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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS

March 2, 2016

Decision

City of Salem Board of Appeals

A petition of MAURA MCGRANE seeking 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 at the property of 29 CHESTNUT STREET (Map 25 Lots 240)(R1 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 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.

Statements of facts:

1. Peter Cohen of PB + C, presented the petition on behalf of the applicant.
2. In the petition date-stamped January 26, 2016, the Petitioner requested a Special Permit from the provisions of *Sec. 3.3.5 Nonconforming Single and Two-Family Structures* of the Salem Zoning Ordinance to allow the construction of a rear deck.
3. The current property use is a single-family home located in an R-1 Zoning District.
4. The petitioner is proposing to construct a 14' x 19' rear deck off of the back of the existing non-conforming structure within the side yard setback.
5. The existing structure is 2.7 feet from the side yard lot line. The proposed deck will be 3.1 feet from the side yard lot line, where the dimensional requirement is 10 feet from the side yard setback.
6. The petitioner does not propose to increase the existing nonconforming dimension along the side yard setback with the addition of the rear deck.
7. The requested relief, if granted, would allow the Petitioner to extend, alter or change the structure to allow the construction of a rear deck.
8. At the public hearing one (1) members of the public spoke in favor of, or 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 served by the proposal are that the modifications are in keeping with Federal style 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 of the deck is in keeping with the existing architectural style of the building and surrounding neighborhood.
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.