



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
Town Clerk

Project Address 72 East Orchard Street, Marblehead, MA 01945 2022 JAN 21 AM 10:43
Assessor Map(s) 89 Parcel Number(s) 23 - 0

OWNER INFORMATION

Signature [Signature] date January 19, 2022
Name (printed) David A. Lowy and Virginia B. Lowy
Address 72 East Orchard Street, Marblehead, MA 01945
Phone Numbers: home - - work - - see below for contact - representative
E-mail david.lowy@jud.state.ma.us fax - -

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature [Signature] date January 19, 2022
Name (printed) Robert C. McCann McCann & McCann, P.C.
Address 89 Newbury Street, Suite 302, Danvers, MA 01923
Phone Numbers: home - - work 978-739-8484
E-mail rmccann@mccannlaw.com fax 978-739-8455

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

SEE ATTACHED DESCRIPTION

Reviewed by
Building Department
For Zoning Board
Of Appeals

- 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) [Signature] 1-19-2022

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

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

Project Address 72 East Orchard Street, Marblehead, MA 01945 **Map(s)/Parcel(s)** 89 / 23 - 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

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)

_____ **Lot Area** – Less than required (§200-7 and Table 2)

X	Lot Width – Less than required (§200-7)
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X	Frontage – Less than required (§200-7 and Table 2)
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X 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)

_____ **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 Nonconforming Building (§200-30.D)

Other Non-conformities (explain)

No Existing Dimensional Non-Conformities

ADDITIONAL HEARINGS REQUIRED

Conservation Commission	Yes	No	X
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	Yes	No	X
Historic District Commission			

Planning Board	Yes	No	X
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DESIGN & SURVEY PLANS MEET-ZBA- RULES & REGULATIONS (Sections 3(A) and 3(C))

Yes X No  (explain)

Building Official

Date 1-19-2022

Reviewed by
Building Department
For Zoning Board
Of Appeals

Town of Marblehead
ZBA-APPLICATION
 Page 3 of 3

Revision Date: 12-02-2020

Project Address 72 East Orchard Street, Marblehead, MA **Map(s) / Parcel(s)** 89 / 23 - 0

NET OPEN AREA (NOA)

Lot area = A

Area of features

footprint of accessory building(s)

footprint of building

footprint of deck(s), porch(es), step(s), bulkhead(s)

number of required parking spaces 2 x (9'x 18' per space)

area of pond(s), or tidal area(s) below MHW

other areas (explain) _____

Sum of features = B

Net Open Area (NOA) = (A - B)

EXISTING

10822

0

1074

484

324

0

0

1882

8940

PROPOSED

10822

0

2103

349

324

0

0

2776

8046

GROSS FLOOR AREA (GFA)

accessory structure(s)

basement or cellar (area >5' in height)

1st floor (12' or less in height) **NOTE:** [for heights exceeding

2nd floor (12' or less in height) 12' see definition

3rd floor (12' or less in height) of STORY §200-7]

4th floor (12' or less in height)

attic (area >5' in height)

area under deck (if >5' in height)

roofed porch(es)

Gross Floor Area (GFA) = sum of the above areas

0

834

1083

947

0

0

60

402

0

3326

0

1236

2111

1332

0

0

60

0

0

4739

Proposed total change in GFA = (proposed GFA - existing GFA) = 1413

Percent change in GFA = (proposed total change in GFA ÷ existing GFA) x 100 = 42.48 %

Existing Open Area Ratio = (existing NOA ÷ existing GFA) = 2.69 : 1.00

Proposed Open Area Ratio = (proposed NOA ÷ proposed GFA) = 1.70 : 1.00

This worksheet applies 1. plan by/dated January 18, 2022 by North Shore Survey

to the following plan(s): 2. plan by/dated January 3, 2022 by Tucker Architecture

3. plan by/dated _____

Building Official _____

Date 1-21-2022

Reviewed by
Building Department
For Zoning Board
Of Appeals

PROJECT DESCRIPTION & RELIEF REQUESTED

72 East Orchard Street, Marblehead, MA 01945
David A. Lowy and Virginia B. Lowy

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The Applicants request that the Zoning Board of Appeals issue a Special Permit under the Zoning By-Laws allowing construction of additions to an existing single-family dwelling having less than the required Front Yard Set Back and Side Yard Set Back on a Lot that has less than the required Lot Width and Lot Frontage located at **72 EAST ORCHARD STREET** in a **SINGLE RESIDENCE ZONING DISTRICT**. The additions will be constructed partially in the Side Yard Set Back and will increase the Gross Floor Area by more than the allowed ten (10%) percent on a pre-existing nonconforming structure.