

City of Newburyport Zoning Board of Appeals

Application for a SPECIAL PERMIT for NON-CONFORMITIES

Petitioner: _____

Mailing Address: _____

Phone: _____ Email: _____

Property Address: _____

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

Book and Page(s): _____

Owner(s) Name: _____

Mailing Address (if different): _____

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 type="checkbox"/> Extension or Alteration (IX.B.2) | <input type="checkbox"/> Over 500 s.f. increase (IX.B.3.c) |
| <input type="checkbox"/> Parking | <input type="checkbox"/> Plum Island Overlay District (XXI-G) |
| <input 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:

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

	Required Dimensional Controls from Section VI.A	Existing Dimensional Controls from survey or site plan	Proposed Dimensional Controls from proposed plans
Lot Area			
Frontage			
Height*			
Max. Lot Coverage (%)**			
Min. Open Space (%)***			
Primary Front Setback			
Side A Setback/Secondary Front Setback			
Side B Setback			
Rear Setback			
Parking Spaces			
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.

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

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# _____

Name: _____

Address: _____ Zoning District(s): _____

Request: _____

ZONING BOARD REVIEW REQUIRED

Variance

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

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:

Newburyport Zoning Administrator

Date

44 OAKLAND ST

Location 44 OAKLAND ST

MBLU 59/ 3/ / /

Owner SCHWAB PALEN Q

Assessment \$496,900

PID 3972

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$250,200	\$246,700	\$496,900

Owner of Record

Owner SCHWAB PALEN Q
Co-Owner MELISSA J T/E
Address 44 OAKLAND ST
NEWBURYPORT, MA 01950

Sale Price \$494,000
Certificate
Book & Page 34817/0004
Sale Date 04/01/2016
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
SCHWAB PALEN Q	\$494,000		34817/0004	00	04/01/2016
TWOMEY DANIEL J	\$0		5890/0582		07/31/1972

Building Information

Building 1 : Section 1

Year Built: 1900
Living Area: 1,400

Building Attributes	
Field	Description
Style:	Conventional
Model	Residential
Grade:	Average
Stories:	2 Stories
Occupancy	1

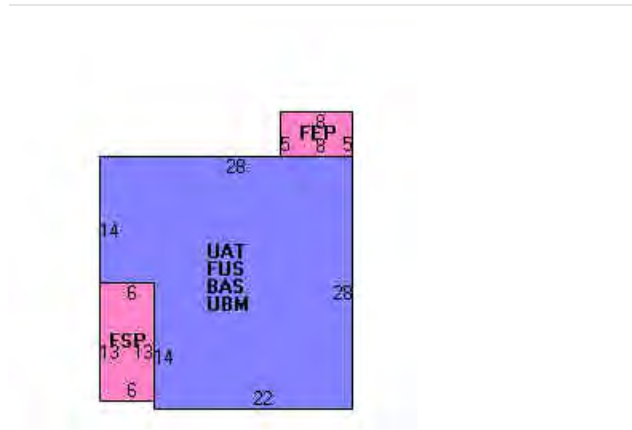
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	6 Rooms
Bath Style:	Average
Kitchen Style:	Average
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
Kitchen Grd	
Fndtn Cndtn	
Basement	

Building Photo



(<http://images.vgsi.com/photos/NewburyportMAPhotos/\01\00\40\68.jpg>)

Building Layout



(http://images.vgsi.com/photos/NewburyportMAPhotos//Sketches/3972_41)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	700	700
FUS	Upper Story, Finished	700	700
FEP	Porch, Enclosed	40	0
FSP	Porch, Screened	78	0
UAT	Attic	700	0
UBM	Basement, Unfinished	700	0
		2,918	1,400

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1010
Description SINGLE FAM

Land Line Valuation

Size (Acres) 0.10
Depth 0
Assessed Value \$246,700

Outbuildings

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

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$238,800	\$246,700	\$485,500

May 10, 2021

Newburyport Zoning Board of Appeals

Re. Special permit application for an Extension of an Existing Non-conforming structure @ 44 Oakland Street, Newburyport

Owner: **Melissa & Palen Schwab**

This letter is in support of a Special Permit request to construct a 2 story addition to the single-family residence located on a corner lot at 44 Oakland Street at the intersection of Collins Street. Located in the R2 zoning district with DCOD, the existing house sits within the front yard setback area on Collins Street, with its closest point at about 7'-10" from the primary front property line. The proposed addition will extend this non-conformity by occupying area within this front yard setback; however, this addition will be no closer to the front property line on Collins Street than the existing house, and no higher than the existing structure.

