

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

Petitioner: Timothy J. Murphy

Mailing Address: 81 Prospect Street Newburyport, MA 01950

Phone: (617) 999 - 0109 Email: yhprum@gmail.com

Property Address: 81 Prospect Street

Map and Lot(s): 18 - 46 Zoning District: R - III

Book and Page(s): 29722 / 0440

Owner(s) Name: Timothy J. Murphy

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 checked="" type="checkbox"/> Open Space | <input type="checkbox"/> Footprint Expansion |
| <input type="checkbox"/> Height | <input type="checkbox"/> Height Increase |
| <input type="checkbox"/> Lot Area | |
| <input checked="" type="checkbox"/> Rear Yard | |
| <input checked="" type="checkbox"/> Lot Coverage | |
| <input checked="" type="checkbox"/> Side Yard | |
| <input type="checkbox"/> Lot Frontage | |
| <input type="checkbox"/> Front Yard | |

(Refer to the Building Permit Denial as supplied by the Building Commissioner/Zoning Codes Administrator)

Description of request:

Add 1-story mudroom off the back of the Kitchen. Mudroom will have an enclosed staircase up to the new family room located on 2nd floor of existing Garage. Project will also include a re-design of the current egress stairs from the 3rd floor unit down to ground.

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	3950	19%	34%	N/A	32.3	46	6	4	1.5	6.6	11.8
Proposed	3950	17%	39%	N/A	32.3	46	6	4	1.5	6.6	11.8
Required	12,000	35%	30%	N/A	35	100	4	20	10	10	20

*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**
942	3	2698	102

Proposed Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
Mudroom - 215 sq ft	1	2913	102
Great Room - 400 sq ft	1	3313	

**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):

OFFICE OF THE BUILDING COMMISSIONER/ZONING CODE ENFORCEMENT OFFICER

ZONING DENIAL

City APR#: 57

Name: Timothy Murphy

Address: 81 Prospect St.

Zoning District: R-III

Request: Add mudroom and convert 2nd floor garage to living space Requiring Relief

ZONING BOARD

Dimensional Variance

- Dimensional Controls (VI)
Lot Area, Open Space, Front Yard, Lot Frontage, Height, Side Yard, Lot Coverage, Lot Width, Rear Yard
PIOD (XXI) FAR, 2 1/2 stories
Parking (VII)

Use Variance

- Not permitted use (V)

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)

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 s.f. increase (IX.B.3.c)
Plum Island Overlay District (XXI-G-3)
FAR, Height Increase, Footprint Expansion, # of bedrooms

PLANNING BOARD

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

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION

- Demo. Delay, Advisory Review

CONSERVATION COMMISSION

CITY COUNCIL

- GACM (X.H.9)

8/21/17

Date

[Signature]

Building Commissioner/Zoning Code Enf. Officer

Timothy J Murphy

81 Prospect Street
Newburyport, MA 01950
(617) 999-0109
yhprum@gmail.com

15th August 2017

Peter Binette

Building Commissioner, City of Newburyport
60 Pleasant St
Newburyport, MA 01950

Mr. Binette,

I am writing to you in order to request a building permit for an addition to the existing structure at 81 Prospect Street, Newburyport MA. It is our goal to construct a mudroom adjacent to our kitchen located in the back of our home in relation to the street.

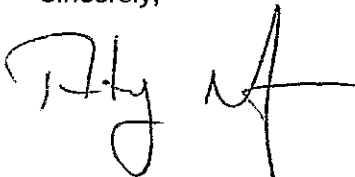
The mudroom addition would total an estimated 194 square feet. This minor addition will greatly improve the quality of life for our family of 6.

This mudroom addition would also connect the existing home to our detached garage. In connecting our home to the detached garage via the mudroom addition we intend to access space above the garage in order to create a playroom for our expanding family.

Attached are the plot layout of 81 Prospect St with the proposed addition plans. All drawings are to scale.

I appreciate your time and efforts in responding to this request.

Sincerely,



Timothy J Murphy

RECEIVED

AUG 15 2017

CITY OF NEWBURYPORT
BUILDING DEPARTMENT

**City of Newburyport
Building Department
ZONING MATRIX**

Applicant Name Timothy J. MURPHY
 Property Address 81 PROSPECT STREET
 Date 8/3/17
 Use Code #102 R-3/B-3 (TWO-FAMILY)
 Zoning District R-3/B-3

	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls	Notes
Lot Area	3950 SQ FT	3950 SQ FT	12,000	
Frontage	46 ft	46 ft	100	
Height*	35 ft	35 ft	35	
Lot Coverage (%) **	38%	42%	30%	
Open Space (%) ***	33%	29%	35%	
Front Setback	14 ft	14 ft	20	
Side A Setback	5 ft	5 ft	10	
Side B Setback	6.5 ft	6.5 ft	10	
Rear Setback	12 ft	12 ft	20	
Parking Spaces	6	6	—	
FAR [^]				

*Height is measured from the mean grade elevation to the mean roof elevation.

**Lot coverage is the percentage of lot area devoted to building area. Divide the total building area by the lot size. This includes all accessory structures.

***Open Space is the space on a lot unoccupied by buildings, driveways, or parking areas. Decks, patios, and pools may be considered as open space. Total all building and parking areas and divide by lot size. Proceed to subtract that number from 100%. The result is open space percentage.

[^]FAR is only applicable to the Plum Island Overlay District (PIOD). Divide the total gross floor area of a building (regardless of usable area) and divide by lot size.

Total additional square footage: 194 SQ FT

81 PROSPECT ST - PLOT

44 ft

Total Sq. Ft - 3960 sq. ft.

Rear

20'

400 Sq. ft
conversion

20'

