

AMENDED

Form revised 1/2/18

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

Petitioner: Jennifer and Michael Pilz, c/o Lisa Mead, Mead, Talerman & Costa LLC

Mailing Address: 30 Green Street, Newburyport MA 01950

Phone: 9784637700 Email: Lisa@MTClawyers.com

Property Address: 15 Eagle Street

Map and Lot(s): 53-61 Zoning District: R2

Book and Page(s): 26772/2

Owner(s) Name: same as above

Mailing Address (if different): 15 Eagle Street

This request for a Special Permit for Non-Conformities is made under section(s):

- | | |
|---|---|
| <input 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 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"/> Rear Yard | |
| <input type="checkbox"/> Lot Coverage | |
| <input type="checkbox"/> Side Yard | |
| <input type="checkbox"/> Lot Frontage | |
| <input type="checkbox"/> Front Yard | |

(Refer to the Zoning Review form as supplied by the Zoning Administrator)

Description of request:

Request to modify pre-existing non-conforming structure with addition of more than 500 sq ft. There will be no extension or creation of any non-conformities nor creation of any new non-conformities.

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	5915	60.3	21.8	na	22.1	60	2+	6.3	11.9	24.5	41.3
Proposed	5915	55.3	28.7	na	22.1	60	2+	6.3	11.3	16.4	38.7
Required	8000	35	30	na	35	80	2+	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**
823	2	1523	101

Proposed Buildings:

Ground Floor Sq. Feet	# of Floors	Total Sq. Feet	Use Code of Building**
1229	2	2458	101

**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):






Mead, Talerman & Costa, LLC
Attorneys at Law

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Newburyport, MA 01950

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Fax 978.463.7747

www.mtclawyers.com

April 26, 2018

Edward Ramsdell, Chair
Zoning Board of Appeals
City of Newburyport
60 Pleasant Street
Newburyport MA 01950

RE: 15 Eagle Street, Newburyport (the "Property")

Dear Chair and Members of the Board:

Reference is made to the above captioned matter. In that connection, this firm represents Jennifer and Michael Pilz ("Applicants") in their application for a Special Permit for Non-conformities for renovations of their home. The Property is located in the R-2 zoning district and DCOD. The Property includes a single-family home. While the property is non-conforming for lot area (5,915 sq. ft. where 8,000 sq. ft. are required), frontage (60' where 80' is required) and front yard setback (6.3' where 20' is required) the remaining dimensional requirements are met. Further, the Applicant will not be creating any new non-conformities nor exacerbating nor intensifying any existing non-conformities. And finally, the Applicant is removing less than 25% (24.2%) of the exterior walls and therefore does not trigger the DCOD.

The Applicant is before the Board due to the requirements of section IXB(2)(3)(C) because more than 500 square feet are being added to the structure which is on a lot with insufficient area and frontage. Therefore, in accordance with section IX-B(2)(A) and (3)(C) the Board may allow for the modification of a pre-existing non-conforming single or two-family structure where the Board finds that there will:

1. be no addition of a new non- conformity and
2. that the proposed changes will not be substantially more detrimental to the neighborhood.

Here as noted previously, there will be no new non-conformities added as a result of the proposed renovation and addition to the structure. The next question becomes, will the proposed renovation be substantially more detrimental to the neighborhood. As you can see from the attached rendering, the majority of the renovation takes place to the rear of the property where a later added addition is being removed. While a larger foot print is being added, the addition is no deeper than that which is being removed. The addition extends on the southerly side no further than the existing footprint of the home and maintains the current

Millis Office

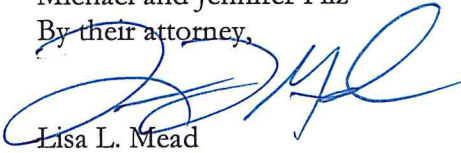
730 Main Street, Suite 1F
Millis, MA 02054

Phone 508.376.8400

conforming setback. Further, 80% of the new addition is beyond the location of the home on the adjacent parcel. On the northerly side of the home the addition extends 8 feet from the existing structure. Based upon feedback from the Historic Commission, the Applicant significantly changed the design of the proposed renovations. You will see there are no longer shed dormers as part of the renovation. Rather, a more appropriate "Nantucket" style dormer is used on both side of the existing roof. Further, the Applicant respected the comments by the Historic Commission with respect to the use of a flat roof in the rear thereby lowering the profile of the addition.

