



TOWN SEAL
tel: 781-631-1529

fax: 781-631-2617
Revision Date: 08-01-2025

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
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Town Clerk

Project Address 45 Humphrey Street

Assessor Map(s) 60 Parcel Number(s) 24

OWNER INFORMATION

Signature [Signature] date 1/14/26

Name (printed) Mike & Caroline O'Neil

Address 45 Humphrey Street

Phone Numbers: home (617) 901-0143 work _____

E-mail moneil@ngbank.com fax _____

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature [Signature] date 1/14/26

Name (printed) Chris Drucas

Address 68 Cavendish Circle, Salem, MA 01970

Phone Numbers: home (978) 594-8520 work (978) 741-7400

E-mail cdruca@drucaslaw.com fax _____

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

See Project Narrative attached.

Reviewed by
Building Department
For Zoning Board
Of Appeals

- 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 Community Development & Planning 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] 1-15-2026
2. Town Clerk's stamp (upper right corner)

View Bylaws - (Chapter 200, Zoning) - online at: <https://marbleheadma.gov/>

Town of Marblehead
ZBA-APPLICATION

Revision Date: 12-02-2020

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Project Address 45 Humphrey Street

Map(s) / Parcel(s) 60/24

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 Residence

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) _____
- 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 _____

Date 1-15-2020

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

Project Address 45 Humphrey Street

Map(s) / Parcel(s) 60/24

NET OPEN AREA (NOA)

Lot area = A

EXISTING

PROPOSED

11,325sf

11,325sf

Area of features

footprint of accessory building(s)

400sf

400sf

footprint of building

998sf

1,431sf

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

161sf

371sf

number of required parking spaces 2 x (9'x 18' per space)

324sf

324sf

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

-

-

other areas (explain) _____

-

-

Sum of features = B

1,883sf

2,526sf

Net Open Area (NOA) = (A - B)

9,442sf

8,799sf

GROSS FLOOR AREA (GFA)

accessory structure(s)

400sf

400sf

basement or cellar (area >5' in height)

891sf

1,322sf

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

998sf

1,431sf

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

875sf

875sf

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

-

-

4th floor (12' or less in height)

-

-

attic (area >5' in height)

327sf

327sf

area under deck (if >5' in height)

-

-

roofed porch(es)

45sf

250sf

Gross Floor Area (GFA) = sum of the above areas

3,536sf

4,605sf

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

= 1,069

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

= 30 %

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

= 2.7

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

= 2.2

This worksheet applies 1. plan by/dated Susan Koelle Architect, LLC - 01/07/2026

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

3. plan by/dated _____

Building Official _____

Date 1-15-2026

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PROJECT NARRATIVE
O'Neil Residence 45 Humphrey Street
MARBLEHEAD ZONING BOARD
MEETING

To the Board,

Project Narrative:

Your petitioner owns a 11,325 sq. ft. lot in the SR Zoning District which requires 10,000 sq. ft. of area upon which they have a single-family structure on what is known as 45 Humphrey Street. However, this lot is non-conforming as it has 80 feet of frontage where 100 feet is required. Additionally, the existing structure is non-conforming as it encroaches the westerly side-yard setback of 15 feet as it is only 10 feet from the westerly sideline. Finally, the freestanding garage in the rear-yard encroaches approximately 1 foot into the easterly side-yard setback. I remind the Board you granted relief for expansion in gross floor area in January of 2025 for a small addition of 121 square feet that was over the existing first floor of the structure which encroached into the westerly side-yard setback of 10 feet and we believe does not render this Petition in violation of Section 200-30 D. (2) as the addition of 121 square feet to the then existing slightly over 3,500 square feet of GFA was less than .3%.

My client has reached out to his closest neighbors and in general has received positive response from the majority some of whom may provide written support.

We are here seeking relief by Special Permit as my client proposes to expand his non-conforming structure more than the 10% increase of the gross floor area allowed by right under the Zoning By-Law in keeping with the provisions of Section 200-30D, as we believe his proposal complies with all applicable current parking, setback, open area, and dimensional requirements of the By-law as the proposed addition meets all the setback requirements of the By-law and does not create any new nonconformities or extend any existing ones.

With that, I want to turn the presentation over to uh Susan Kroelle, the Architect for the project.

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When Susan is done depending upon anyone wishing to speak in opposition or the Board expressing concerns for the granting of relief, I will be ready to discuss the legal issues and the case law that applies.

I call the Board's attention to the long line of case law starting with Bjorklund, through Deadrick to Bellalta. The case law requires the proposal to undergo "analysis of the intensity to the existing nonconformity" and if it creates a new nonconformity requires that we must meet the standard that the proposal "will not be more substantially detrimental to the neighborhood." I believe the architect has worked to maintain the architectural integrity of the structure and we believe that even though the alteration does not increase the non-conforming nature of the structure as none of the work will be a violation of any of the setback requirements and is to the rear of the structure so as not to be visible from any public way.

We believe that it is fair for the Board to find in keeping with the requirements of section 200-36 F that with the architectural vernacular being consistent with the neighborhood the adverse effects of the proposal will be outweighed by;

its beneficial impacts to the town and the neighborhood in view of the particular characteristics of the site; and

the proposal for the site is beneficial for the continued use of the property as a single-family residence; and

the proposal will not adversely affect the neighborhood; and

no nuisance or serious hazard to vehicles or pedestrians will be created; and

therefore, the Board may find this proposal is not "substantially more detrimental to the neighborhood" and we ask that you grant the requested relief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Drucas", enclosed within a hand-drawn oval.

Chris Drucas,
Attorney For Petitioner

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For Zoning Board
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