PROPOSED SECOND FLOOR LIVABLE SQUARE FOOTAGE = 565+- SF

TOTAL NEW LIVABLE SQUARE FOOTAGE

808 +- SF

PROPOSED GARAGE ADDITION

LAUREN WENDEL AND CHRIS DOUGHERTY

6 EVERETT DRIVE

NEWBURYPORT, MA. 01950

September 16, 2017

REVIEW COTORER 12, 2017

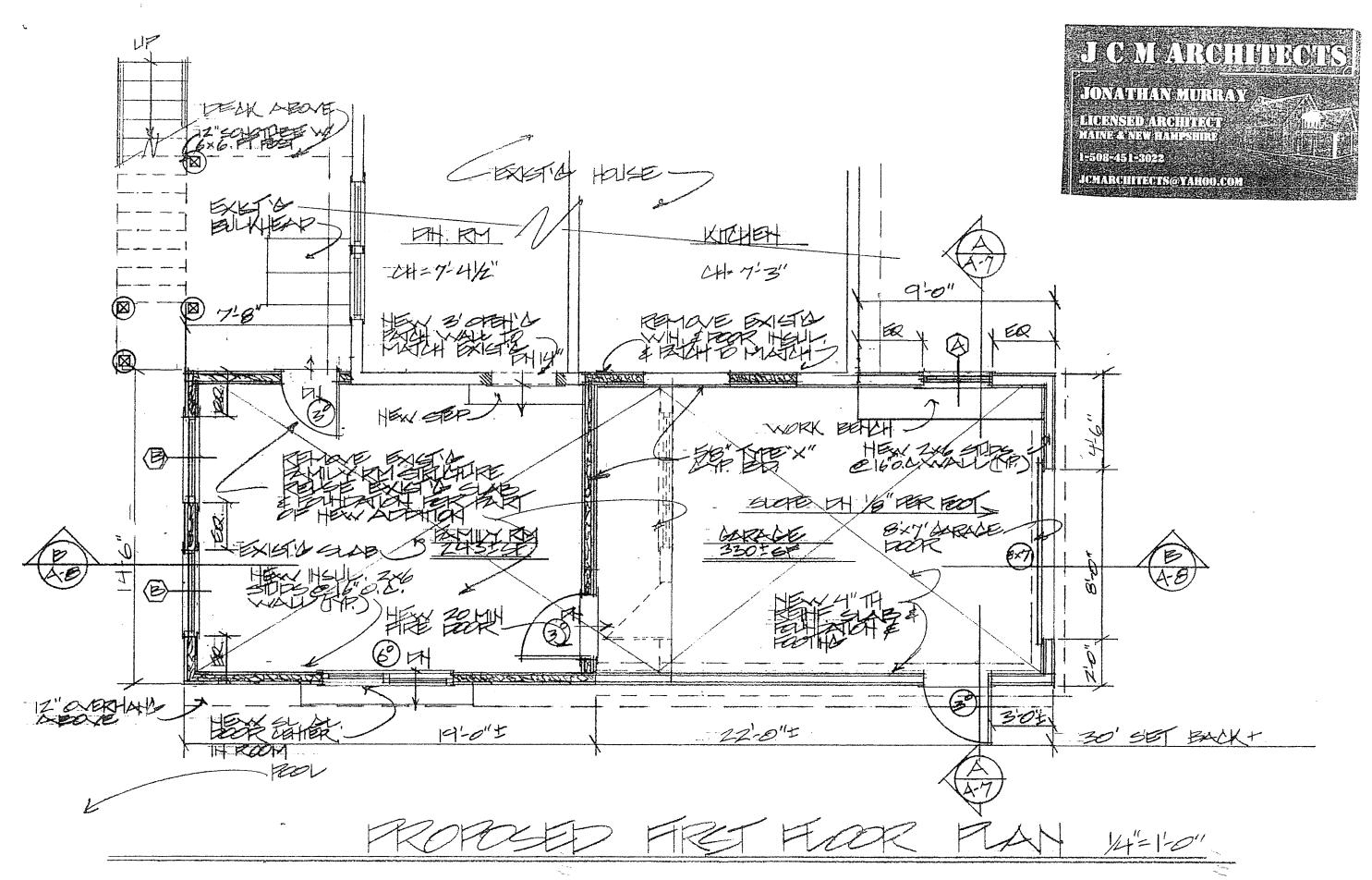
All work shall meet State Building Codes. The G.C. shall field verify dimensions before construction. Notify immediately, the Architect of Discrepancies. The drawings are diagrammatic and form the approx. arrangement of wall, door, equipment etc. All work and construction shall be preformed under the direct supervision of personnel licensed by the State and local authorities. The G.C. & Owner agree to hold harmless the Architect from all errors and omission, unless entering into an agreement for the Administration of the Construction Contract and, any claims against the Architect shall not exceed the amounts paid the Architect for the services rendered for the project.