Based upon the foregoing, the Applicant requests that the Board find that the proposed addition is not substantially more detrimental to the neighborhood than the existing structure and grant a special permit for non-conformities.

Respectfully submitted
Michael and Jennifer Pilz
By their attorney,



Lisa L. Mead

cc: Clients

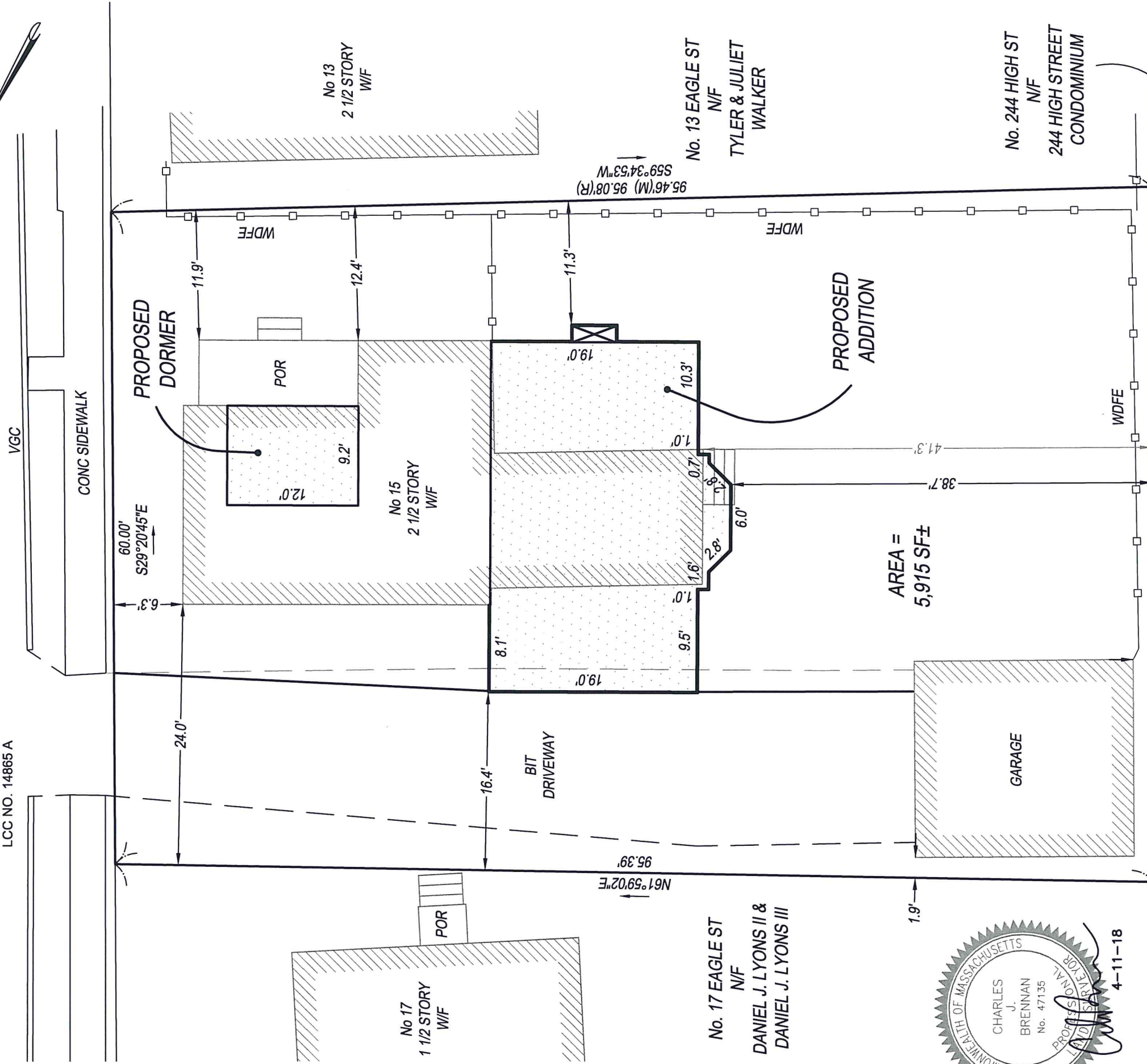
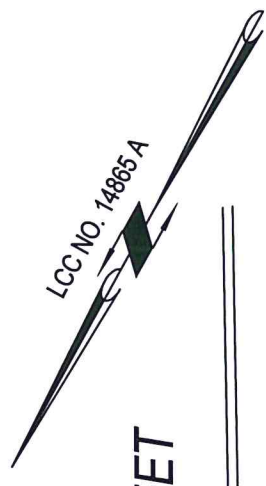
RECORD OWNERS:

