



TOWN SEAL  
tel: 781-631-1529

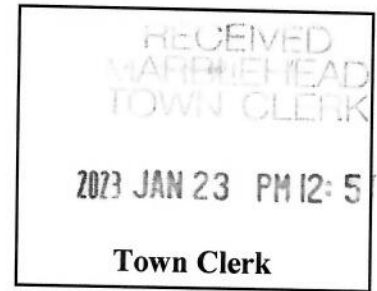
fax: 781-631-2617  
Revision Date: 12-02-20

# Town of Marblehead **ZONING BOARD OF APPEALS**

Mary A. Alley Municipal Building  
7 Widger Road, Marblehead, MA 01945

## **ZBA APPLICATION**

PAGE 1 of 3



Project Address 21 Bessom Street

Assessor Map(s) 109

Parcel Number(s) 39

### **OWNER INFORMATION**

Signature \_\_\_\_\_ date \_\_\_\_\_

Name (printed) JB Capital, LLC

Address 1 Curtis Street, East Boston, MA 02128

Phone Numbers: home \_\_\_\_\_ work 781-608-3057

E-mail julius@lokosrealty.com

fax \_\_\_\_\_

### **APPLICANT or REPRESENTATIVE INFORMATION** (if different from owner)

Signature *Paul M. Lynch* date 1-18-23

Name (printed) JB Capital, LLC

Address c/o Paul M. Lynch, Esq., Zero Spring Street, Marblehead, MA 01945

Phone Numbers: home \_\_\_\_\_ work 781-631-7808

E-mail lynch@marbleheadlaw.com

fax \_\_\_\_\_

### **PROJECT DESCRIPTION & RELIEF REQUESTED** (attach additional page if necessary)

Special Permit to change the legal pre-existing nonconforming to another nonconforming use. See attached description

- Please schedule a Zoning / Application review with the Building Department by calling 781-631-2220.
- Obtain the Town Clerk's stamp and submit 12 copies of each of the following to the Town Engineer's Office:
  - the signed and stamped application (3 pages);
  - current survey plan (not older than 90 days) as prepared by a Registered Professional Land Surveyor;
  - the project design plans as required;
  - check for the applicable fee payable to the Town of Marblehead.
- Any relevant permit(s) that were previously issued must be available for review by the Board of Appeals at the scheduled hearing. (Section 3(D), Board of Zoning Appeals Rules & Regulations).

### **REQUIRED SIGNATURES**

1. Building Commissioner (pages 1, 2 and 3) *Paul M. Lynch* 1-20-23

2. Town Clerk's stamp (upper right corner)

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

View Bylaws - (Chapter 200, Zoning) - online at: [www.marblehead.org/](http://www.marblehead.org/)

## **22 BESSOM STREET ZONING APPLICATION DESCRIPTION FOR RELIEF**

The existing building is a legal pre-existing nonconforming use. It contains a commercial use the first floor occupied by Café Vesuvius. There are three floors above containing a total of 6 residential units with a total of eight bedrooms.

The present layout of the apartments do not conform to the existing fire and safety codes. due to lack of proper egresses. In order to come in compliance new fire escapes need to be installed. In addition the floor layouts need to be reconfigured to allow for corridors for access to the exits. The new corridors diminish the size of the residential units resulting in 12 studio apartments.

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

**Town of Marblehead**  
**ZBA-APPLICATION**

Page 2 of 3

Revision Date: 12-02-2020

Project Address 22 Bessom Street

Map(s) / Parcel(s) 109/39

**ZONING DISTRICT** (circle all that apply)

B **(B1)** BR CR SCR ECR GR SGR SR SSR ESR SESR HBR U SU

**CURRENT USE** (explain) Commercial Use of First Floor with six apartments above on three levels

**CURRENT USE CONFORMS TO ZONING** (Article IV, Table 1)

Yes ☒ No ☐ (explain) legal pre-existing nonconforming use

**PROPOSED CHANGE OF USE**

No ☐ Yes ☒ (explain) changing existing apartments to 12 studio units

**PROPOSED CONSTRUCTION QUALIFIES AS "Building New"** (§200-7) Yes ☐ No ☒

**EXISTING DIMENSIONAL NON-CONFORMITIES** (check all that apply)

- ☒ Lot Area - Less than required (§200-7 and Table 2)  
☐ Lot Width - Less than required (§200-7)  
☐ Frontage - Less than required (§200-7 and Table 2)  
☐ Front Yard Setback - Less than required (Table 2)  
☒ Rear Yard Setback - Less than required (Table 2)  
☒ Side Yard Setback - Less than required (Table 2)  
☒ Height - Exceeds maximum allowed (§200-7 and Table 2)  
☒ Open Area - Less than required (§200-7, §200-15.B(2) and Table 2)  
☒ Parking - Less than required; undersized; tandem (§200-17 to §200-21) (circle all that apply)  
☐ Other Non-conformities (explain) \_\_\_\_\_  
☐ No Existing Dimensional Non-conformities

**NEW DIMENSIONAL NON-CONFORMITIES** (check all that apply)

- ☐ Lot Area - Less than required (§200-7 and Table 2)  
☐ Lot Width - Less than required (§200-7)  
☐ Frontage - Less than required (§200-7 and Table 2)  
☐ Front Yard Setback - Less than required (Table 2)  
☒ Rear Yard Setback - Less than required (Table 2)  
☒ Side Yard Setback - Less than required (Table 2)  
☒ Height - Exceeds maximum allowed (§200-7 and Table 2)  
☒ Open Area - Less than required (§200-7, §200-15.B(2) and Table 2)  
☐ Parking - Less than required; undersized; tandem (§200-17 to §200-21) (circle all that apply)  
☐ Exceeds 10% Expansion Limits for Non-conforming Building (§200-30.D)  
☐ Other Non-conformities (explain) \_\_\_\_\_  
☐ No New Dimensional Non-conformities

**ADDITIONAL HEARINGS REQUIRED**

Conservation Commission	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Historic District Commission	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Planning Board	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Reviewed by  
Building Department  
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**DESIGN & SURVEY PLANS MEET -ZBA- RULES & REGULATIONS** (Sections 3(A) and 3(C))

Yes ☒ No ☐ (explain) \_\_\_\_\_

Building Official \_\_\_\_\_

Date 1-20-2023

**Town of Marblehead**  
**ZBA-APPLICATION**  
 Page 3 of 3

Revision Date: 12-02-2020

Project Address 21 Bessom Street

Map(s) / Parcel(s) 109/39

**NET OPEN AREA (NOA)**

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>
Lot area = A	3,091	3,091
Area of features		
footprint of accessory building(s)	0	0
footprint of building	1,640	1,698
footprint of deck(s), porch(es), step(s), bulkhead(s)	0	0
number of required parking spaces <u>14</u> x (9'x 18' per space)	2,268	2,268
No parking on site		
area of pond(s), or tidal area(s) below MHW	0	0
other areas (explain) _____	0	0
Sum of features = B	3,908	3,966
Net Open Area (NOA) = (A - B)	-817	-875

**GROSS FLOOR AREA (GFA)**

accessory structure(s)	0	0
basement or cellar (area >5' in height)	0	0
1st floor (12' or less in height) NOTE: [for heights exceeding	1,640	1,698
2nd floor (12' or less in height) 12' see definition	1,620	1,690
3rd floor (12' or less in height) of STORY §200-7]	1,486	1,685
4th floor (12' or less in height)	1,486	1,685
attic (area >5' in height)	0	0
area under deck (if >5' in height)	0	0
roofed porch(es)	0	0
Gross Floor Area (GFA) = sum of the above areas	6,232	6,758

