

# MARBLEHEAD PLANNING COMMISSION MEETING

December 6, 2023

Meeting called to order by Chairman Tim Feller at 6:00 PM. Members answering Roll Call: Member Cher Monak, Council Member Matt Kovach, Mayor Jacqueline Bird, and Chairman Tim Feller, Member Corky Zembala excused. Motion made by Mayor Jacqueline Bird and seconded by Council Member Matt Kovach to approve the November 1, 2023 minutes as presented. Motion carried by unanimous roll call vote.

**Public Comments: None**

**Old Business: None**

**New Business: Public Hearing for setback variance for Jeff Neverman gazebo.**

Mr. Neverman appeared previously at the August 2, 2023 and the November 1, 2023 Board of Zoning Appeals meeting informally, to resolve this non-conforming issue with a newly installed gazebo, so the Board was familiar with this issue. The gazebo was originally installed with no zoning permit. Mr. Ron Ameigh, a neighbor with a common sideline with the Neverman lot reported the installation and thought that it violated zoning as to setbacks. After review by the Zoning Administrator, he informed Mr. Neverman of the need for a permit and possible setback violation. Mr. Neverman then applied for a setback variance. Mr. Ameigh opposes the variance and supplied a letter to the Board indicating that (included in this record). The Board reviewed the information supplied by Mr. Neverman which included a Survey map. A discussion followed. The Board determined that the gazebo could be relocated slightly, moving it all the way back to the deck of the house as a compromise to allow this issue to be resolved. This would put the front of the gazebo at 58.5 feet to the shoreline which would require a 1.5-foot variance. The setback to the lake by rule is 60 feet. This location will place the gazebo next to the existing house stairs and therefore cannot be moved any further away from the side lot line. The gazebo will be slid straight back maintaining the existing 3.5-foot sideline setback requiring a second variance of 1.5 feet. The sideline setback by rule is 5 feet.

A motion was made by Mayor Jacqueline Bird and seconded by Member Cher Monak to approve the Neverman area variance #06-23 to allow a new accessory structure to be located 58.5 to the shore-side property line instead of the required 60 feet, and 3.5 feet to the east property line instead of the required 5 feet, on their lot at 4560 Memorial Shoreway, Marblehead, and further that the variance application and Finding of Fact which includes review of the factors listed in §154.279 is made part of these minutes. Motion carried by unanimous roll call vote.

**Zoning Administrator's report**

Meeting adjourned at 6:20 PM.

I hereby certify these minutes to be true and accurate.



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Secretary, Robert Hruska