The first floor of the addition will include a mudroom area for coat storage, a new stair to the basement, and a half bath/ powder room. The second floor of the addition will provide additional floor area for a master bedroom and bathroom expansion. Exterior design calls for clapboard siding and square trim profiles, asphalt shingle roofing with standing seam metal roofing accents, all intended to mimic and/or compliment the style of the existing house.

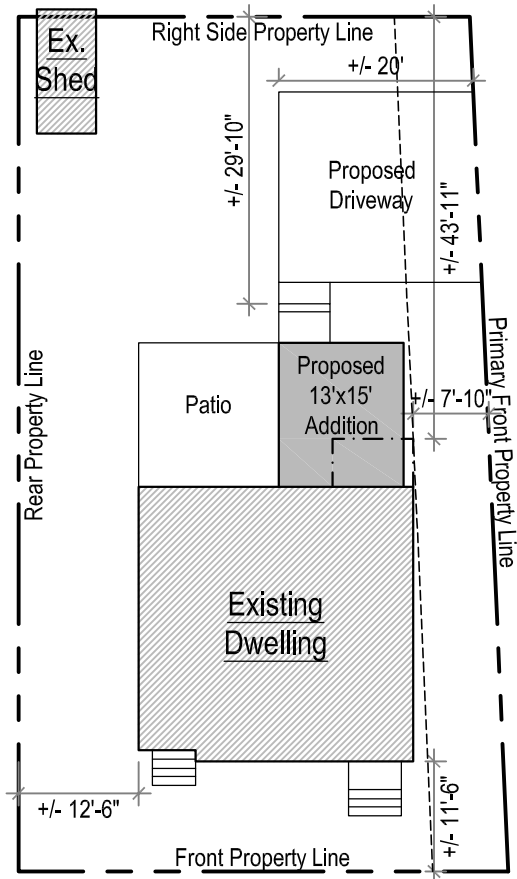
Although the addition will be within the front yard setback, it will not be any closer to the Collins Street front property line, therefore not intensifying the existing nonconforming nature of the structure. The roof ridge of the proposed addition will be about 3'-8" lower than the existing roof ridge. Both of these factors will enable the finished structure to be in keeping with the intent of the current zoning bylaw as well as the existing neighborhood fabric of the Oakland Street neighborhood.

The proposed use, extension, and addition are all of a scale and arrangement that will not create any new or intensify any existing non-conformities. The style and aesthetics of the addition are in keeping with the appearance of the surrounding neighborhood and therefore will not be any more detrimental than the existing structure.

Respectfully submitted,

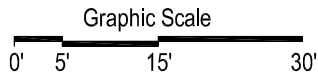
Melissa & Palen Schwab

Note: Site Plan based off of Mortgage Inspection Plan by Northern Associates, Inc. dated 3-14-2016



Collins Street

Oakland Street



Newburyport, MA - R2 District w/ DCOD - Zoning Table

	Min. Lot Area	Min. Lot Frontage	Max. Building Height	Max. Lot Coverage	Min. Open Space	Minimum Setbacks		
						Front	Right Side	Rear
Required/ Allowed	10,000 S.F.	90'	35'	1,090.25 S.F. (25%)	1,744.4 S.F. (40%)	25'	10'	25'
Existing	+/- 4,361 S.F.	89'	+/- 25'	932 S.F. (21.3%)	2,953 S.F. (67.7%)	7'-10"	43'-11"	12'-6"
Proposed	+/- 4,361 S.F.	89'	+/- 25'	1,085 S.F. (24.8%)	2,871 S.F. (65.8%)	7'-10"	29'-10"	12'-6"