**Proposed total change in GFA** = (proposed GFA - existing GFA) = 526

**Percent change in GFA** = (proposed total change in GFA ÷ existing GFA) x 100 = 8.4 %

**Existing Open Area Ratio** = (existing NOA ÷ existing GFA) = 1: -.131

**Proposed Open Area Ratio** = (proposed NOA ÷ proposed GFA) = 1: -.129

This worksheet applies 1. plan by/dated Bloom Architecture/12/6/2022  
 to the following plan(s): 2. plan by/dated North Shore Survey/ 1/5/2023

3. plan by/dated \_\_\_\_\_

Building Official \_\_\_\_\_

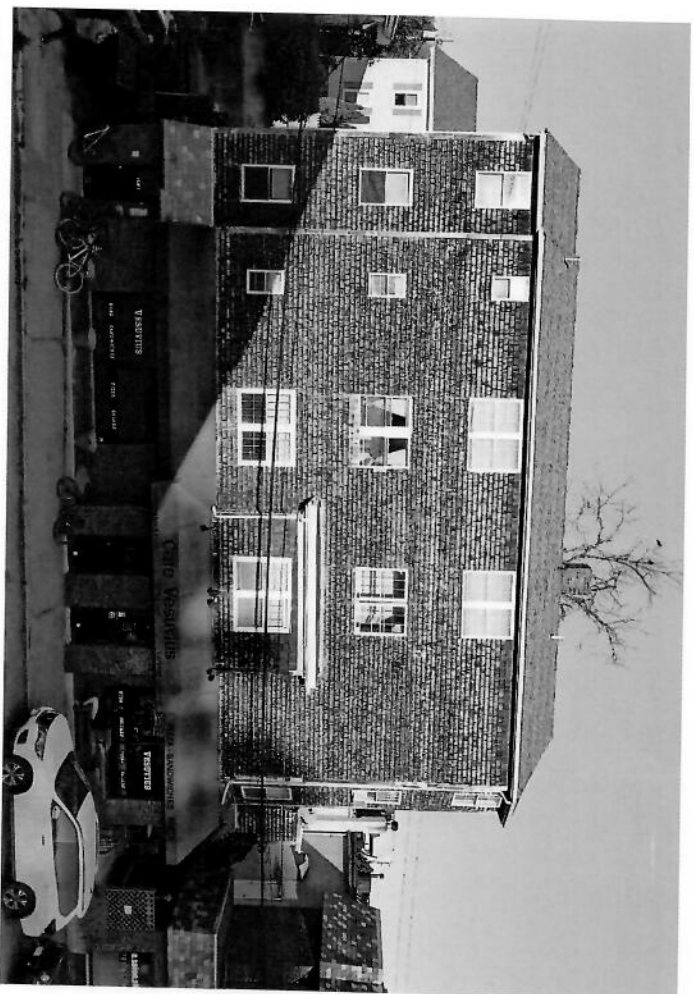
Date 1-20-23

Reviewed by  
 Building Department  
 For Zoning Board  
 Of Appeals

# 21 Bessom Street

## 12/6/22 ZBA Review Set

- A01 REFERENCE
- A02 SURVEY
- A03 CONTEXT PHOTOS
- A11 ZONING ANALYSIS
- A12 FIRST FLOOR PLANS- EXISTING AND PROPOSED
- A13 SECOND FLOOR PLANS- EXISTING AND PROPOSED
- A14 THIRD FLOOR PLANS- EXISTING AND PROPOSED
- A15 FOURTH FLOOR PLANS- EXISTING AND PROPOSED
- A21 ROOF PLANS - EXISTING AND PROPOSED
- A22 ELEVATIONS- EXISTING FRONT AND RIGHT
- A23 ELEVATIONS- PROPOSED FRONT AND RIGHT
- A24 ELEVATIONS- EXISTING REAR AND LEFT
- A24 ELEVATIONS- PROPOSED REAR AND LEFT



PROJECT DESCRIPTION  
THE PROPOSED PROJECT IS A RENOVATION OF AN EXISTING FOUR-STORY, MIXED-USE BUILDING. THE FIRST FLOOR COMMERCIAL WILL BE MAINTAINED. THE EXISTING SIX RESIDENTIAL UNITS ABOVE WILL BE RECONFIGURED INTO TWELVE STUDIO UNITS WITH A NEW EGRESS STAIR, AND A FULL BUILDING SPRINKLER SYSTEM. THE MAJORITY OF EXTERIOR MATERIALS, SIDING, WINDOWS, AND DOORS WILL BE MAINTAINED.

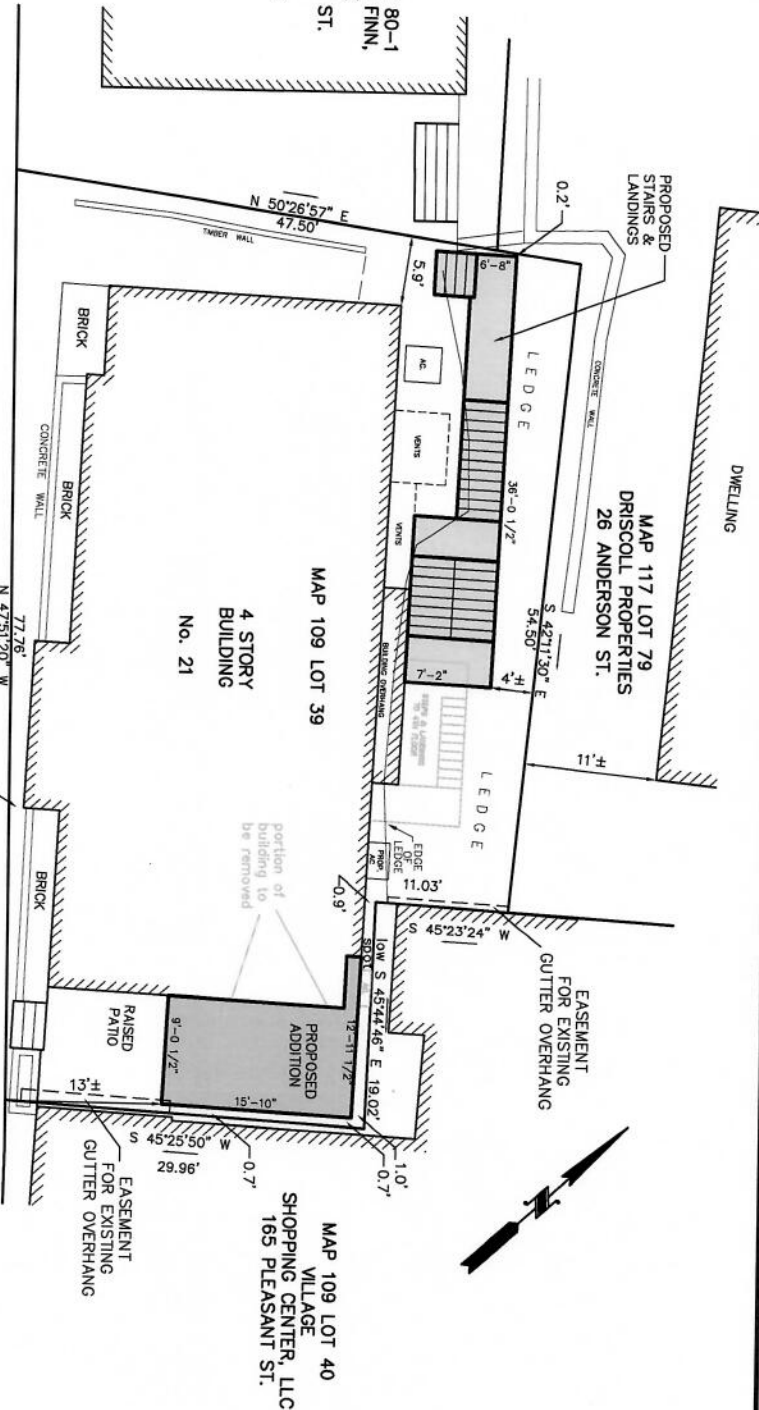


21 Bessom Street, Marblehead, MA

NOTE:  
DETAILS IN BLUE  
TO BE REMOVED

MAP 109 LOT 80-1  
CHRISTOPHER FINN,  
TRUSTEE  
25 BESSOM ST.

