



TOWN SEAL
tel: 781-631-1529

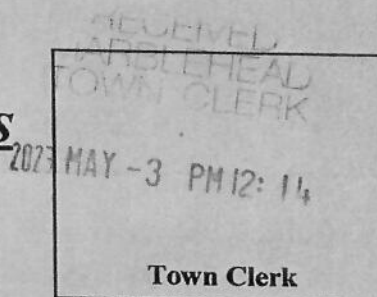
fax: 781-631-2617
Revision Date: 12-02-20

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 24 Lee Street - Building D, Marblehead, MA 01945

Assessor Map(s) 132 Parcel Number(s) 76

OWNER INFORMATION

Signature [Signature] date May 03, 2023

Name (printed) Harborside Condominium Trust - c/o David Gold, Trustee

Address 24 Lee Street, Marblehead, MA 01945

Phone Numbers: home - work 617-800-3797

E-mail david.gold.48@gmail.com fax -

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature [Signature] date May 03, 2023

Name (printed) Jeffrey M. Tucker AIA, ASLA

Address 56 Atlantic Ave Marblehead, MA

Phone Numbers: home - work 781-631-3546

E-mail jeff@tuckerarch.com fax -

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)

[Signature]
5/3/23

Reviewed by
Building Department
For Zoning Board
Of Appeals

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

Project Description and Relief Requested

The Applicant requests that the Zoning Board of Appeals issue a Variance, Finding and/or Special permit for the project described below.

Existing Site/Condition:

The property is located at 24 Lee Street. The property contains several multi-unit buildings on the site containing 23 residential condominium units. The property is located in the Harborfront and Shoreline Central Residence Zoning District. The use of this property is a non-conforming use. The four buildings on the site do not meet the rear yard setback, side yard setback, maximum height, minimum open space and the parking requirements of the bylaw.

The subject of this Special Permit request is Building D. This building is a three story wood framed building containing five residential condominium units. The building currently has several exterior balconies and exterior stairs which are in a state of disrepair. The existing egress stair is in a poor state and presents a danger to those who use it.

The proposed work includes:

1. Removal of the existing three story exterior egress stair. Recent work done to the building negates the need for this stair with the installation of a sprinkler system and other egress improvements.
2. Reconstruction of the existing first floor deck adjacent to the lot line. This deck is in need of structural repairs and needs to be replaced. During that replacement, the deck will be constructed so as to remove the current encroachment on the neighboring property.
3. The existing overhanging balconies will be repaired and supplemented with framing to meet current engineering standards. Railings will be replaced as well. All exterior railings will be replaced with new cable railings to match other work on adjacent buildings on site.
4. All decking material will be replaced with new decking.
5. New exterior lighting will be installed.
6. An expansion of the existing third floor roof deck is proposed. This will not create any additional Gross Floor Area as it will be constructed over the existing roof frame.
7. Removal of a portion of the existing third floor balcony and replacement with pergola elements.
8. Relocation of HVAC condensers on the third floor deck.
9. Removal of a bridge element on the third floor.
10. Installation of new windows resulting from the removal of the existing stair.
11. Construction of a new balcony in the footprint of the existing stair to be removed.

The new non-conformities will be construction within the sideyard setback and rear yard setback.

Upon completion, the GFA will be reduced by 214 SF and the Open Space Ratio will remain materially unchanged.

Previous Applications/Other Permits

This project has been presented to this board on a prior occasion. The first application sought to construct a new egress stair to replace the existing failing egress stair. This was heard during the Zoning Board of Appeals hearing on August 24, 2021. This request was granted and a special permit issued.

Subsequent to that approval, the applicant pursued an alternate strategy with the contractor to achieve a safer structure by installing a fire suppression system. This work has recently been completed. As a result of this strategy, the existing non-conforming egress stair may be removed from the structure. The proposed new balcony in that location allows for an appropriate termination of the existing balcony system and permits access to the existing door on the side of the building.

We feel that the proposed project will be safer for the residents and emergency personnel accessing the building. We also feel the exterior work proposed will be an improvement to the harbor views for adjacent neighbors and those viewing from the water.

This project has previously been reviewed by the Marblehead Old and Historic Districts Commission as well as the Marblehead Conservation Commission.

Town of Marblehead
ZBA-APPLICATION
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Revision Date: 12-02-2020

Project Address 24 Lee Street - Building D, Marblehead, MA 01945 **Map(s) / Parcel(s)** 132-76

ZONING DISTRICT (circle all that apply)

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

CURRENT USE (explain) Multi-Dwellings - Condominium Ownership

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

Yes ☐ **No** ☒ (explain) Multiple-Dwellings and Principal Structures on One Lot

PROPOSED CHANGE OF USE

No ☒ **Yes** ☐ (explain) _____

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)
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- ☐ **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**

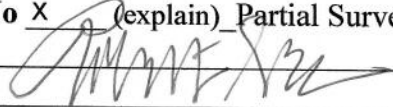
ADDITIONAL HEARINGS REQUIRED

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

*Reviewed by
Building Department
For Zoning Board
Of Appeals*

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

Yes ☐ **No** ☒ (explain) Partial Survey only - Waiver Requested

Building Official  **Date** 5/3/23

Town of Marblehead
ZBA-APPLICATION
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Revision Date: 12-02-2020

Project Address 24 Lee Street - Building D, Marblehead, MA 01945

Map(s) / Parcel(s) 132-76

NET OPEN AREA (NOA)

Lot area = A

EXISTING

PROPOSED

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 _____ 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)

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

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

= -214

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

= -.67% %

Existing Open Area Ratio = (existing NOA ÷ existing GFA)

= 0.31

Proposed Open Area Ratio = (proposed NOA ÷ proposed GFA)

= 0.31

This worksheet applies 1. plan by/dated

Hayes Engineering

to the following plan(s): 2. plan by/dated

Tucker Architecture (Dated May 02, 2023)

3. plan by/dated

Building Official

Date 5/3/23

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