MICHAEL & JENNIFER PILZ
15 EAGLE STREET
NEWBURYPORT, MA 01950

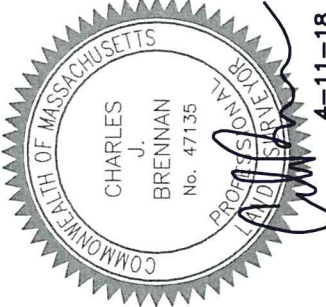
REFERENCES:

DEED BOOK 36487 PAGE 358
PLAN BOOK 200 PLAN 69
PLAN BOOK 436 PLAN 11
PLAN BOOK 429 PLAN 23
LCC NO. 14865 A

EAGLE STREET
(PUBLIC - VARIABLE WIDTH)



AREA =
5,915 SF±



No. 17 EAGLE ST
N/F
DANIEL J. LYONS II &
DANIEL J. LYONS III

No. 13 EAGLE ST
N/F
TYLER & JULIET
WALKER

No. 244 HIGH ST
N/F
244 HIGH STREET
CONDOMINIUM

No. 246 HIGH ST
N/F
JULIE C. SULLIVAN,
TRUSTEE OF
AUGUSTINIAN REALTY
TRUST

ZONING:
R3 (SINGLE FAMILY)

(REQUIRED)	(EXISTING)	(PROPOSED)
LOT AREA: 8,000 SF	LOT AREA: 5,915 SF	LOT AREA: 5,915 SF
FRONTAGE: 80'	FRONTAGE: 60'	FRONTAGE: 60'
FRONT OFFSET: 20'	FRONT OFFSET: 6.3'	FRONT OFFSET: 6.3'
SIDE OFFSET: 10'	SIDE OFFSET: 11.9'	SIDE OFFSET: 11.3'
REAR OFFSET: 20'	REAR OFFSET: 41.3'	REAR OFFSET: 38.7'
LOT COVERAGE: 30%	LOT COVERAGE: 21.8%	LOT COVERAGE: 28.7%
OPEN SPACE: 35%	OPEN SPACE: 60.3%	OPEN SPACE: 55.3%

NOTES:

- 1.) THIS PLAN WAS PREPARED FROM AN INSTRUMENT SURVEY PERFORMED ON JANUARY 11 & 12, 2017.
- 2.) SUBSURFACE AND ABOVE GROUND UTILITIES WERE NOT INCLUDED AS PART OF THIS SURVEY, THEY WERE NOT RESEARCHED NOR SHOWN HEREON.
- 3.) A TITLE EXAMINATION WAS NOT PROVIDED FOR THIS SURVEY. AS SUCH OTHER MATTERS OF RECORD MAY EXIST AND NOT BE SHOWN HEREON.

LEGEND:

- BIT BITUMINOUS
- CONC CONCRETE
- L LANDING
- (M) MEASURED
- POR PORCH
- (R) RECORD
- VFE VINYL FENCE
- VGC VERTICAL GRANITE CURB
- WDFE WOOD FENCE
- W/F WOOD FRAME



PLOT PLAN
IN
NEWBURYPORT, MA
AT 15 EAGLE STREET
PREPARED FOR
MICHAEL & JENNIFER PILZ
BY
SUMMIT SURVEYING INC.
4 S. POND STREET, NEWBURYPORT, MA 01950
WWW.SUMMITSURVEYINGINC.COM
APRIL 11, 2018
17-0106

