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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2015 DEC 30 P 1: 16

FILE #
CITY CLERK, SALEM, MASS.

December 30, 2015

Decision

City of Salem Board of Appeals

Petition of PETER LUTTS seeking a Variance requesting relief from Sec. 5.1.5 Parking Design to allow a 40' wide curb cut at the property located at 24 WINTER STREET (Map 35 Lot 83)(R2 Zoning District).

A public hearing on the above Petition was opened on November 18, 2015 pursuant to M.G.L Ch. 40A, § 11 and continued to the next regularly scheduled meeting on December 16, 2015. The hearing was closed on that date with the following Salem Board of Appeals members present: Ms. Curran (Chair), Mr. Duffy, Mr. Copelas, Mr. Watkins, Mr. Viccica (alternate).

The Petitioner seeks a Variance per Sec. 5.1.5 Parking Design of the Salem Zoning Ordinance to allow a 40' wide curb cut.

Statements of fact:

1. Attorney Johnathan White presented the petition on behalf of the applicant.
2. A public hearing for the petition was opened on November 18, 2015 and continued to the next regularly scheduled meeting on December 16, 2015 at the request of the applicant.
3. In the petition date-stamped October 21, 2015, the Petitioner requested a Variance seeking relief from parking design requirements to allow a 40' wide curb cut along Oliver Street at the rear of 24 Winter Street.
4. The property has an existing garage with a nineteen (19) foot curb cut and one (1) on-site parking space. The petitioner proposes to create a second curb cut twenty-one (21) feet long to create a total of three (3) on-site parking spaces, which complies with the Zoning Ordinance parking requirements.
5. The unique feature of the property is that the existing garage is located on the lot in such a way that there is no existing driveway.
6. The property is an existing two-family home and is located within a local historic district.
7. The requested relief, if granted, would allow the Petitioner to have a 40' wide curb cut along Oliver Street in accordance with the proposed plan titled, "Plot Plan 24 Winter Street, Salem, Massachusetts", prepared by LeBlanc Survey Associates, Inc of Danvers, MA, dated October 13, 2015 and accompanying landscape plan.
8. At the public hearings four (4) people spoke in favor and four (4) people spoke in opposition to the proposal.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, and the

Petitioner's presentation and public testimony, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Findings for Variance:

1. Special conditions and circumstances that especially affect the land, building, or structure involved, generally not affecting other lands, buildings, and structures in the same district is that the existing garage is a historically significant structure and to alter the structure to accommodate more on-site parking would disturb the historic character and authenticity of the structure.
2. Literal enforcement of the provisions of the Ordinance would involve substantial hardship to the applicant because the existing garage cannot simply be altered to accommodate due to its historic character and utilizing the proposed curb cut to create additional on-site parking would result in some public benefit.
3. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent of the district or the purpose of the ordinance.

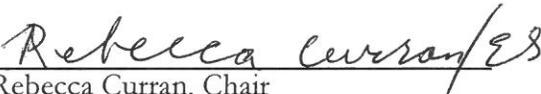
On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Ms. Curran (Chair), Mr. Duffy, Mr. Copelas, Mr. Watkins, Mr. Viccica (alternate) and none (0) opposed, to grant a Variance, to allow a 40' wide curb cut along Oliver Street at the rear of 24 Winter Street, subject to the following **terms, conditions, and safeguards**:

Standard Conditions:

1. The Petitioner shall comply with all city and state statutes, ordinances, codes and regulations.
2. The petitioner shall obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

Special Conditions:

1. All construction shall be done as per the plans and dimensions submitted to and approved by the Zoning Board of Appeals titled, "Plot Plan 24 Winter Street, Salem, Massachusetts", prepared by LeBlanc Survey Associates, Inc of Danvers, MA, dated October 13, 2015 and accompanying landscape plan.



Rebecca Curran, Chair
Board of Appeals

A COPY OF THIS DECISION HAS BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK

Appeal from this decision, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws Chapter 40A, and shall be filed within 20 days of filing of this decision in the office of the City Clerk. Pursuant to the Massachusetts General Laws Chapter 40A, Section 11, the Variance or Special Permit granted herein shall not take effect until a copy of the decision bearing the certificate of the City Clerk has been filed with the Essex South Registry of Deeds.