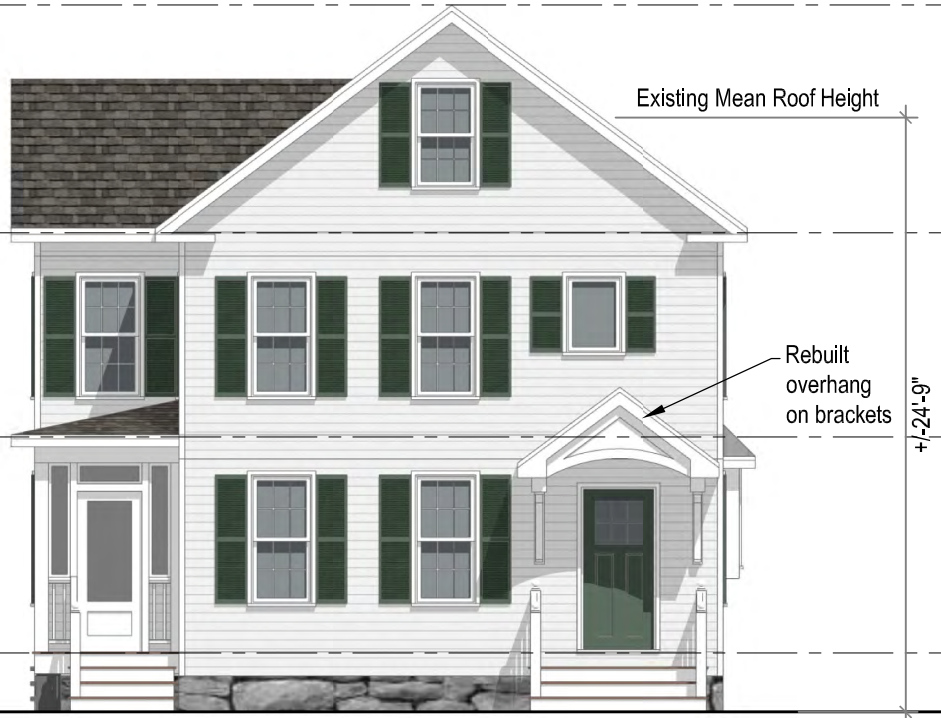


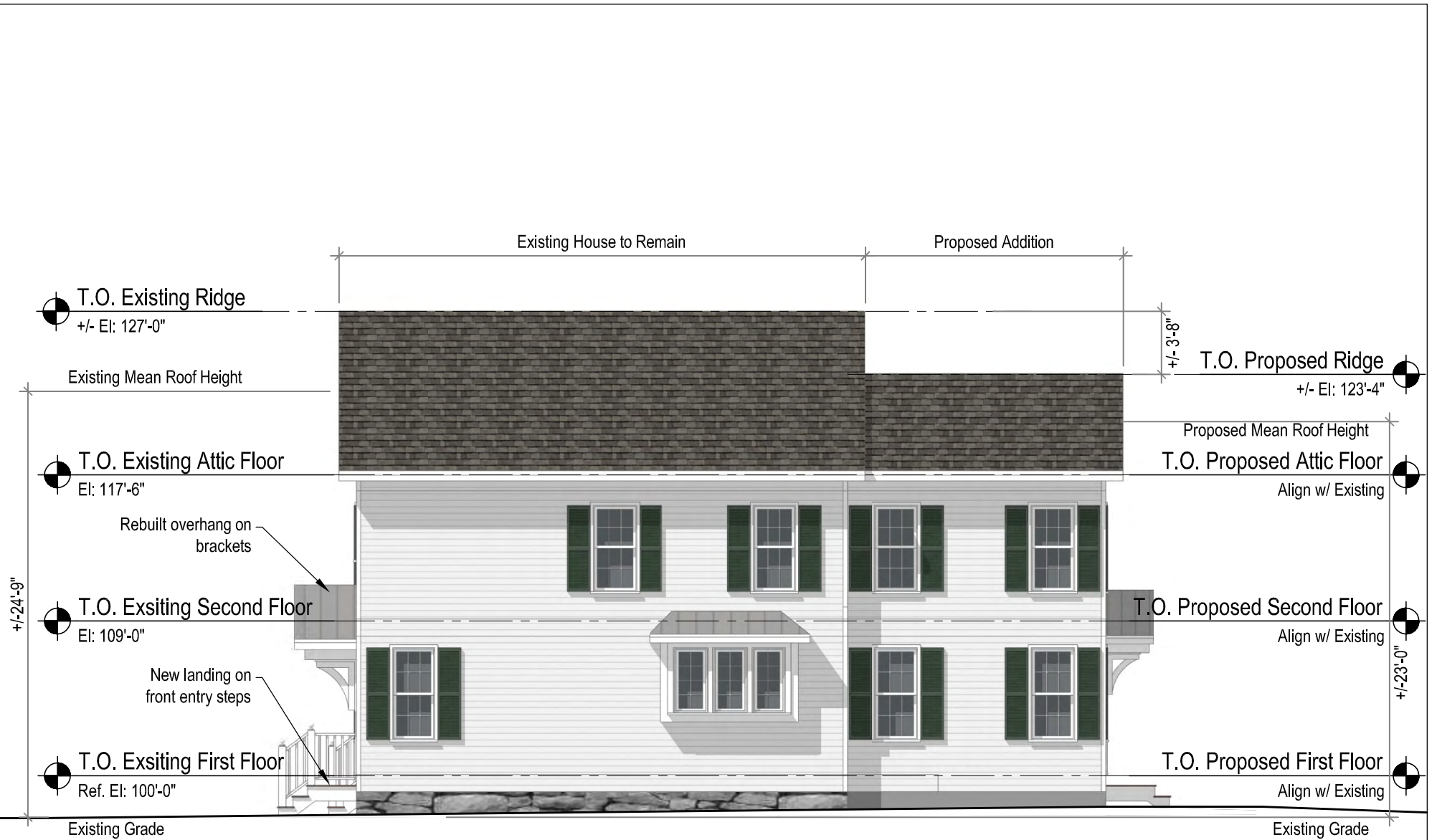
T.O. Existing Ridge
+/- El: 127'-0"