RESIDENTIAL RENOVATION

15 EAGLE ST.

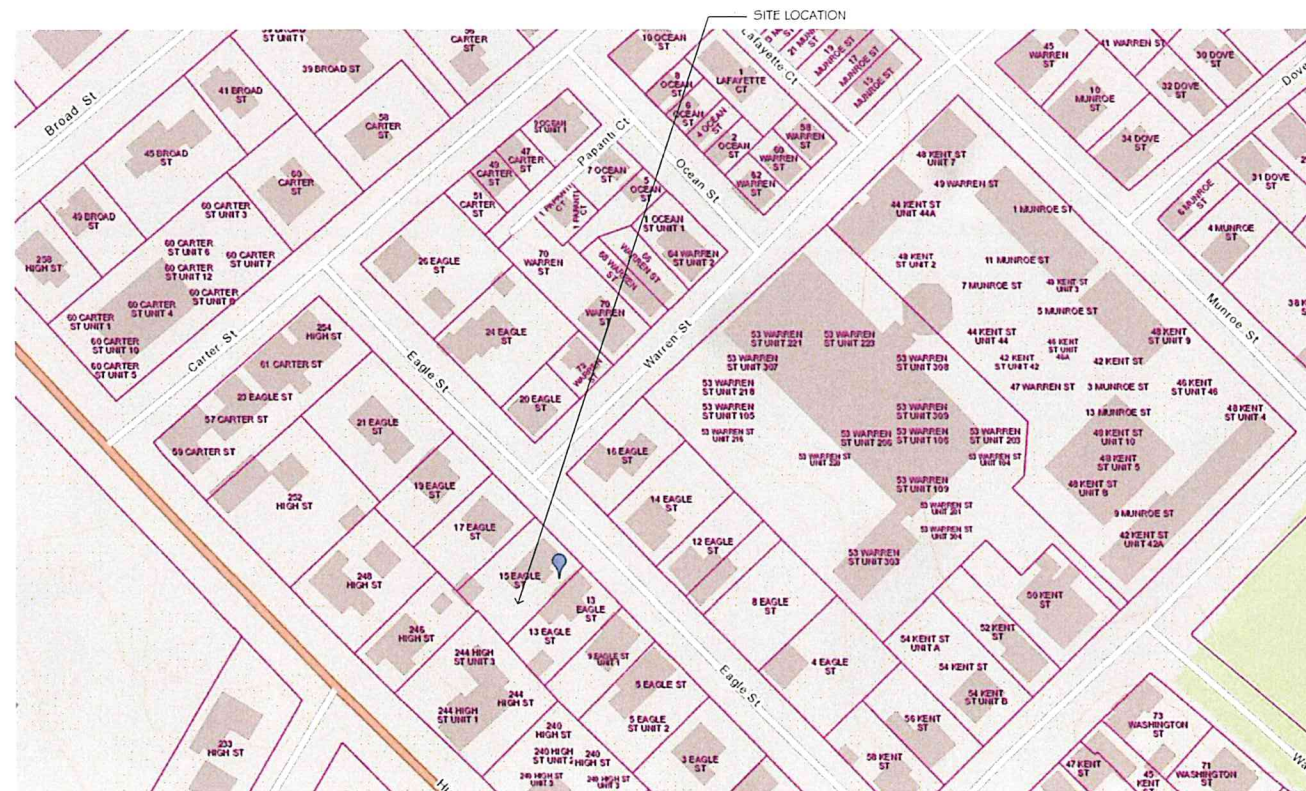
NEWBURYPORT, MA 01950



1 View from Eagle Street
