



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970  
TELE: 978-745-9595 ♦ FAX: 978-740-9846

2015-DEC -2 P 2: 24  
FILE #  
CITY CLERK, SALEM, MASS.

## December 2, 2015 AMENDED Decision City of Salem Board of Appeals

Petition of JOSEPH SKOMURSKI seeking a Variance requesting relief from Sec. 5.1.5 Parking Design of the Salem Zoning Ordinance to allow at 30' curb cut and to modify a previous Zoning Board of Appeal decision to reflect the new parking plan at the property located at 43 BRIDGE STREET (Map 36 Lot 238) (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 closed on that date with the following Salem Board of Appeals members present: Rebecca Curran, Peter A. Copelas, Mike Duffy, Tom Watkins, Jimmy Tsitsinos.

The Petitioner seeking a Variance requesting relief from Sec. 5.1.5 Parking Design of the Salem Zoning Ordinance to allow at 30' curb cut and to modify a previous Zoning Board of Appeal decision to reflect the new parking plan.

### Statements of fact:

1. Joseph Skomurski, the petitioner, presented the petition.
2. In the petition date-stamped October 27, 2015, the Petitioner requested Variances requesting relief from Sec. 5.1.5 Parking Design of the Salem Zoning Ordinance to allow at 30' curb cut and to modify a previous Zoning Board of Appeal decision to reflect the new parking plan.
3. The petitioner presented a new parking plan dated July 28, 2015 revised on August 16, 2015 to realign three (3) parking spaces from the rear yard to the side yard to allow the addition of greenspace and prevent paving the entire rear yard as previously approved on "Lot 5."
4. The requested relief, if granted, would allow the Petitioner to exceed the 24' maximum allowable curb cut to have a 30' curb cut along Planters Street at "Lot 5" and to modify a previous Zoning Board of Appeal decision to reflect the new parking plan dated July 28, 2015, revised on August 16, 2015.
5. At the public hearing no members of the public spoke in favor of, or 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, 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 Variances for the original variance for the project:

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 lot is an odd shape narrow lot.

2. Literal enforcement of the provisions of the Ordinance would create a substantial and unique hardship as the lot is narrow and would restrict the petitioner from using the parcel. Literal enforcement of the bylaw would result in a building envelope that is too narrow to construct a house.
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. The existing building on the property is blighted, and the proposed new construction would be in keeping with the general density of the neighborhood.

**The Board now finds that the request for the Variance for a larger curb cut is a minor modification to the original plan and the reconfiguration of the parking spaces to provide greenspace to the rear of the property is positive.**

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, Mike Duffy, Jimmy Tsitsinos) and none (0) opposed, to grant a Variance requesting relief from Sec. 5.1.5 Parking Design of the Salem Zoning Ordinance to allow at 30' curb cut and to modify a previous Zoning Board of Appeal decision to reflect the new parking plan at "Lot 5" shown on the plan dated August 16, 2015, 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. 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. A Certificate of Occupancy shall be obtained
6. A Certificate of Inspection shall be obtained.
7. Petitioner shall obtain a street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
8. 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.*