



Town of Marblehead
ZONING BOARD OF APPEALS

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

TOWN SEAL
tel: 781-631-1529

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

ZBA APPLICATION
PAGE 1 of 3

2026 FEB 17 PM 2:49

Town Clerk

Project Address 1 & 3 Devereux Street

Assessor Map(s) 87 Parcel Number(s) 15 & 16

OWNER INFORMATION

Signature _____ date _____

Name (printed) Jennifer Smith and Richard Katz

Address 1 & 3 Devereux Street, Marblehead, MA 01945

Phone Numbers: home 207-671-5976 work _____

E-mail jenniferkatzsmith@gmail.com fax _____

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature _____ date 2-10-26

Name (printed) Jennifer Smith and Richard Katz

Address c/o Paul M. Lynch, Esq. Five Spring Street, Marblehead, MA 01945

Phone Numbers: home _____ work 781-704-8559

E-mail lynch@marbleheadlaw.com fax _____

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

Special Permit to unmerge 1 & 3 Devereux Street into two separate single family dwellings

located in the single residence district, 1 Devereux Street will have less than the required
side yard setback and 3 Devereux Street will have less than the required lot area and frontage.

See attached narrative.

- 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).

Reviewed by
Building Department
For Zoning
Of Appeals

REQUIRED SIGNATURES

1. Building Commissioner (pages 1, 2 and 3) _____ 2-17-2026

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

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

Town of Marblehead
ZBA-APPLICATION

Revision Date: 12-02-2020

Page 2 of 3

Project Address 1 & 3 Devereux Street Map(s) / Parcel(s) 87/15 & 16

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 together with and accessory building

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

Yes No (explain) _____

PROPOSED CHANGE OF USE

No Yes (explain) Special Permit to unmerge 1 & 3 Devereux Street into separate dwellings

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

Reviewed by
Building Department
For Zoning Board
Of Appeals

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"/>

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

Yes No (explain) _____

Building Official  Date 2-27-2026

Town of Marblehead
ZBA-APPLICATION
 Page 3 of 3

Revision Date: 12-02-2020

Project Address 1& 3 Devereux Street

Map(s) / Parcel(s) 87/15 & 16

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 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)

3rd floor (12' or less in height)

