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MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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May 30, 2018

Decision

City of Salem Board of Appeals

2018 MAY 30 AM 11:43
CITY CLERK
SALEM, MASS

Petition of PAUL AND ELIZABETH DUDA, seeking a special permit per Sec. 3.3.3 Non-Conforming Structures, of the Salem Zoning Ordinance, to allow a 10' x 20' one story addition on an existing non-conforming structure at 14 FAIRMOUNT STREET (Map 27 Lot 195)(R-2 Zoning District).

A public hearing on the above Petition was opened on May 16, 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 Paul Viccica.

The petitioner is seeking a special permit per Sec. 3.3.3 Non-Conforming Structures, of the Salem Zoning Ordinance, to allow a 10' x 20' one story addition on an existing non-conforming structure.

Statements of fact:

1. In the petition date-stamped April 17, 2018, the Petitioner requested a special permit per Sec. 3.3.3 Non-Conforming Structures, of the Salem Zoning Ordinance, to allow a 10' x 20' one story addition on an existing non-conforming structure.
2. The petitioners Paul and Elizabeth Duda presented the petition.
3. The property is located in an R-2 Zoning District and the existing building is non-conforming as to lot area, front yard setback, and side yard setback.
4. The petitioner is proposing to construct a 10' x 20' one story rear addition. The petitioner is proposing an extension of an exterior wall along the same nonconforming distance within a required yard. The Salem Zoning Ordinance requires ten (10') foot side yard setbacks.
5. The current width of the sideyard is three (3) feet and the proposed addition with continue along this same nonconforming distance from the side property line.
6. At the May 16, 2018 public meeting, the petitioner proposed minor modifications to the submitted plans including the removal of one (1) staircase off of the proposed rear deck and minor modifications to window type and placement.
7. The requested relief, if granted, would allow the petitioner to construct a 10' x 20' one story addition on an 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.

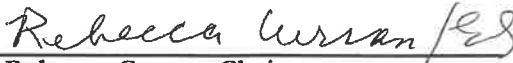
1. Social, economic and community needs are served by this proposal
2. There are no impacts to traffic flow and safety, including parking and loading
3. Adequate utilities and public services already service the property.
4. Impact on the natural environment and drainage are minimally affected as the expansion of the structure within the yard.
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 Paul Viccica), and none (0) opposed to grant a special permit per Sec. 3.3.3 Non-Conforming Structures, of the Salem Zoning Ordinance, to allow a 10' x 20' one story addition on an existing non-conforming 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. Exterior finishes of new construction shall be in harmony with the existing structure
6. A certificate of occupancy shall be obtained.
7. A certificate of inspection shall be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

Special Condition:

1. Revised plans with proposed minor modifications including the removal of a proposed staircase, window type and placement shall be submitted to the Building Department for review and approval prior to the issuance of a building permit.


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.