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CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEAL

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CITY CLERK
SALEM, MASS

October 4, 2017

Decision

City of Salem Board of Appeals

Petition of DANIEL ZANDALL and PHILLIP GILLESPIE seeking a Special Permit per Section 3.3.3 Non-Conforming Single and Two-Family Structures of the Salem Zoning Ordinance, to allow the construction of a 7' x 14' porch at the rear of the carriage house within the sideyard setback at the property of 35 CHESTNUT STREET (Map 25 Lot 243) (R-1 Zoning District)

A public hearing on the above Petition was opened on September 20, 2017 pursuant to M.G.L Ch. 40A, § 11 and the hearing was closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas (Vice-Chair), Mike Duffy, Jimmy Tsitsinos, and Tom Watkins.

The Petitioner seeks a Special Permit per Section 3.3.3 Non-Conforming Single and Two-Family Structures of the Salem Zoning Ordinance, to allow the construction of a 7' x 14' porch at the rear of the carriage house within the sideyard setback.

Statements of fact:

1. In the petition date-stamped August 29, 2017, the Petitioner requested a special permit per Section 3.3.3 Non-Conforming Single and Two-Family Structures of the Salem Zoning Ordinance, to allow the construction of a 7' x 14' porch at the rear of the carriage house within the sideyard setback.
2. Jeffrey Grinarm, contractor, presented the petition.
3. There is an existing rear porch that is 3.5' x 14' (feet). The existing porch is approximately +/- one (1') foot from the sideyard setback and in poor condition.
4. The petitioner is proposing to remove the existing rear porch and construct a 7' x 14' porch on the rear of an existing carriage house and will be within +/- one (1') foot of the sideyard lot line.
5. The petitioner has received approval from the Historic Commission for the proposal.
6. The requested relief, if granted, would allow the construction of a 7' x 14' porch at the rear of the carriage house within the sideyard setback.
7. At the public hearing, no members of the public spoke in opposition or in favor of 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**:

Special Permit Findings:


1. There are social, economic and community needs served by the proposal as a new porch will provide safer conditions as the existing porch is in disrepair.

2. There will be no impacts to traffic flow and safety, including parking and loading.
3. There will be no impact to the adequacy of utilities and other public services.
4. There will be no impacts on the natural environment, including drainage.
5. The proposed use fits within the neighborhood character.
6. The potential fiscal impact, including impact on City and tax base and employment is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Rebecca Curran (Chair), Peter A. Copelas (Vice-Chair), Mike Duffy, Jimmy Tsitsinos, and Tom Watkins) and none (0) opposed, to approve the special permit Section 3.3.3 Non-Conforming Single and Two-Family Structures of the Salem Zoning Ordinance, to allow the construction of a 7' x 14' porch at the rear of the carriage house within the sideyard setback subject to the following **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 Inspection is to be obtained.
7. A Certificate of Occupancy is to be obtained.
8. Petitioner shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
9. 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.