DWELLING



ZONING DISTRICT - BUSINESS 1

	REQUIRED	EXISTING	PROPOSED ADDITION
LOT AREA	48,000*	3091	3091
FRONTAGE	35	77.76'	77.76'
FRONT	N	1.2'	13'±
SIDE	6	0.7'	0.7'
REAR	6	0.9'	1.0'
BLDG HEIGHT	35	44.0'	44.0'

\*4000 PER UNIT

NO PARKING EXISTS ON SITE.

BESSOM STREET

ZONING BOARD OF APPEALS PLAN

21 BESSOM STREET

MARBLEHEAD

PROPERTY OF  
JB CAPITAL, LLC  
SCALE 1"=10' JANUARY 5, 2022  
NORTH SHORE SURVEY CORPORATION  
14 BROWN ST. - SALEM, MA  
(978) 744-4800

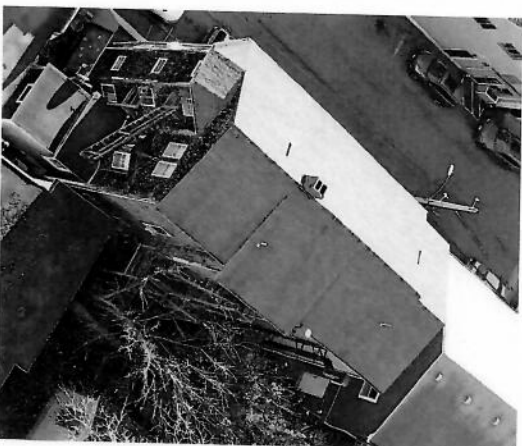
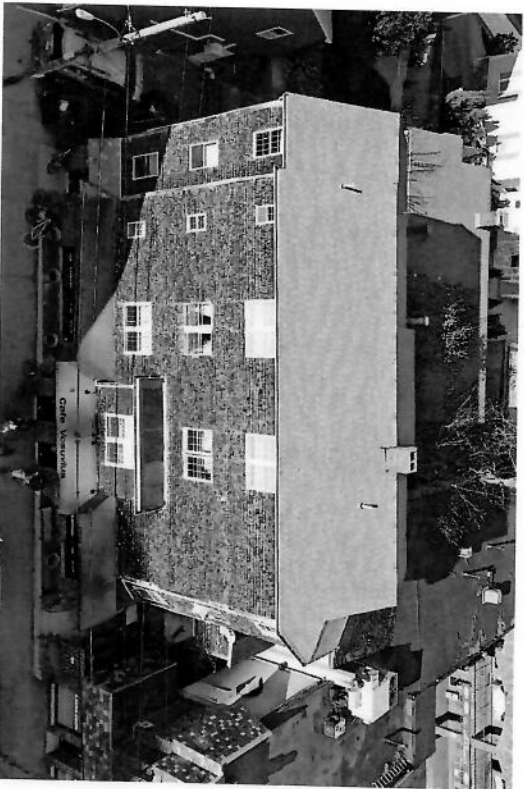


# 5451

THIS PLAN IS THE RESULT  
OF AN INSTRUMENT SURVEY.







784a Tremont St Boston MA 02118 617 607 4589 bloomarchitecture.com ARCHITECTURE



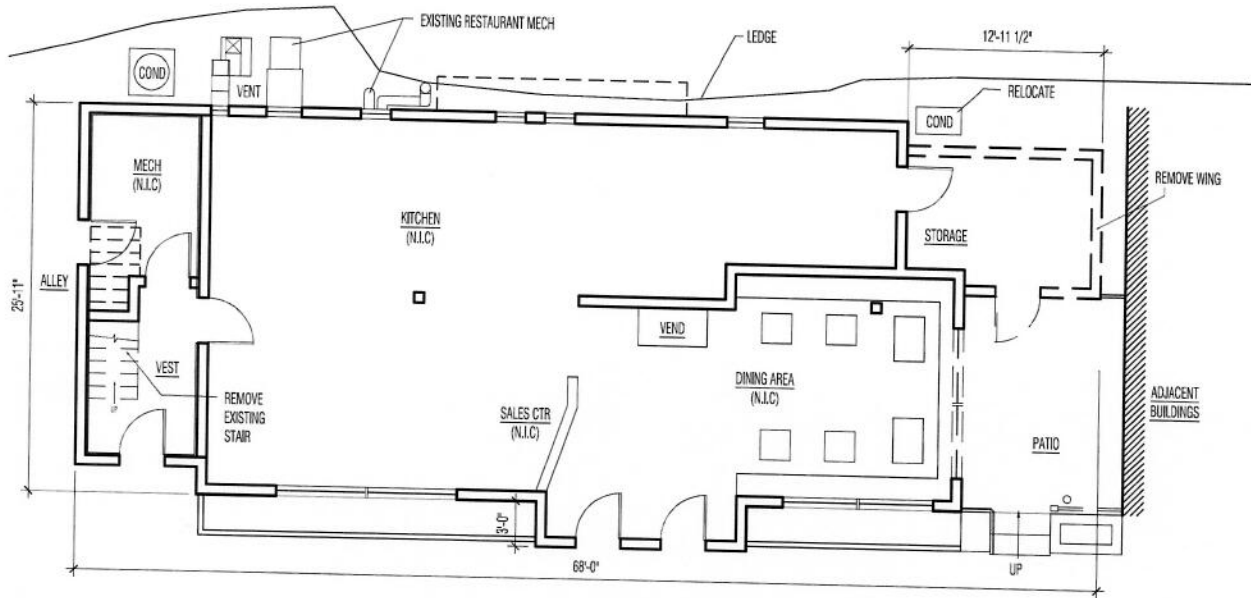
21 Besom Street, Marblehead, MA  
Existing Photographs

