



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

RECEIVED
MARBLEHEAD
TOWN CLERK
2024 FEB -6 AM 11:48
Town Clerk

Project Address 4 Abernathy Way
Assessor Map(s) 33 Parcel Number(s) 13-0

OWNER INFORMATION

Signature [Signature] date 2-5-2024
Name (printed) Lee H. Chrisman and Marian H. Spurrier
Address 4 Abernathy Way Marblehead, MA 01945
Phone Numbers: home _____ work see contact info below
E-mail _____ fax _____

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature [Signature] date 2/5/2024
Name (printed) Matthew Wolverton, Law Offices of Lausier & Lausier, LLC
Address 2 Hooper Street Marblehead, MA 01945
Phone Numbers: home 781 631 8830 x3 work _____
E-mail matt@lausierlaw.com fax 781 631 8840

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

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:
 - the signed and stamped application (3 pages);
 - current survey plan (not older than 90 days) as prepared by a Registered Professional 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).

Reviewed by:
Building Department
For Zoning Board
Of Appeals

REQUIRED SIGNATURES

1. Building Commissioner (pages 1, 2 and 3) [Signature] 2-5-2024
2. Town Clerk's stamp (upper right corner)

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

Town of Marblehead
ZBA-APPLICATION

Revision Date: 12-02-2020

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Project Address 4 Abernathy Way Map(s) / Parcel(s) 33/13-0

ZONING DISTRICT (circle all that apply)

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

CURRENT USE (explain) single family residence

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

Yes X No _____ (explain) _____

PROPOSED CHANGE OF USE

No X Yes _____ (explain) _____

PROPOSED CONSTRUCTION QUALIFIES AS "Building New" (§200-7) Yes _____ No X

EXISTING DIMENSIONAL NON-CONFORMITIES (check all that apply)

- X Lot Area - Less than required (§200-7 and Table 2)
- X Lot Width - Less than required (§200-7)
- X 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)
- X Side Yard Setback - Less than required (Table 2)
- X 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)
- X 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)
- X Exceeds 10% Expansion Limits for Non-conforming Building (§200-30.D)
- _____ Other Non-conformities (explain) _____
- _____ No New Dimensional Non-conformities

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ADDITIONAL HEARINGS REQUIRED

Conservation Commission	Yes _____	No <u>X</u>
Historic District Commission	Yes _____	No <u>X</u>
Planning Board	Yes _____	No <u>X</u>

DESIGN & SURVEY PLANS MEET -ZBA- RULES & REGULATIONS (Sections 3(A) and 3(C))

Yes X No _____ (explain) _____

Building Official [Signature]

Date 2-5-2024

Project Address 4 Abernathy Way Map(s) / Parcel(s) 33 - 13

NET OPEN AREA (NOA)

EXISTING **PROPOSED**

Lot area = A	<u>7388</u>	<u>7388</u>
Area of features		
footprint of accessory building(s)	<u>118 SF</u>	<u>118 SF</u>
footprint of building	<u>596 SF</u>	<u>1216 SF</u>
footprint of deck(s), porch(es), step(s), bulkhead(s)	<u>77 SF</u>	<u>165 SF</u>
number of required parking spaces <u>2</u> x (9'x18' per space)	<u>324 SF</u>	<u>324 SF</u>
area of pond(s), or tidal area(s) below MHW	<u>0 SF</u>	<u>0 SF</u>
other areas (explain) _____	<u>0</u>	<u>0 SF</u>
Sum of features = B	<u>1115</u>	<u>1823 SF</u>
Net Open Area (NOA) = (A - B)	<u>6273 SF</u>	<u>5565 SF</u>

GROSS FLOOR AREA (GFA)

accessory structure(s)	<u>118</u>	<u>118</u>
basement or cellar (area > 5' in height)	<u>0 SF</u>	<u>0 SF</u>
1st floor (12' or less in height) <u>NOTE:</u>	<u>596 SF</u>	<u>1216 SF</u>
2nd floor (12' or less in height)	<u>596 SF</u>	<u>1186 SF</u>
3rd floor (12' or less in height)	<u>496</u>	<u>496 SF</u>
4th floor (12' or less in height)	<u>0</u>	<u>0</u>
attic (area > 5' in height)	<u>0</u>	<u>0</u>
area under deck (if > 5' in height)	<u>0</u>	<u>0</u>
roofed porch(es)	<u>0 SF</u>	<u>139 SF</u>
Gross Floor Area (GFA) = sum of the above areas	<u>1806 SF</u>	<u>3155 SF</u>

[for heights exceeding
 12' see definition
 of STORY ~200-7]

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<u>Proposed total change in GFA</u> = (proposed GFA - existing GFA)	= <u>1349 SF</u>
<u>Percent change in GFA</u> = (proposed total change in GFA / existing GFA)	= <u>74.70 %</u>
<u>Existing Open Area Ratio</u> = (existing NOA / existing GFA)	= <u>3.47</u>
<u>Proposed Open Area Ratio</u> = (proposed NOA / proposed GFA)	= <u>1.76</u>

- This worksheet applies to the following plan(s):
1. plan by/dated Otte & Dwyer, INC 5-Jan-24
 2. plan by/dated Bosworth Architect LLC 12-Dec-23
 3. plan by/dated _____

Building Official  Date 2-5-2024

PROJECT DESCRIPTION & RELIEF REQUESTED

4 Abernathy Way, Marblehead, MA 01945
Lee H. Chrisman and Marian H. Spurrier

The Applicant requests that the Zoning Board of Appeals issue a Special Permit under the Zoning By-Laws allowing the construction of an addition, deck and entry way, to a pre-existing non-conforming single-family dwelling having less than required Side Yard Setback and exceeding the maximum allowed Height, on a Lot having less than required Lot Width, Lot Area and Frontage, located at **4 ABERNATHY WAY** in a **SINGLE RESIDENCE DISTRICT**. The proposed construction will be located partially within the Side Yard Setback and exceed expansion limits on a pre-existing non-conforming building by more than the allowed 10%, but will otherwise conform to all other Dimensional Regulations of the By-Laws.

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