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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2015 DEC -2 P 2: 24

FILE #
CITY CLERK, SALEM, MASS.

December 2, 2015 Decision City of Salem Board of Appeals

Petition of ANN HARRISON seeking a Variance requesting relief from Sec. 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from minimum side yard setback to allow the construction of a 3' x 4' square foot stairway and landing within the required 10' foot setback at the property of 26 GREENWAY ROAD (Map 14 Lot 179) (R1 Zoning District).

A public hearing on the above Petition was opened on November 18, 2015 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter Copelas, Mike Duffy, Tom Watkins, Jimmy Tsitsinos.

The Petitioner is seeking a Variance requesting relief from Sec. 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from minimum side yard setback to allow the construction of a 3' x 4' square foot stairway and landing within the required 10' foot setback.

Statements of fact:

1. In the petition date-stamped October 16, 2015, the Petitioner Variance requesting relief from Sec. 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from minimum side yard setback to allow the construction of a 3' x 4' square foot stairway and landing within the required 10' foot setback.
2. Ann Harrison, petitioner, presented the petition.
3. The single family home was built without a second egress. The petitioner proposes to provide a second egress to meet building code by constructing a side egress, 3' x 4' landing and stairway. The propose landing and stairway are within the required 10' foot setback.
4. The requested relief, if granted, would allow the petitioner to construct a 3' x 4' square foot stairway and landing within the required 10' foot setback
5. At the public hearing, one (1) member of the public spoke in support and no (0) members spoke in opposition to the petition.

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, makes the following **findings**:

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 house is an existing non-conforming structure.
2. Literal enforcement of the provisions of the Ordinance would create a substantial and unique hardship as having only one (1) egress is a significant life-safety issue.
3. The desired relief may be granted without nullifying or substantially derogating from the intent of the district or purpose of the City of Salem Zoning Ordinance.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Rebecca Curran, Peter A. Copelas, Tom Watkins, James Tsitsinos, Mike Duffy) and none (0) opposed, to approve the requested Special Permit to allow the construction of a 3' x 4' square foot stairway and landing within the required 10' foot setback subject to the following **terms, conditions and safeguards**:

Standard:

1. Petitioner shall comply with all city and state statues, ordinances, codes and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finished of the new construction shall be in harmony with the existing structure.
6. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.


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.