



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2016 AUG -3 A 8:17

CITY CLERK SALEM, MASS

August 3, 2016

## Decision

### City of Salem Board of Appeals

**Petition of MATTHEW KEANE seeking a Special Permit per *Sec. 3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to reconstruct a garage at the property of 414 LAFAYETTE STREET (Map 32 Lot 169) (R1 Zoning District).**

A public hearing on the above Petition was opened on June 15, 2016 pursuant to M.G.L. Ch. 40A, § 11. The hearing was closed July 20, 2016 with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas, Jimmy Tsitsinos, Paul Viccica (alternate).

The petitioner is seeking a Special Permit per *Sec. 3.3.3 Nonconforming Structures* to reconstruct a garage.

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

1. In the petition date-stamped May 24, 2016, the Petitioner requested a Special Permit per *Sec. 3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to reconstruct an existing garage.
2. Attorney John Keilty- 40 Lowell Street, Peabody, MA, presents the petition on behalf of the petitioner.
3. The petitioner proposes to reconstruct and expand an existing single bay garage into a 24' x 24' two (2) car garage.
4. The property is located within an R1 Zoning District.
5. The existing garage is located within one (1) foot of the rear property line.
6. The petitioner is proposing a 24' x 24' structure that is located within one (1) foot of the rear property line and half of one (1) foot (0.5') from a shared right-of-way that provides access to a rear property.
7. The Board requested that the structure be two (2) feet away from the right-of-way to allow for maintenance of the right-of-way.
8. The proposed height is 21.7 feet as per the plans. The second story is proposed to provide storage.
9. At the meeting, the Building Inspector informed the petitioner that the height limit for an accessory structure and garage is 18' feet or 1.5 stories in height.
10. The Building Inspector informed the petitioner that the proposed height of 21.7' feet would require a variance.
11. On the June 15, 2016 public hearing, the petition was continued to the next regularly scheduled meeting to allow time for the petitioner decide whether to amend plans or re-apply with a request for a Special Permit and Variance.
12. On July 20, 2016, the petitioner requested to withdraw the application without prejudice.

13. At the public hearing no members of the public spoke in favor of and one (1) spoke in opposition to, the petition.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (Rebecca Curran (Chair), Peter A. Copelas, Jimmy Tsitsinos, Paul Viccica (alternate) in favor and none (0) opposed, to allow the petitioner to withdraw the application without prejudice.

THE PETITION IS WITHDRAWN WITHOUT PREJUDICE

  
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.*