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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS.

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September 2, 2015

Decision

City of Salem Board of Appeals

Petition of ANTONIO BARLETTA JR for a petition seeking Variances per Sec. 4.1.1 Table of Dimensional Requirements of the Salem Zoning Ordinance for minimum lot size per dwelling unit, required frontage, side & front yard setbacks to allow the conversion of a single-family home into a two- family dwelling unit located at 2 MEADOW STREET (Map 33 Lot 92) (R2 Zoning District).

A public hearing on the above Petition was opened on August 19, 2015 pursuant to M.G.L Ch. 40A, § 11 and closed on this date with the following Salem Board of Appeals members present: Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Tom Watkins, Mike Duffy, Paul Viccica (alternate).

The petitioner seeks variances per sec. 4.1.1 Table of Dimensional requirements of the Salem Zoning Ordinance for minimum lot size per dwelling unit, required frontage, side & front yard setbacks.

Statements of fact:

1. In the petition date-stamped July 28, 2015 the Petitioner requested Variances per Sec. 4.1.1 Table of Dimensional Requirements of the Salem Zoning Ordinance for minimum lot size, required frontage, side & front yard setbacks to allow the conversion of a single-family home into a two- family dwelling unit.
2. The property is located in an R2 Zoning District and is a dimensionally non-conforming structure.
3. The lot is 7,875 square feet and does not meet the required 7,500 square foot lot area requirement per dwelling unit. The existing frontage is 75 feet and does not meet the required 100 feet of frontage. The side yard setback is two (2) feet and does not meet the required 10 foot minimum and the front yard setback is at the zero (0) lot line and does not meet the required 15 foot setback requirements.
4. The requested relief, if granted, would allow the Petitioner to convert an existing dimensionally non-conforming single-family home into a two-family dwelling unit.
5. At the public hearings no (0) members spoke in favor or in opposition to the proposal.

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:

Findings for Variances:

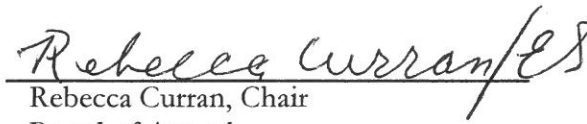
- 1) Given the size and shape of the dimensionally nonconforming structure the variances requested are warranted and a two-family home is an allowable use by-right in an R-2 Zoning District.
- 2) Literal enforcement of the provisions of the Ordinance would involve substantial hardship to the applicant.

- 3) Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent of the district or the purpose of the ordinance.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Tom Watkins, Mike Duffy, James Hacker (alternate) and none (0) opposed, to grant variances per Sec. 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance for relief from rear and side-yard setbacks, minimum lot area per dwelling unit to construct a rear addition subject to the following eight (8) standard **terms, conditions, and safeguards**:

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 shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
8. 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.