not to scale



2 View from Eagle Street
not to scale



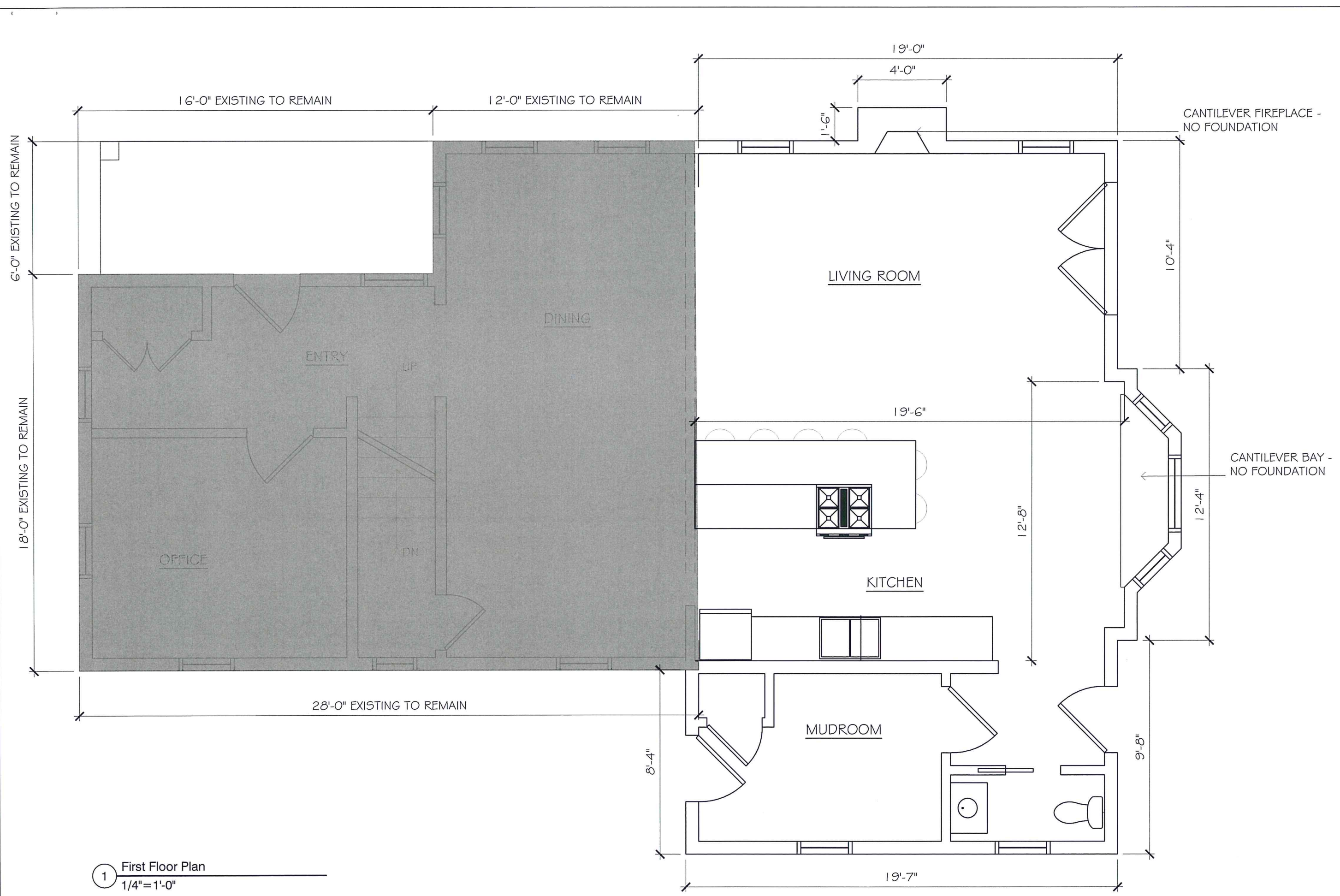
3 Locus Plan
not to scale



