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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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CITY CLERK
SALEM, MASS

July 3, 2018

Decision

City of Salem Board of Appeals

Petition of DONALD and KYLIE REYNOLDS requesting a special permit per Sec. 3.3.5 Non-Conforming Single and Two-Family Structures, to allow the petitioner to construct a 40' x 8' two-story porch on the front of the structure at 22 LORING AVE. (Map 32 Lot 86)(R-2 Zoning District)

A public hearing on the above Petition was opened on June 20, 2018 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), Mike Duffy, Jimmy Tsitsinos, Chris Drucas, and Paul Viccica.

The petitioner is seeking a Special Permit per Sec. 3.3.5 Non-Conforming Single and Two-Family Structures, to allow the petitioner to construct a 40' x 8' two-story porch on the front of the structure.

Statements of fact:

1. In the petition date-stamped May 29 2018, the Petitioner requested a Special Permit per Sec. 3.3.5 Non-Conforming Single and Two-Family Structures, to allow the petitioner to construct a 40' x 8' two-story porch on the front of the structure
2. Donald and Kylie Reynolds- Petitioners, present the petition.
3. The property is located in the R-2 Zoning District.
4. The petitioner is proposing to construct a 40' x 8' two-story front porch. The structure is a Federal-style home that, when originally built in 1900, had a large wrap-around porch extending across the front and southwest side of the structure. The entire porch was demolished and replaced with a small roofed deck that only covers the front door prior to the current owners.
5. The existing structure is non-conforming as to the northeast side of the property where the side of the property is approximately six (6) feet from the property line where ten (10) feet is required. The proposed two-story front porch addition will extend this non-conformity by an additional eight (8) feet along the side yard. The petitioner is also proposing a front staircase that is within the front yard setback. The proposed front yard will be 11.7' feet where a minimum of fifteen (15) feet is required.
6. The requested relief, if granted, would allow the Petitioner to construct a 40' x 8' two-story porch on the front of the structure.
7. At the public hearing one (1) member of the public spoke in favor of 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 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 Special Permit

1. The proposed expansion of a non-conforming structure would not be more substantially detrimental than the existing non-conforming structure to the impact on the social, economic or community needs served by the proposal.
2. There are no impacts on traffic flow and safety, including parking and loading.
3. The capacity of the utilities is not affected by the project.
4. There are no impacts on the natural environment, including drainage.
5. The proposal improves neighborhood character as it improves the property and the porch is in keeping with the historic character of the structure and neighboring structures.
6. The potential fiscal impact, including impact on the City tax base is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) (Peter A. Copelas (Vice-Chair), Mike Duffy, Jimmy Tsitsinos, Chris Drucas, and Paul Viccica) in favor and none (0) opposed, to grant a special permit per Sec. 3.3.5 Non-Conforming Single and Two-Family Structures, to allow the petitioner to construct a 40' x 8' two-story porch on the front of the structure subject to the following **terms, conditions and safeguards:**

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 Inspection shall be obtained.
7. A Certificate of Occupancy 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.


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.