



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK  
SALEM, MASS.

March 1, 2017

## Decision

### City of Salem Board of Appeals

Petition of GAIL WHITNEY, seeking a Special Permit per *3.3.5 Nonconforming Single and Two-Family Residential Structures* of the Salem Zoning Ordinance to reconstruct, extend, or structurally change the existing structure to add a 10' x 9' dormer at the property of 4 MOUNT VERNON STREET (Map 25, Lot 255)(R2 Zoning District).

A public hearing on the above Petition was opened on February 15, 2017 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Mr. Duffy (Acting Chair), Mr. Tsitsinos, Mr. Watkins, Mr. Hacker (alternate), Mr. Viccica (alternate).

The Petitioner seeks a Special Permit per *3.3.5 Nonconforming Single and Two-Family Residential Structures* of the Salem Zoning Ordinance to reconstruct, extend, or structurally change the existing structure to add a 10' x 9' dormer.

#### Statements of fact:

1. Gail Whitney, petitioner, presents the petition.
2. In the petition date-stamped January 20, 2017, the petitioner requested a Special Permit per *3.3.5 Nonconforming Single and Two-Family Residential Structures* of the Salem Zoning Ordinance to reconstruct, extend, or structurally change the existing structure to add a 10' x 9' dormer.
3. The property is located within an R-2 Zoning District.
4. The existing non-conforming structure is a two (2) family dwelling. The petitioner is proposing to construct a 10' w x 9'H x 9' deep dormer on the third floor on the southwest side.
5. The dormer will match the existing former on the front of the house in style.
6. The petitioner is proposing to expand interior space by making the existing third floor a large master bedroom and bathroom for the second unit.
7. The requested relief, if granted, would allow the petitioner the ability to construct a 10' w x 9'H x 9' deep dormer on an existing non-conforming two-family structure.
8. At the public hearing one (1) member 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 reconstruction, extension or structural changes are not substantially more detrimental than the existing nonconforming structure to the neighborhood.**

1. Social, economic and community needs 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 the impact on City 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 (Mr. Duffy (Acting Chair), Mr. Tsitsinos, Mr. Watkins, Mr. Hacker (alternate), Mr. Viccica (alternate) and none (0) opposed, to grant a Special Permit per 3.3.5 *Nonconforming Single and Two-Family Residential Structures* of the Salem Zoning Ordinance to reconstruct, extend, or structurally change the existing structure to add a 10' x 9' x 9' dormer, 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 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, if needed.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

  
Mike Duffy, Acting 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.*