

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

Petitioner: Blake and Margo Witherington

Mailing Address: 78 Middle Street

Phone: 646 456 3953 Email: bwitherington@jhancock.com

Property Address: 78 Middle Street

Map and Lot(s): 16/35 Zoning District: R2

Book and Page(s): 32489/147

Owner(s) Name: Blake and Margaret Witherington

Mailing Address (if different): Same

This request for a Special Permit for Non-Conformities is made under section(s):
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

- | | |
|--|---|
| <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"/> Use | |
| <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 | |

Description of request:

Demolish a non-conforming accessory 1.5 story structure that may qualify as historic (It can be found on the 1924 tax map), and reconstruct in the same location a new 2 story accessory with the same ridge height. The reconstructed structure involves an upward extension at rear and side yard non conformities and greater than 500 square feet of new living area for primary household use. Proposed structure is not to be a separate dwelling unit.

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

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls
Lot Area	5429	5429	10000
Frontage	51.91'	51.91'	90
Height*	17'-1"	19'-4"	20' (ACCESSORY)
Lot Coverage (%)**	36.4%	36.4%	30
Open Space (%)***	49.0%	49.0%	35
Front Setback	8.8'	8.8'	20
Side A Setback	3.9'	3.9'	10
Side B Setback	1.3'	1.3'	10
Rear Setback	5.1'	5.1'	20
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):

ZONING DETERMINATION

Name: Michael Graf

Address: 78 Middle Street Zoning District(s): R2/DCOD

Request: Demolish non conforming accessory 1.5 story structure that may qualify as historic (on 1924 tax map) and reconstruct in same location a new 2 story accessory structure that involves an upward extension of rear and side yard non conformities and >500sf of new living area for primary household use. Not to be a separate dwelling unit.

ZONING BOARD REVIEW REQUIRED

Variance

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

Sign Variance

- Signs (VIII)
Type, Size, Lighting, 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, 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

tree and sidewalk triggered by >50% value Newburyport Zoning Administrator 02/12/2020 Date

12 February 2020

Planning Department
City of Newburyport
60 Pleasant Street
Newburyport, MA01950

RE: Special Permit Application Memorandum for 78 Middle Street

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 proposed structure is intended to be used as a garage at the ground level and as living area for the primary household at the second level.
- B. The existing structure does not conform to the East (Side) and the South (Rear) setbacks.
- C. The proposed would result in an increase in the mean height of the structure. The proposed does not result in additional non-conformities.
- D. The proposed structure will be placed on the same footprint as the existing structure, and all other proposed changes are within the required dimensional controls.

Sincerely,



Michael Graf, RA

78 MIDDLE ST

Location 78 MIDDLE ST

MBLU 16/ 35/ / /

Owner WITHERINGTON R BLAKE

Assessment \$1,268,000

PID 608

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$1,017,600	\$250,400	\$1,268,000

Owner of Record

Owner WITHERINGTON R BLAKE
Co-Owner MARGARET N T/E
Address 78 MIDDLE ST
NEWBURYPORT, MA 01950

Sale Price \$955,000
Certificate
Book & Page 32489/0147
Sale Date 05/22/2013
Instrument 10

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
WITHERINGTON R BLAKE	\$955,000		32489/0147	10	05/22/2013
TUCKER ELIOT R	\$673,000		19757/0363	00	12/05/2002
JAMES CATHERINE A	\$382,500		15968/0506	00	09/30/1999
PEFFER JOHN S.	\$186,000		12278/0289	00	11/30/1993
LEARY CHRISTOPHER J	\$0		6360/ 701		06/20/1977

Building Information

Building 1 : Section 1

Year Built: 1834
Living Area: 2,820

Building Attributes	
Field	Description
Style	Antique
Model	Residential
Stories:	2 Stories
Occupancy	1

