



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

2021 APR 20 AM 9:09

Town Clerk

Project Address 26 BIRCH STREET

Assessor Map(s) 52 Parcel Number(s) 23

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

### OWNER INFORMATION

Signature [Signature] date 4/14/21

Name (printed) Tracy V Smith

Address 26 Birch Street Marblehead, MA 01945

Phone Numbers: home 617-596-2461 work 617-850-3364

E-mail tvsmith928@gmail.com fax n/a

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

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

Name (printed) \_\_\_\_\_

Address \_\_\_\_\_

Phone Numbers: home \_\_\_\_\_ work \_\_\_\_\_

E-mail \_\_\_\_\_ fax \_\_\_\_\_

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

SEE ATTACHED

- 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] 4-14-2021
2. Town Clerk's stamp (upper right corner)

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

Town of Marblehead  
**ZBA-APPLICATION**

Page 2 of 3

Revision Date: 12-02-2020

Project Address 20 BIRCH ST Map(s) / Parcel(s) 52/23

**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 ☒ No ☐ (explain) \_\_\_\_\_

**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) GAPED OUT
- ☐ 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"/>

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

Yes ☒ No ☐ (explain) \_\_\_\_\_

Building Official [Signature] Date 4-14-21

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

Reviewed by  
Building Department  
For Zoning Board  
Revision 04-12-2020

Project Address 20 BIRCH STREET Map(s) / Parcel(s) 52/23

**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 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)

**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)

= + 220 #

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

= 7.1 %

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

= 1.24

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

= 1.15

This worksheet applies 1. plan by/dated N. SHORE SURVEY APRIL 13, 2021  
to the following plan(s): 2. plan by/dated TAPROOT DESIGN INC. 4-12-21  
3. plan-by/dated \_\_\_\_\_

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

Date 4-14-2021

## ZONING BOARD OF APPEALS

Applicant: Adam & Tracy Smith

Address: 26 Birch Street (Map 52, Parcel 23)

District: Single Residence

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Of Appeals

Relief: We are requesting a Special Permit to construct dormer additions to an existing single-family dwelling. The existing home sits on a lot with less than the required lot area, frontage and width. The structure exceeds the right side setback by 7' +/- and the porch steps exceed the front setback by 2' +/- . There is a single-car garage that exceeds the left side and rear setbacks by 10' +/- each and the lot provides tandem parking.

The proposed dormer to the right will exceed the right setback by 3' +/- . The dormer to the left and small single-story addition to the rear conform to all setback requirements.

With a net increase of 220 sf, the proposed structure would increase the overall GFA by 7.1% and reduce the NOA from 1.24 to 1.15.

Proposal: The proposal before the board involves the expansion of the rear entry, allowing for a mudroom, and the addition of dormers in the attic/second floor to allow for a new primary bedroom, bath, and storage area. A smaller dormer to the right exceeds the side setback but remains well within the footprint of the home and the larger dormer to the left remains within the footprint and conforms to all dimensional requirements.



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Zoning Board of Appeals**

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Fax: 781-631-2617

**PAYMENT OF LEGAL ADVERTISEMENT  
ACKNOWLEDGEMENT FORM\***

M.G.L. Chapter 40A, Zoning, Section 11, mandates that hearings must be advertised in a local newspaper. The Town of Marblehead requires that the applicant, or the applicant's representative, pay for the advertisements.

