

**City of Newburyport Zoning Board of Appeals
Application for a VARIANCE**

Petitioner: Joel and Marybeth Martens

Mailing Address: 50 Bayberry Road Newburyport, MA 01950

Phone: 978-255-2840 Email: mjmartens2010@gmail.com

Property Address: 50 Bayberry Road Newburyport, MA 01950

Map and Lot(s): _____ Zoning District: R1

Book and Page(s): _____

Owner(s) Name: Joel and Marybeth Martens

Mailing Address (if different): _____

The petitioner is requesting a Variance from section(s):
(Refer to the Zoning Determination form supplied by the Zoning Administrator)

- | | |
|---|---|
| <input type="checkbox"/> Dimensional Controls (VI) | <input type="checkbox"/> Parking (VII) |
| <input type="checkbox"/> Lot Area <input checked="" type="checkbox"/> Front Yard
<input type="checkbox"/> Open Space <input type="checkbox"/> Side Yard
<input type="checkbox"/> Lot Coverage <input type="checkbox"/> Rear Yard
<input type="checkbox"/> Height <input type="checkbox"/> Lot Width
<input type="checkbox"/> Frontage | <input type="checkbox"/> PIOD (XXI)
<input type="checkbox"/> FAR
<input type="checkbox"/> 2 ½ stories
<input type="checkbox"/> Footprint expansion |
| <input type="checkbox"/> Modification of existing variance (please attach) | <input type="checkbox"/> Other: _____ |

Request:

We are requesting a variance to allow us to expand our home towards Turkey Hill Road to build an in-law apartment for Marybeth's disabled mother, Maureen Vultaggio. Marybeth's father would also reside in the in-law and requires assistance to care for Maureen.

All information contained within this application will become a formal part of the Zoning Board of Appeals proceedings and decision.

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	Existing Dimensional Controls	Proposed Dimensional Controls	Required Dimensional Controls
Lot Area	11130sf	11,130sf	20,000sf
Frontage	87.34'	87.34'	125'
Height*	14'-6"	24'7"	30'
Lot Coverage (%)**	10%	22%	20%
Open Space (%)***	83%	79%	50%
Front Setback	31'-10"	31'-10"	30'
Side A Setback	39'-10"	21'-5"	30'
Side B Setback	26'-6"	26'-6"	20'
Rear Setback	31'-10"	31'-10"	30'
Parking Spaces	2	3	3
FAR****	N/A	N/A	N/A

*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.

By checking this box and typing my name below, I am electronically signing this application.

Joel Martens Marybeth Martens

Petitioner

By checking this box and typing my name below, I am electronically signing this application.

Owner (if different)

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# 2020-045

Name: Marybeth nd Joel Martens

Address: 50 Bayberry Road, Newburyport MA Zoning District(s): R1

Request: Construct an in-law suite attached to a single family property. The addition will project in to the required front yard setback at the non primary front yard on a corner lot.

ZONING BOARD REVIEW REQUIRED

Variance

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

Sign Variance

- Signs (VIII)
 - Type
 - Lighting
 - Size
 - 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
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
 - Rear Yard
 - Lot Coverage
 - Side Yard
 - Lot Frontage
 - Front Yard
- Over 500 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G)
 - FAR
 - Lot Coverage
 - Height
 - 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
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
 - Rear Yard
 - Lot Coverage
 - Side Yard
 - Lot Frontage
 - Front Yard
- 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

The name typed below represents the intent to sign the foregoing document:

Jennifer T. Blanchet

6/16/2020

Newburyport Zoning Administrator

Date

July 20, 2020

To the Attention of the City of Newburyport Zoning Board of Appeals:

This is a request for a Variance for 50 Bayberry Road due to a denied Zoning Determination, which stated the addition of an Accessory Unit, previously In-Law Apartment, will project into the required front yard setback at the non primary front yard. We are requesting a Variance because if 50 Bayberry Road was not a corner lot the addition of the unit would not have impeded on a regulatory side set-back. The purpose of the In-Law apartment is so that a Newburyport involved family can provide close care to their father and mother, whom the latter possesses multiple physical disabilities.