21 Bessom St, Marblehead  
OPEN AREA / GROSS FLOOR AREA WORKSHEET

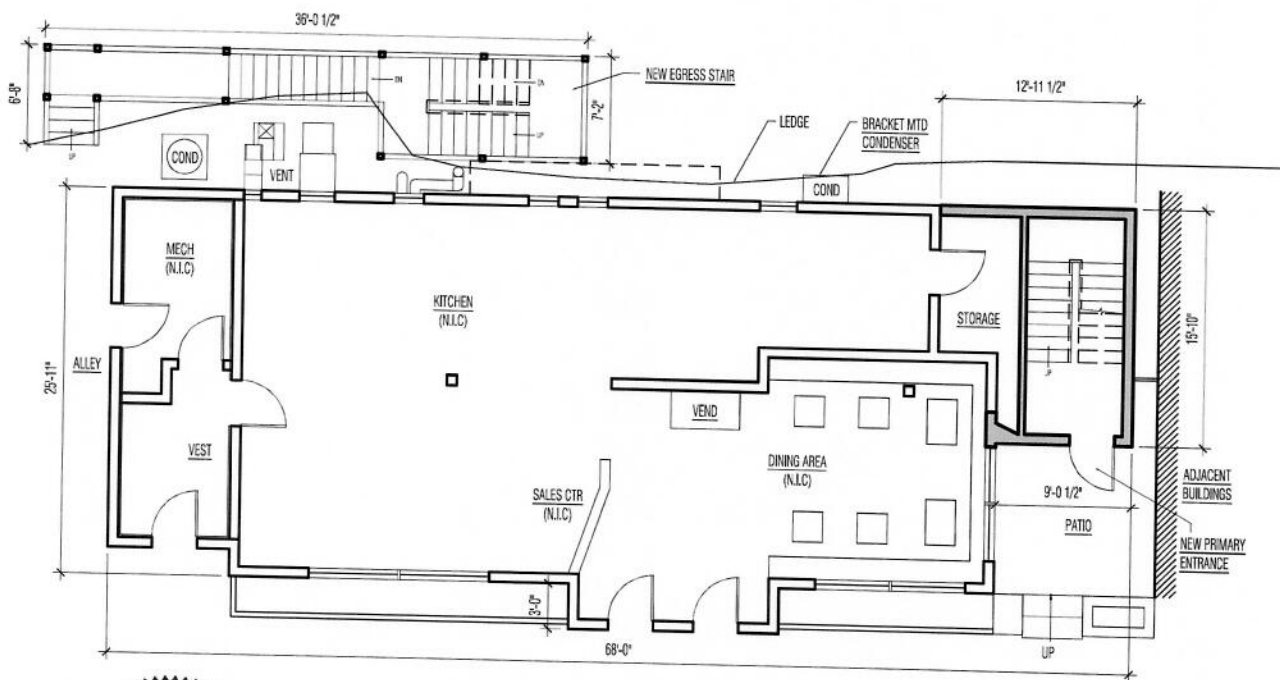
District B1					
	Required	Existing	Proposed	Notes	
Min Lot Area (sq ft)	10,000 or 4,000/du (48,000)	3091	NO CHANGE	existing non-conformity	
Min Frontage (ft)	35	77.78	NO CHANGE	complies	
Min Setback Front (ft)	NA	NA	NO CHANGE	complies	
Min Setback Side (ft)	6	0.7 / 8.5	NO CHANGE	existing non-conformity	
Min Setback Rear (ft)	6	0.9	NO CHANGE	existing non-conformity	
Min Open Area	NOA/GFA 2	0.23	0.21	existing non-conformity	
Max Height (ft)	35	appx 43	NO CHANGE	existing non-conformity	
OPEN AREA					
	Existing	Proposed			
total lot area		3091	3091		
less footprint of accessory building(s)		0	0		
less footprint of building		1640	1698		
less footprint of deck(s), porch(es), steps(s), bulkhead(s)		0	0		
less parking area(s) (9x18' per space)		0	0		
less pond(s)		0	0		
less tidal area(s) below MHW		0	0		
other (explain)		0	0		
Sum of features		1640	1698		
NET OPEN AREA (NOA)		1451	1393		
GROSS FLOOR AREA (GFA)					
accessory structures		0	0		
basement or cellar (>5 ft height)		0	0		
1st floor (12 or less ft height)		1640	1698		
2nd floor (12 or greater ft height)					
3rd floor (12 or less ft height)		1620	1690		
4th floor (12 or less ft height)		1486	1685		
attic (>5 ft height)		0	0		
area under deck (if > 5 ft height)		0	0		
roofed porches)		0	0		
TOTAL GROSS FLOOR AREA (GFA)		6232	6758		
REQUIRED MINIMUM OPEN AREA					
PROPOSED NET OPEN AREA			6758		
PROPOSED TOTAL CHANGE IN GFA			1393		
PROPOSED % CHANGE IN GFA			8.4%		
Existing Ratio NOA/GFA			0.23		
Proposed Ratio NOA/GFA			0.21		

21 Bessom Street, Marblehead, MA  
Zoning Analysis



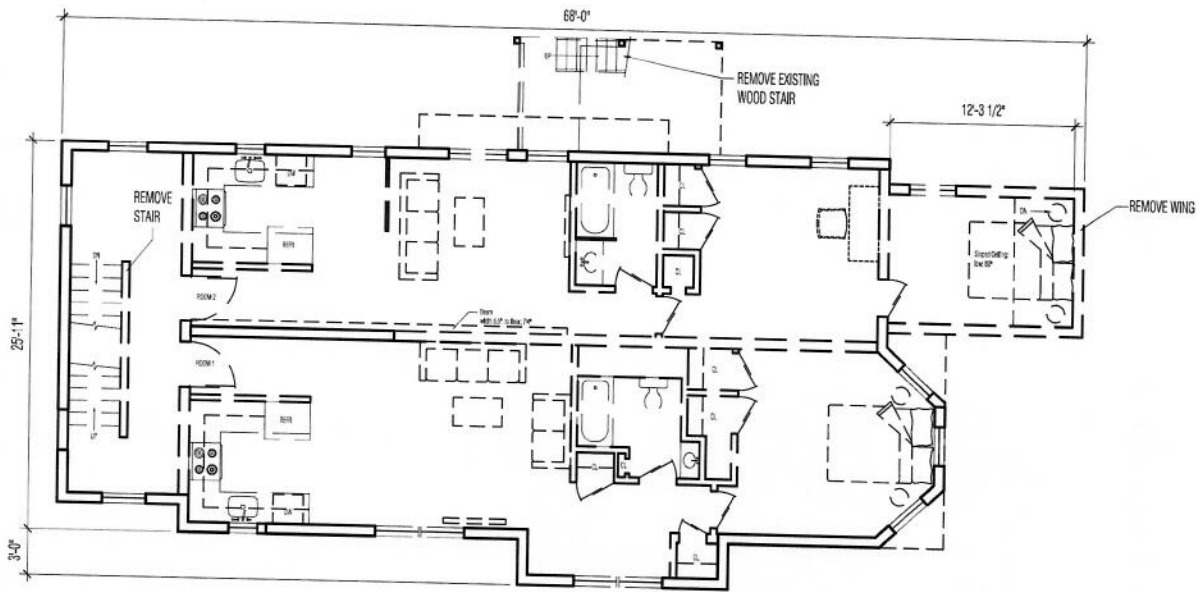


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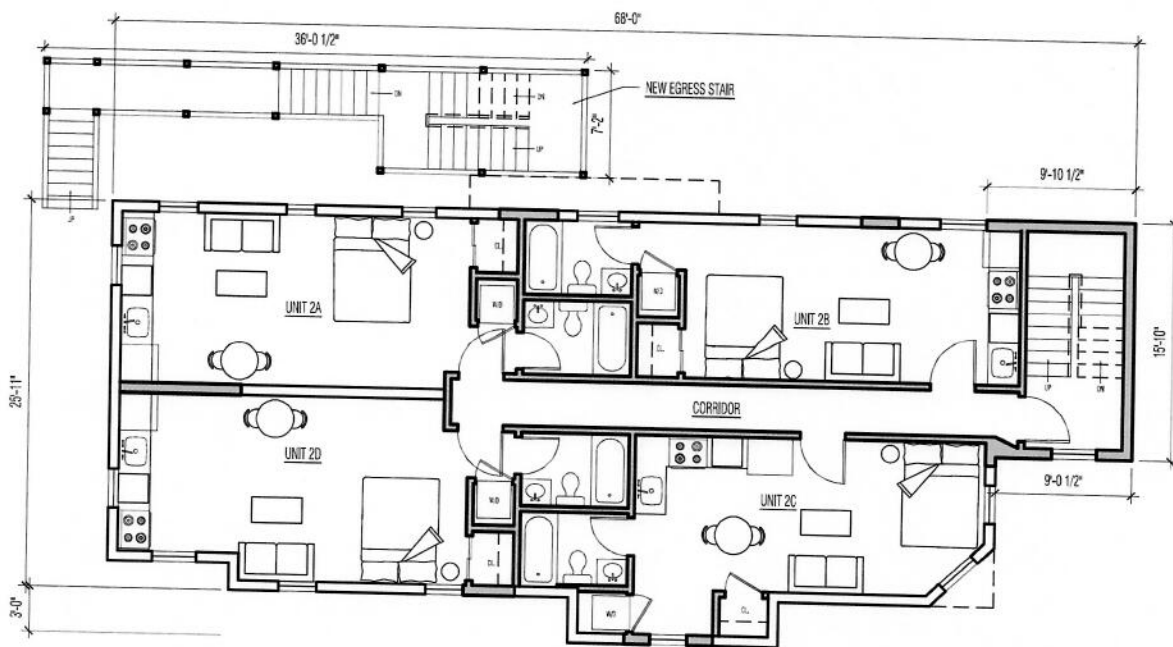


