



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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CITY CLERK
SALEM, MASS

June 20, 2018

Decision

City of Salem Board of Appeals

Petition of RICHARD H. TURNER, seeking a special permit per *Sec. 3.3.5 Nonconforming Single and Two Family Structures*, of the Salem Zoning Ordinance, to allow the petitioner to alter and expand the existing structure at 8 CROSS STREET COURT (Map 36 Lot 88)(R-2 Zoning District).

A public hearing on the above Petition was opened on June 6, 2018 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, Chris Drucas, and Jimmy Tsitsinos.

The petitioner is seeking a special permit per *Sec. 3.3.5 Nonconforming Single and Two Family Structures*, of the Salem Zoning Ordinance, to allow the petitioner to alter and expand the existing structure.

Statements of fact:

1. In the petition date-stamped April 25, 2018, the Petitioner requested a special permit per *Sec. 3.3.5 Nonconforming Single and Two Family Structures*, of the Salem Zoning Ordinance, to allow the petitioner to alter and expand the existing structure.
2. The petitioner Richard Turner, presented the petition.
3. The property is located in an R-2 Zoning District and the existing building is a non-conforming single family home. The property is non-conforming as to lot area and front yard setback.
4. The petitioner is proposing to demolish the existing 1947 wood-framed single story cape style structure. The petitioner is proposing to reuse the existing poured concrete foundation to be used for a new three (3) story single family structure within the same footprint as the existing structure.
5. The property has been vacant for eight (8) years.
6. The proposed structure will be more non-conforming as to front yard setback. The petitioner is proposing a front yard setback, at the narrowest point, to be 7.5 feet where fifteen (15) feet is required. The petitioner is also creating a new non-conformity by constructing a three (3) story structure where the maximum building height is 2.5 stories. The building height will be 32' feet and be within the 35' foot height requirement of the zoning district.
7. The requested relief, if granted, would allow the petitioner to alter and expand the existing non-conforming structure.
8. At the public hearing one (1) member of the public spoke in favor 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 public testimony, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

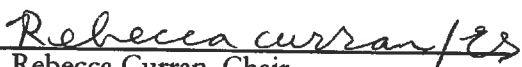
Special Permit Findings:

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

1. Social, economic and community needs are served by this proposal
2. There are no impacts to traffic flow and safety, including parking and loading. The petitioner will be adding a driveway and create on-site parking, where the property did not have any off-street parking.
3. Adequate utilities and public services already service the property.
4. Impact on the natural environment and drainage are minimally affected as the expansion of the structure.
5. The proposed addition is consistent with the neighborhood character.
6. The potential fiscal impact, including impact on the City tax base and employment.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Rebecca Curran (Chair), Peter A. Copelas, Mike Duffy, Chris Drucas, and Jimmy Tsitsinos), and none (0) opposed to grant a special permit per *Sec. 3.3.5 Nonconforming Single and Two Family Structures*, of the Salem Zoning Ordinance, to allow the petitioner to alter and expand the existing structure, subject to the following standard conditions:

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. A certificate of occupancy shall be obtained.
6. A certificate of inspection 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.