



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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

March 2, 2016

## Decision

### City of Salem Board of Appeals

Petition of KIM YOUNGWORTH, seeking Variances requesting relief from *Sec. 4.1.1 Table of Dimensional Requirements* of the Salem Zoning Ordinance, for relief from rear and side-yard setbacks, minimum lot area per dwelling unit and minimum lot area to construct a rear addition at the property of 14 WINTER STREET (Map 35 Lot 88)(R2 Zoning District).

A public hearing on the above Petition was opened on February 17, 2016 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Peter A. Copelas (Vice-Chair), Mike Duffy, Tom Watkins, Jimmy Tsitsinos, Jim Hacker (Alternate).

The Petitioner seeking Variances requesting relief from *Sec. 4.1.1 Table of Dimensional Requirements* of the Salem Zoning Ordinance, for relief from rear and side-yard setbacks, minimum lot area per dwelling unit and minimum lot area to construct a rear addition.

#### Statements of facts:

1. The petitioner Kim Youngworth presented the petition.
2. In the petition date-stamped January 25, 2016, the Petitioner requested a Variance from *Section 4.1.1 Table of Dimensional Requirements* of the Salem Zoning Ordinance, for relief from rear and side-yard setbacks, minimum lot area per dwelling unit, and minimum lot area to construct a rear addition.
3. After closer review of this project by the Building Commissioner, it was his determination that the petitioner could request a special permit from the provisions of *Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures* for the proposed reconstruction, extension, alteration, or change such that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.
4. The current property is a dimensionally nonconforming two-family home located in an R2 Zoning District.
5. The petitioner proposes to remove the existing dilapidated addition and rebuilt it. The petitioner proposes to extend the addition toward the rear yard lot line by an additional 1.5 feet to allow an internal stairway to meet building code requirements.
6. The petitioner also plans to construct a second egress where there was once a window on the first floor of the addition.
7. The requested relief, if granted, would allow the Petitioner the proposed reconstruction, extension, alteration, or change such that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

FILE #  
CITY CLERK SALEM, MASS.  
2016 MAR -2 A 8:53

8. At the public hearing three (3) members of the public spoke in favor of and none (0) 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 Permit:**

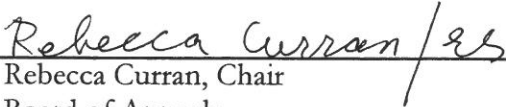
**The Board finds the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.**

1. Social, economic or community needs are served by the proposal are that the modifications are in keeping architecture of the building.
2. Traffic flow and safety, including parking and loading will not be impacted.
3. Adequacy of utilities and other public services will not be changed.
4. Impacts on the natural environment, including drainage will not be changed.
5. The proposed architectural style is in keeping with the existing architectural style of the building.
6. Potential fiscal impact, including impact on the City tax base and employment will be positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Peter A. Copelas (Vice-chair), Tom Watkins, Mike Duffy, Jimmy Tsitsinos, and Jim Hacker (alternate) and none (0) opposed, to grant a Special Permit from the provisions of *Sec. 3.3.5 Nonconforming Single and Two-Family Structures* of the Salem Zoning Ordinance to extend, alter or change the structure to allow the construction of a rear deck, 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.*