Name of party responsible for the payment of the advertisement:

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Address:

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Phone Number:

Email:

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Signature of Property Owner, or Authorized Representative:

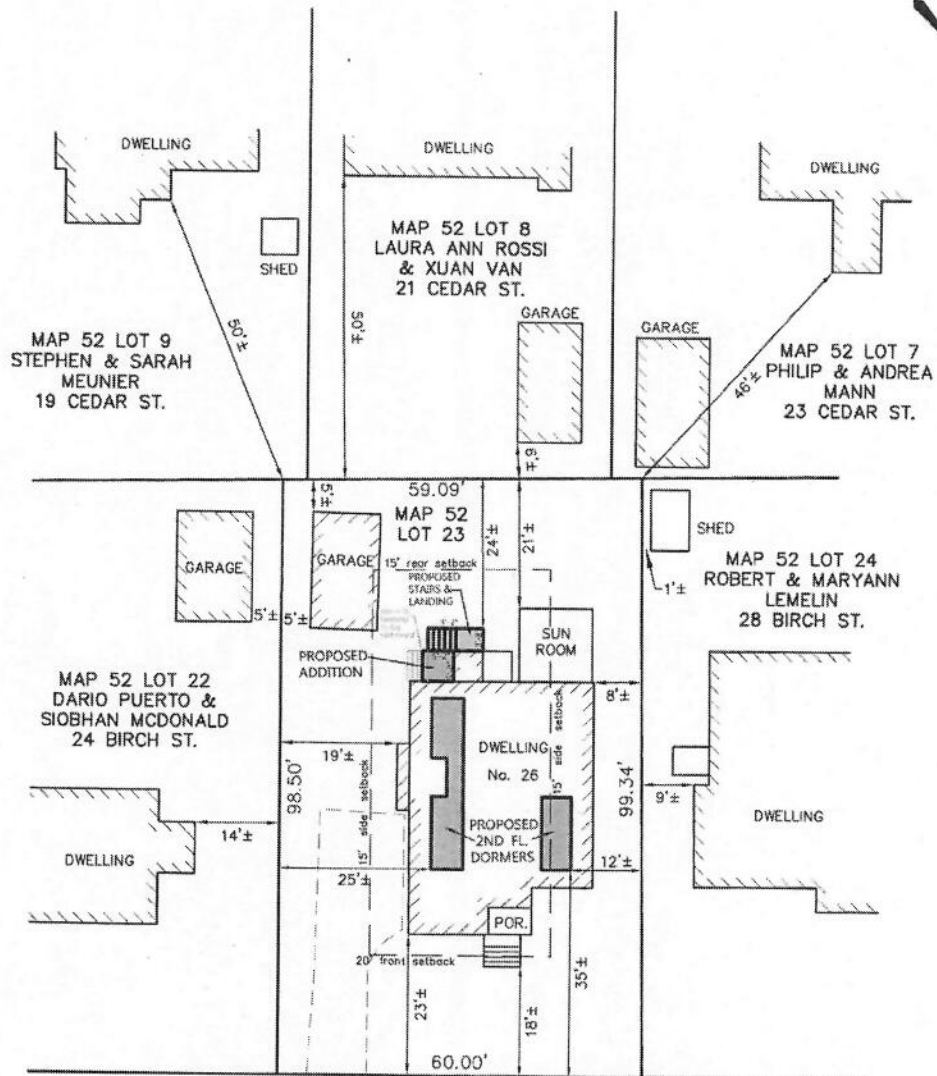
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**\*Please note the party responsible for payment will be billed directly from the advertising newspaper, in most instances the Marblehead Reporter, or the Salem News**



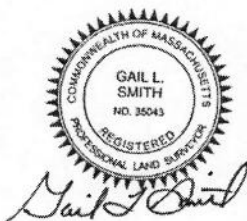
ZONING DISTRICT - SINGLE RESIDENCE

	REQUIRED	EXISTING	PROPOSED ADDITION
LOT AREA	10000	5890±	5890±
FRONTAGE	100	60.00'	60.00'
FRONT	20	18'±	35'±
SIDE	15	8'±	12'±
REAR	15	21'±	24'±
BLDG HEIGHT	35	23.1'±	23.1'±



BIRCH STREET

Reviewed by  
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For Zoning Board  
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ZONING BOARD OF APPEALS PLAN

