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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK SALEM MASS.

March 30, 2016

Decision

City of Salem Board of Appeals

Petition of MELISSA VACON, seeking a Special Permit per Sec. 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to alter an existing nonconforming structure at the property of 59 Memorial Drive (Map 42 Lot 13)(R1 Zoning District).

A public hearing on the above Petition was opened on March 16, 2016 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Tom Watkins, Jimmy Tsitsinos.

The petitioner is seeking a Special Permit per Sec. 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to alter an existing nonconforming structure.

Statements of fact:

1. In the petition date-stamped February 23, 2016, the Petitioner requested a Special permit per Sec. 3.3.3 Nonconforming Structures of the Salem Zoning Ordinance to alter an existing nonconforming structure.
2. Attorney Scott Grover presented the petition on behalf of the petitioner.
3. The subject property is located in a R1 Zoning District and is a single family residence.
4. The petitioner proposes to construct a shed roof to expand the second floor and construct a rear landing and stairs at the first floor level.
5. The existing structure is within 5.7' feet of the side yard setback and does not conform to the side yard setback requirement of ten (10') feet. The proposed addition will not increase the nonconformity with respect to this setback, which is proposed to stand at 7' feet from the side yard setback.
6. The height of the structure and number of stories proposed is within the dimensional requirements of the Zoning Ordinance for an R1 Zoning District.
7. The requested relief, if granted, would allow the Petitioner to alter an existing nonconforming structure.
8. At the public hearing one (1) member of the public spoke in favor of and none (0) 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 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:

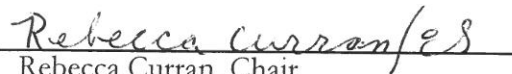
Findings for Special Permit

The proposed change is not substantially more detrimental to the neighborhood than the existing nonconforming structure.

1. The proposed building alteration of the non-conforming structure would not be more substantially detrimental than the existing non-conforming structure to the impact on the social, economic or community needs served by the proposal.
2. There are no impacts on traffic flow and safety, including parking and loading.
3. The capacity of the utilities is not affected by the project.
4. There are minimal impacts on the natural environment, including drainage.
5. The proposal improves neighborhood character as it improves the property.
6. The potential fiscal impact, including impact on the City tax base is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Jimmy Tsitsinos, Tom Watkins) in favor and none (0) opposed, to grant a Special Permit per Sec. 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance to alter an existing nonconforming structure subject to the following **terms, conditions and safeguards**:

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. Exterior finishes of new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy shall be obtained.
7. 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.