

To: The Zoning Board of the City of Newburyport
From: John and Joellen Pelletier
Re: Memo regarding non-conformances for 11 Coffins Ct.
Date: 9/6/2018

We wish to thank you for your review of our application for a Special Permit for the extension or alteration of the below existing non-conformances. This memo addresses the required points per Section 1.c. of the special permit application to which this memo is attached.

1.c.(a.)

The existing use of the property is a single-family residence. The intended use will remain single family.

1.c.(b. and c). The particular respects in which the existing structure or lot does not conform to the present zoning, and the rationale that we are not creating new non-conformances, are as follows.

- **Front setback: >75' required; existing house - 0.9'; "established front yard setback" allows for ~5'.**

The existing dwelling is just 0.9' from the front lot line. Zoning requires front setbacks to be between the "established front yard setback" and 75' in the HSR-A district. The proposed 8' setback of the front porch meets these requirements. Therefore, the proposed location of the new dwelling will lessen the existing non-conformance, and will actually bring it into conformance.

- **Rear setback: >300' required; existing detached garage - 5.6'.**

By definition, all lots on Coffins Ct. violate the new rear yard setback requirement under the new HSR-A district.

The detached garage does not meet the dimensional requirement to be defined as an "accessory structure", (Its length is 28'2", exceeding the max. of 24'.) It creates an existing nonconforming setback at 5.6' from the rear lot line. We propose to locate the new house ~16.5' from the rear lot line, in effect reducing the existing non-conformance by increasing this setback by an additional ~11'.

- **Percent Coverage: <12% required; existing is 12.2%**

The coverage of the existing house and garage total 12.2%. The requirement is 12% in the HSR-A. The new house, attached garage and existing detached garage (to be moved) will remain non-conforming and will extend the existing non-conformity, but not create a new one.

- **Percent Open Space: >85% required; existing is 82.9%**

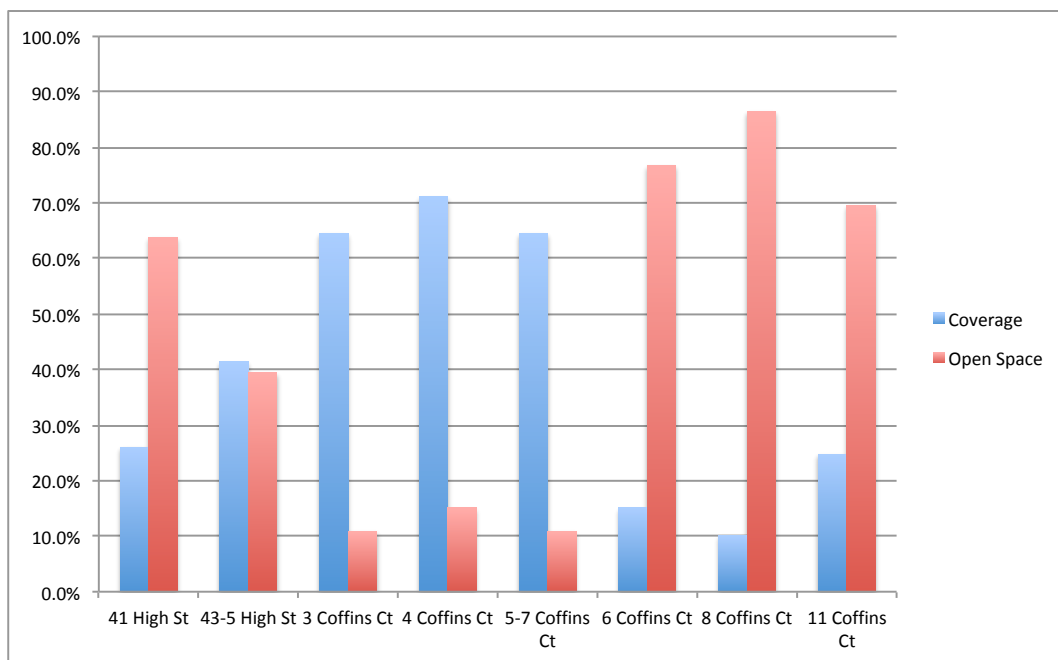
The existing open space is 82.9%, below the required 85%. The proposed plan will extend the existing non-conformity but not create a new one.

- **Lot area: 60,000 >s.f. required; existing is 11,697**

The lot area is non-conforming, but we are not proposing to change the lot area. This non-conformity is not being extended.

1.c.d. We relied upon the existing Assessors Online Database and made the following assessments, supporting that the proposed extensions to open space and coverage will not be more detrimental than the existing conditions:

- At 69.5%, the open space at 11 Coffins Ct. will be well above the average of 46.6% for the street and positions it at #3 out of 8 for the greatest open space on the lot.
- At 24.8%, the coverage at 11 Coffins Ct. will still be well below the average of 39.7% positions it at #3 out of 8 for the lowest coverage.
- The rear yard setback will be increased, reducing the non-conformance from 5.6' to >16'.
- The front yard setback will be increased, fitting the definition of “established front yard setback, correcting the non-conformance.



	Open Space	Coverage
41 High St	63.9%	26.0%
43-5 High St	39.4%	41.4%
3 Coffins Ct	10.9%	64.5%
4 Coffins Ct	15.1%	71.2%
5-7 Coffins Ct	10.9%	64.5%
6 Coffins Ct	76.7%	15.1%
8 Coffins Ct	86.4%	10.1%
11 Coffins Ct	69.5%	24.8%

Therefore, we respectfully submit that the proposed alterations to existing non-conformances are not more detrimental to the neighborhood than the preexisting non-conformances because the proposal lessens or corrects two out of four of the existing non-conformance and the remaining two that are being extended remain significantly less non-conforming than the other properties on the street.