MUDROOM
ADDITION

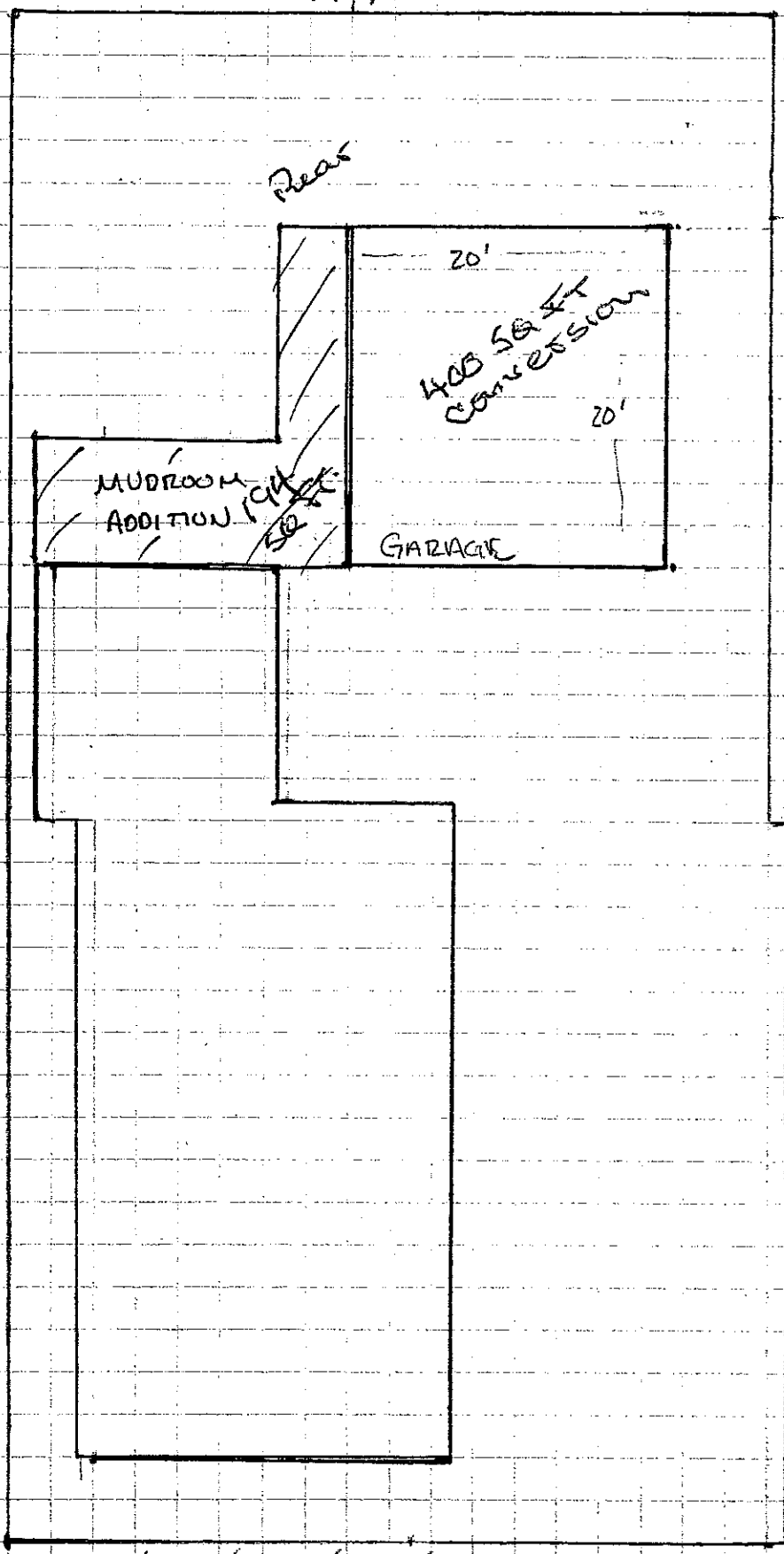
GARAGE

Side
A

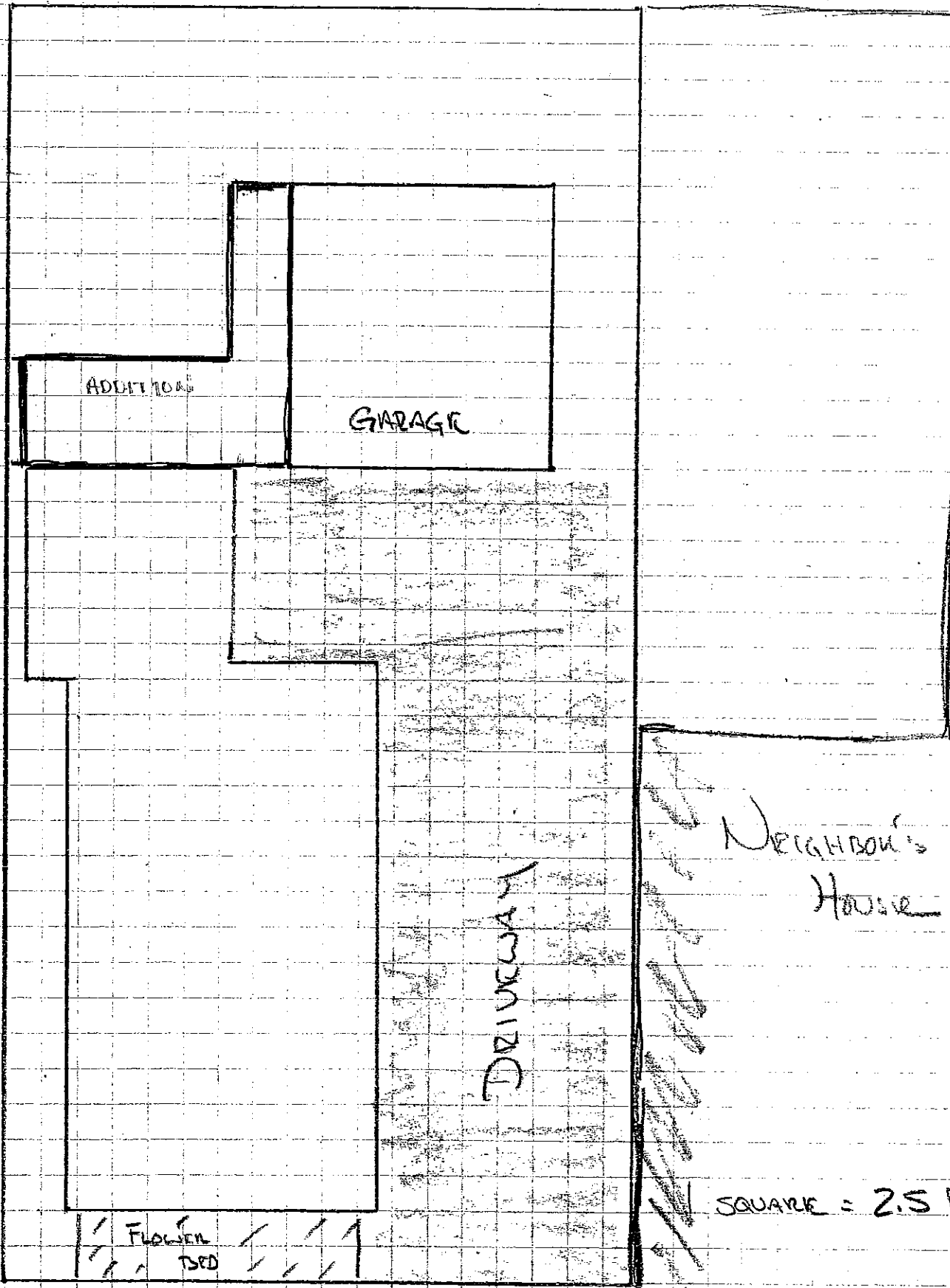
#6

1 SQUARE = 25 ft

SIDEWALK



81 P. PROSPECT ST - PLOT



ADDITION

GARAGE

DRIVEWAY

FLOWER BED

SIDEWALK

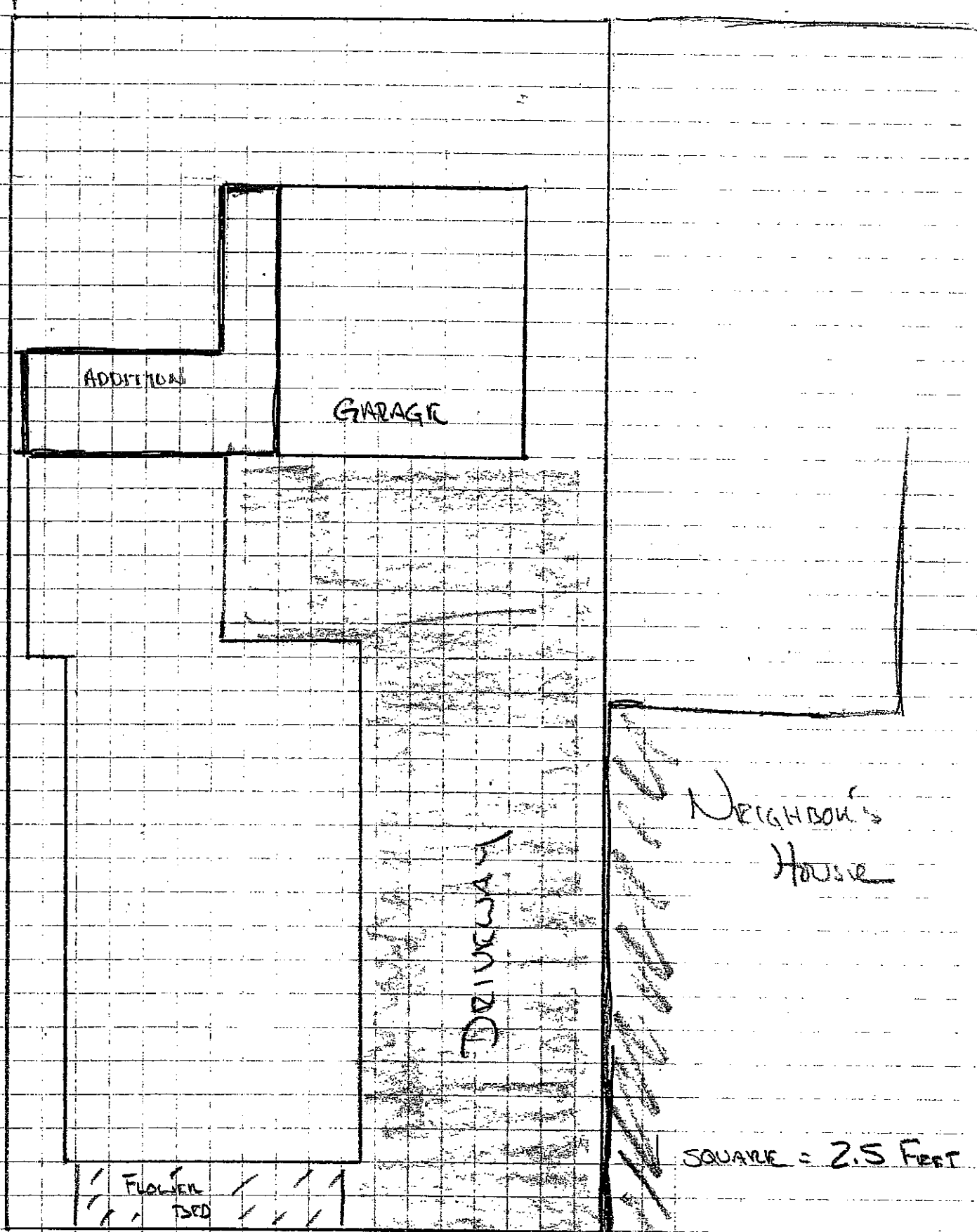
NEIGHBOR'S HOUSE

SQUARE = 2.5 FEET

NEIGHBOR'S DRIVEWAY

81 PProspect St - Plot

NEIGHBOR'S DRIVEWAY



ADDITIONAL

GARAGE

DRIVEWAY

NEIGHBOR'S HOUSE

FLOWER BED

SQUARE = 2.5 FEET

SIDEWALK

Special Permit for Non-Conformities application - MEMO 81 Prospect Street

a.) Please identify the particular use existing or proposed for the land or structure.

The proposed structure meets two specific needs for our growing family.

The first component of our proposed addition focuses on the creation of a mudroom with a primary focus on increasing storage in our home. Currently, we have one closet on the first floor to meet the needs of six people. We desperately need additional storage space for coats, boots, winter gear, sports equipment, etc...

The second component of our proposal effectively connects the detached garage already in place on our property to the main living structure. The second story of the detached garage is an unfinished 'great room' that will be developed into a family room to meet the needs of our expanding family of 6.

b) Please identify the particular respect or respects in which the existing structure or use does not conform to the requirements of the present zoning.

Primary respects in which the existing structures do not conform to the requirements of present zoning focus on

1. Lot Area
2. Frontage
3. Lot Coverage (%)
4. Open Space (%)
5. Front Setback
6. Side A Setback
7. Side B Setback
8. Rear Setback

c) Please identify whether the proposed use, extension, alteration, or addition would intensify the existing non-conformities or result in additional ones.

The proposed addition would intensify non-conformities of

1. Lot Coverage (%)
2. Open Space (%)
3. Setback (Rear, Side)

d) Please identify the facts relied upon to support the Special Permit for Non-Conformities that the proposed use, extension, alteration or addition shall not be more detrimental than the existing.