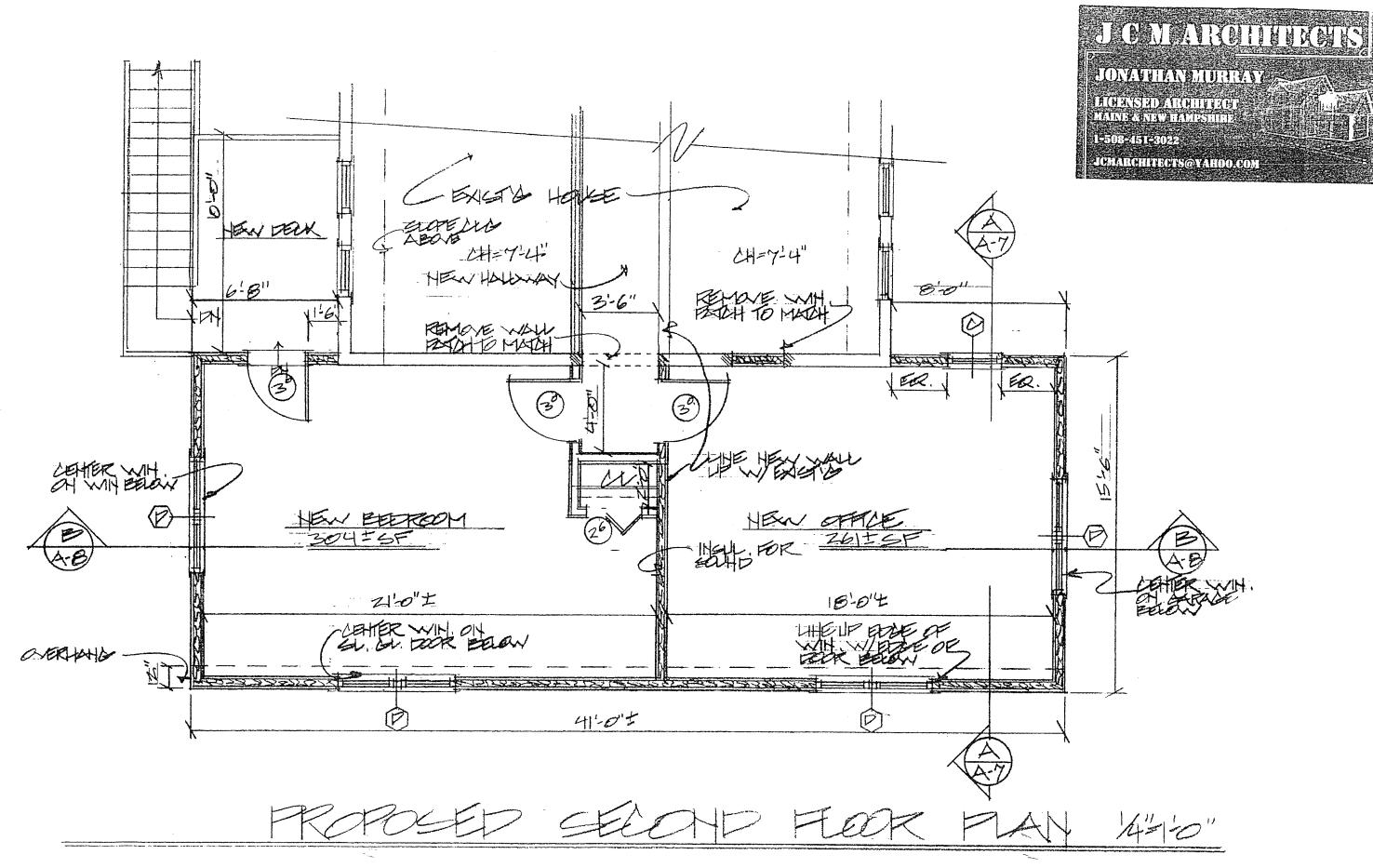
LIST OF DRAWINGS TITLE SHEET CERTIFIED PLOT PLAN C-1 (PROPOSED ARCHITECTURAL SITE PLAN) A-1 PROPOSED FIRST FLOOR PLAN PROPOSED SECOND FLOOR PLAN A-2 PROPOSED FRONT ELEVATION PROPOSED LEFT-SIDE ELEVATION PROPOSED REAR ELEVATION A-5 PROPOSED RIGHT-SIDE ELEVATION PROPOSED SECTION A-A PROPOSED SECTION B-B **EXISTING FLOOR PLAN EXISTING FRONT ELEVATION**