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 100

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

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

This worksheet applies 1. plan by/dated North Shore Survey Corporation 09/9/2025

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

3. plan by/dated _____

Building Official _____

Date 2-17-2026

EXISTING

19,699

1,316

2,051

40

324

0

0

3,731

15,968

2,880

1,567

2,051

1,593

0

0

580

60

100

8,831

PROPOSED

#1-13,330 #3- 6,639

#3-100

#1-2,051 #3 -1,216

#1 40

#1-324 #3-324

0

0

#1-2045 #3-1,640

#1-10,915 #3-4,999

#3-100

#1-1,567 #3-448

#1-2,051 #3-1,216

#1 1,583 #3 1,216

0

0

#1-580 #3-0

#1-0 #3-60

#1-50 #3-50

#1 5,831 #3-2,990

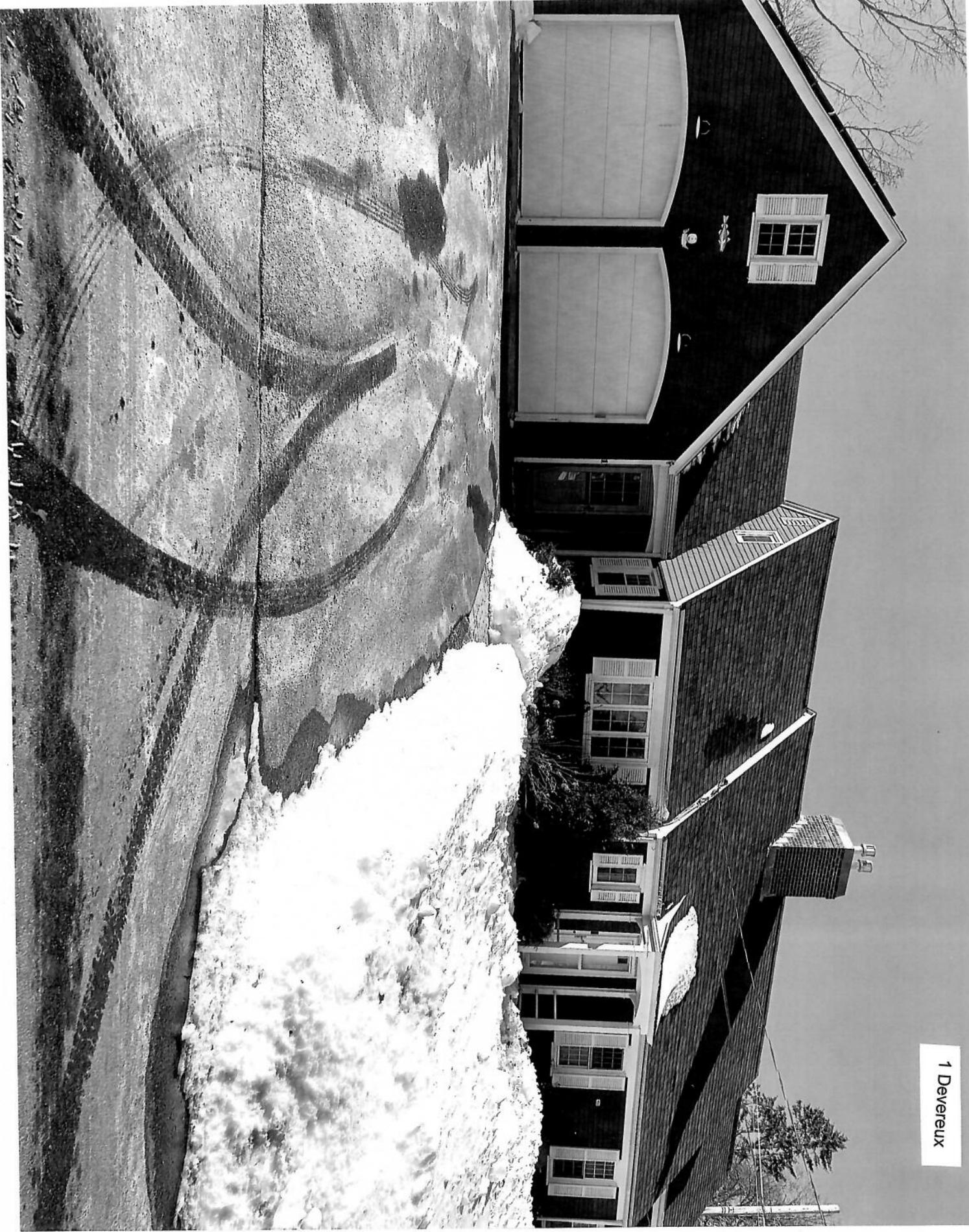
= n/a

= n/a %

= 1:2.23

= #1 1:2.28 # 31:1.67

Reviewed by
 Building Department
 For Zoning Board
 Of Appeals



1 Devereux



NARRATIVE 1-3 DEVEREX STREET

The prior owner (Joseph Rydzewski) purchased 1 Devereux Street on June 5, 2012, containing 13,330 square feet and on June 6, 2012, the adjoining lot at 3 Devereux was deeded to him containing 6,369 square feet which combined it to 1 Devereux Street as a result of insufficient side yard setback at 1 Devereux Street.

In 2017 the then building commissioner (Richard Baldachi) issued a building permit to construct an accessory building on 3 Devereux which contained a two-car garage and entrance on the first level and a living area, bedroom, and bath on the second level.

