



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

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2023 MAR -2 AM 9:18
Town Clerk

Project Address 8 FORT SEWALL TERRACE

Assessor Map(s) 168 Parcel Number(s) 6

OWNER INFORMATION

Signature William H Park Trustee of 8 Fort Sewall Realty Trust dtd dated June 16 2014 date March 1 2023

Name (printed) William H Park

Address 3 Fort Sewall Terrace Marblehead MA 01945

Phone Numbers: home 617 755 9507 work _____

E-mail park.william@comcast.net fax _____

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature _____ date _____

Name (printed) Same as Above

Address _____

Phone Numbers: home _____ work _____

E-mail _____ fax _____

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

CONVERT ACCESSORY BUILDING TO SINGLE FAMILY USE
ON A LOT WITH LESS THAN REQUIRED WIDTH, FRONTAGE,
PARKING AND SIDEYARD SETBACKS.

- 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] 3-1-23

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

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

Town of Marblehead
ZBA-APPLICATION

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Revision Date: 12-02-2020

Project Address 8 FORT SEWALL TERRACE Map(s) / Parcel(s) 168/6

ZONING DISTRICT (circle all that apply)

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

CURRENT USE (explain) ACCESSORY STRUCTURE

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

Yes ☒ No ☐ (explain) _____

PROPOSED CHANGE OF USE

No ☐ Yes ☒ (explain) ACCESSORY TO SINGLE FAMILY USE

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)
☐ 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"/>

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) SURVEY ONLY - CHANGE OF USE

Building Official [Signature] Date 3-1-23

Project Description & Relief Requested

William H. Park, Trustee
8 Fort Sewall Terrace
Marblehead, MA 01945

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The property that is the subject of this application is located in the Shoreline Single Residence (SSR) Zoning District. The property is a non-conforming lot as it pertains to frontage (15.03 feet rather than 100 feet). It is improved with a structure that is non-conforming as to side yard setback (.5 feet rather than 25 feet). Based on a review of the Town's records and other information, the structure was built in or prior to 1840 and was originally used as a fish warehouse, and then for boat building and later storage. In 1994 a building permit was issued for certain exterior and interior renovations, but there are no cooking facilities in the structure, so it does not meet the Zoning by-law definition of a "dwelling unit". The Building Commissioner considers the structure to be an accessory use. The current owner desires to add cooking facilities in the structure so that it will be a lawful dwelling unit. No other changes will be made to the structure. Therefore, all dimensional features of the structure shall remain as is.

A single dwelling unit is allowed as of right in the SSR zoning district, but because the lot frontage does not meet current requirement of 100 feet and the side yard setback does not conform to the current requirement of 25 feet, the structure is a lawful pre-existing non-conforming building on a non-conforming lot. Under Section 200-30A, of the Zoning By-law the structure may continue to be used as is.

Section 200-30 B (1) of the Zoning By-law provides: A building may be converted from a nonconforming use to a conforming use as a matter of right unless all or part of the portion of the building to be devoted to the proposed use is located within the required yard setback abutting a one or two-family or duplex dwelling, in which instance the change of use requires a special permit for use and dimension from the Board of Appeals. Since the Applicant desires to change the use of the structure to a conforming use, that is a single-family dwelling, and the proposed use is in the setback, the applicant seeks a special permit for use and dimension under Section 200-36 for the following relief:

1. Special Permit for change of non-conforming building (Section 200- 30B)
2. Special Permit to alter the dimensional requirements in Table 2 by special permit (Section 200-37 A. (1)) and parking requirements (Section 200-22).

Applicant reserves its rights to the extent the Marblehead Zoning By-law special permit requirements and criteria are inconsistent with the provision of G.L. c.40A, Section 6.

**Town of Marblehead
ZBA-APPLICATION**

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Revision Date: 12-02-2020

Project Address 8 FORT SEWALL TERRACE

Map(s) / Parcel(s) 168/6

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)

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

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

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

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This worksheet applies 1. plan by/dated Nº SHORE SURVEY 12-12-22
to the following plan(s): 2. plan by/dated _____

3. plan by/dated _____

Building Official

Date 3-1-2023