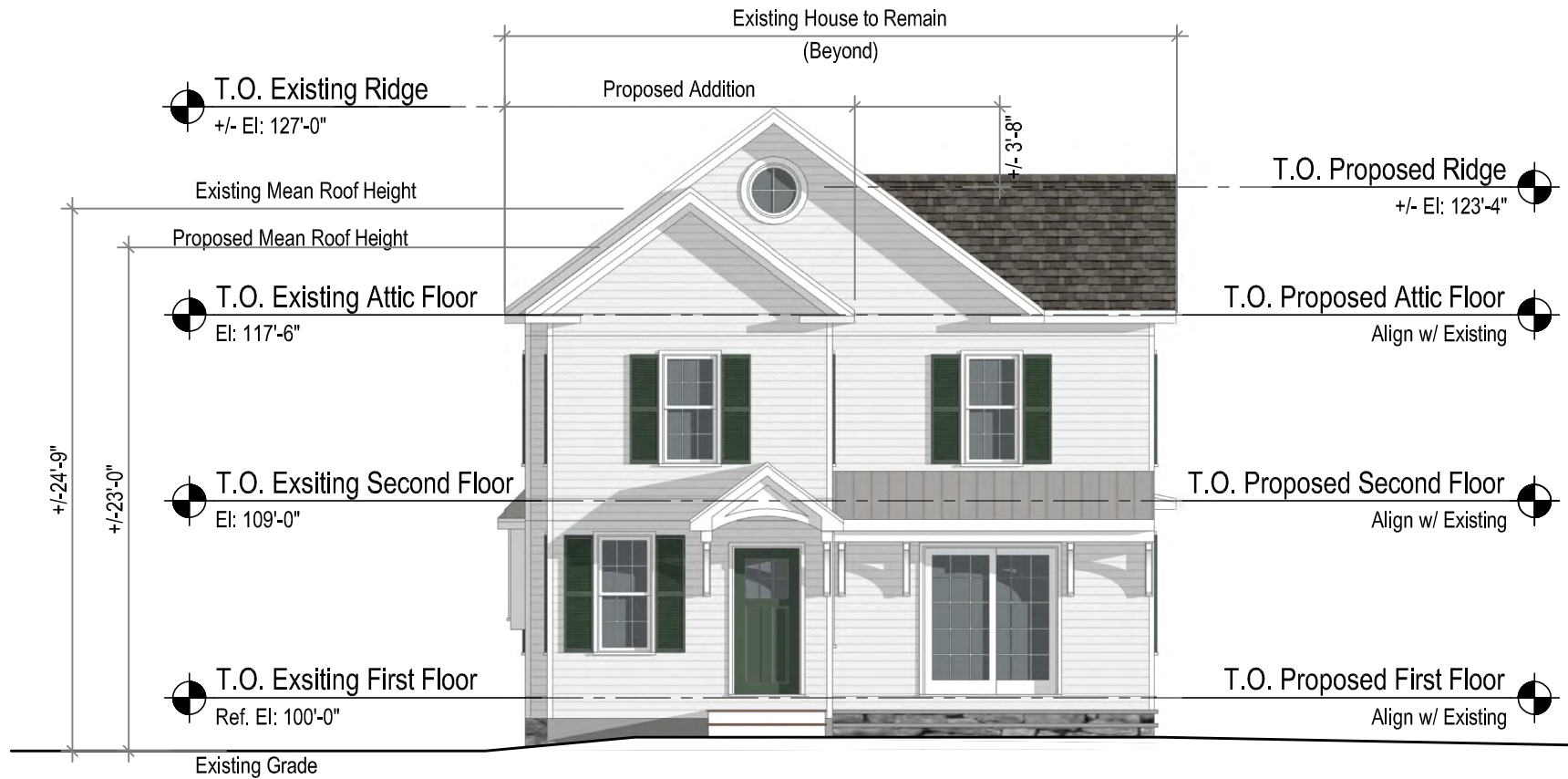
T.O. Existing Attic Floor
El: 117'-6"

