



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK  
SALEM, MASS

August 30, 2017

## Decision

### City of Salem Board of Appeals

**Petition of KRIS KLEIN, seeking a Special Permit requesting relief from *Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance, to raise the existing non-conforming structure approximately two (2) feet to install a foundation and construct a second floor dormer at the property of 48 BAY VIEW AVE (Map 44 Lot 141)(R-1 Zoning District).**

A public hearing on the above Petition was opened on August 16, 2017 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), Tom Watkins, Jimmy Tsitsinos, Mike Duffy, and Peter A. Copelas.

The Petitioner is requesting a Special Permit requesting relief from *Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance, to raise the existing non-conforming structure approximately two (2) feet to install a foundation and construct a second floor dormer.

#### Statements of fact:

1. In the petition date-stamped July 20, 2017 the Petitioner requested a requesting relief from *Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance, to raise the existing non-conforming structure approximately two (2) feet to install a foundation and construct a second floor dormer.
2. The property is a single family home in an R-1 Zoning District.
3. The property is called the William Bates House and was constructed in 1885 in the style of a Queen Anne/Stick Style. The property is listed as a contributing building in the Salem Willows National Register District.
4. The property owner is proposing to restore as much of the original architecture as possible, raise the existing non-conforming structure approximately two (2) feet to install a foundation and to construct a second floor addition, to make the second floor big enough for a bedroom, bathroom and closet. The petitioner is also proposing to improve the basement space and will serve as living space.
5. There will be no expansion of the building footprint.
6. In a letter dated August 10, 2017, from the staff planner of the Historic Commission, there were several recommendations to the Zoning Board of Appeals including encouraging the applicant to preserve the original window openings and restoration of the original window configurations. Staff also recommended that the applicant retain as much of the original architectural decorative trim in the gable and on the porch as possible.
7. The Board requested that the replacement materials including, but not limited to the deck railings, stairs, and decking be made of Azek and not shiny PVC.

8. The requested relief, if granted, would allow requesting relief from *Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance, to raise the existing non-conforming structure approximately two (2) feet to install a foundation and construct a second floor dormer.
9. At the public hearing, ten (10) members of the public spoke in support and none 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 Special Permits:**

**The Board finds that the structure meets the definition of a historic carriage house and the proposed use will not outweigh its beneficial impacts to the City or the neighborhood.**

1. The social, economic, or community needs are served by the proposal as this project is a significant improvement to the neighborhood including the historic conservation of this historic structure.
2. There are no impacts on traffic flow and safety, including parking and loading as the on-site parking requirements are met.
3. The capacity of the utilities is not affected by the project.
4. There are no impacts on the natural environment, including drainage as the footprint of the building is not proposed to expand beyond the existing footprint.
5. The building is a historic property and the proposed architecture and conservation of the existing historic features of the building has a positive impact on the 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 five (5) in favor (Rebecca Curran (Chair), Tom Watkins, Jimmy Tsitsinos, Mike Duffy, and Peter A. Copelas) and none (0) opposed to allow a historic carriage house to be converted into a dwelling unit, 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 is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

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Special Condition:

1. The petitioner shall maintain the original fenestration pattern and replacement materials shall be congruous to the style of the house including the use of Azek, but not shiny PVC.

  
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.*