50 Bayberry Road is a single family home occupied by a growing family. The circumstance that is unique to this lot is that it is a corner lot. With the addition of the In-Law apartment, on the Turkey Hill Road side of the home, the proposed set-back is projected to be 21'5". Regulatory side set-back standards are 20', if this house was not on a corner lot the addition would have met the side set-back requirements. Since 50 Bayberry Road is considered to have two front yard set-backs we are requesting the Board of Appeals to allow the addition based on a regular single family home plot in the R1 District which would have a side yard set-back on both sides of the house.

The sole purpose for the addition of an in-law apartment is to allow Marybeth and Joel Martens, owners, the ability to aid in the care of Marybeth's disabled mother. Due to the nature of the physical disabilities Marybeth's mother suffers from she requires a one floor unit with accessibility to the main house. Marybeth's father needs assistance with the level of care given to his wife and by adding onto the existing house this would allow for Marybeth and Joel to be accessible and available for immediate assistance. Strict application of the ordinance would deprive the Martens family of reasonable use of the lot, as there is sufficient space to build the unit and if the lot was considered to not have two front yards the side yard set-back requirements would be met. Allowing the use of the projected space would provide a safe and custom built unit to meet the family's needs.

When 50 Bayberry Road was purchased in 2015 the side yard had been cleaned out of overgrown trees and plants and old tree stumps to allow the Martens family more yard space and to improve the aesthetics of the corner lot. This is not a unique situation for families and we consider ourselves lucky to be able to offer and act upon the support needed to care for Marybeth's mother. Had we known the need would arise and our home would not meet the city's requirements we may have looked for a different home, but we love our home and our neighborhood and we want to be able to raise our children and care for our parents at 50 Bayberry Road.

The neighborhood is a family friendly area where multiple generations live together. By allowing the Variance it would not grant special privilege. It will provide a family the ability to live in a manner where support and care can be provided any time of day, just as other families live. We thank you for your time and consideration in this matter.

With Gratitude,

Marybeth and Joel Martens
50 Bayberry Road

50 BAYBERRY RD

Location 50 BAYBERRY RD

MBLU 101/69///

Owner MARTENS JOEL D & MARYBETH
A T/E

Assessment \$385,400

PID 6578

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$146,000	\$239,400	\$385,400

Owner of Record

Owner MARTENS JOEL D & MARYBETH A T/E

Sale Price \$370,000

Co-Owner

Certificate

Address 50 BAYBERRY RD
NEWBURYPORT, MA 01950

Book & Page 34949/0071

Sale Date 05/25/2016

Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
MARTENS JOEL D & MARYBETH A T/E	\$370,000		34949/0071	00	05/25/2016
MATHAY MARIA B P	\$325,000		32475/0460	00	05/17/2013
KAPFERER JEROME H	\$280,000		30326/0245	00	04/01/2011
DEZENZO FRANK	\$171,000		15321/0139	00	12/14/1998
BELKIN EILEEN W.	\$160,000		13387/0518	00	01/31/1996

Building Information

Building 1 : Section 1

Year Built: 1979

Living Area: 1,231

Building Attributes	
Field	Description

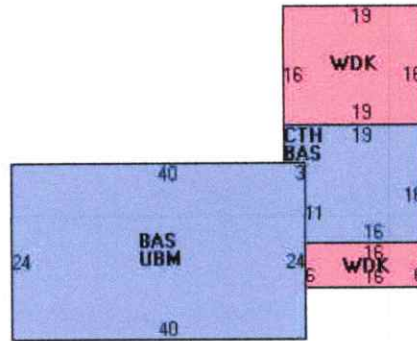
Style	Ranch
Model	Residential
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	Hardwood
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	6
Bath Style:	Average
Kitchen Style:	Average

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos/\01\00\81\16.jpg>)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches/6578_6)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1,231	1,231	
CTH	Cathedral Ceiling	271	0	
UBM	Basement, Unfinished	960	0	
WDK	Deck, Wood	400	0	
		2,862	1,231	