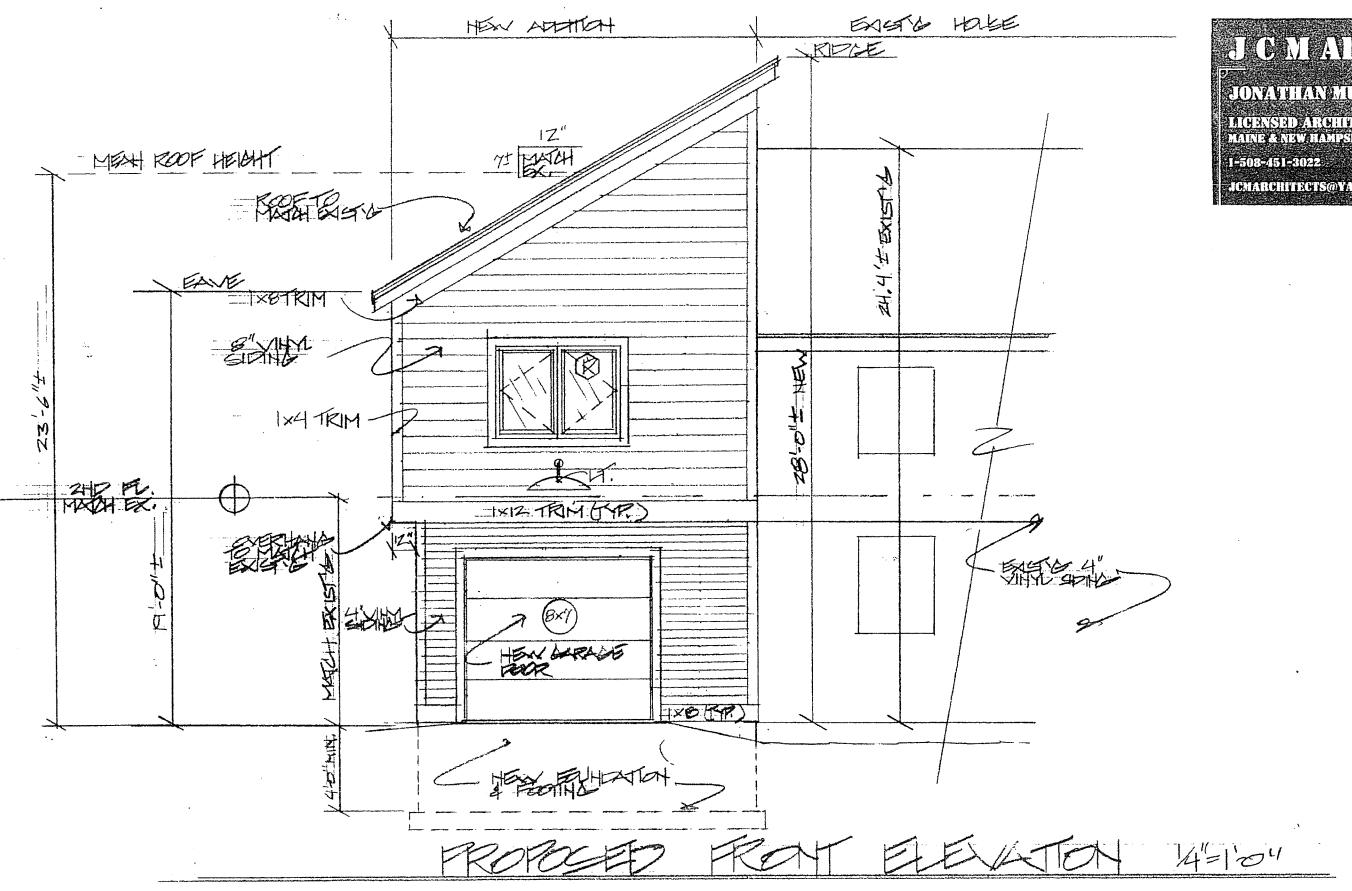
EXISTING LEFT-SIDE ELEVATION

EXISTING REAR ELEVATION