26 BIRCH STREET

MARBLEHEAD

PROPERTY OF

ADAM & TRACY SMITH

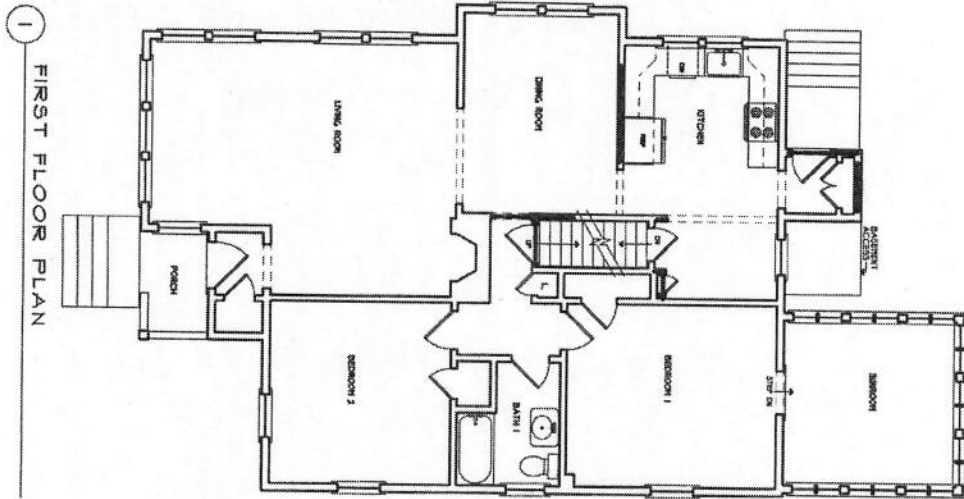
SCALE 1" = 20' APRIL 13, 2021

NORTH SHORE SURVEY CORPORATION

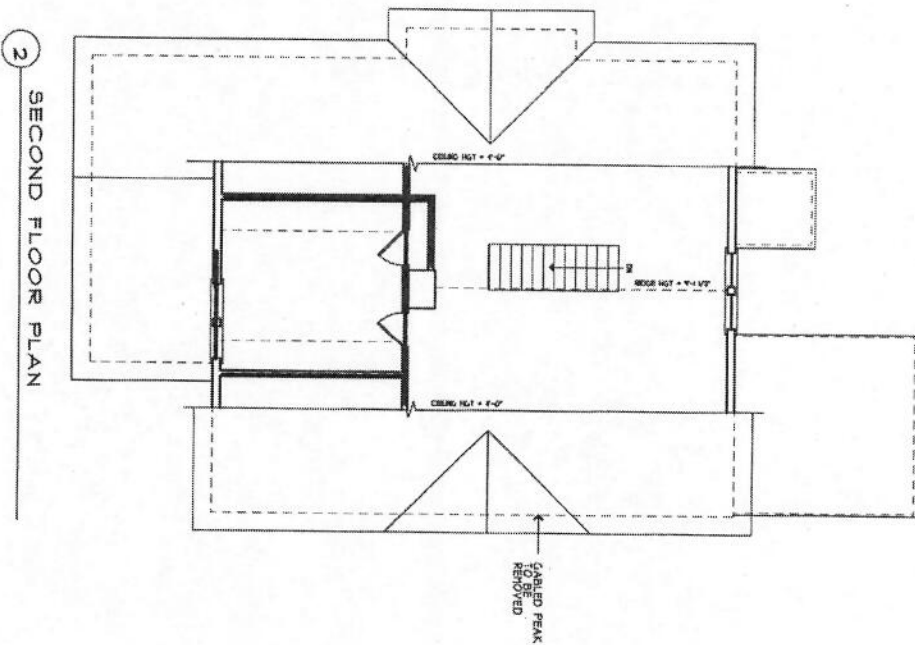
14 BROWN ST. - SALEM, MA

(978) 744-4800

# 5075



1 FIRST FLOOR PLAN



2 SECOND FLOOR PLAN

Reviewed by  
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For Zoning Board  
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SMITH RESIDENCE  
26 BIRCH STREET  
MARBLEHEAD, MASSACHUSETTS

TAPROOT  
DESIGN  
INC.