The proposed addition shall not be more detrimental than the existing structure as the entire addition will be constructed off the back of the home, to left of the existing garage structure, where the mudroom addition is out of sight lines from street view. The mudroom addition will be constructed within the footprint of the existing 3rd floor apartment egress staircase, thus not taking away from the outdoor space/patio. The multi-level garage structure is already in place on our property and the footprint of that structure will not intensify the non-conformity of our property.

81 PROSPECT ST

Location 81 PROSPECT ST

Mblu 18/ 46/ //

Owner MURPHY TIMOTHY J

Assessment \$575,500

PID 733

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$343,100	\$232,400	\$575,500

Owner of Record

Owner MURPHY TIMOTHY J

Sale Price \$460,000

Co-Owner ASHLEY E CONLEY J/T

Certificate

Address 81 PROSPECT ST

Book & Page 29722/0440

NEWBURYPORT, MA 01950

Sale Date 08/30/2010

Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MURPHY TIMOTHY J	\$460,000		29722/0440	00	08/30/2010
HOBSON JASON L	\$530,000		26432/0099	1S	12/29/2006
WELLS FARGO BANK	\$525,547		25778/0335	1L	06/15/2006
POLLARD BRUCE J	\$0		16275/0080	1A	04/04/2000
POLLARD BRUCE J TRS	\$75,000		08026/0500	1A	12/04/1985

Building Information

Building 1 : Section 1

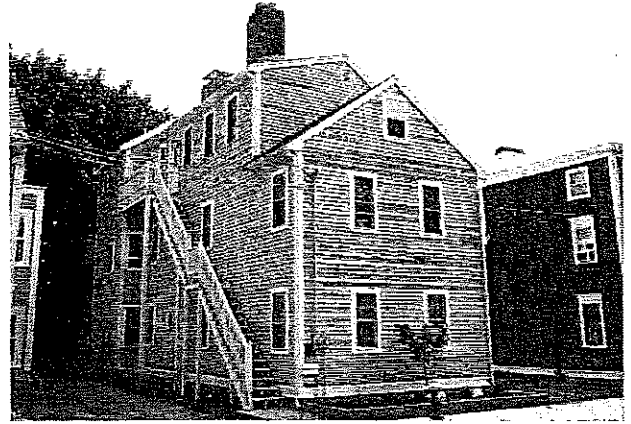
Year Built: 1700

Living Area: 2,698

Building Attributes	
Field	Description
Type	Family Conver.
Model	Residential
Stories:	3 Stories
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	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	4 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	8 Rooms
Bath Style:	Average
Kitchen Style:	Old Style

Building Photo



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

Building Layout



Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
FUS	Upper Story, Finished	1,724	1,724	
BAS	First Floor	942	942	
FAT	Attic	160	32	
UBM	Basement, Unfinished	942	0	
WDK	Deck, Wood	188	0	
		3,956	2,698	

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
	FIREPLACE 2 ST	2 UNITS	\$7,200	1

