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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2018 DEC -3 AM 9:56
CITY CLERK
SALEM, MASS

December 3, 2018

Decision

City of Salem Board of Appeals

Petition of ALEXANDER R. BROWN requesting a special permit per Section 3.3.5 of the Salem Zoning Ordinance to expand a nonconforming structure to add a garage and front dormer to an existing single-family home at 7 RIVERBANK ROAD (Map 31, Lot 238) (R1 Zoning District).

A public hearing on the above Petition was opened on November 19, 2018 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Mike Duffy (Chair), Peter A. Copelas, Jim Hacker, Patrick Shea, and Paul Viccica.

The Petitioner seeks a special permit per Section 3.3.5 of the Salem Zoning Ordinance, *Nonconforming Single- and Two-Family Residential Structures*, to allow the petitioner to expand a nonconforming structure to add a garage and front dormer to the existing single-family home.

Statements of fact:

1. In the petition date-stamped October 23, 2018, the Petitioner requested a special permit under Section 3.3.5 of the Zoning Ordinance to construct an addition with side yard non-conformity. The proposal, as noted in the application, is to construct an attached garage and front dormer to an existing single-family dwelling.
2. Attorney William F. Quinn, Esq. presented the petition.
3. The property is located in the R1 Zoning District. The existing property is nonconforming as to minimum lot area (square feet), lot width (feet), and lot frontage (feet). As noted in the petition, the proposed addition would create a new nonconformity as to side yard setback: the property would have a setback of 6.2 feet where 10 feet are required by the ordinance.
4. The requested relief, if granted, would allow Petitioner to expand the nonconforming structure by adding a garage and front dormer to the existing single-family home.
5. At the public hearing, Attorney Quinn and petitioner Alexander R. Brown explained that the proposal is to create an attached, oversized one-car garage with adjacent parking, as well as a front dormer atop the garage which will serve as office space for Mr. Brown, and a mudroom attaching the garage to the house. Attorney Quinn explained that there is no increase in height, and that the only nonconformity is in relation to the side yard setback (6.2 feet, instead of the 10 feet required by the ordinance).
6. During the hearing, including Board discussion, petitioner and attorney clarified that although the submitted plans indicate that the garage will have two spaces, the garage has been changed to a garage for one car that is oversized compared to a typical one-car garage. Peter Copelas, noting that the loft in the front dormer atop the garage will have two closets, a full bathroom, a balcony off the back, and lots of light, said that the loft sounds like a bedroom. Attorney and petitioner clarified that the space will be a home office, not a bedroom.
7. At the public hearing, no (0) members of the public spoke in favor or in opposition to the petition.

8. Attorney Quinn clarified that the side yard setback, if built in accordance with the plans, will be 6.2 feet.

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:

Special Permit Findings:

The Board finds that the proposed alteration will not be substantially more detrimental than the existing non-conforming structure to the neighborhood.

1. Social, economic and community needs are served by this proposal, including improved family housing.
2. There is no impact on traffic flow or safety, including parking and loading. There will be no additional traffic as there are no new bedrooms.
3. Utilities and other public services are existing and adequate.
4. Natural environment, including drainage, is likely to be unaffected as the building is occurring within the property owner's lot.
5. The proposed addition to the existing building is designed to fit with neighborhood character.
6. The project will increase the value of the property and thus have a potential fiscal impact on City tax base.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Mike Duffy (Chair), Patrick Shea, Peter Copelas, Jim Hacker, Paul Viccica) and none (0) opposed to approve a Special Permit per Section 3.3.5 of the Salem Zoning Ordinance to expand a nonconforming structure to add a garage and front dormer to an existing single-family home at 7 RIVERBANK ROAD (Map 31, Lot 238) (R1 Zoning District), 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 finishes 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 is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.


Mike Duffy, 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.