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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2017 MAY 31 PM 1:35
CITY CLERK
SALEM, MASS

May 31, 2017

Decision

City of Salem Board of Appeals

A public hearing for all persons interested in the petition of ROBERT CAMIRE seeking a Special Permit per *Sec. 3.3.3 Non-Conforming Structures* to allow an expansion of a non-conforming structure and Variances for relief from *Sec. 4.1.1 Table of Dimensional Requirements* of the Salem Zoning Ordinance, from the rear yard setback and number of stories at the property located at 160-162 BRIDGE STREET (Map 35 Lot 35)(R-2 Zoning District).

A public hearing on the above Petition was opened on May 17, 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, Mike Duffy, Jimmy Tsitsinos, and Paul Viccica (alternate).

The petitioner is seeking a Special Permit per *Sec. 3.3.3 Non-Conforming Structures* to allow an expansion of a non-conforming structure and Variances for relief from *Sec. 4.1.1 Table of Dimensional Requirements* of the Salem Zoning Ordinance, from the rear yard setback and number of stories.

Statements of fact:

1. Attorney Bill Quinn presents the petition on behalf of the petitioner.
2. In the petition date-stamped April 25, 2017, the petitioner requested a Special Permit per *Sec. 3.3.3 Non-Conforming Structures* to allow an expansion of a non-conforming structure and Variances for relief from *Sec. 4.1.1 Table of Dimensional Requirements* of the Salem Zoning Ordinance, from the rear yard setback and number of stories.
3. The property is located in the R-2 Zoning District.
4. The property was historically one lot with two (2) houses that existed on the lot prior to the adoption of the Subdivision Control Law. In 2016, the petitioner divided the lot by an endorsed Form A Plan the lots are existing legal non-conforming lots and the houses are existing legal non-conforming structures.
5. The front building is an existing two-family structure and the rear building is an existing three-family structure.
6. The petitioner is proposing to construct a rear third floor +/- 250 square foot addition on the back of the existing three-family structure to expand the living space in the third floor apartment and to provide a roof over an existing external stairway.
7. The proposed third floor addition on the three-family dwelling unit requires a Variance from the number of stories to exceed the 2.5 stories allowed by the Zoning Ordinance. The height of the addition will not exceed the existing vertical number of feet.

8. The petitioner is also proposing to construct a stairway across the new lot line to externally connect the rear house to an existing external stairway connected to the front house to provide a second egress from the third floor dwelling unit at the rear property. The petitioner is proposing to convert and existing third floor window, of the rear house, to a door with an external stairway because there is an existing internal steep stairway that is not code compliant to provide adequate egress.
9. The construction of the external stairway across the existing lot line requires a Variance from the rear yard setback requirements of the Zoning Ordinance.
10. The petitioner is also requesting a special permit for the expansion of a non-conforming structure for the existing rear three-family home.
11. The requested relief, if granted, would allow the petitioner to a Special Permit per *Sec. 3.3.3 Non-Conforming Structures* to allow an expansion of a non-conforming structure and Variances for relief from *Sec. 4.1.1 Table of Dimensional Requirements* of the Salem Zoning Ordinance, from the rear yard setback and number of stories.
12. At the public hearing two (2) 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 that the proposed expansion of the non-conforming structure is not substantially more detrimental than the existing non-conforming structure.

1. Social, economic and community needs are served by the proposal.
2. Traffic flow and safety, including parking and loading is adequate.
3. Adequacy of utilities and other public services will not be negatively impacted.
4. Impacts on the natural environment, including drainage will remain the same.
5. The proposal fits with the character of the neighborhood.
6. Potential fiscal impact including impact on City the tax base and employment is positive.

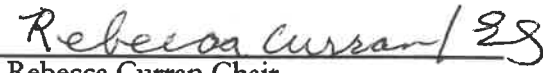
Findings for Variances:

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 narrow with two (2) existing non-conforming structures.
2. Literal enforcement of the provisions of the Zoning Ordinance would involve substantial hardship to the applicant because the applicant needs to provide adequate living space and egress on the third floor.
3. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the ordinance.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (5) in favor (Rebecca Curran (Chair), Tom Watkins, Mike Duffy, Jimmy Tsitsinos) and one (1) opposed (Paul Viccica, Alternate), to grant a Special Permit per *Sec. 3.3.3 Non-Conforming Structures* to allow an expansion of a non-conforming structure and Variances for relief from *Sec. 4.1.1 Table of Dimensional Requirements* of the Salem Zoning Ordinance, from the rear yard setback and number of stories, subject to the following **terms, conditions and safeguards**:

Standard Conditions:

1. 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 finished 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.


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.