Extra Features

Extra Features		Legend
No Data for Extra Features		

Land

Land Use

Land Line Valuation

Use Code 1010
Description SINGLE FAM

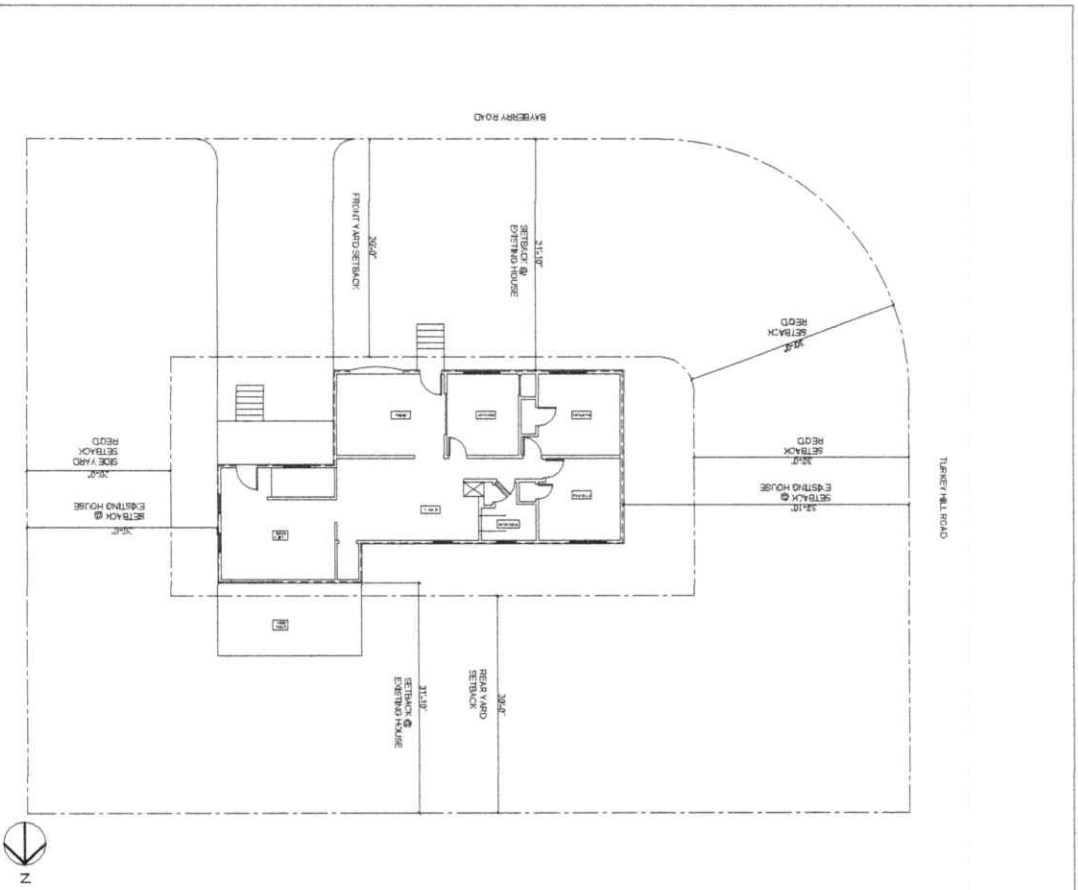
Size (Acres) 0.26
Depth 0
Assessed Value \$239,400

Outbuildings

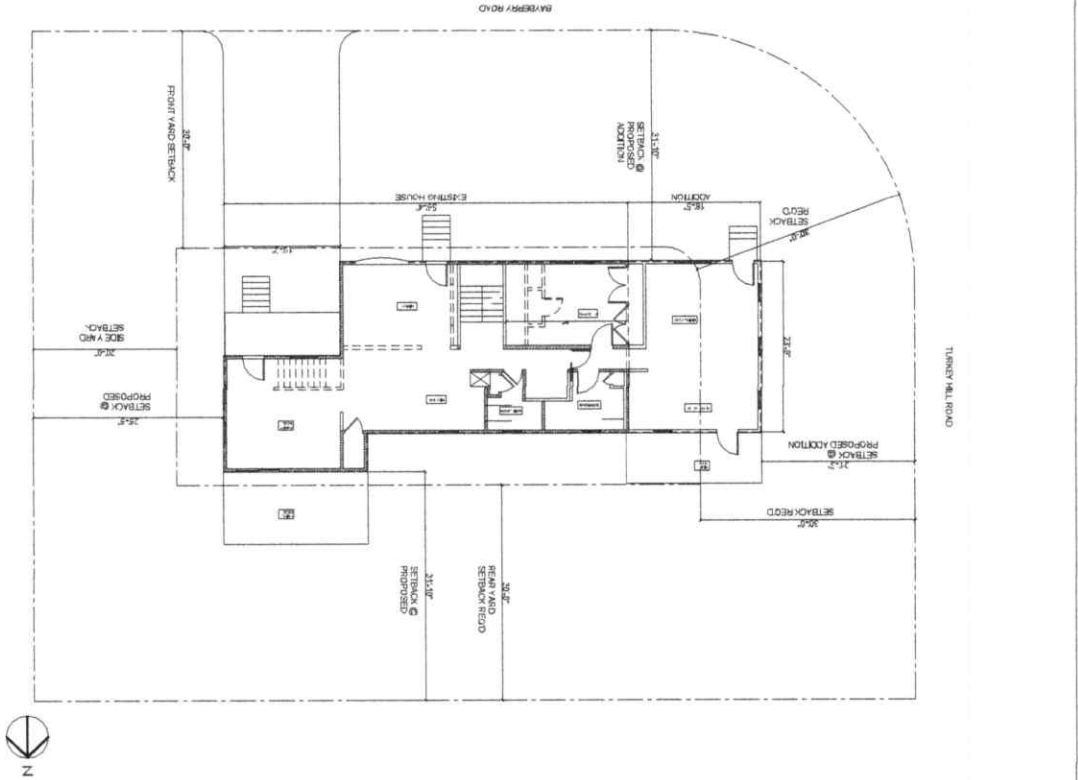
Outbuildings	<u>Legend</u>
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$128,800	\$239,400	\$368,200