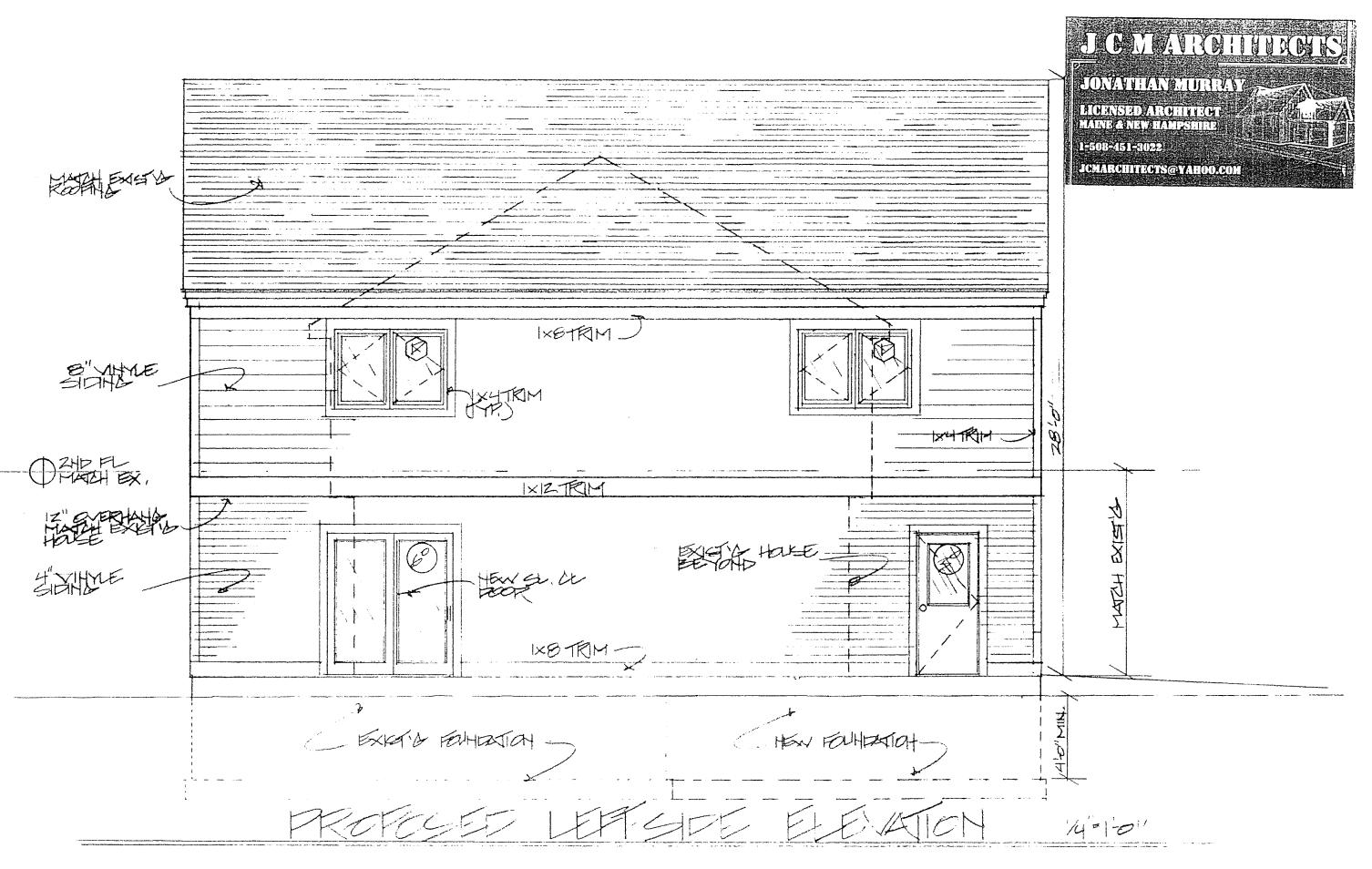


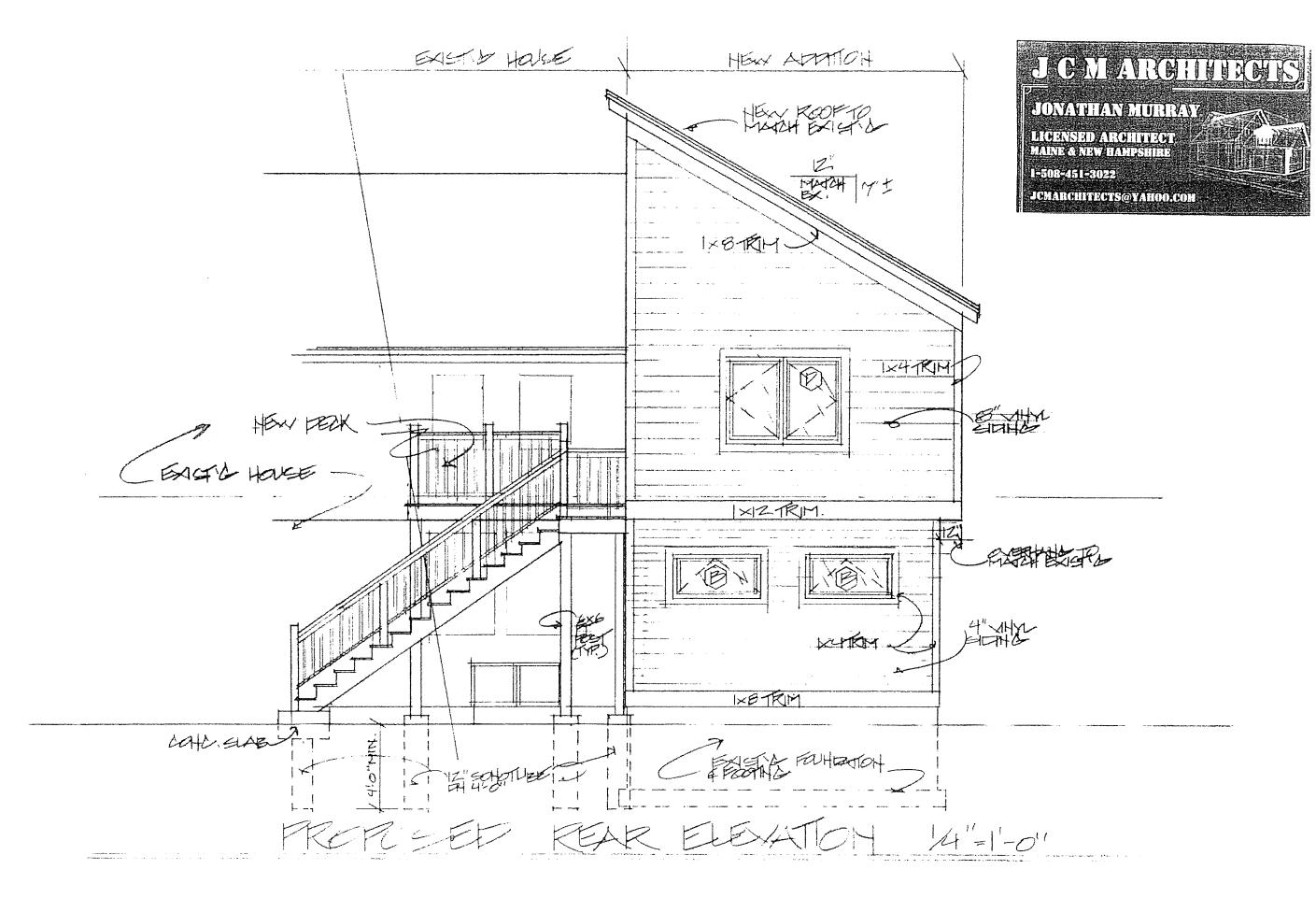


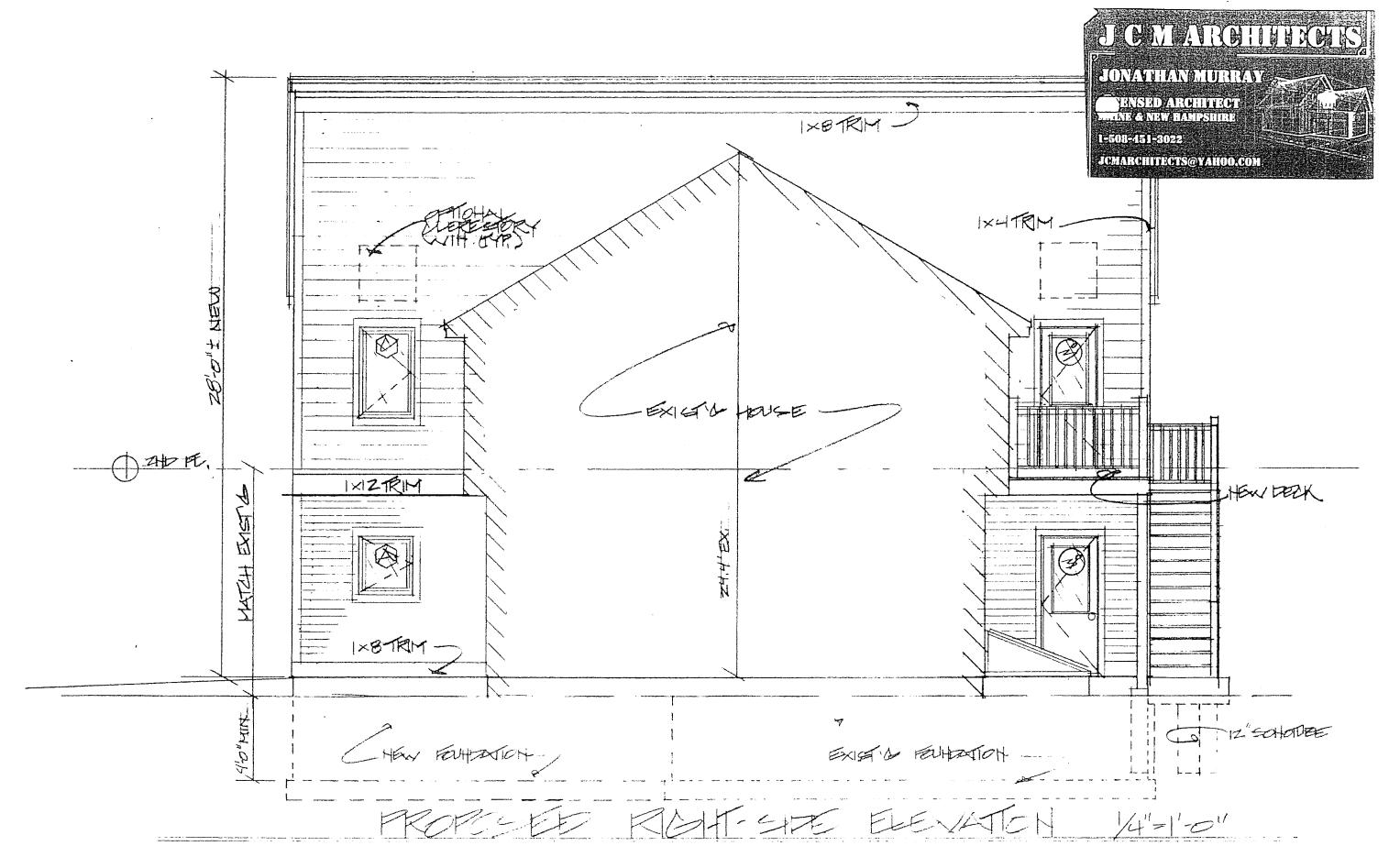


