



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK  
SALEM, MASS

November 29, 2017

## Decision

### City of Salem Board of Appeals

**Petition of MICHAEL DIGIROLAMO, seeking a special permit per *Sec. 3.3.3 Nonconforming Structures* to allow a two-family dwelling unit and a Variance from the provisions of *Sec. 5.0 Off-Street Parking* of the Salem Zoning Ordinance, to allow less than the required parking spaces at 4 PHELPS STREET (Map 25 Lot 351)(R-2 Zoning District).**

A public hearing on the above Petition was opened on November 15, 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), Peter A. Copelas, Mike Duffy, Tom Watkins, Jim Hacker.

The petitioner is seeking a special permit per *Sec. 3.3.3 Nonconforming Structures* to allow a two-family dwelling unit and a Variance from the provisions of *Sec. 5.0 Off-Street Parking* of the Salem Zoning Ordinance, to allow less than the required parking spaces.

#### **Statements of fact:**

1. In the petition date-stamped October 24, 2017, the Petitioner requested a special permit per *Sec. 3.3.3 Nonconforming Structures* to allow a two-family dwelling unit and a Variance from the provisions of *Sec. 5.0 Off-Street Parking* of the Salem Zoning Ordinance, to allow less than the required parking spaces.
2. The property is located in an R-2 Zoning District and is an existing single family home.
3. The petitioner is proposing to convert the existing dimensionally non-conforming home into a two (2) family home. The petitioner is not proposing any exterior construction or expansion to the existing structure. The proposal fits with the neighborhood character as the neighborhood is a mix of single and two family homes.
4. The petitioner is also requesting a Variance from the provisions of *Sec. 5.0 Off-Street Parking*, to allow less than the required parking spaces. There are currently no on-site parking spaces at the property. The petitioner would need to provide a total of three (3) on-site parking spaces to meet the requirements of the Zoning Ordinance.
5. There is currently on-site parking on both sides of Phelps Street.

6. The petitioner stated that the existing property is not configured to allow for on-site parking because the house sits askew on the lot, which prohibits the ability to create on-site parking on either side of the structure.
7. The requested relief, if granted, would allow the petitioner to convert the existing structurally non-confirming single family home into two (2) dwelling units and allow less than the required parking spaces.
8. At the public hearing no (0) members of the public spoke in favor and five (5) spoke 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 public testimony, makes the following **findings** that the proposed project does not meet the provisions of the City of Salem Zoning Ordinance:

**Findings for Special Permit:**


The proposed changes will be substantially more detrimental to the neighborhood as the petitioner is proposing to increase housing density without providing adequate parking. Although the Board recognized the need for additional housing, the Board found that the lack of proposed parking may further negatively impact the neighborhood.

**Findings for the Variance:**

1. There are no special conditions or circumstances that especially affect the land, building, or structure involved, generally not affecting other lands, buildings or structures involved.
2. Literal enforcement of the provisions of the Ordinance would not involve substantial hardship to the applicant as the petitioner is creating the need for the Variance by proposing the conversion of an existing single family home into a two (2) family structure.
3. Desirable relief may not be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent of the district or the purpose of the ordinance.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted none (0) in favor, and five (5) opposed (Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins, Jim Hacker), to grant a special permit per *Sec. 3.3.3 Nonconforming Structures* to allow a two-family dwelling unit and a Variance from the provisions of *Sec. 5.0 Off-Street Parking* of the Salem Zoning Ordinance, to allow less than the required parking spaces.

THE PETITION IS DENIED.

  
Rebecca Curran, Chair  
Board of Appeals

A COPY OF THIS DECISION HAS BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK

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Project: 4 Phelps Street

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*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.*