T.O. Existing Second Floor
El: 109'-0"

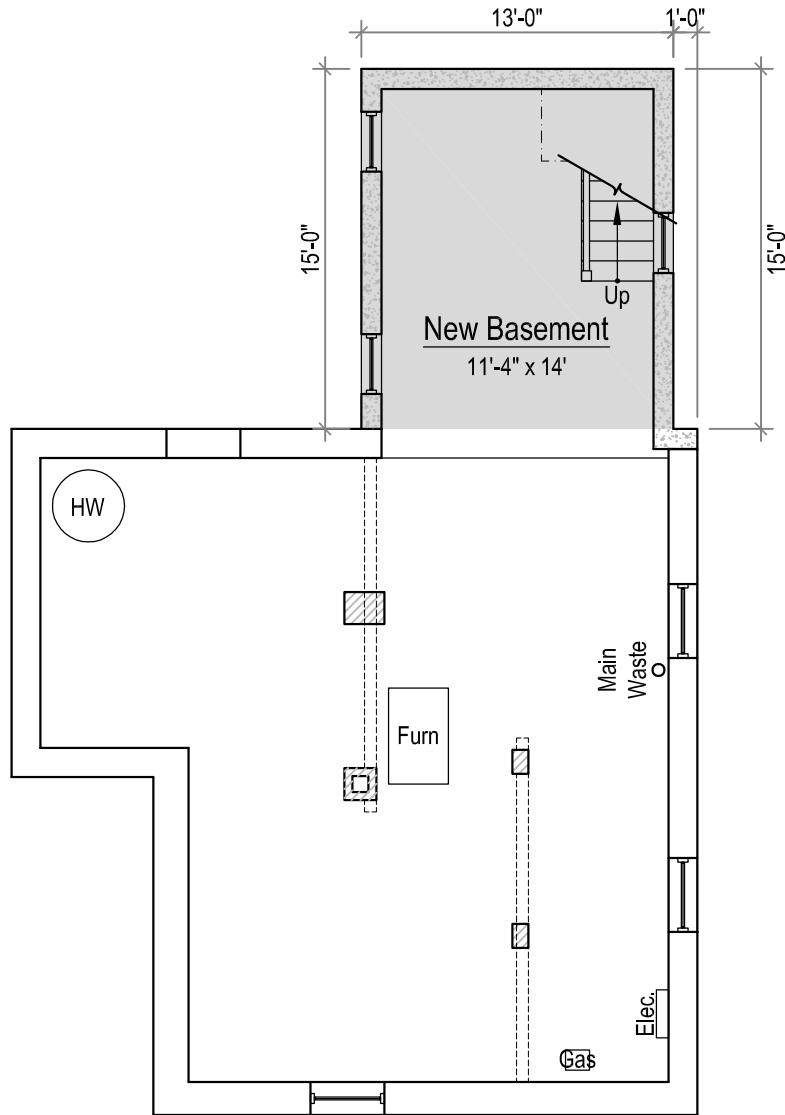
T.O. Existing First Floor
Ref. El: 100'-0"