In 2022 both properties were listed for sale with 1 Devereux Street purchased by John W. Smith and Jennifer Katz Smith and 3 Devereux Street purchased by Richard Katz, Trustee of the Jeremy Katz Trust. (see deeds attached). At the time of the purchases both properties were separately assessed by the Town and taxes individually. (see tax bills and municipal lien certificates) The current owners were not aware of the merger of the lots and the title examinations gave no indication of such with the attorney for the purchasers doing normal due diligence by reviewing records at the Registry of Deeds as well as the Town Assessment Department.

The purpose of the application is to allow for separate legal single family dwellings for each purchaser who acted in a reasonable manner without full disclosure by the seller and his agents.



SO.ESSEX #326 Bk:41103 Pg:071
08/01/2022 12:29 PM DEED Pg 1/3
eRecorded

MASSACHUSETTS EXCISE TAX
Southern Essex District ROD
Date: 08/01/2022 12:29 PM
ID: 1540097 Doc# 20220801003260
Fee: \$5,472.00 Cons: \$1,200,000.00

QUITCLAIM DEED

We, Joseph S. Rydzewski and Lisa E. Rydzewski, a/k/a Lisa Rydzewski, Trustees of the Rydzewski Family Trust u/d/t dated August 6, 2014 and recorded with Essex South Registry of Deeds in Book 33503, Page 89, of Marblehead, Massachusetts

For consideration paid of One Million, Two Hundred Thousand and 00/100 Dollars (\$1,200,000.00),

Grant to John W. Smith and Jennifer Katz Smith, husband and wife, as tenants by the entirety, presently of 19 Lucia Road, Marblehead, MA 01945

with Quitclaim Covenants

See Exhibit "A" attached hereto

We hereby release any and all rights of Homestead in said premises as set forth in Massachusetts General Laws, Chapter 188, and certify under penalties of perjury that there are no other persons entitled to protection of the Homestead Act in said premises.

Meaning and intending to convey the same premises conveyed by Deed of Joseph S. Rydzewski and Lisa Rydzewski, a married couple, dated October 26, 2020, and recorded with Essex South Registry of Deeds in Book 39954, Book 544.

Property address: 1 Devereux Street, Marblehead, MA 01945



SO. ESSEX #332 Bk:41103 Pg:082
08/01/2022 12:36 PM DEED Pg 1/3
eRecorded

MASSACHUSETTS EXCISE TAX
Southern Essex District ROD
Date: 08/01/2022 12:36 PM
ID: 1540100 Doc# 20220801003320
Fee: \$1,824.00 Cons: \$400,000.00

QUITCLAIM DEED

I, Joseph S. Rydzewski a/k/a Joseph Rydzewski, Trustee of the 3 Devereux Street
Nominee Trust u/d/t dated June 5, 2012, as evidenced by Trustee's Certificate pursuant
to M.G.L. c. 184, Section 35 recorded with Essex South Registry of Deeds in Book 33503,
Page 87
** a/k/a 3 Devereaux Street Nominee Trust*

For consideration paid of Four Hundred Thousand and 00/100 Dollars (\$400,000.00),

Grant to Richard Katz, Trustee of The Jeremy Katz Trust u/d/t dated June 25, 2007, as
evidenced by a Trustee's Certificate pursuant to M.G.L. c. 184, Section 35 recorded herewith,
presently of 19 Lucia Road, Marblehead, MA 01945

with Quitclaim Covenants

See Exhibit "A" attached hereto

I hereby release any and all rights of Homestead in said premises as set forth in Massachusetts
General Laws, Chapter 188, and certify under the pains and penalties of perjury that there are no
other persons entitled to protection of the Homestead Act in said premises.

Meaning and intending to convey the same premises conveyed by Deed of Martha R. Bagley
and Robert L. Holloway, Jr., Trustees of The Raymond F. Cole Irrevocable Trust, u/d/t dated
June 30, 2008, said Deed dated June 5, 2012 and recorded with the Essex South District
Registry of Deeds in Book 31410, Page 38.