Land

Land Use

Land Line Valuation

Use Code 1040

Size (Acres) 0.09

Description TWO FAMILY

Depth 0

Zone R3

Assessed Value \$232,400

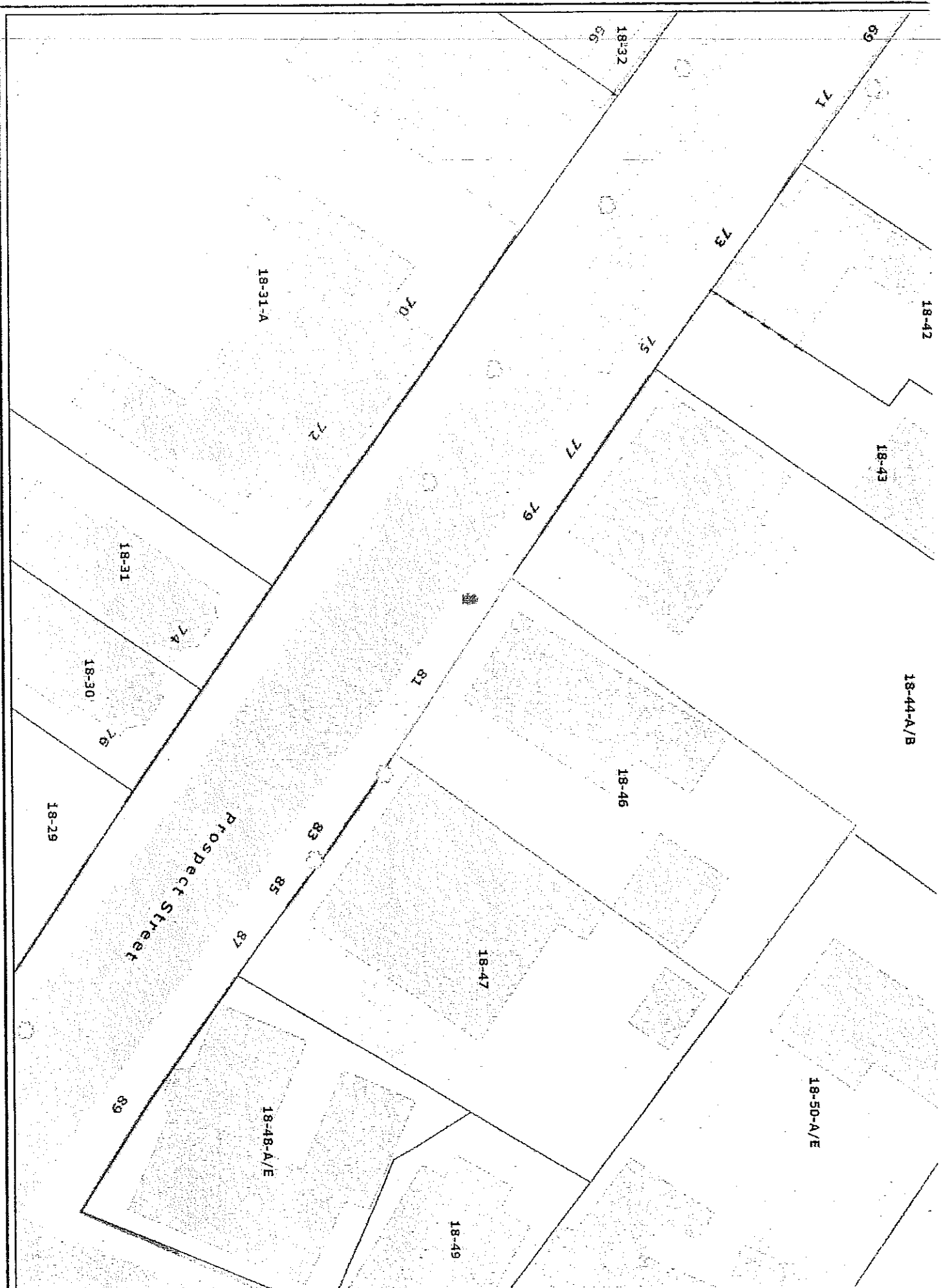
Our Buildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR5	W/LOFT GOOD			400 S.F.	\$15,800	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$298,600	\$221,300	\$519,900

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69

71

18-32
66

18-42

18-43

18-44-A/B

73

75

77

79

18-31-A

70

72

18-31

74

18-30

76

18-29

81

18-46

Prospect Street

83

85

87

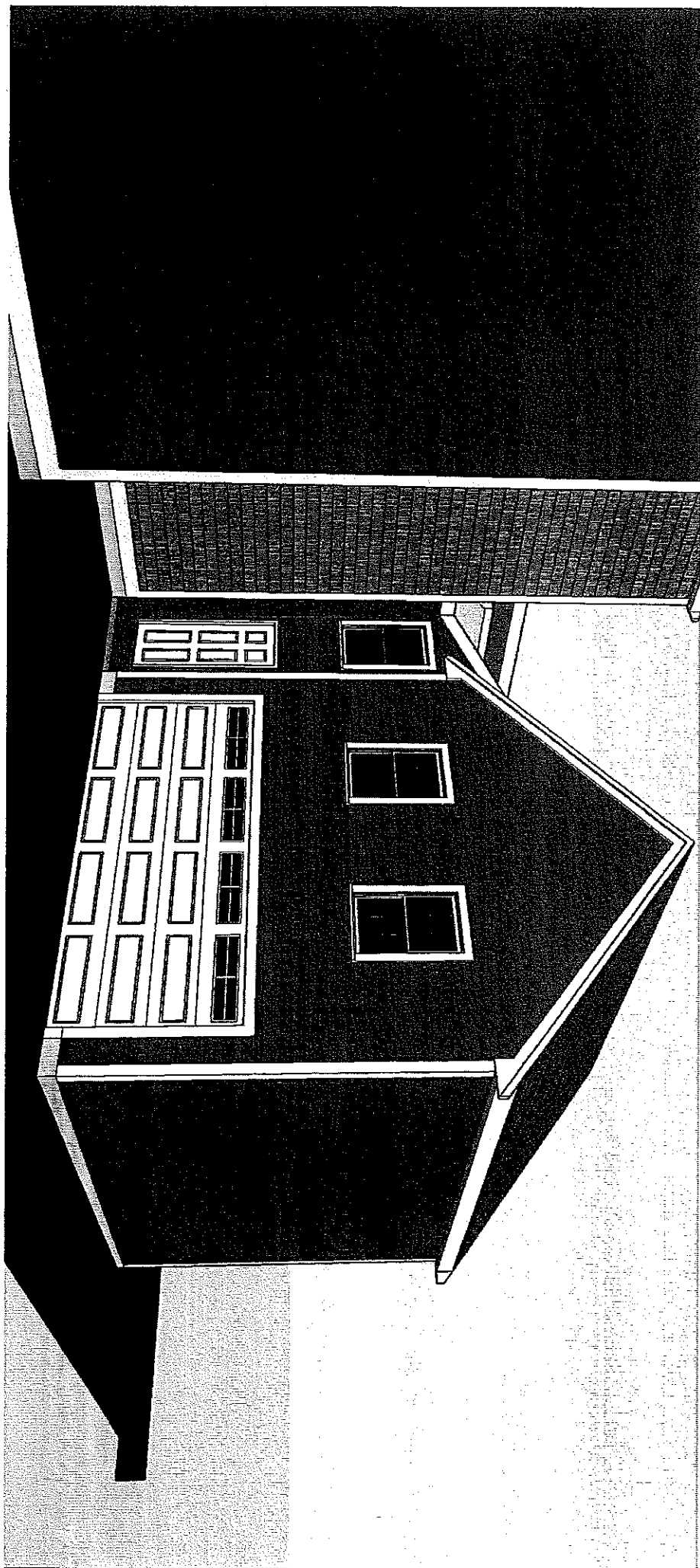
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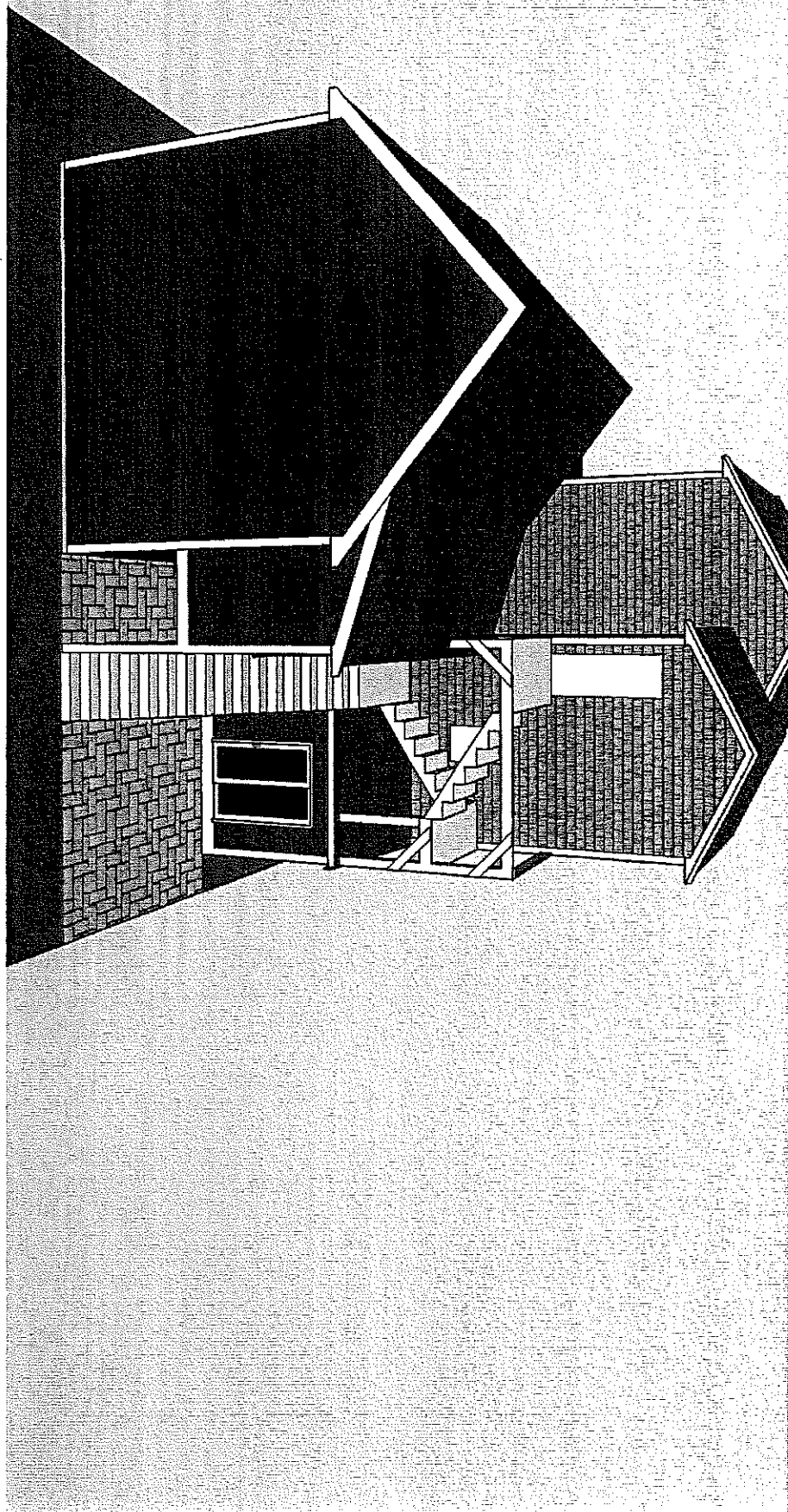
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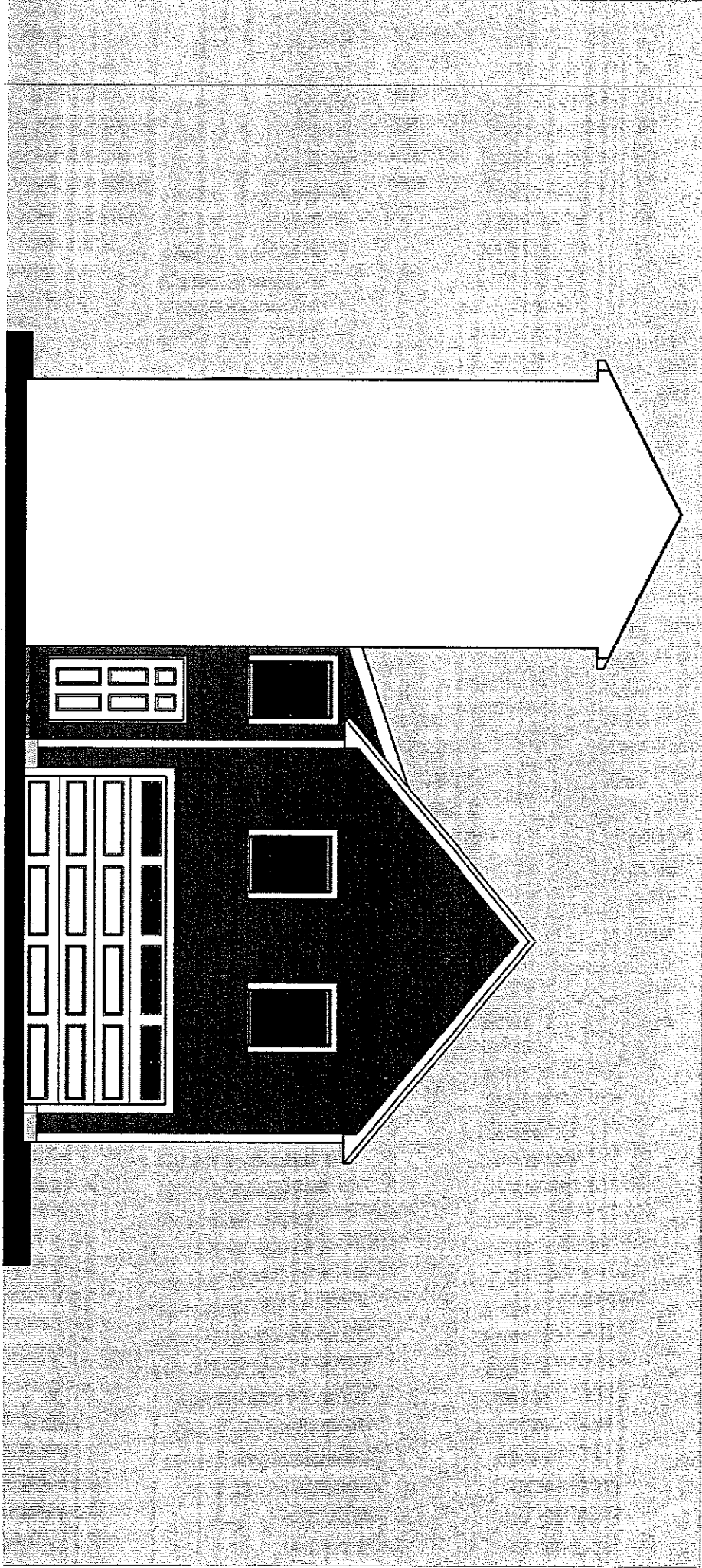
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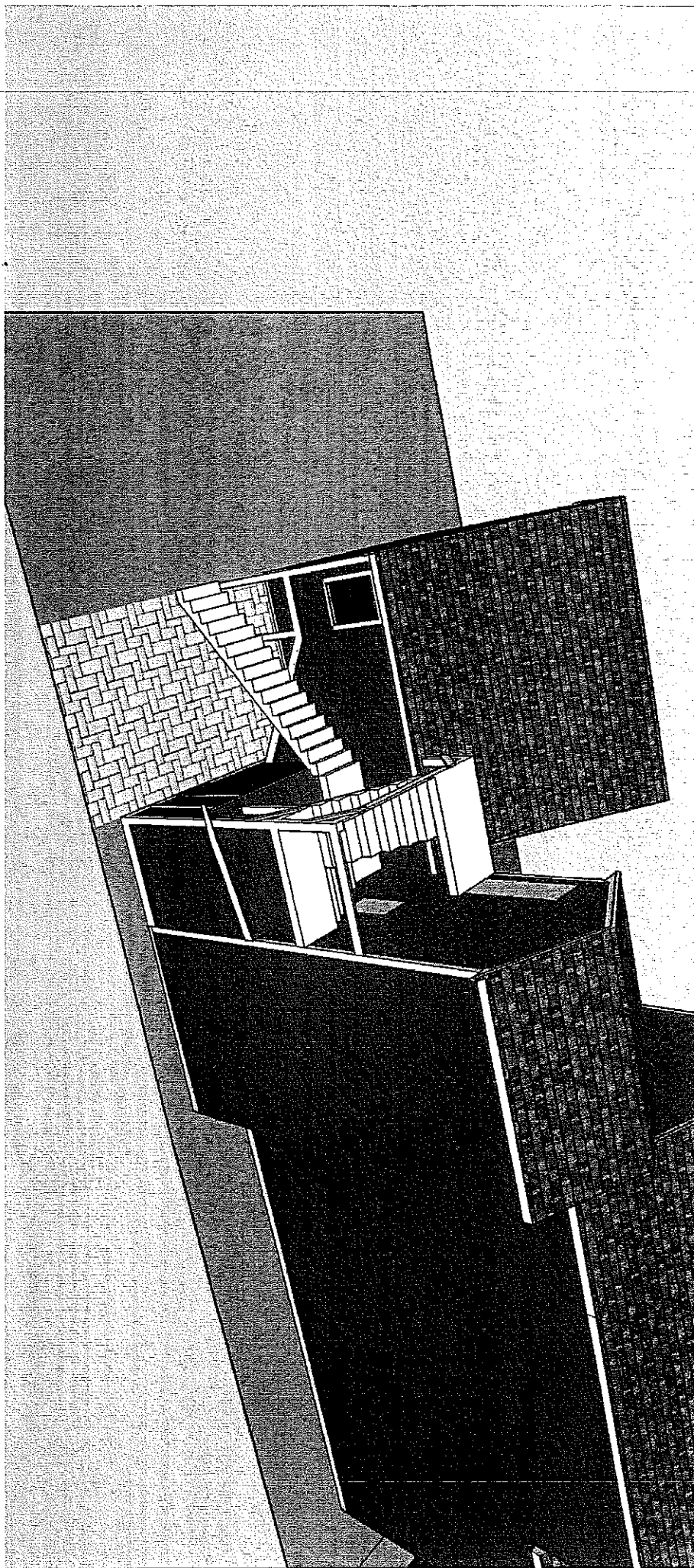
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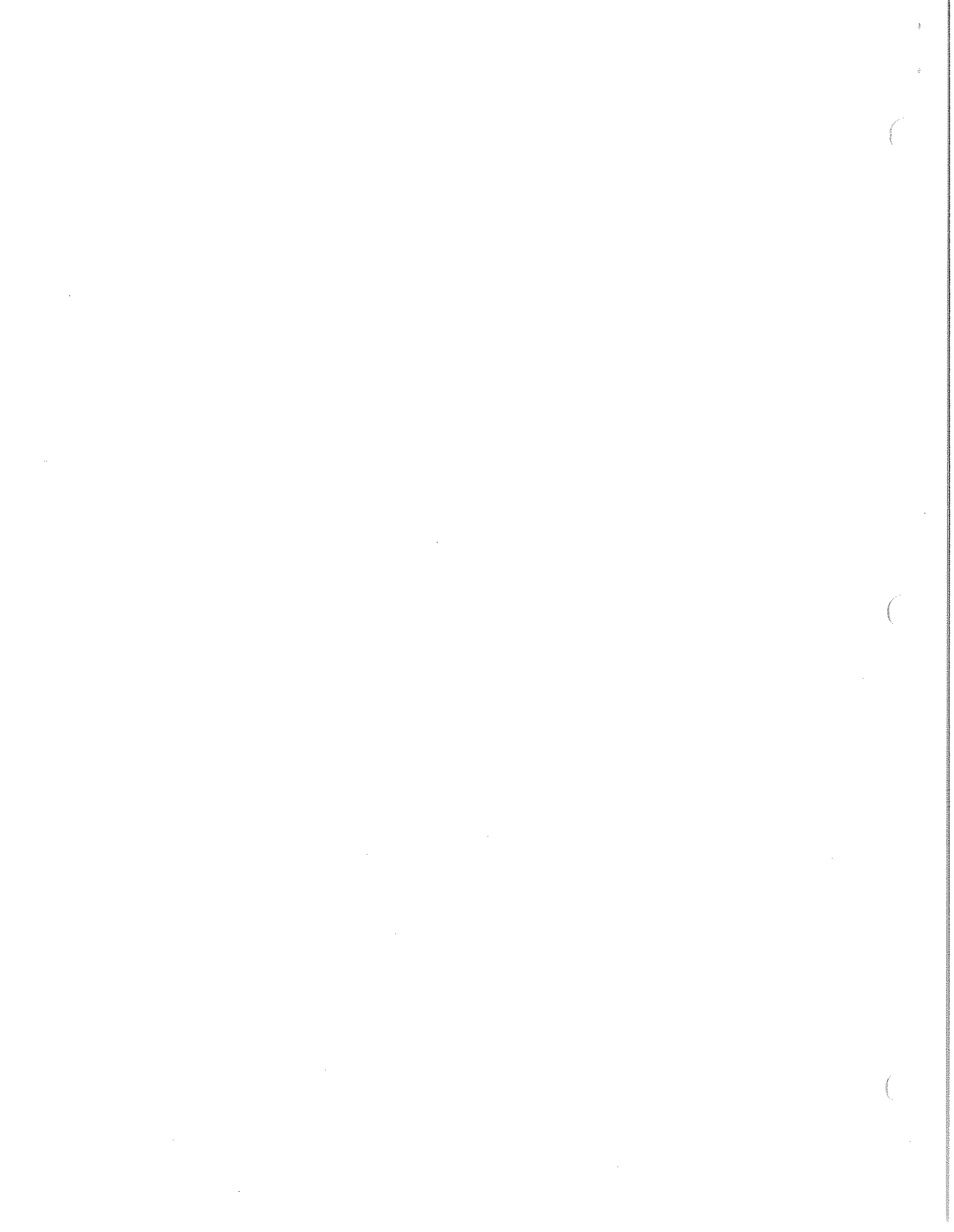
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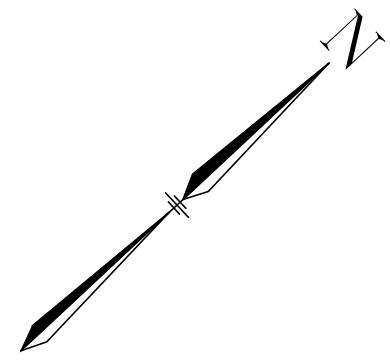