37 Birch Street  
Marblehead, MA 01945

Tel 781.639.4616  
Cell 781.664.2304

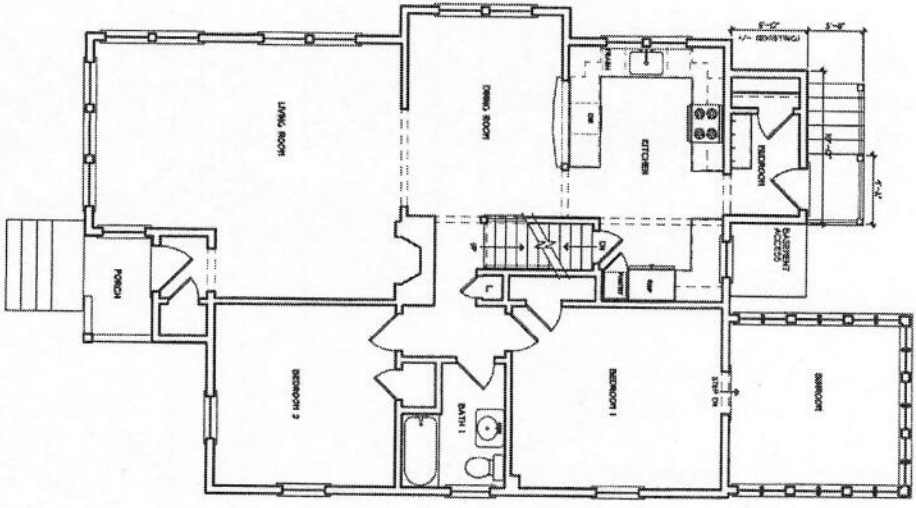
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date: 04/12/21