PROPOSED



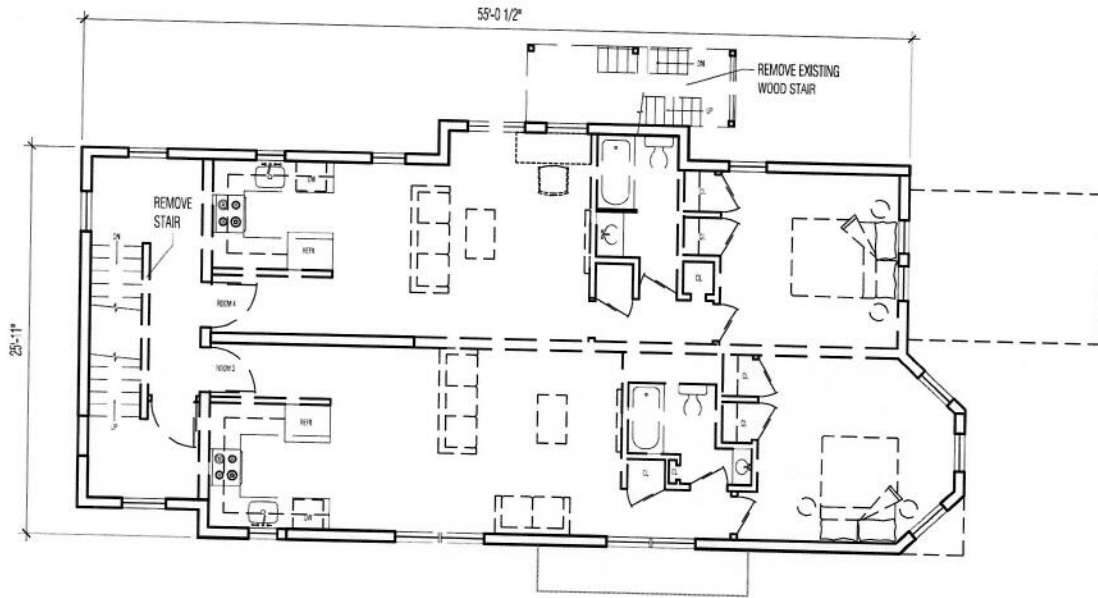


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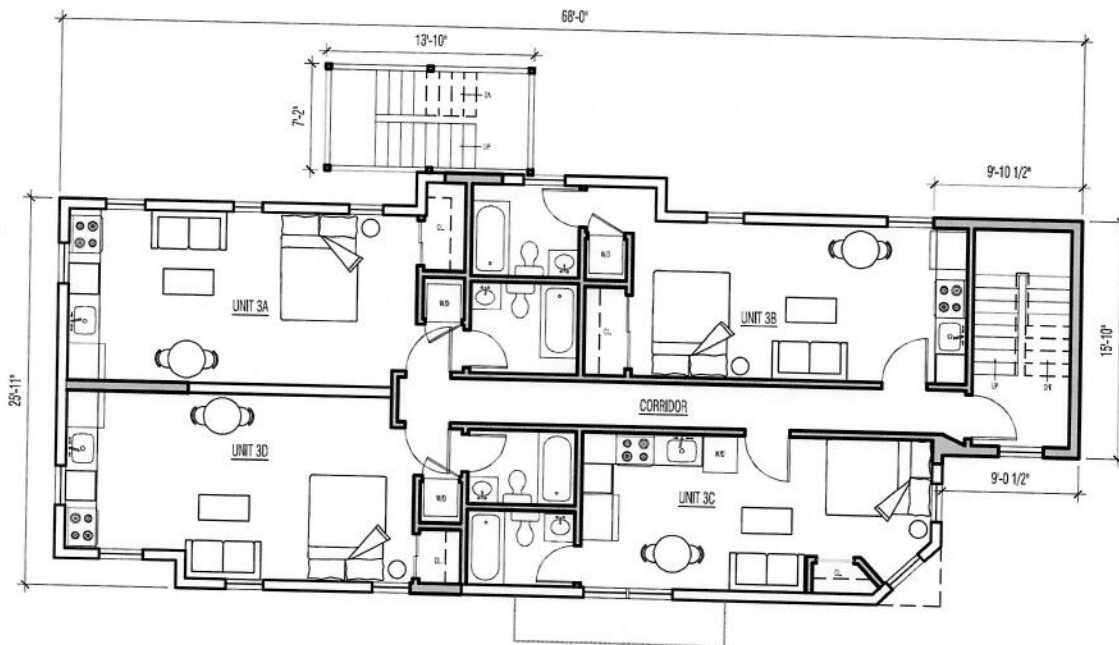


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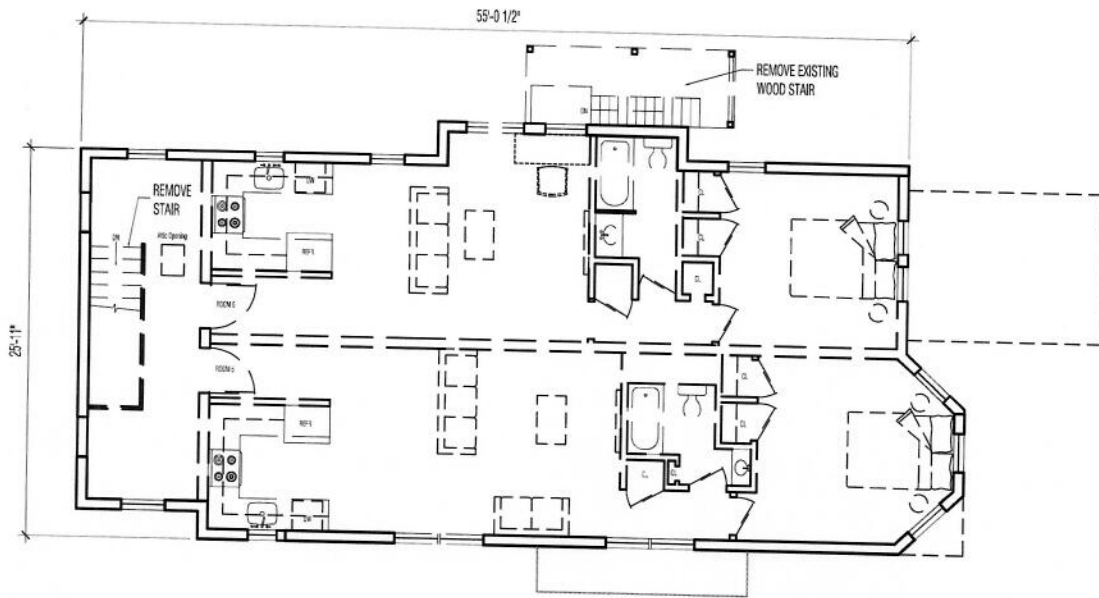