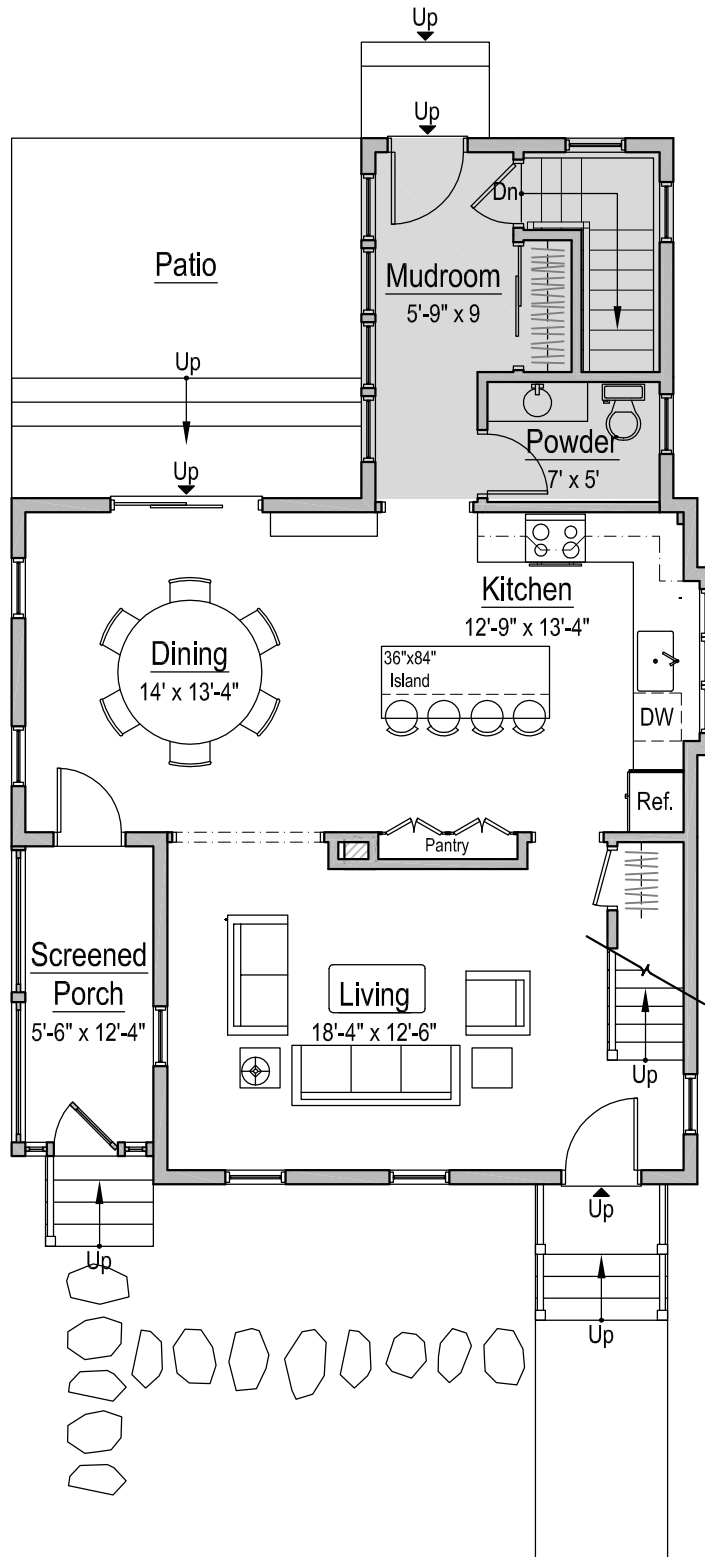


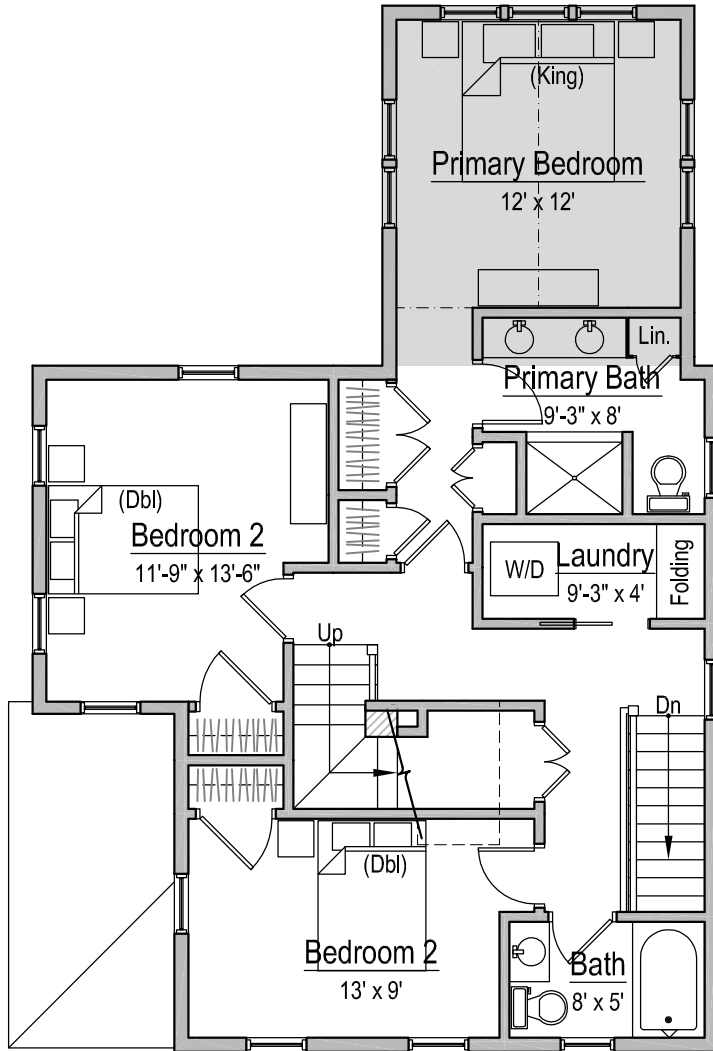


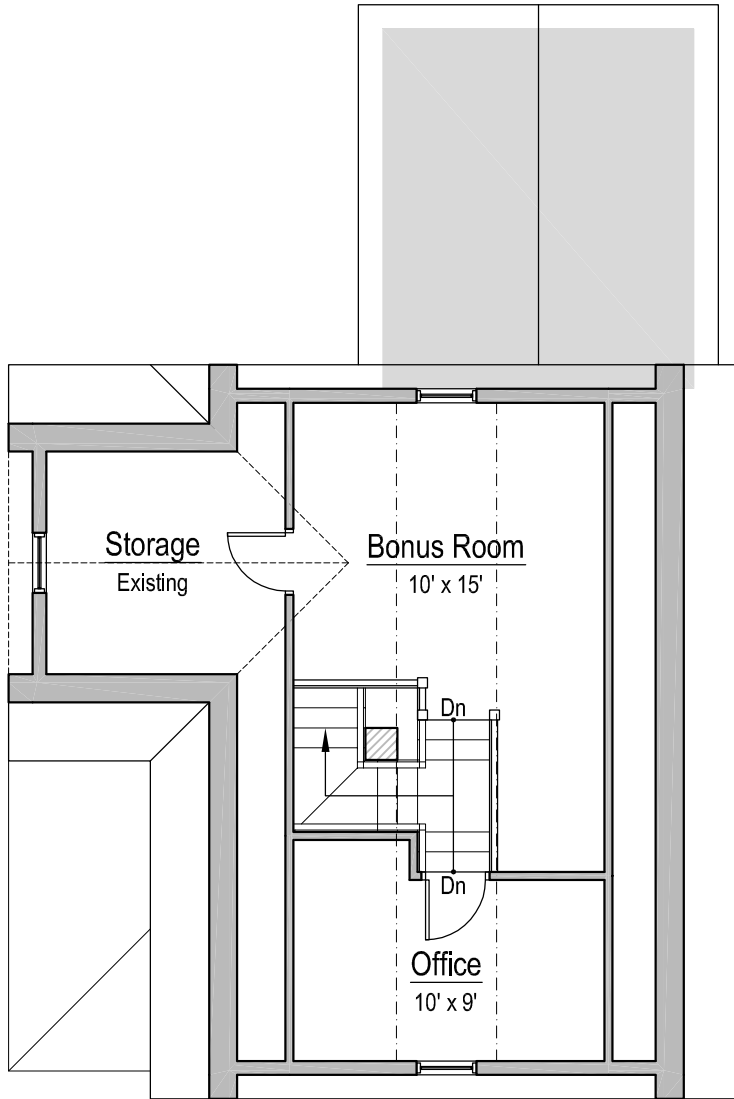














Perspective 1



Perspective 2



Perspective 3



Perspective 4



Existing View 1



Existing View 2



Existing View 3



Existing Parking