2 Existing Site Plan
1/8" = 1'-0"



1 Proposed Site Plan
1/8" = 1'-0"

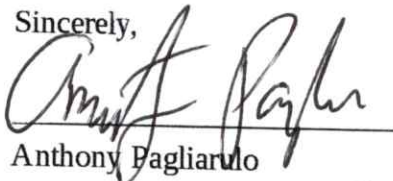
EA eldh architecture 66 Pearl St Charlestown, MA 02129 pkeldh@hotmail.com	Martens Residence 50 Bayberry Rd. Newburyport, MA 01950	Date: June 8, 2020 Rev.# Revision Date #1 June 16, 2020	Scale: 1/8"=1'-0"	Drawing Title: Existing and Proposed Site Plans- Zoning Submittal	A-1.0
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Anthony Pagliarulo and April O'Brien
4 Bayberry Road
Newburyport, MA 01950
July 12, 2020

To Whom It May Concern:

We, the residents and owners of 4 Bayberry Road, would like to express our support and approval for the construction of the home addition at 50 Bayberry Road. After discussing their construction plans, we have no issues or concerns with their plans. We are excited for our neighbors to start building the addition to their home and we hope their project is approved soon.

Sincerely,


Anthony Pagliarulo


April O'Brien

Colin and Nancy Bell
2 Bayberry Rd
Newburyport, MA 01950
July 15, 2020

To Whom It May Concern

We are the owners and residents of 2 Bayberry Road and would like to express our support for Joel and Marybeth Martens' home construction project. They have shared their plans with us, and we have no concerns with the variance that they are requesting to complete the project.

Thank You


Colin Bell


Nancy Bell

07/15/2020

Joel and Marybeth Martens
Bayberry Road
Newburyport, MA. 01950

Re: Construction Project

Dear Joe and Marybeth,

Per our discussion today, I am documenting my support for you to build the addition needed for your family. I am in support for the city to disregard any variance issue pertaining to the frontage of your property.

If you need anything further or if someone needs to contact me they may do so at 781-439-1003.

Sincerely,

Robert Nardella

Digitally signed by Robert Nardella
DN: cn=Robert Nardella, o=Automation Solutions, Inc.,
ou=Automation Solutions, Inc.,
email=rdardella@automationsolutionsinc.com, c=US
Date: 2020.07.15 16:20:13 -0400

Robert Nardella
27 Turkey Hill Road, Newburyport, MA. 01950

July 22,2020

Office of Planning and Development
Attn: Zoning
CITY OF NEWBURYPORT
60 Pleasant Street
Newburyport, MA 01950

Re: Variance and Construction: 50 Bayberry Road (Joel and Marybeth Martens)

Please be advised that I have reviewed the plans for construction at 50 Bayberry Road, Newburyport, MA. I understand there will be a second level added along with an addition of an in-law suite off the side at the corner of Turkey Hill Road and Bayberry Road.

I have no concerns and think these plans would be a wonderful addition to the property and neighborhood. I fully support the Martens' plans for this project and the variance to see this to fruition.

Sincerely,



Gail Derrivan
48 Bayberry Road
Newburyport, MA 01950