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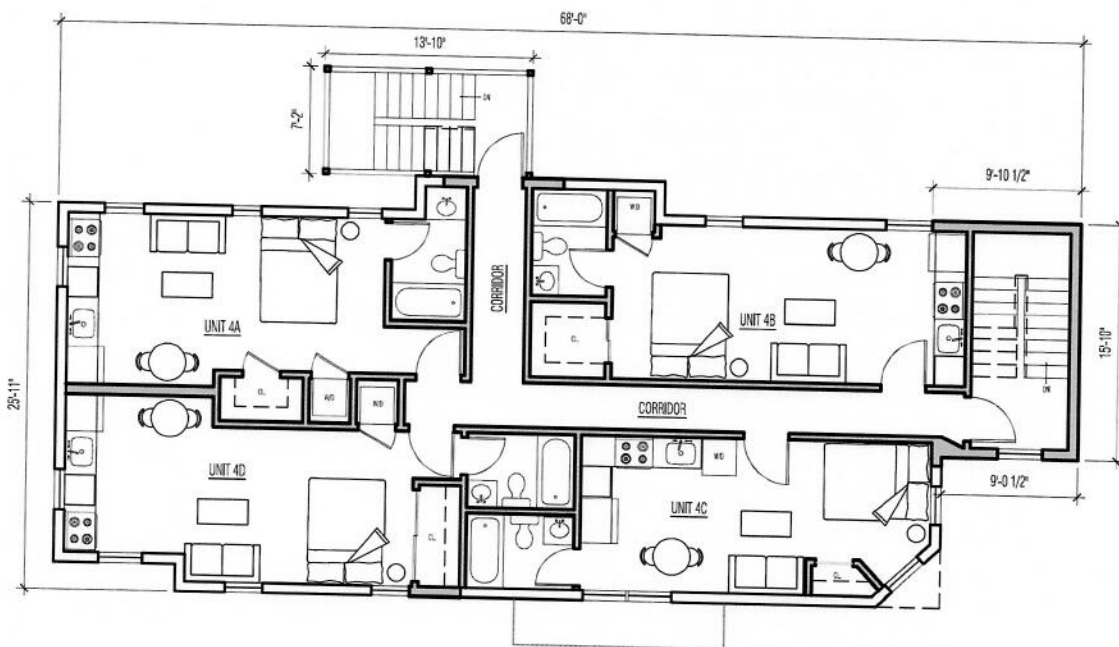


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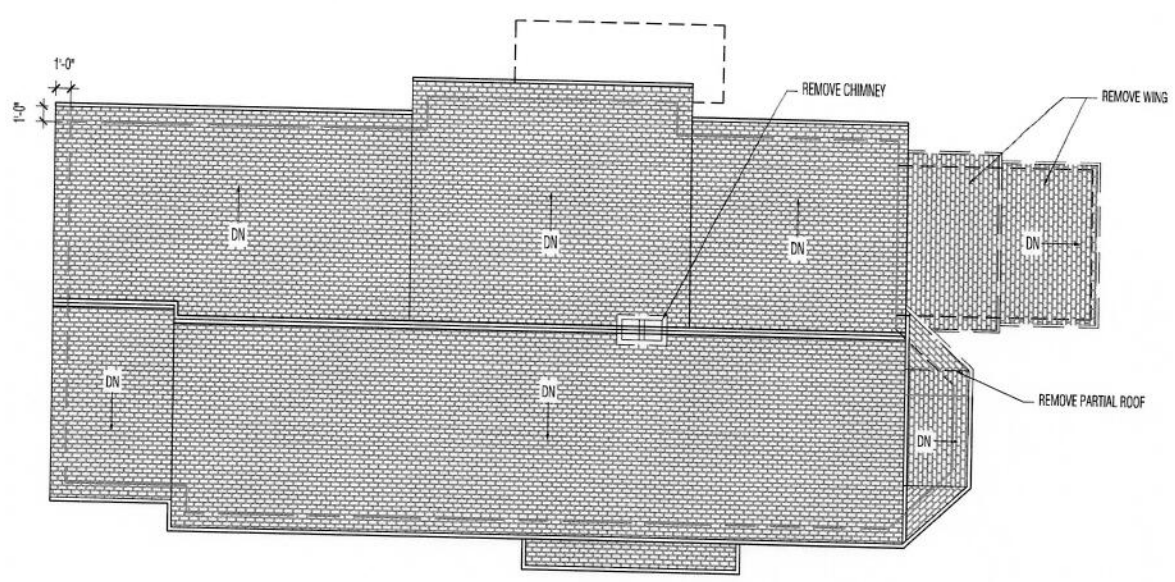


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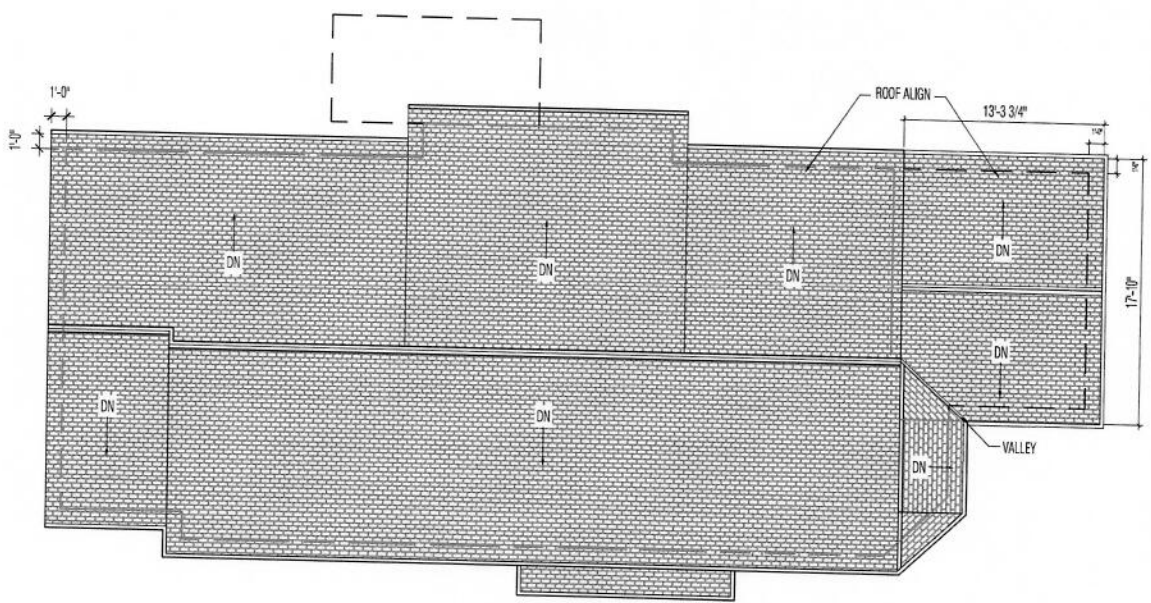