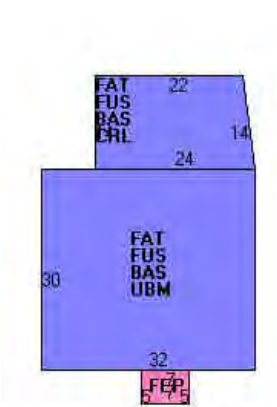
Exterior Wall 1	Brick/Masonry
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Slate
Interior Wall 1	Plastered
Interior Wall 2	Drywall/Sheet
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Steam
AC Type:	Central
Total Bedrooms:	4 Bedrooms
Total Bthrms:	3
Total Half Baths:	1
Total Xtra Fixtrs:	1
Total Rooms:	9
Bath Style:	Modern
Kitchen Style:	Modern

Building Photo



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

Building Layout



(<http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches/>)

Building Sub-Areas (sq ft)		Legend	
Code	Description	Gross Area	Living Area
BAS	First Floor	1,282	1,282
FUS	Upper Story, Finished	1,282	1,282
FAT	Attic	1,282	256
CRL	Crawl Space	322	0
FEP	Porch, Enclosed	35	0
UBM	Basement, Unfinished	960	0
		5,163	2,820

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL3	FIREPLACE 2 ST	1 UNITS	\$4,300	1

Land

Land Use

Use Code 1010
Description SINGLE FAM

Land Line Valuation

Size (Acres) 0.12
Depth 0
Assessed Value \$250,400

Outbuildings

Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR4	GAR W/LFT AVE			620 S.F	\$10,500	1
PAT1	PATIO-AVG			240 S.F.	\$1,100	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$930,700	\$250,400	\$1,181,100

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MIDDLE STREET
(PUBLIC - VARIABLE WIDTH)

LOCUS TITLE INFORMATION

78 MIDDLE STREET
 OWNER: R. BLAKE & MARGARET N. WITHERINGTON
 DEED REFERENCE: BOOK 32489 PAGE 147
 ASSESSORS: MAP 16 PARCEL 35