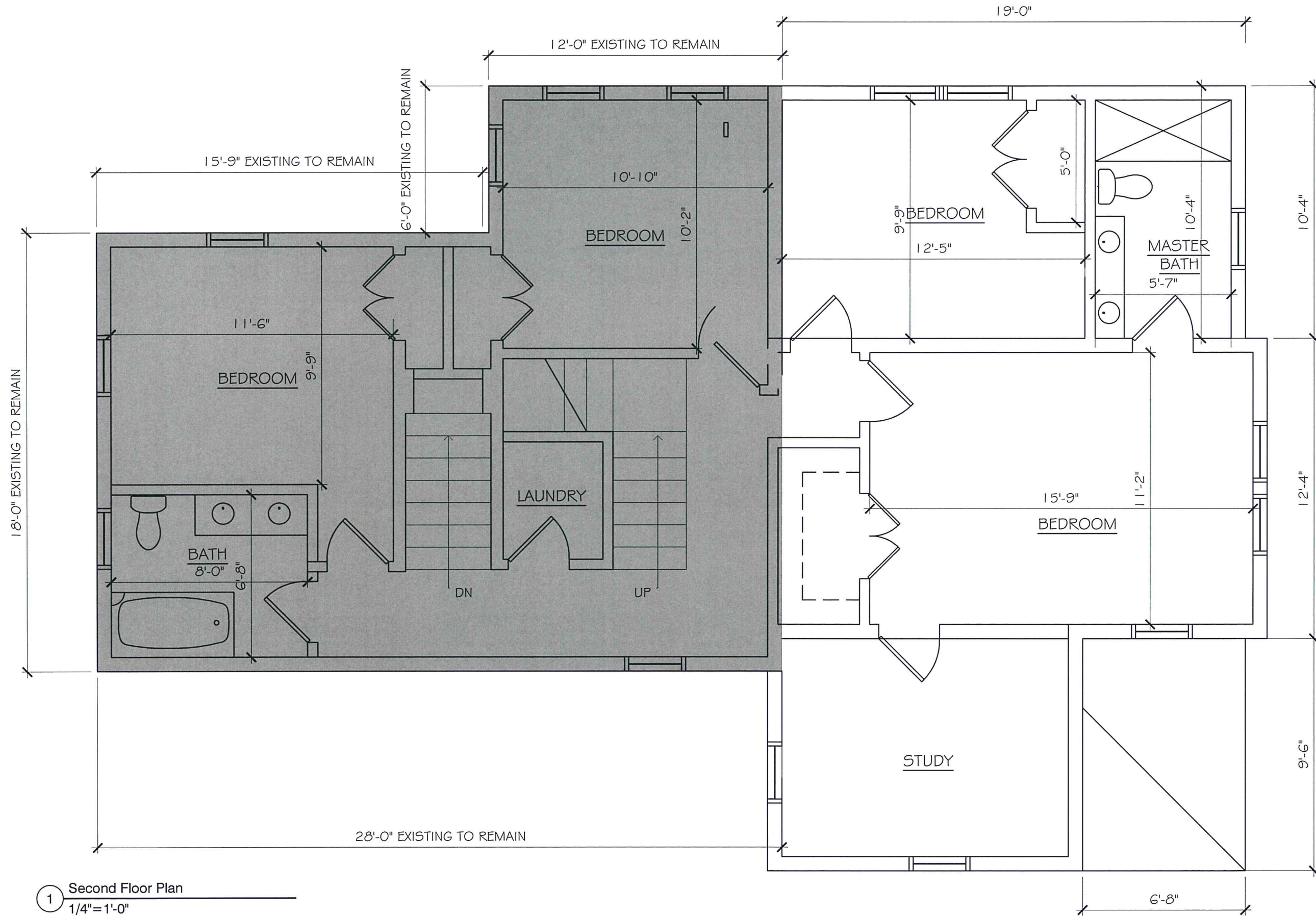
HOUSE RENOVATION
15 Eagle St.
Newburyport, MA
L & S CONSTRUCTION
West Newbury, MA