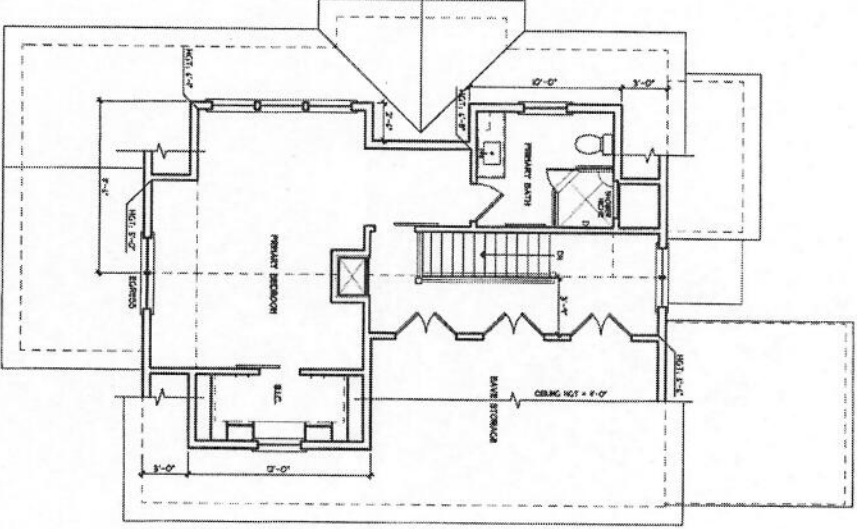
drawn by: VJH

Ex-1

1 PROPOSED FIRST FLOOR PLAN



2 PROPOSED SECOND FLOOR PLAN



Reviewed by  
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For Zoning Board  
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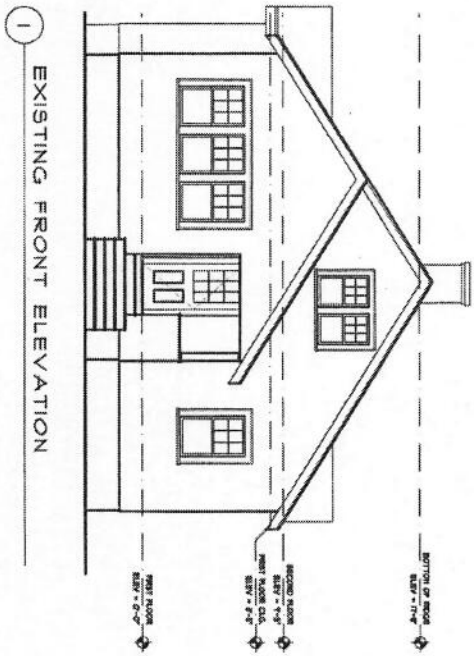
SMITH RESIDENCE  
26 BIRCH STREET  
MARBLEHEAD, MASSACHUSETTS

TAPROOT  
DESIGN  
INC.

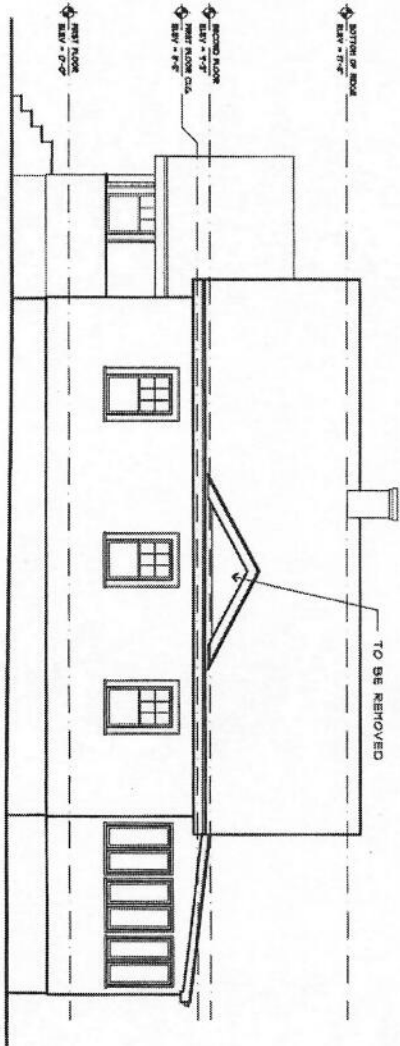
37 Birch Street  
Marblehead, MA 01945  
Tel 781.639.4616  
Cell 781.664.2304  
date: 04/12/21  
scale: 1/8"=1'-0"  
drawn by: VLH

A-1





1 EXISTING FRONT ELEVATION



2 EXISTING RIGHT SIDE ELEVATION

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For Zoning Board  
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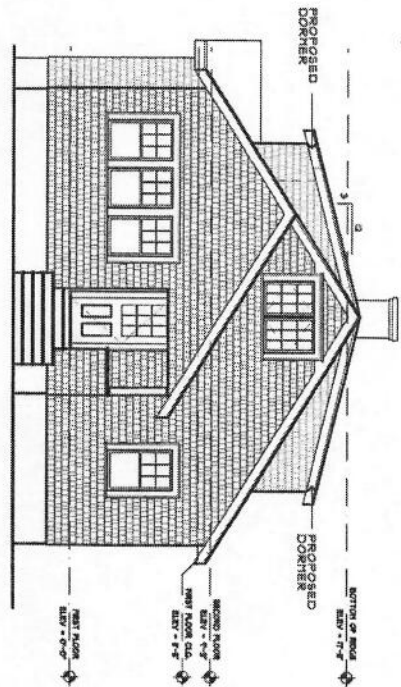
SMITH RESIDENCE  
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MARBLEHEAD, MASSACHUSETTS