Property address 3 Devereux Street, Marblehead, MA 01945



TOWN OF MARBLEHEAD
OFFICE OF THE COLLECTOR
P.O. BOX 3
MARBLEHEAD, MA 01945
000018 0005596

The Commonwealth of Massachusetts
TOWN OF MARBLEHEAD
FY 2025 ACTUAL
REAL ESTATE TAX BILL

Tax Rate	Residential	OpenSpace	Comm.	Industrial
per \$1000	\$9.05	\$9.05	\$9.05	\$9.05

AREA: 0.13800000000000001
Acres CLASS: 1
BOOK / PAGE: 41103-082
LOCATION: 3 DEVEREUX ST

PARCEL NUMBER: 87 15 0
BILL NUMBER: 1374

Owner of Record 01/01/2024: KATZ RICHARD TTE

5-DIGIT 01945
KATZ RICHARD TTE
JEREMY KATZ TRUST
3 DEVEREUX ST
MARBLEHEAD, MA 01945-3013

Land Value	\$231,100
Building Value	\$227,400
Other Value	\$900
Total Value	\$459,400
Real Estate Tax FY 2025	\$4,157.57
Abatement / Exemption	\$0.00
Total Tax	\$4,157.57
Preliminary Tax	\$1,839.04
Third Quarter Tax	\$1,159.27
Fourth Quarter Tax	\$1,159.26

Online Payment Option Available
No fee using ACH transaction through your checking account.
Go to the Town of Marblehead Website at:
www.marblehead.org

Phone: Office of the Collector: (781) 631-1033
Office of the Assessor: (781) 631-0236
Office Hours: Mon, Tue, Thur, 8:00AM - 5:00PM
Wed, 8:00AM - 6:00PM, Friday 8:00AM - 12:30PM

Interest at a rate of 14% per annum will accrue on overdue payments until payment is made.

ISSUE DATE: 03/29/2025

Collector of Taxes
Cami S. Iannarelli

Based on assessments as of January 1, 2024, your Real Estate Tax for the fiscal year beginning July 1, 2024 and ending June 30, 2025 on the parcel of real estate described below is as follows:

KATZ RICHARD TTE
JEREMY KATZ TRUST
3 DEVEREUX ST
MARBLEHEAD, MA 01945

LOCATION: 3 DEVEREUX ST

AREA: 0.13800000000000001
Acres CLASS: 101
BOOK / PAGE: 41103-082

Owner of Record

Bill Number: 1374
Parcel: 87 15 0

Fourth Quarter Tax due	\$1,159.26
Fourth Quarter Exemption	\$0.00
Fourth Quarter Due 05/01/2025	\$1,159.26

Make checks payable to: Town of Marblehead and Mail to:

Town of Marblehead
Department 3000
PO Box 986535
Boston, MA 02298-6535

Town Scholarship Donation \$ _____
Elderly Disable Taxation Fund \$ _____

01071000000137400001159260004250501259

Collector of Taxes
Cami S. Iannarelli

Based on assessments as of January 1, 2024, your Real Estate Tax for the fiscal year beginning July 1, 2024 and ending June 30, 2025 on the parcel of real estate described below is as follows:

KATZ RICHARD TTE
JEREMY KATZ TRUST
3 DEVEREUX ST
MARBLEHEAD, MA 01945

LOCATION: 3 DEVEREUX ST

AREA: 0.13800000000000001
Acres CLASS: 101
BOOK / PAGE: 41103-082

ABATEMENT APPLICATIONS
DUE BY 02/03/2025

Owner of Record

ISSUE DATE: 12/29/2024

Bill Number: 1374
Parcel: 87 15 0

Preliminary Tax	\$1,839.04
Payments Made	\$1,839.04
Tax Balance	\$0.00
Interest on Balance	\$0.00
Third Quarter Tax	\$1,159.27
Third Quarter Exemption	\$0.00
Amount Due 02/03/2025	\$1,159.27

Make checks payable to: Town of Marblehead and Mail to:

Town of Marblehead
Department 3000
PO Box 986535
Boston, MA 02298-6535

Town Scholarship Donation \$ _____
Elderly Disable Taxation Fund \$ _____

01071000000137400001159270003250201256

TAXPAYER COPY

PAYMENT COUPON #2
REAL ESTATE TAX

PAYMENT COUPON #1
REAL ESTATE TAX

Municipal Lien Certificate
Marblehead
 Commonwealth of Massachusetts

Certificate No. 30

Office of the Collector of Taxes
 781-631-1033

Requested By **Issuance Date**

Birenbaum & Goldberg
Attorneys At Law
 110 Florence St. Suite 202
 Malden, MA 02148

07/19/2022

I hereby certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of the certificate on the parcel of real estate specified in your application received on 07/19/2022 are listed below.

Description of Property

Parcel ID: 87 16 0 Location: 1 DEVEREUX ST
 Bill Number: 1375 (R) Book/Page: 39954-544
 Deed Date: 06/07/2021 Land Area: 0.31 Acres
 Owner: RYDZEWSKI JOSEPH & LISA TTEES Land Value: 0
 THE RYDZEWSKI FAMILY TRUST Building Value: 0
Other Value: 0 Exemptions:
Taxable Value: 827,600

Fiscal Year

DESCRIPTION	2023	2022	2021
Real Estate Tax	4,353.18	8,706.35	8,352.67
Betterment/Liens	0.00	0.00	0.00
Fees/Interest	0.00	56.87	0.00
Abatements/Exemptions	0.00	0.00	0.00
Payments/Credits	0.00	-8,763.22	-8,352.67
Interest to 07/19/2022	0.00	0.00	0.00
TOTAL BALANCE DUE	4,353.18	0.00	0.00
		Prior Years Balance	\$0.00
		Total Amount Due	\$4,353.18

UNPAID UTILITY CHARGES:

Light \$82.74
 Water & Sewer \$276.80



SO.ESSEX #322 Bk:41103 Pg:063
 08/01/2022 12:29 PM MLC Pg 1/1
 eRecorded

Michael Carritte

Michael Carritte
 TREASURER/COLLECTOR

Municipal Lien Certificate
Marblehead
Commonwealth of Massachusetts

Certificate No. 31

Office of the Collector of Taxes
781-631-1033

Requested By

Issuance Date

Karas Law Associates
Attorneys at Law

07/19/2022

76 Lafayette St. Suite 202
Salem, MA 01970

I hereby certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of the certificate on the parcel of real estate specified in your application received on 07/19/2022 are listed below.

Description of Property

Parcel ID: 87-15 0

Location: 3 DEVEREUX ST

Bill Number: 1374 (R)

Book/Page: 31410-38

Deed Date: 06/06/2012

Land Area: 0.14

Acres

Owner: JOSEPH RYDZEWSKI TRSTEE

Land Value: 0

Exemptions:

3 DEVEREUX STREET NOMINEE TRST

Building Value: 0

Taxable Value:

Other Value: 0

317,500

Fiscal Year

2023

2022

2021

DESCRIPTION

DESCRIPTION	2023	2022	2021
Real Estate Tax	1,670.05	3,340.10	3,212.49
Betterment/Liens	0.00	0.00	0.00
Fees/Interest	0.00	0.00	0.00
Abatements/Exemptions	0.00	0.00	0.00
Payments/Credits	0.00	0.00	0.00
Interest to 07/19/2022	0.00	-3,340.10	-3,212.49
TOTAL BALANCE DUE	1,670.05	0.00	0.00

Prior Years Balance

\$0.00

Total Amount Due

\$1,670.05



SO ESSEX #329 Bk:41103 Pg:077
08/01/2022 12:36 PM MLC Pg 1/1
eRecorded

UNPAID UTILITY CHARGES:

Light \$62.74

Michael Carrite

Michael Carrite
TREASURER/COLLECTOR

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE