



TOWN SEAL
tel: 781-631-1529

fax: 781-631-2617

Revision Date: 12-14-15

Town of Marblehead **ZONING BOARD OF APPEALS**

Mary A. Alley Municipal Building
7 Widger Road, Marblehead, MA 01945

ZBA APPLICATION

PAGE 1 of 3

Town Clerk

Project Address 48 Harbor Avenue, Marblehead, MA 01945

Assessor Map(s) 908 Parcel Number(s) 12 - 0

OWNER INFORMATION

Signature [Signature] date April 13, 2020

Name (printed) Brett Rosenbaum and Heather Rosenbaum

Address 48 Harbor Avenue, Marblehead, MA 01945

Phone Numbers: home 617-999-3486 work - -

E-mail rbrosenbaum@gmail.com; bmsosenbaum@gmail.com fax - -

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature [Signature] date April 13, 2020

Name (printed) Robert C. McCann, Esq. 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

- 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/

PROJECT DESCRIPTION AND RELIEF REQUESTED

The Applicant requests that the Zoning Board of Appeals issue a Special Permit under the Zoning By-Laws approving: (1) an expansion of the existing two car garage into a three car garage; (2) an addition connection the garage to the existing single-family dwelling which will add gross floor area to the lower level and first floor of the dwelling; (3) an increase in more than ten (10%) percent of the gross square footage of the combined buildings; and (4) an increase in the pre-existing non-conforming height of the dwelling on a conforming Lot with a pre-existing non-conforming garage structure having less than the required Side Yard Set Back and a pre-existing non-conforming dwelling which exceeds the maximum allowed Height on the property located at **48 HARBOR AVENUE** in an **EXPANDED SINGLE RESIDENCE DISTRICT**. A portion of the construction (reconfiguration of the garage roof) will be in the side line set back. The increase in the non-conforming height is due solely to the combination of the two structures creating a new "low mark" with no actual change to the ridge line of the dwelling.

Town of Marblehead
ZBA-APPLICATION
Page 2 of 3

Revision Date: 12-14-2015

Project Address 48 Harbor Avenue, Marblehead, MA 01945

Map(s) / Parcel(s) 908 / 12 - 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 and Garage

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(4) 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(4) 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 ☐ No ☒

Historic District Commission

Yes ☐ No ☒

Planning Board

Yes ☐ No ☒

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

Yes ☒ No ☐ (explain) _____

Building Official _____

Date _____

Town of Marblehead
ZBA-APPLICATION
Page 3 of 3

Revision Date: 12-14-2015

Project Address 48 Harbor Avenue, Marblehead, MA 01945 Map(s) / Parcel(s) 908 / 12 - 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 20' 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)

= 2,363

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

= 34.1 %

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

= 4.83

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

= 3.54

This worksheet applies 1. plan by/dated North Shore Survey / February 12, 2020

to the following plan(s): 2. plan by/dated Saltsman Brenzel Design Construction / January 24, 2020

3. plan by/dated _____

Building Official _____

Date _____