



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2017 JAN 14 P 2:13

FILE #
CITY CLERK, SALEM, MASS.

January 4, 2017

Decision

City of Salem Board of Appeals

Petition of ANTHONY M. JERMYN, TRUSTEE OF JULIA TRUST, requesting Variances per Sec. 4.1.1 Table of Dimensional Requirements for minimum lot frontage and minimum lot width to create a second residential lot at 50 RAVENNA AVE (Map 8 Lot 7) (R-1 Zoning District).

A public hearing on the above Petition was opened on December 21, 2016 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas, Tom Watkins, Mike Duffy, and Jimmy Tsitsinos.

The petitioner is seeking Variances per Sec. 4.1.1 Table of Dimensional Requirements for minimum lot frontage and minimum lot width to create a second residential lot.

Statements of fact:

1. In the petition date-stamped November 23, 2016, the Petitioner requested Variances per Sec. 4.1.1 Table of Dimensional Requirements for minimum lot frontage and minimum lot width to create a second residential lot.
2. Attorney Correnti presented the petition on behalf of the petitioner.
3. The property is located at the end of Ravenna Avenue in an R-1 Zoning District.
4. The two (2) lots, referenced as Proposed Lot 1 and Proposed Lot 2, have frontage on Ravenna Ave. with a width of 99.12 feet and 72.14 feet. There is a total of 172 feet of frontage.
5. The petitioner is proposing to subdivide the parcel into two (2) lots as per the plans titled, "Supplemental Plot Plan for ZBA Application," prepared for Tony Jermyn, by Griffin Engineering Group, LLC, dated December 8, 2016.
6. The existing house lot, referenced as "Proposed Lot 1" is a conforming lot in every way.
7. "Proposed Lot 2" is requires a variance from the minimum frontage and lot width requirements. The petitioner is proposing to provide 71.14 feet of frontage and 81.72 feet of lot width, where 100 feet of frontage and 100 feet of width per lot is required.
8. There are challenges in laying out the site due to the shape, topography, and soil conditions. The site has a unique shape, and the narrowest portion of the site is the portion with frontage on Ravenna Avenue. There is also a steep drop in grade behind the proposed new home, which limits the placement of a new structure. Due to a change in elevation, it is necessary to preserve the existing stone retaining wall located on Proposed Lot 1.
9. The change in elevation and the location of the existing stone wall dictated the placement of the proposed new lot line.

10. The requested relief, if granted, would allow the petitioner to create a non-conforming lot as to minimum lot frontage and minimum lot width.
11. At the public hearing one (1) member of the public spoke in favor of and none (0) 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 there are wetlands, steep grade changes in topography and an existing stone wall feature.
2. Literal enforcement of the provisions of the Ordinance would involve substantial hardship to the applicant.
3. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent of the district or the purpose of the ordinance.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (Rebecca Curran (Chair), Peter A. Copelas, Jimmy Tsitsinos, Tom Watkins, Mike Duffy) in favor and none (0) opposed, to grant Variances per Sec. 4.1.1 Table of Dimensional Requirements for minimum lot frontage and minimum lot width to create a second residential lot subject to the following **terms, conditions and safeguards**:

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 new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection shall be obtained.
7. A Certificate of Occupancy 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.

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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.