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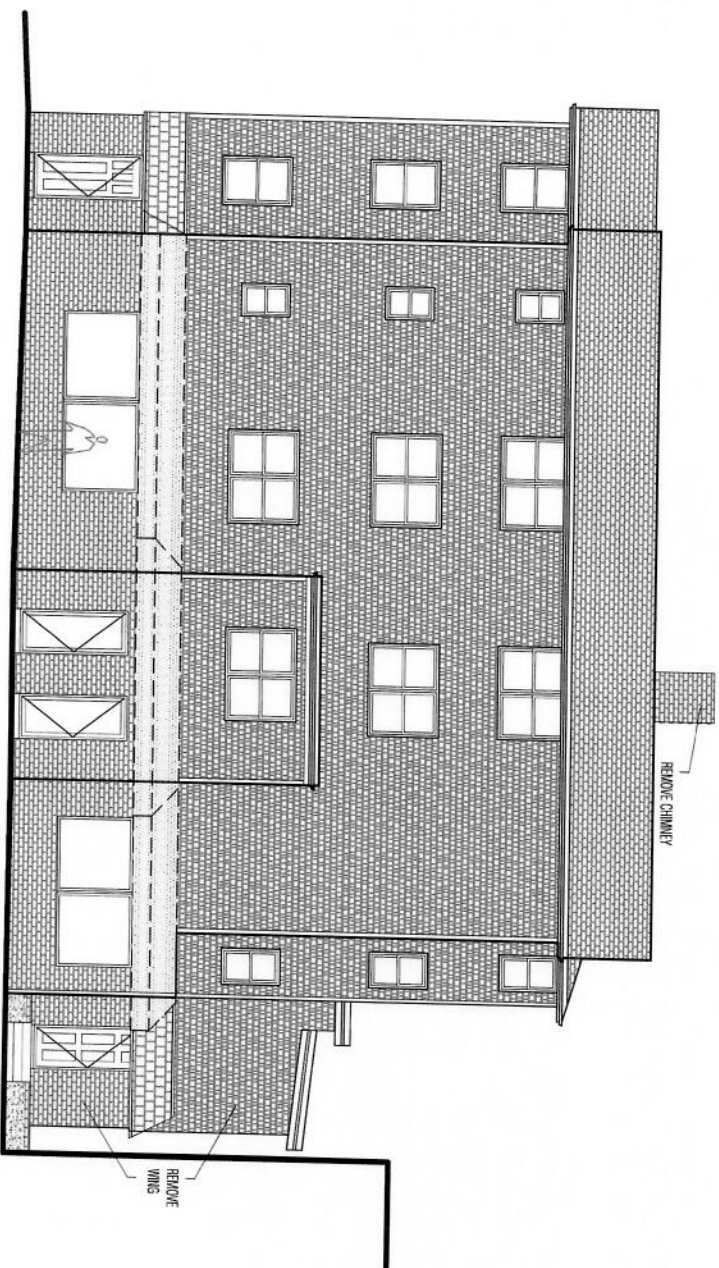


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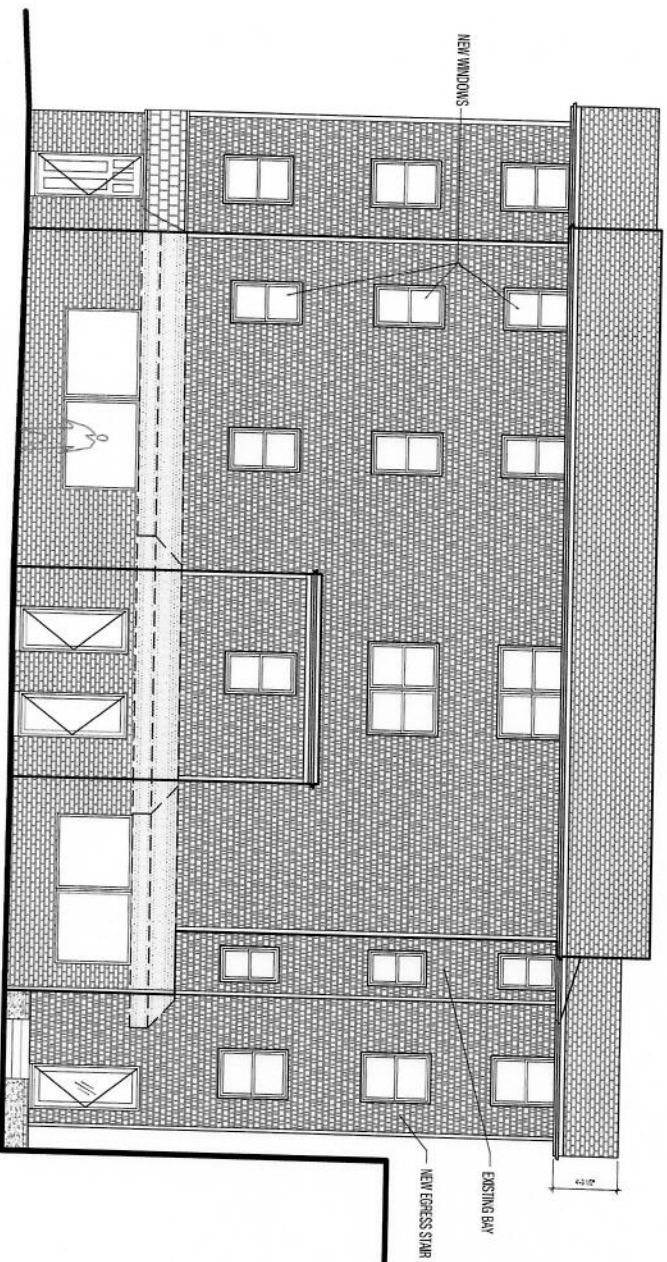
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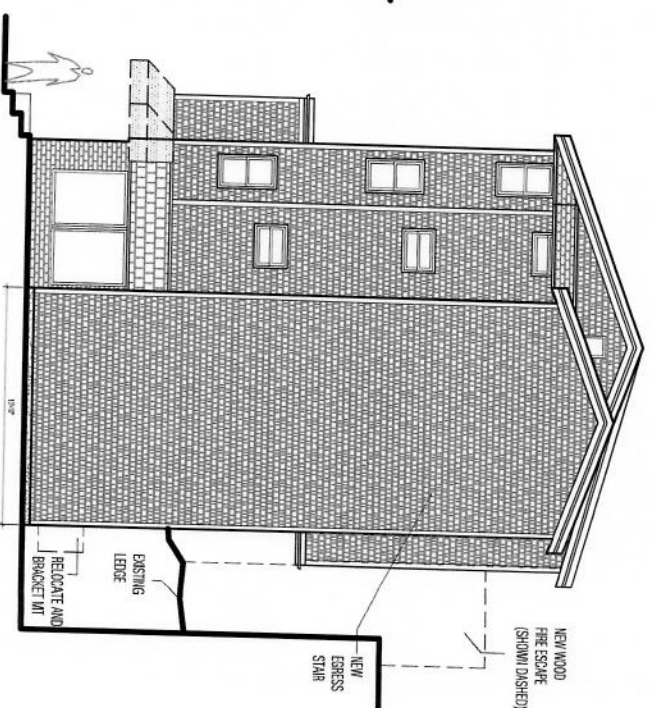