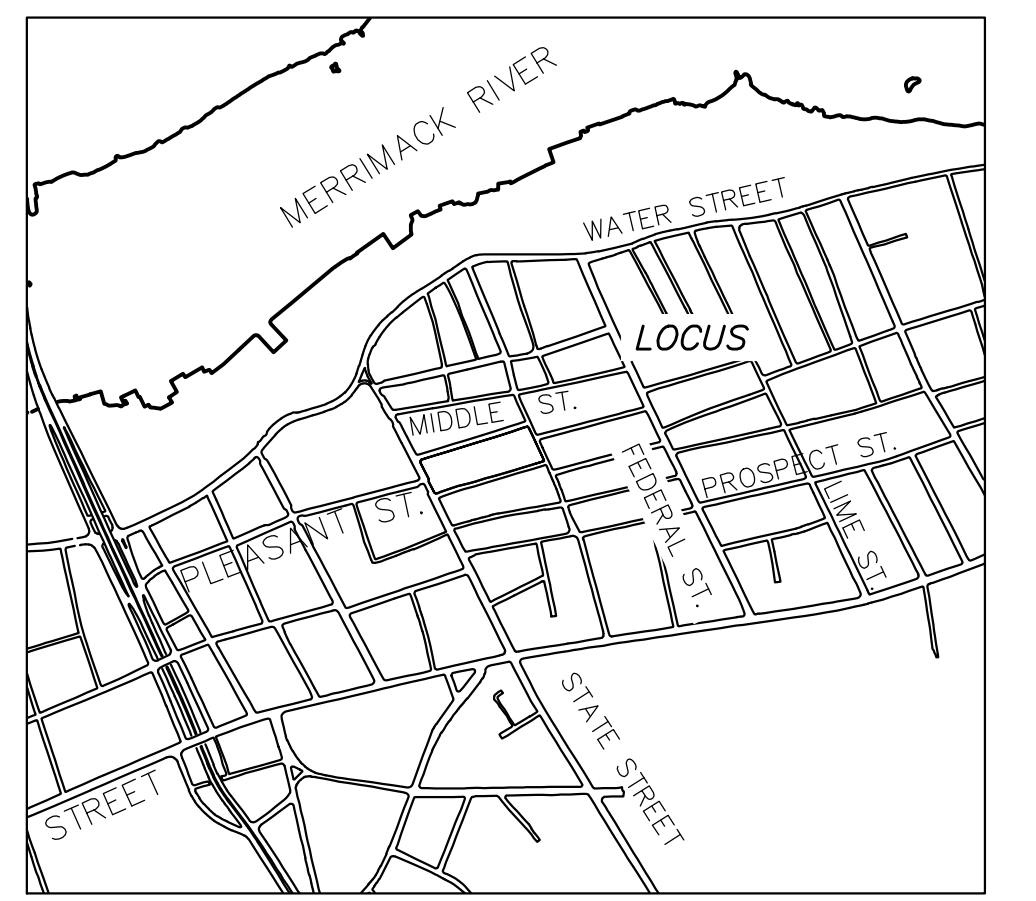
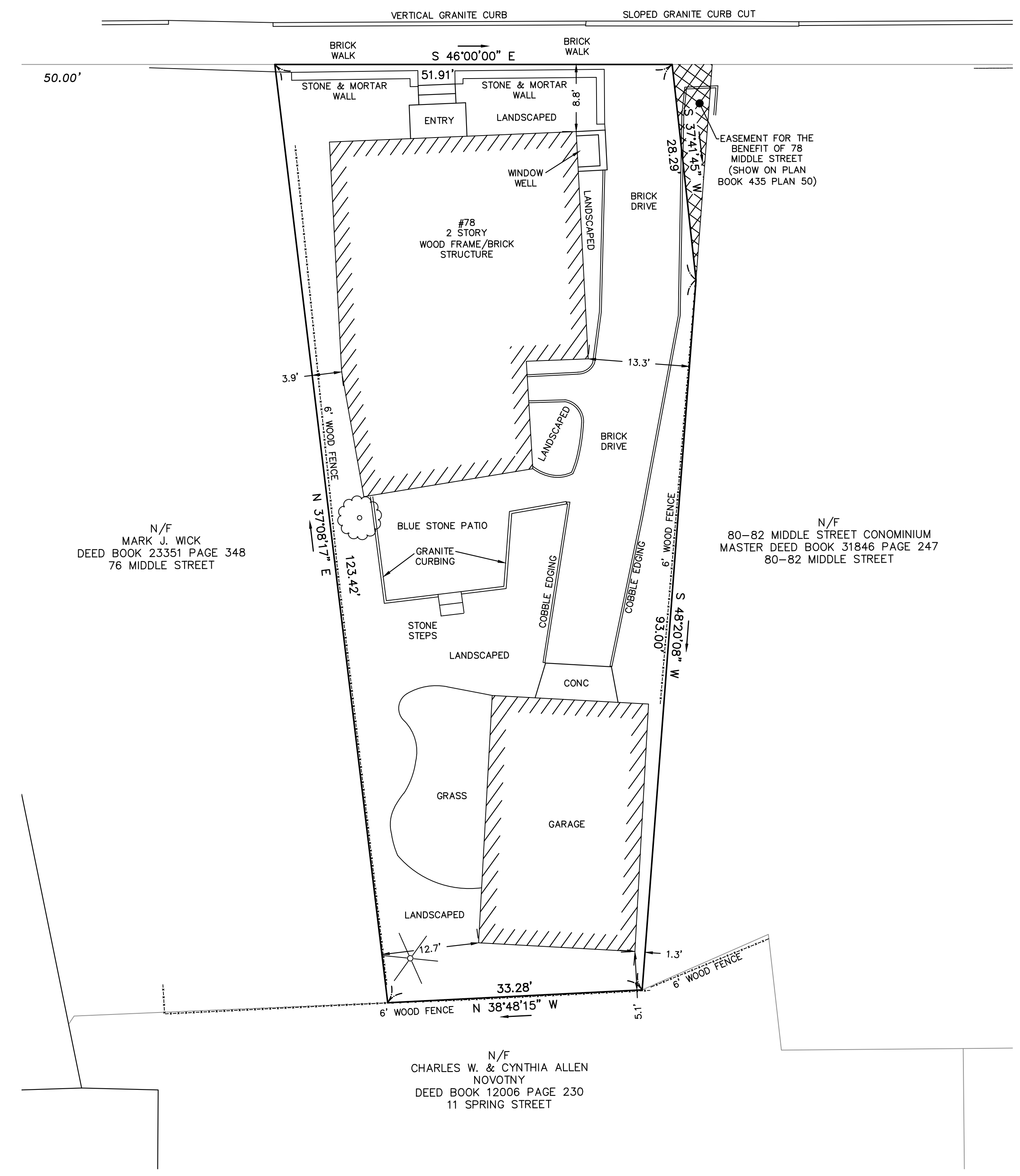
ZONING

