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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS

June 29, 2016

Decision

City of Salem Board of Appeals

Petition of ANNETTE POPP seeking a Variance requesting relief from *Sec. 4.1 Table of Dimensional Requirements* of the Salem Zoning Ordinance for minimum depth of front yard and side yard setbacks to allow two (2) 12' side additions and an enclosed front entry located at 9 LOCUST STREET (Map 28 Lot 14) (R1 Zoning District).

A public hearing on the above Petition was opened on June 15, 2016 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Ms. Curran (Chair), Mr. Duffy, Mr. Copelas, Mr. Watkins, and Mr. Tsitsinos.

The Petitioner seeks a Variance requesting relief from Sec. 4.1 Table of Dimensional Requirements of the Salem Zoning Ordinance for minimum depth of front yard and side yard setbacks to allow two (2) 12' side additions and an enclosed front entry.

Statements of fact:

1. Annette Popp, petitioner, presents the petition.
2. In the petition date-stamped May 23, 2016 the Petitioner requested a Variance per Sec. 4.1 Table of Dimensional Requirements of the Salem Zoning Ordinance for minimum depth of front yard and side yard setbacks to allow two (2) 12' side additions and an enclosed front entry.
3. The petitioner proposes to construct two (2) 12' side additions and an enclosed front entry. One (1) of the two (2) proposed side additions is within 8.4' feet of the side yard lot line where ten (10') is required.
4. The petitioner proposes to also construct an extended enclosed front entryway within 9.6' feet of the front yard lot line where fifteen (15') feet is required.
5. The property is a single family home located in an R1 zoning district.
6. The petitioner states that one (1) of the additions will be used as a hobby workshop, but not intended to be used as a business.
7. The petitioner testified that the angle of the buildable area causes a hardship as it is not a 90 degree angle and therefore one (1) of the additions is within the side yard setback.
8. The petitioner testified that the statement of hardship for the Variance requested for the extended front entryway is that the house could not be pulled back. The extended front entryway is to provide more convenience and space, which cannot be addressed any other way.
9. The Board stated that the petitioner could pull back the proposed additions to meet the side yard setbacks and the personal hardship for the variance requests do not meet the threshold for a variance.

10. The requested relief, if granted, would allow the Petitioner to construct one (1) of two (2) proposed side additions within 8.4' feet of the side yard lot line and an enclosed front entry within 9.6' feet where 15' feet is required.
11. At the public hearing no (0) members of the public spoke in favor of, and four (4) members spoke in opposition to, the petition.
12. The petitioner requested to withdraw the petition without prejudice.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Ms. Curran (Chair), Mr. Duffy, Mr. Copelas, Mr. Watkins, and Mr. Tsitsinos) and none (0) opposed, to allow the petitioner to withdraw the application without prejudice.

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.