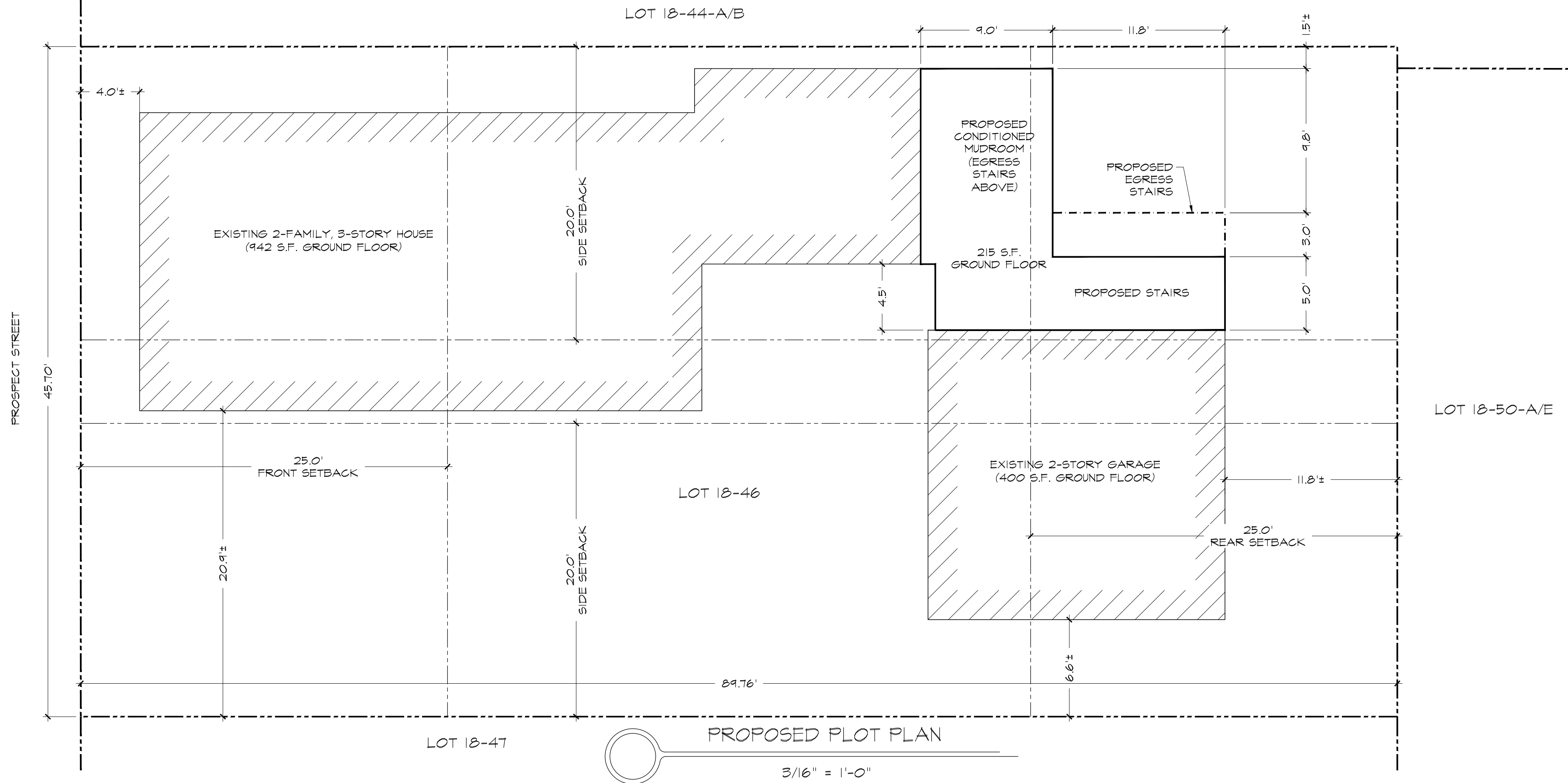
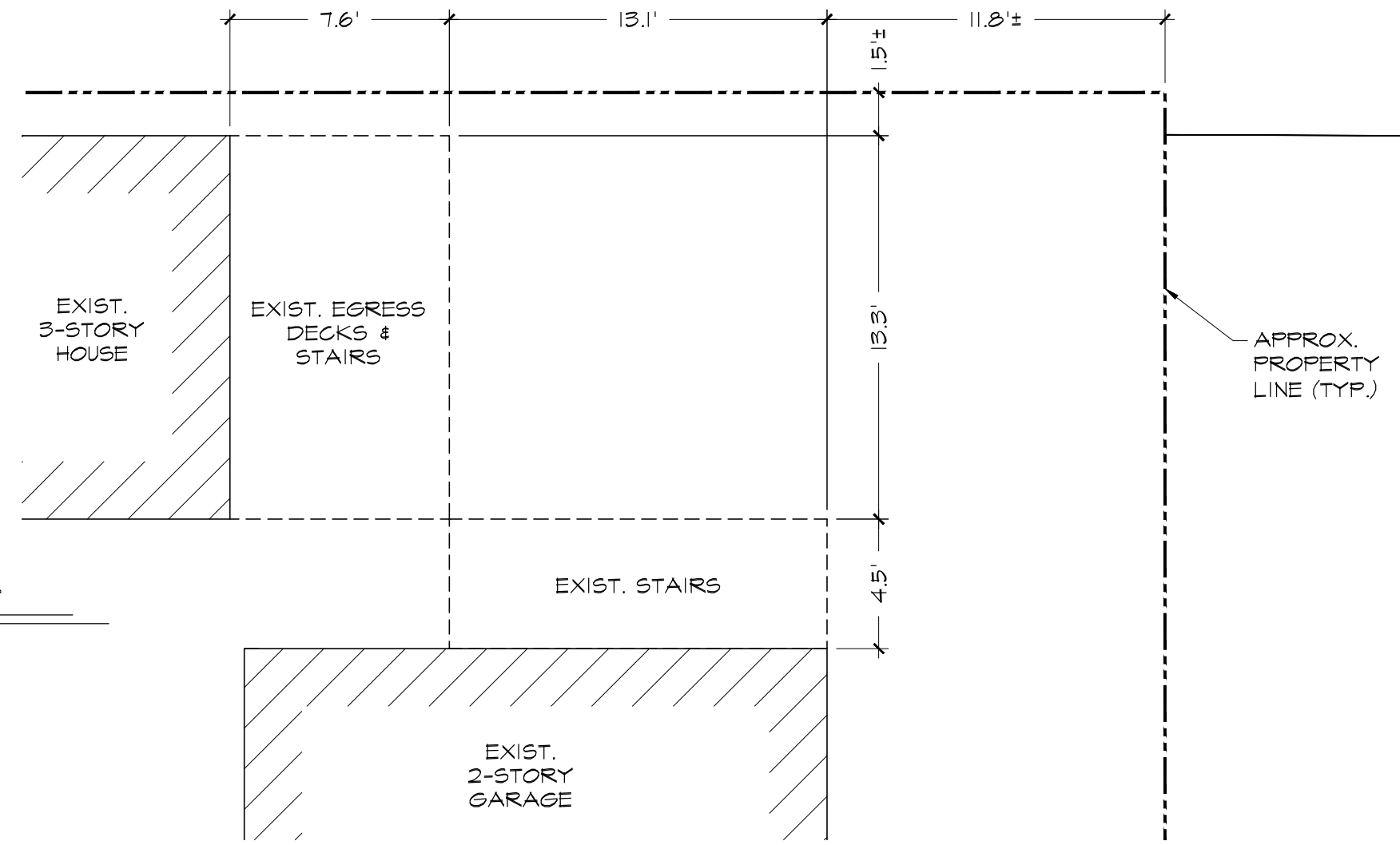
GENERAL NOTES