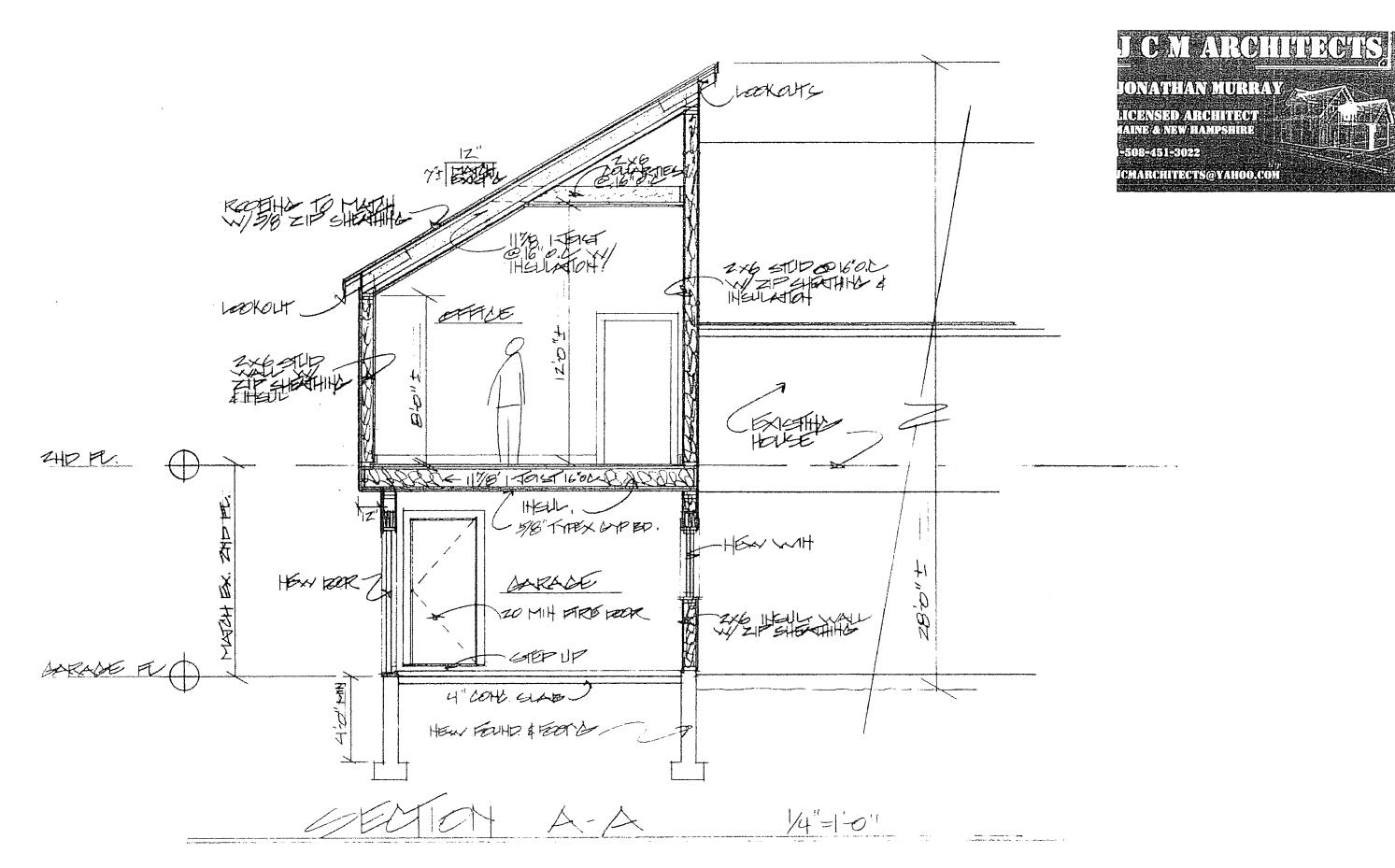


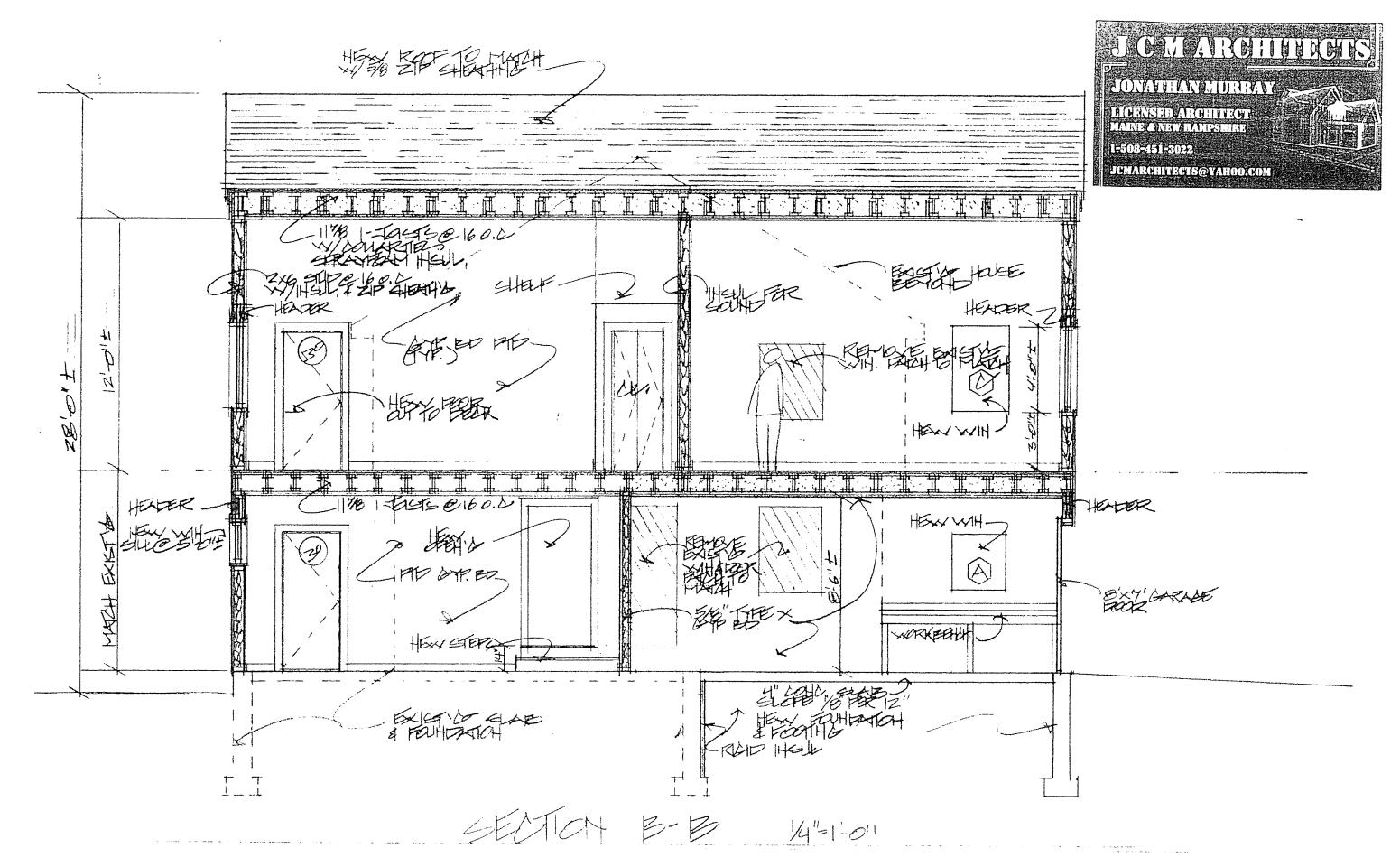
JONATHAN MURRAY
LICENSED ARCHITECT
MAINE & NEW HAMPSHIRE
1-508-451-3022
JCMARCHITECTS@YAHOO.COM

