



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-745-9595 ♦ FAX: 978-740-9846

NOV -1 PM 2:28
CITY CLERK
SALEM, MASS

November 1, 2017

Decision

City of Salem Board of Appeals

Petition of HEIDI K. STRAGHAN, TRUSTEE, THE RILEY STRAGHAN REALTY TRUST seeking a Special Permit per *Sec. 3.3.2 Nonconforming Uses* to alter a non-conforming three (3) family to allow the first floor commercial space to be converted into a fourth residential unit and a Variance per *Sec. 5.1.8 Table of Required Parking Spaces* to allow less than the required parking spaces at 116 BOSTON STREET (Map 16, Lot 151) (B-2 Zoning District)

A public hearing on the above Petition was opened on October 18, 2017 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Peter A. Copelas (Vice-Chair), Tom Watkins, Jimmy Tsitsinos, and Paul Viccica (alternate).

The petitioner seeks a Special Permit per *Sec. 3.3.2 Nonconforming Uses* to alter a non-conforming three (3) family to allow the first floor commercial space to be converted into a fourth residential unit and a Variance per *Sec. 5.1.8 Table of Required Parking Spaces* to allow less than the required parking spaces.

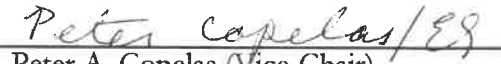
Statements of fact:

1. In the petition date-stamped September 20, 2017, the Petitioner requested a Special Permit per *Sec. 3.3.2 Nonconforming Uses* to alter a non-conforming three (3) family to allow the first floor commercial space to be converted into a fourth residential unit and a Variance per *Sec. 5.1.8 Table of Required Parking Spaces* to allow less than the required parking spaces.
2. Attorney William Quinn presented the petitioner.
3. The property is non-conforming three (3)-family building in an R-2 Zoning District.
4. The petitioner is proposing to alter a non-conforming three (3)-family use. The property owner purchased the property in 2002 and had an associated letter from the Building Inspector with an opinion that the property was a legal non-conforming three (3) family use.
5. The petitioner testifies that no commercial tenant has utilized the first floor commercial retail of the property for some time.
6. The property owner is currently utilizing the property as an illegal four (4) family dwelling and is before the Zoning Board of Appeals to request a Special Permit to allow the already existing conversion. Further, the petitioner is proposing to expand the existing fourth (4) dwelling unit to incorporate the remaining commercial frontage of the structure.
7. The property owner intends to remove the existing commercial plate glass window and convert the commercial space to front to back residential use.
8. The petitioner is not proposing to alter or structurally change the exterior of the structure.

9. The petitioner is also requested a Variance per Sec. 5.1.8 Table of Required Parking Spaces, to allow less than the required number of parking spaces. The property does not have an existing driveway or any parking spaces.
10. The requested relief, if granted, would allow the petitioner to alter a non-conforming three (3) family to allow the first floor commercial space to be converted into a fourth residential unit and a Variance per Sec. 5.1.8 Table of Required Parking Spaces to allow less than the required parking spaces.
11. Currently, there are no tenants occupying the existing fourth dwelling unit.
12. The Board is concerned that the property is currently utilized as four (4) dwelling units in a legal three (3) family dwelling unit. The Board states that the petitioner may be able to gain economic benefit by utilizing the commercial space as part of one of the existing units rather than converting the commercial space to a fourth residential unit.
13. The Board further expresses concern that the petitioner does not meet the criteria for a Variance.
14. At the public hearing, one (1) member of the public spoke in opposition to the petition and none (0) spoke favor to the petition.
15. The petitioner requests to withdraw the application without prejudice.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Peter A. Copelas (Vice-Chair), Tom Watkins, Jimmy Tsitsinos, and Paul Viccica (alternate) and none (0) opposed, to allow the petitioner to withdraw the application without prejudice.

THE APPLICATION IS WITHDRAWN WITHOUT PREJUDICE.


Peter A. Copelas (Vice-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.