OWNER: TIM & ASHLEY MURPHY
 81 PROSPECT ST
 NEWBURYPORT, MA

ZONE: R-2 (DEMOLITION CONTROL OVERLAY DISTRICT)
 LOT AREA: 3,950SF



PARTIAL EXIST. PLOT PLAN
 3/16" = 1'-0"



PROPOSED PLOT PLAN
 3/16" = 1'-0"

PROJECT:
 THE MURPHY RESIDENCE
 81 PROSPECT STREET
 NEWBURYPORT, MASSACHUSETTS

DRAWING DATED: MARCH 15, 2018

DISCLAIMER: THE GENERAL CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR USE OF THIS PLAN OR THEREOF. THIS PLAN PROVIDED DOES NOT COVER ALL ASPECTS OF BUILDING THIS HOUSE. THE GC SHALL COORDINATE ANY SITE WORK TO BE DONE. THE GC SHALL RESEARCH ZONING AND SITE LIMITATIONS PRIOR TO START OF CONSTRUCTION. THE GC SHALL COORDINATE/OVERSEE ALL CONSTRUCTION.

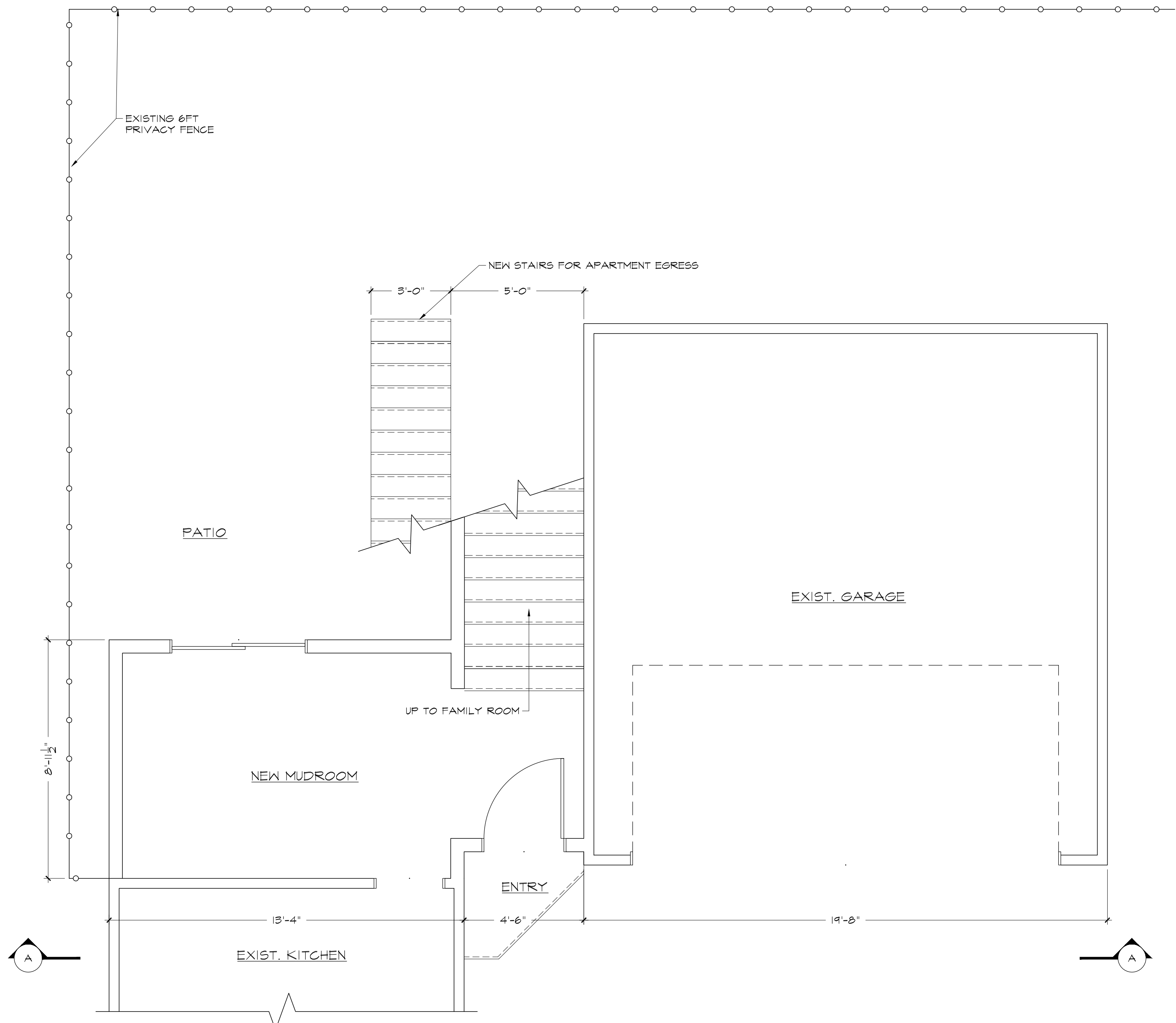
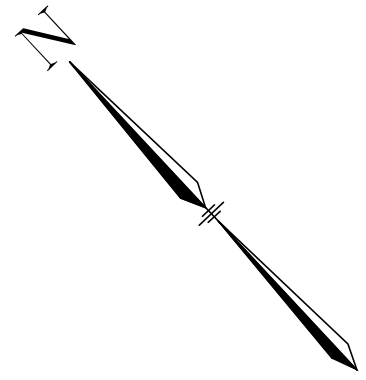
PREPARED BY:
 VIOLET HILL DESIGN, LLC
 VIOLETHILLDDESIGN.COM

PROJECT #: 201803

SHEET: C-1

THIS DRAWING SCALES AS NOTED WHEN PRINTED ON 18"X24" PAPER (ARCH C).

THIS DRAWING SCALES AS NOTED WHEN PRINTED ON 18"X24" PAPER (ARCH C).



EXISTING 6FT
PRIVACY FENCE

NEW STAIRS FOR APARTMENT EGRESS

3'-0" 5'-0"

PATIO

EXIST. GARAGE

UP TO FAMILY ROOM

NEW MUDROOM

ENTRY

EXIST. KITCHEN

8'-11 1/2"

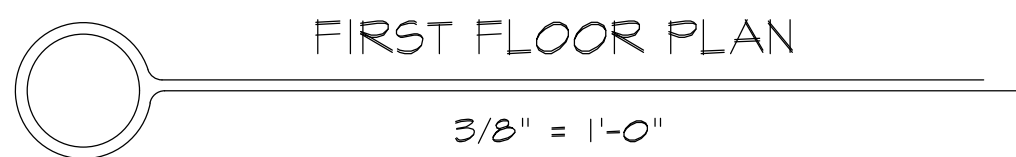
13'-4"

4'-6"

19'-8"

FIRST FLOOR PLAN

3/8" = 1'-0"



PROJECT: THE MURPHY RESIDENCE
81 PROSPECT STREET
NEWBURYPORT, MASSACHUSETTS

DRAWING DATED: MARCH 15, 2018

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PREPARED BY:
VIOLET HILL DESIGN, LLC
VIOLETHILLDESIGN.COM

PROJECT#: 201803
SHEET:
A = 1



PARTIAL FRONT ELEVATION
SECTION A-A

3/8" = 1'-0"

PROJECT: THE MURPHY RESIDENCE
81 PROSPECT STREET
NEWBURYPORT, MASSACHUSETTS

DRAWING DATED: MARCH 15, 2018

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PREPARED BY:
VIOLET HILL DESIGN, LLC
VIOLETHILLDISEGN.COM

PROJECT #: 201803

SHEET:

A-2