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MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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June 1, 2016 Decision City of Salem Board of Appeals

Petition of NOTCH TAP ROOM, LLC seeking a Variance per Sec. 4-5.1 On-Premises Signs in Nonresidential Districts of the Salem Code of Ordinances, in order to allow signage at the property of 283 Rear Derby Street (Map 34 Lot 439) (B-5).

A public hearing on the above Petition was opened on May 18, 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: Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, Tom Watkins, Paul Viccica (alternate).

The Petitioner seeks a Variance of the provisions of Sec. 4-5.1 On- Premises Signs in Nonresidential Districts of the Salem Code of Ordinances to allow signage.

Statements of fact:

1. In the petition date-stamped April 26, 2016, the Petitioner requested a Variance of the provisions of Sec. 4-5.1 On- Premises Signs in Nonresidential Districts of the Salem Code of Ordinances to allow signage for this business at the property.
2. Chris Loring, petitioner, presented the petition.
3. Notch Tap Room LLC is located at the rear of the building on 283 Derby Street.
4. The Building Commissioner ruled that the allowable signage at the property, based on the frontage of along Derby Street, is completely occupied by Brothers Taverna.
5. The petitioner is requesting a Variance to install 103 square feet of signage on the building along the Congress Street and North River sides of the building, where the business is located at the rear of the building.
6. The petitioner testified that the hardship is that vendors will not be able to deliver goods without knowing where the business is located, wholesalers need to know where the location is to pick up finished goods and for consumers to know the location of the facility.
7. There is 79.9 linear feet along the façade where Notch Tap Room is located.
8. The requested relief, if granted, would allow signage for this business located at the rear of the property.
9. At the public hearing, one (1) member of the public spoke in favor and none 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, makes the following **findings**:

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Findings Sign Variance:

1. Special conditions and circumstances that especially affect the land, building, or structure involved is that the business is located at the rear of the building and current allowable square footage for signage if strictly enforced would allow for no signage to be located anywhere on the property for this business.
2. Literal enforcement of the provisions of the Ordinance would create a substantial hardship to the applicant as the Ordinance is not really applicable for a circumstance and vendors, wholesalers and consumers need to know the location of this facility.
3. The desired relief may not 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 five (5) in favor (Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, Tom Watkins, Paul Viccica (alternate) and none (0) opposed, to approve the requested Variance to allow signage at the property subject to the following eight (8) standard **terms, conditions and safeguards**:

Standard:

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.