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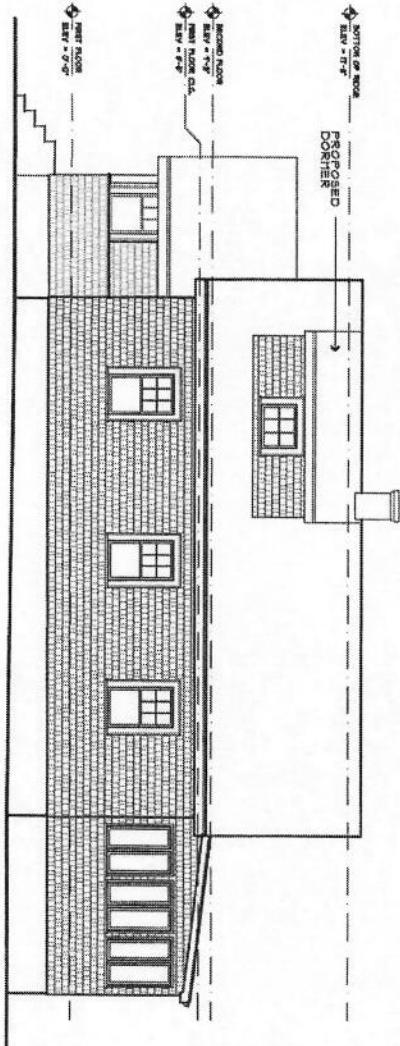
37 Birch Street  
Marblehead, MA 01945  
Tel 781.638.4616  
Cell 781.684.2304  
scale: 1/8"=1'-0"  
date: 04/12/21  
drawn by: VLH

Ex. 2

1 FRONT ELEVATION



2 RIGHT SIDE ELEVATION



Reviewed by  
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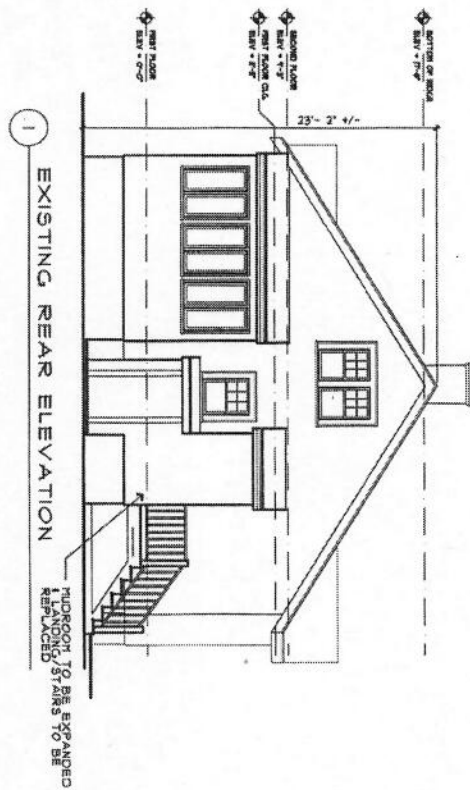
SMITH RESIDENCE  
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MARBLEHEAD, MASSACHUSETTS

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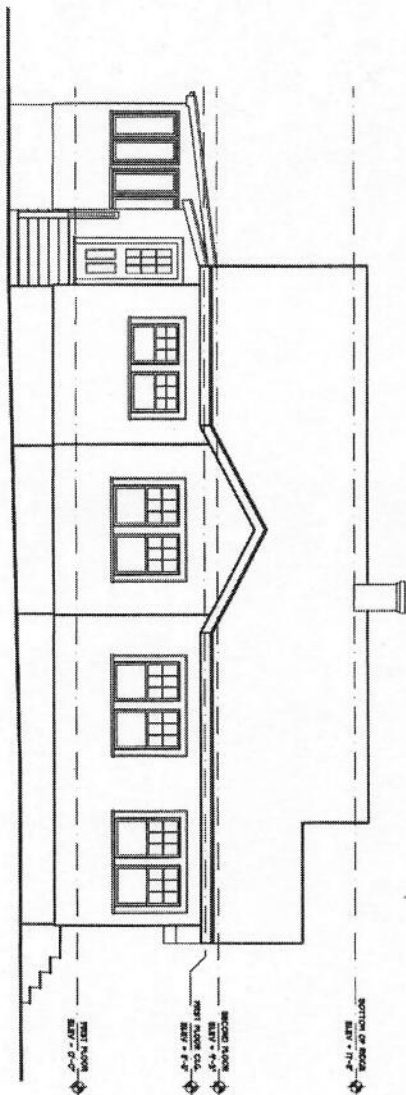
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scale: 1/8"=1'-0"  
date: 04/12/21  
drawn by: VLH