21 Bessom Street, Marblehead, MA  
Existing Front and Right Elevations  
1/8" = 1'-0"





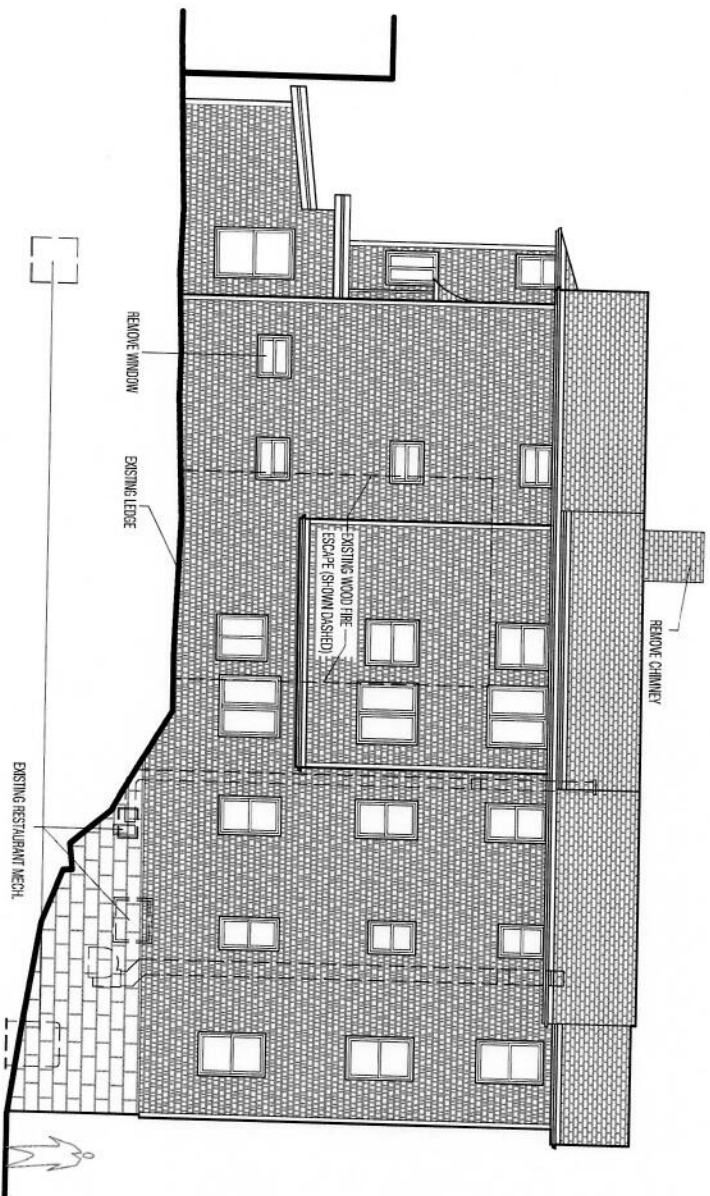
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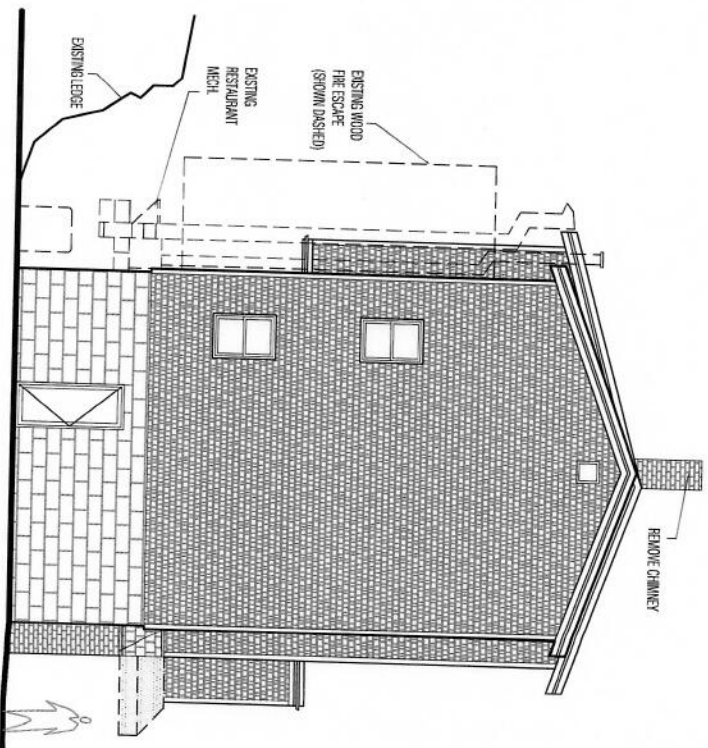
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21 Beacom Street, Marblehead, MA  
Proposed Front and Right Elevations  
1/8" = 1'-0"



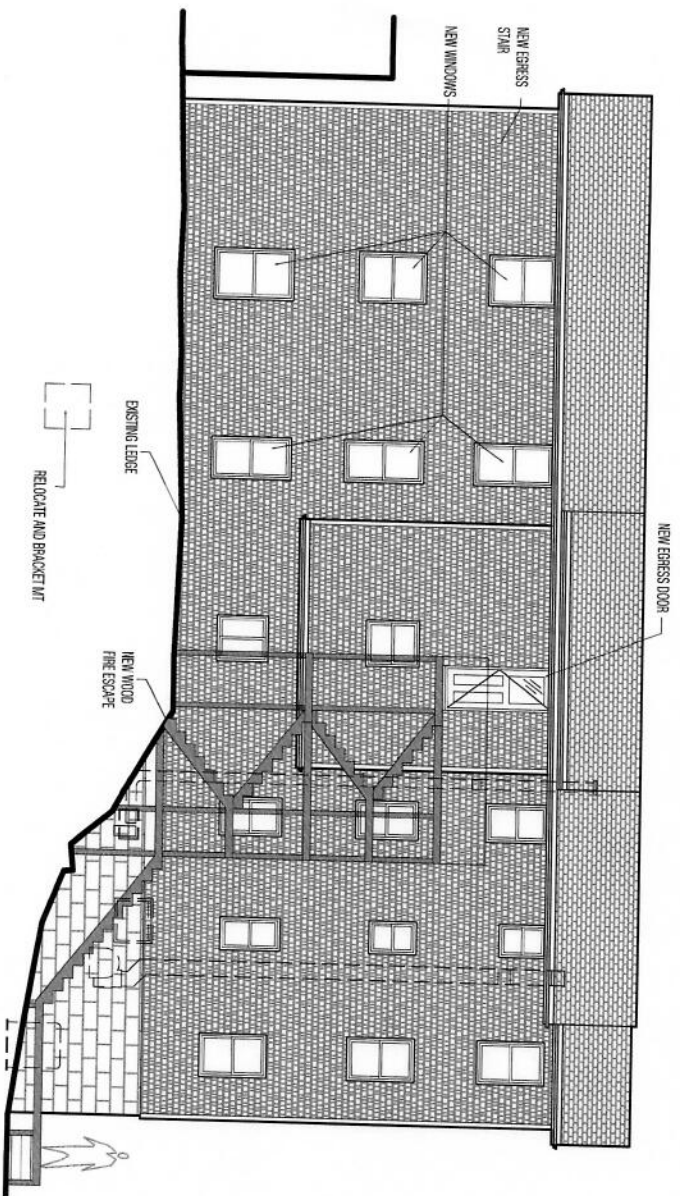
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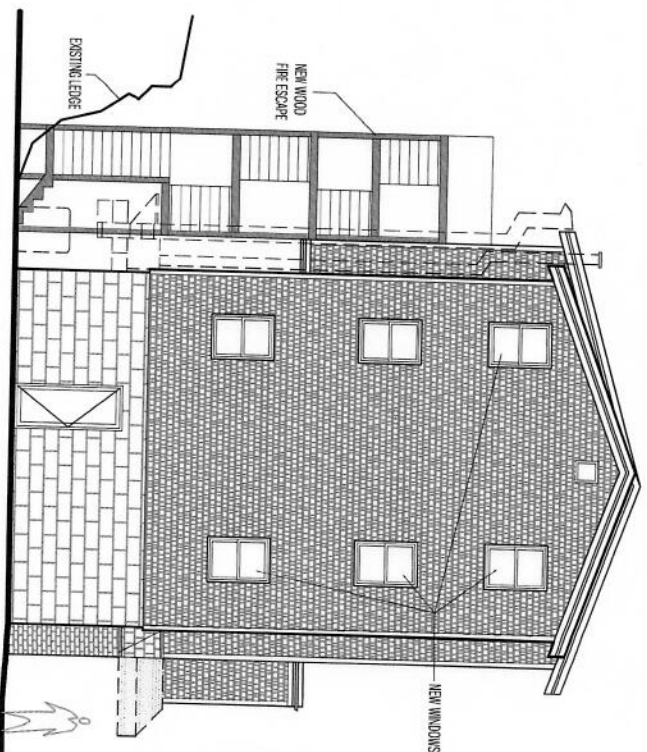
EXISTING



21 Bessom Street, Marblehead, MA  
Existing Rear and Left Elevations  
1/8" = 1'-0"



PROPOSED



PROPOSED



21 Bessom Street, Marblehead, MA  
Proposed Rear and Left Elevations  
1/8" = 1'-0"