RESIDENTIAL (R-3)
 SINGLE-FAMILY (101)

	REQUIRED (SINGLE-FAMILY - 101)	EXISTING (SINGLE-FAMILY - 101)	PROPOSED (SINGLE-FAMILY - 101)
MINIMUM LOT AREA	8,000 SQUARE FEET	5,429 SQUARE FEET	5,429 SQUARE FEET
MINIMUM FRONTAGE	80 FEET	51.91 FEET	51.91 FEET
FRONT SETBACK	20 FEET	8.8 FEET	8.8 FEET
SIDE SETBACK (R)	10 FEET	3.9 FEET	3.9 FEET
SIDE SETBACK (L)	10 FEET	1.3 FEET	1.3 FEET
REAR SETBACK	20 FEET	5.1 FEET	5.1 FEET
MAXIMUM LOT COVERAGE (%)	30%	36.4%	XX%
MAXIMUM HEIGHT	35 FEET	23.3 FEET±	XX FEET
MINIMUM OPEN SPACE	35%	49.0%	XX%
MINIMUM PARKING	2	2+	2+

ON-LINE ZONING ORDINANCES
 CITY OF NEWBURYPORT WEBSITE
<http://www.cityofnewburyport.com/Planning/index.html>
 PLANNING DEPARTMENT - MAIN PHONE 978-465-4400

INFORMATION REGARDING ZONING, INCLUDING PARKING ABOVE, SHOWN HEREON IS NOT INTENDED TO BE A DEFINITIVE ZONING OPINION AND IS FOR INFORMATIONAL PURPOSES ONLY. ALL INFORMATION SHOULD BE VERIFIED BY LEGAL COUNSEL PRIOR TO RELIANCE UPON THE SAME.

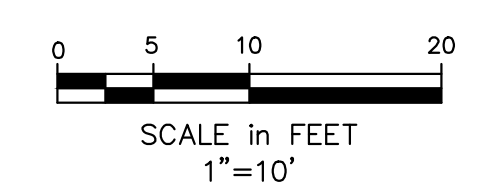


LOCUS
 SCALE 1"=1,000'

NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE LOT AND IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BETWEEN MAY 4, THROUGH MAY 15, 2015.
 OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES.
 TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

P.L.S. _____
 EVERETT J. CHANDLER, P.L.S. MASS. REGISTRATION NO. 41783
 DATE _____



SCALE:
 HORIZ: 1"= 10'
 VERT: _____

NO.	DATE	BY	REVISIONS

FIELD: EC/SS
 CALCS: EC
 CHECKED: EJC
 APPROVED: EJC

CERTIFIED PLOT PLAN

78 MIDDLE STREET

PLAN OF LAND IN
 NEWBURYPORT, MASSACHUSETTS

SURVEYED FOR
 R. BLAKE & MARGARET N. WITHERINGTON

PROJECT NO.
 78MIDDLE
 DATE: MAY 15, 2015
 SHEET NO.
 1 OF 1