A.2



1 EXISTING REAR ELEVATION



2 EXISTING LEFT SIDE ELEVATION

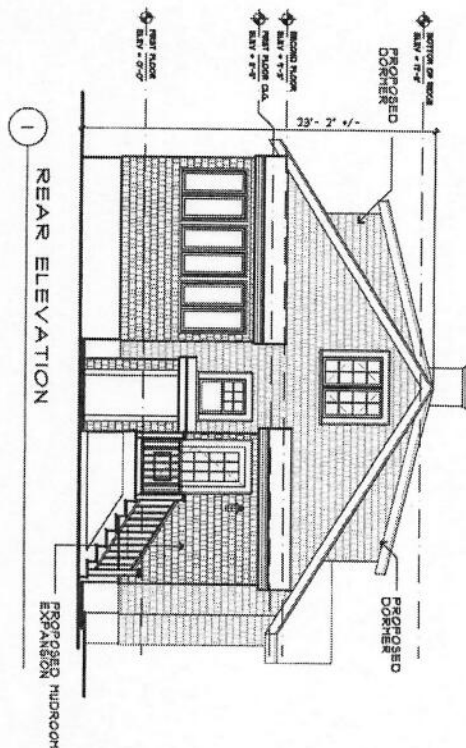
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SMITH RESIDENCE  
26 BIRCH STREET  
MARBLEHEAD, MASSACHUSETTS

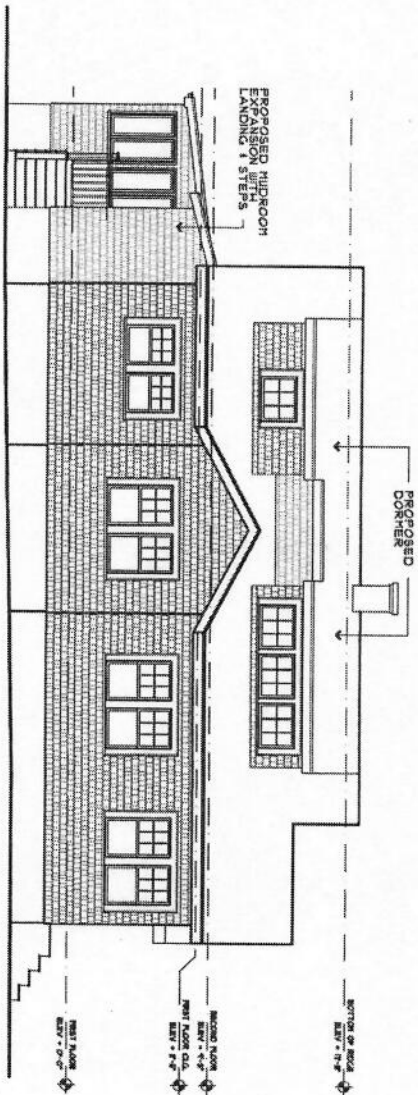
TAPROOT  
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37 Birch Street  
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Tel 781.639.4616  
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scale: 1/8"=1'-0"  
date: 04/12/21  
drawn by: V.L.H.

Ex-3



1 REAR ELEVATION



2 LEFT SIDE ELEVATION

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MARBLEHEAD, MASSACHUSETTS

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DESIGN  
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Marblehead, MA 01945  
Tel 781.638.4616  
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scale: 1/8"=1'-0"  
date: 04/12/21  
drawn by: VLH

A.3