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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY OF SALEM, MASS

August 3, 2016

Decision

City of Salem Board of Appeals

Petition of ROBERT LIANI, JR. (COFFEE TIME BAKE SHOP INC.) seeking Variances requesting relief from Sec. 4.1.1 *Table of Dimensional Requirements* from minimum side yard setback and rear yard setback to allow the installation of a 6' x 6' outdoor refrigerator at the property of 96 BRIDGE STREET (Map 36 Lot 117) (R2 Zoning District).

A public hearing on the above Petition was opened on July 20, 2016 pursuant to M.G.L. Ch. 40A, § 11 and closed on this date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas, Jimmy Tsitsinos, Paul Viccica (alternate).

The petitioner is seeking Variances requesting relief from Sec. 4.1.1 *Table of Dimensional Requirements* from minimum side yard setback and rear yard setback to allow the installation of a 6' x 6' outdoor refrigerator.

Statements of fact:

1. In the petition date-stamped June 15, 2016, the Petitioner requested a Variance per Sec. 4.1.1 *Table of Dimensional Requirements* from minimum side yard setback and rear yard setback to allow the installation of a 6' x 6' outdoor refrigerator.
2. Attorney Quinn presents the petition.
3. The petitioner, Coffee Time Bake Shop Inc., is proposing to install a refrigerator at the rear of the property next to an existing freezer.
4. The proposed location of the refrigerator is 29.0' feet from the rear lot line where 30 feet is required, and 7.4' feet from the side yard lot line where 10 feet is required.
5. At the public hearing no members of the public spoke in favor of and no 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, 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:

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 corner lot.
2. Literal enforcement of the provisions of the Ordinance would create a substantial and unique hardship as there is no alternative location for the outdoor refrigerator to be in the service area behind the building.
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 four (Rebecca Curran (Chair), Peter A. Copelas, Jimmy Tsitsinos, Paul Viccica (alternate) in favor and none (0) opposed, to allow the petitioner to installation a 6' x 6' outdoor refrigerator subject to the following **terms, conditions and safeguards:**

Standard:

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 Inspection is to be obtained.
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.