Cover Sheet
AS NOTED

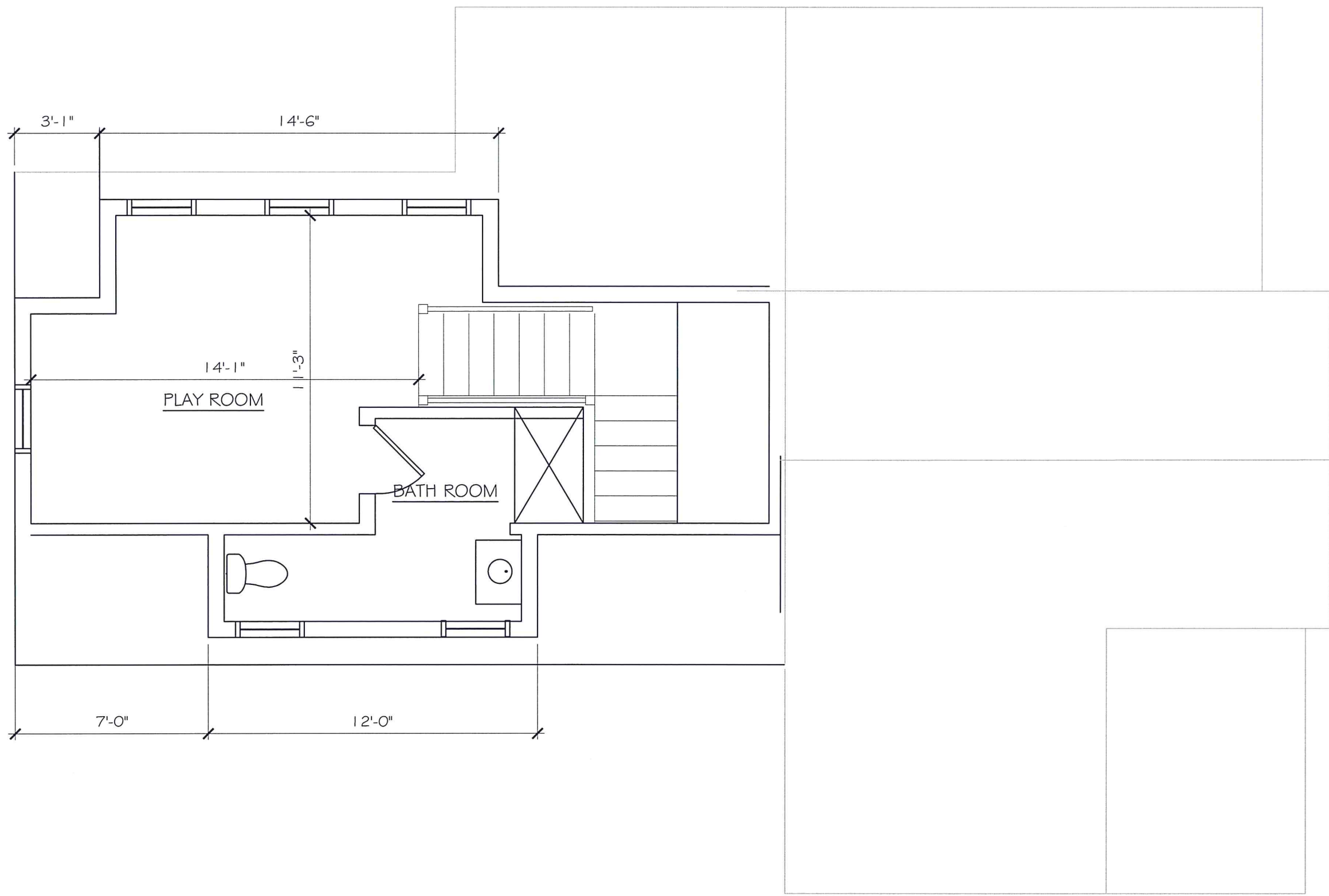
A-0



1 First Floor Plan
1/4" = 1'-0"



1 Second Floor Plan
1/4" = 1'-0"



1 Third Floor Plan
 1/4" = 1'-0"



EXISTING FRONT WALL AREA: 576 s.f.
 AREA REMOVED: 0 s.f.

EXISTING SIDE WALL AREA: 719 s.f.
 AREA REMOVED: 215 s.f.

EXISTING REAR WALL AREA: 546 s.f.
 AREA REMOVED: 192 s.f.

EXISTING SIDE WALL AREA: 719 s.f.
 AREA REMOVED: 215 s.f.

