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FILE #
CITY CLERK, SALEM, MASS.

August 31, 2016

Decision

City of Salem Board of Appeals

Petition of TIMOTHY & KATHLEEN WALSH seeking a Special Permit per Sec. 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance to construct a shed dormer at the property of 5 HOWARD STREET (Map 35 Lot 187)(R3 Zoning District).

A public hearing on the above Petition was opened on August 17, 2016 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on this date with the following Salem Board of Appeals members present: Peter A. Copelas (Vice- Chair), Tom Watkins, Jimmy Tsitsinos, Paul Viccica (alternate).

The Petitioner seeks a Special Permit per Sec. 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance to construct a shed dormer.

Statements of fact:

1. In the petition date-stamped July 25, 2016, the Petitioner requested Special Permits per Section 3.3.3 *Nonconforming Structures* to construct a shed dormer.
2. The petitioner, Timothy Walsh, and Brendan O' Donoghue, contractor, presented the petition.
3. The existing house is a nonconforming single family residential structure as to front yard and side yard setback.
4. The petitioner is proposing to construct a shed dormer on the south elevation.
5. The proposed shed dormer is approximately six (6') feet from the side yard setback where ten (10') feet is required.
6. Although the dormer will increase the height and the number of stories, the request is within height and number of story dimensional requirements of the R3 Zoning District.
7. The requested relief, if granted, would allow the Petitioner to construct a shed dormer.
8. At the public hearings no members of the public spoke in favor or 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 Special Permit:

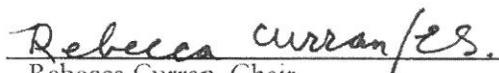
The Board finds that the proposed modification will not be substantially more detrimental than the existing nonconforming structure.

1. The Board finds that the proposed changes will improve the structure.
2. There is no impact on traffic flow or safety.
3. There is no impact on utilities or other public services.
4. There is no impact on the natural environment.
5. The proposal conforms to the existing neighborhood character.
6. The potential fiscal impact, including impact on the City tax base is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Peter A. Copelas (Vice- Chair), Tom Watkins, Jimmy Tsitsinos, Paul Viccica (alternate)) and none (0) opposed, to grant a Special Permit, to construct a shed dormer 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. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy shall be obtained.
7. A Certificate of Inspection shall be obtained.
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.