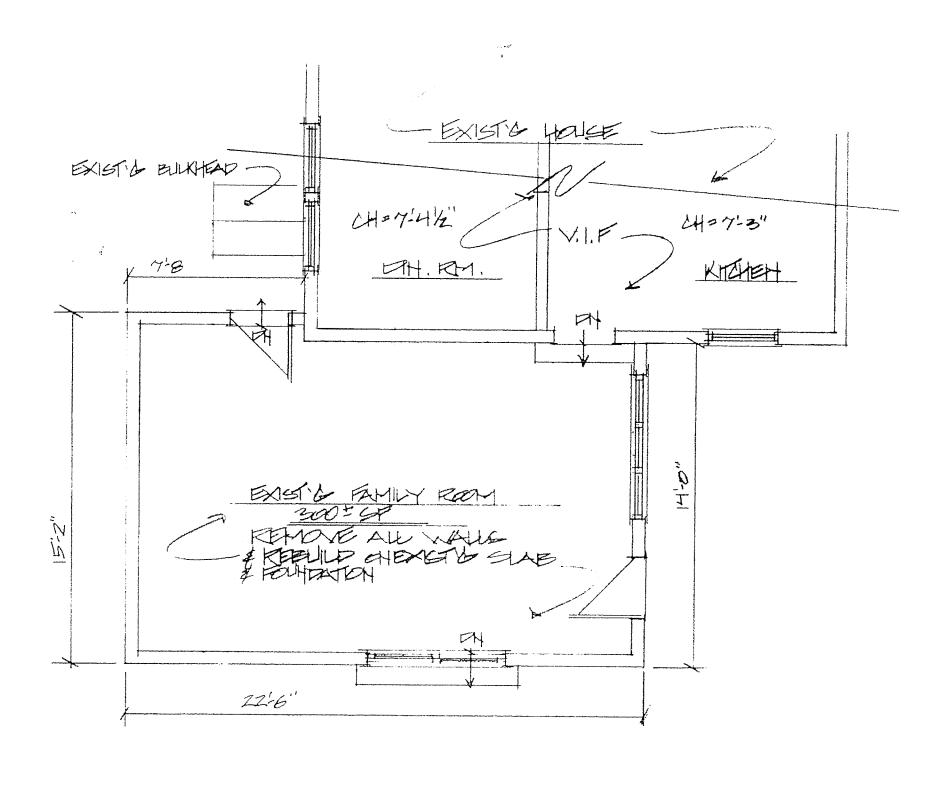




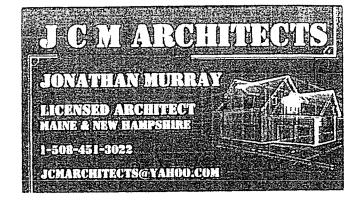




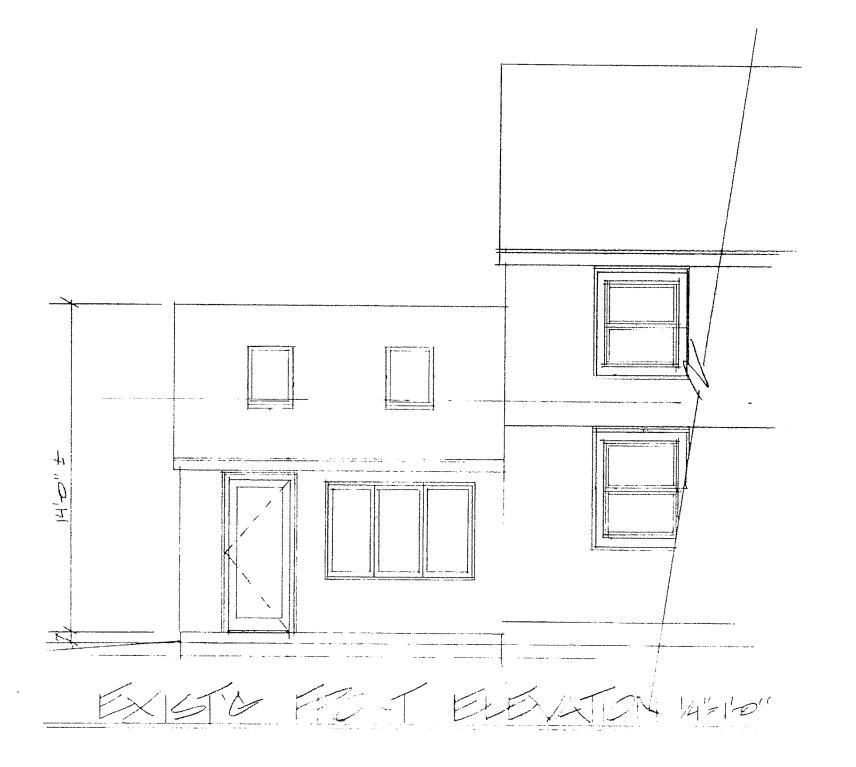




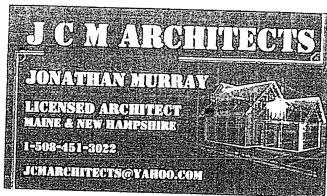
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