



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

2022 MAY 25 PM 4:22
Town Clerk

Project Address 8 Nashua Avenue (a/k/a Street), Marblehead, MA 01945

Assessor Map(s) 922 Parcel Number(s) 8 - 0

OWNER INFORMATION

Signature  date May 25, 2022

Name (printed) Donald L. Souter and Andrea C. Souter

Address 8 Nashua Avenue (a/k/a Street), Marblehead, MA 01945

Phone Numbers: home - - work 781-307-8131

E-mail donsoutercomcast.net; amcsouter@gmail.com fax - -

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature  date May 25, 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

- 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)

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

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

Reviewed by
Building Department
for Zoning Board
5-25-2022

PROJECT DESCRIPTION & RELIEF REQUESTED

8 Nashua Avenue (a/k/a Street), Marblehead, MA 01945

Owners:

Donald L. Souter and Andrea C. Souter

The Applicants requests that the Zoning Board of Appeals approve and issue a Special Permit under the Zoning By-Laws allowing the removal of an existing second floor deck and the construction of an addition to the second floor in place thereof on the pre-existing nonconforming single-family dwelling having less than the required Front Yard Set Back, Side Yard Set Back and Rear Yard Set Back on a nonconforming Lot having less than the required Lot Area, Lot Width, Lot Frontage and Open Space Ratio on the property at **8 NASHUA AVENUE (A/K/A STREET)** in an **EXPANDED SINGLE RESIDENCE DISTRICT**. The addition will be partially within the Side Yard Set Back and Rear Yard Set Back and will reduce the present nonconforming Open Space Ratio.

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 8 Nashua Avenue (a/k/a Street), Marblehead, MA 01945 Map(s)/Parcel(s) 922 / 8 - 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 Dwelling

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)
- X Front Yard Setback – Less than required (Table 2)
- X 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)
- X 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)
- X Rear Yard Setback - Less than required (Table 2) – **replace second floor deck with addition and no**
- X Side Yard Setback - Less than required (Table 2) - **increase in footprint**
- _____ Height – Exceeds maximum allowed (§200-7 and Table 2)
- X Open Area – Less than required (§200-7, §200-15.B(2) and Table 2) - **being slightly reduced**
- _____ Parking – Less than required; undersized; tandem (§200-17 to §200-21) (circle all that apply)
- _____ Exceeds 10% Expansion Limits for Nonconforming Building (§200-30.D)
- _____ Other Non-conformities (explain) _____
- _____ New Dimensional Non-Conformities – Height will remain the same

ADDITIONAL HEARINGS REQUIRED

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

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

Yes X No _____ (explain) PLOT PLAN SCALE BAR IS ACCURATE .RSI

Building Official  Date 5-25-2022

ZBA-APPLICATION

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Revision Date: 12-02-2020

Project Address 8 Nashua Avenue (a/k/a Street), Marblehead, MA 01945 Map(s)/Parcel(s) 922 / 8 - 0**NET OPEN AREA (NOA)****EXISTING****PROPOSED**

Lot area = A

7,0007,000**Area of features**

footprint of accessory building(s)

2020

footprint of building

17061706

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

456456number of required parking spaces 2 x (9'x18' per space)324324

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

00

other areas (explain) _____

00**Sum of features = B**25062506**Net Open Area (NOA) = (A - B)**44944494**GROSS FLOOR AREA (GFA)**

accessory structure(s)

2020

basement or cellar (area >5' in height)

12701270

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

17211721

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

12281469

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

00

4th floor (12' or less in height)

00

attic (area >5' in height)

00

area under deck (if >5' in height)

00

roofed porch(es)

382382**Gross Floor Area (GFA) = sum of the above areas**46214862**Proposed total change in GFA** = (proposed GFA - existing GFA) = 241**Percent change in GFA** = (proposed total change in GFA ÷ existing GFA) x 100 = 5.22 %**Existing Open Area Ratio** = (existing NOA ÷ existing GFA) = .97**Proposed Open Area Ratio** = (proposed NOA ÷ proposed GFA) = .92This worksheet applies 1. plan by/dated Hayes Engineering dated May 24, 2022to the following plan(s): 2. plan by/dated Pitman & Wardley dated May 24, 2022Building Official  Date 5-25-2022Reviewed by
Building Department
For Zoning Board
Of Appeals