TOTAL EXISTING WALL AREA: 2560 s.f.
 TOTAL AREA REMOVED: 622 s.f.
 % REMOVED: 24.2%

NEW SIDING AND TRIM TO MATCH EXISTING

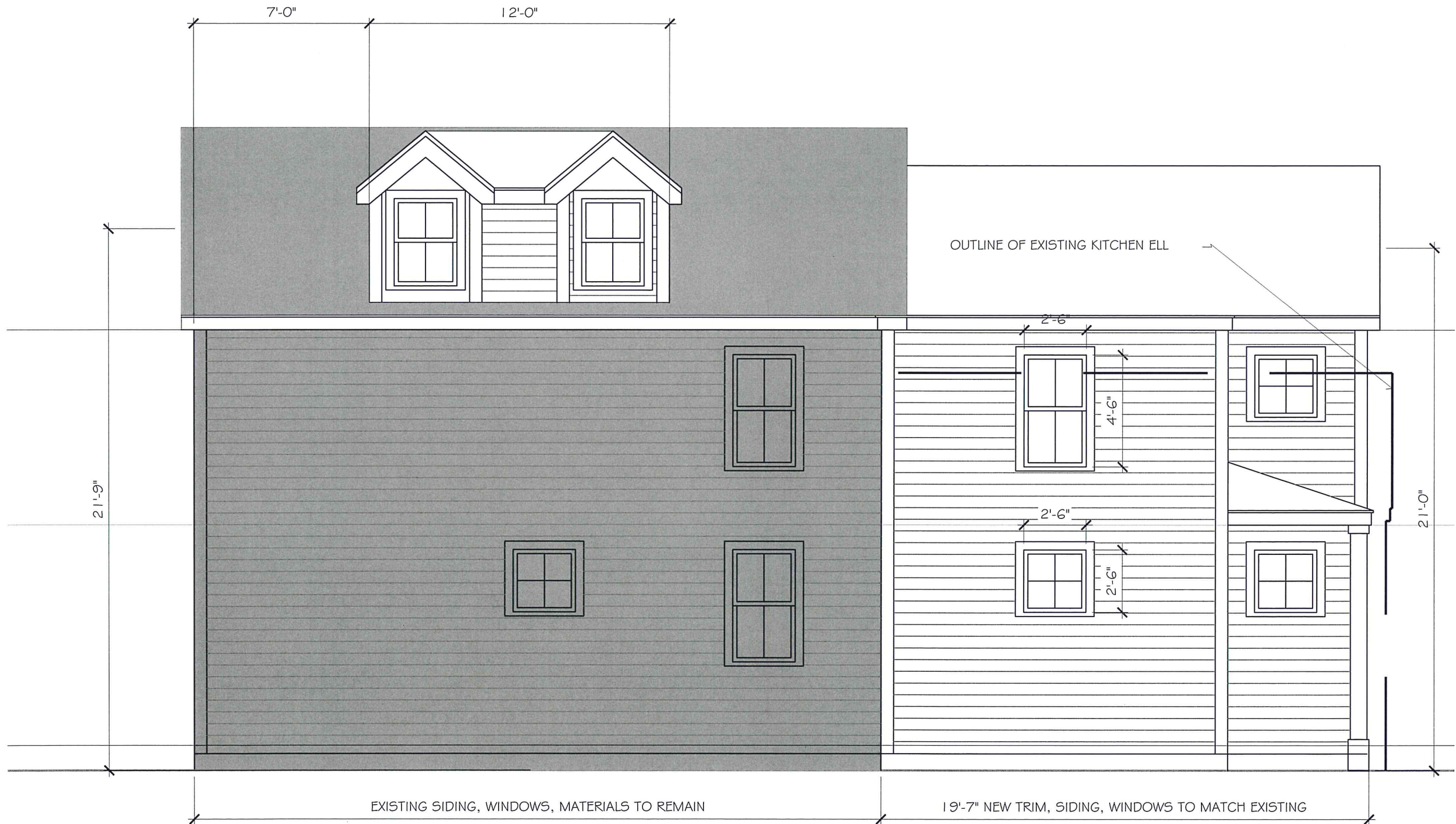
22'-1"

6'-10"

EXISTING SIDING, WINDOWS, MATERIALS TO REMAIN

EXISTING FRONT WALL AREA: 576 s.f.
 AREA REMOVED: 0 s.f.

1 FRONT ELEVATION
 1/4" = 1'-0"



1 SIDE ELEVATION
1/4" = 1'-0"



4 BACK ELEVATION
1/4" = 1'-0"



4 BACK ELEVATION
1/4" = 1'-0"

Existing Back Elevation
1/4" = 1'-0"

26 APRIL 2018

HOUSE RENOVATION
15 Eagle St.
Newburyport, MA
L & S CONSTRUCTION
West Newbury, MA

A-7x



3 SIDE ELEVATION
 1/8" = 1'-0"

EXISTING SIDE WALL AREA: 719 s.f.
 AREA REMOVED: 215 s.f.