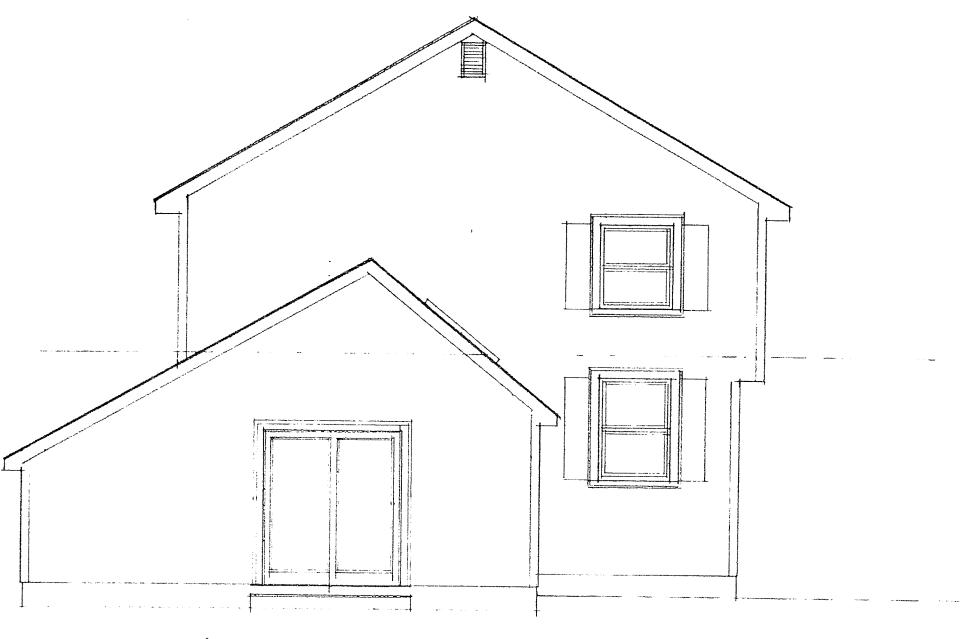




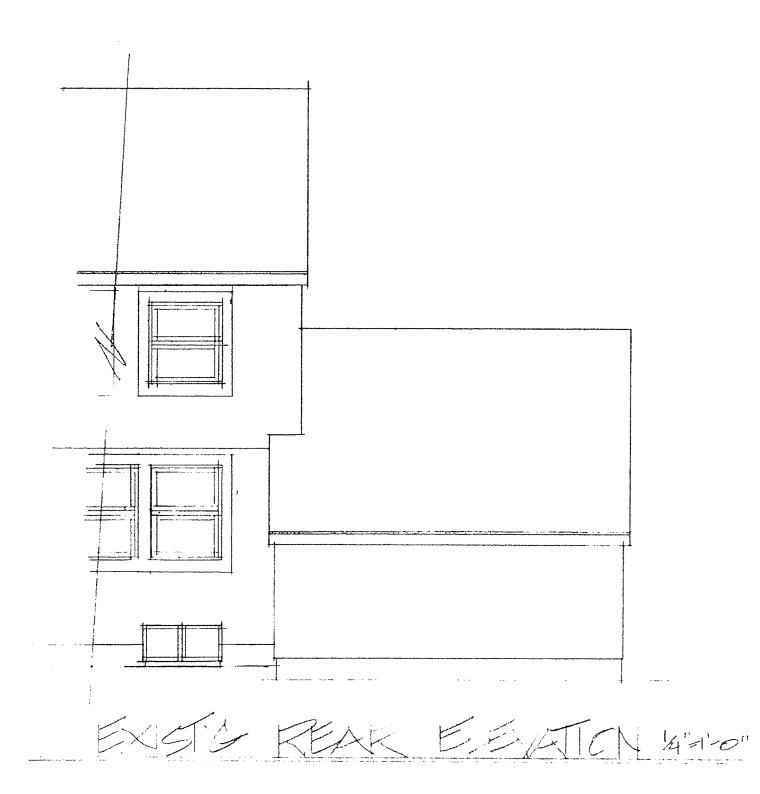


EX.Z





EXELOTE ELECTION 4-1-0"



JCMARCHITECTS JONATHAN MURRAY LICENSED ARCHITECT MAINE & NEW HAMPSHIRE 1-508-451-3022 JCMARCHITECTS@YAHOO.COM