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MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEAL

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CITY CLERK
SALEM, MASS

April 25, 2018

Decision

City of Salem Board of Appeals

Petition of THEODORE and BARBARA WARREN, requesting a Variance per Sec. 3.2.4 *Accessory Buildings and Structures* to allow the petitioner to exceed the maximum floor area of an accessory structure at 5 HARDY STREET (Map 41 Lot 26)(R-2 Zoning District).

A public hearing on the above Petition was opened on March 28, 2018 pursuant to M.G.L Ch. 40A, § 11 and was continued to April 18, 2018 and closed on that date with the following Salem Board of Appeals members present: Peter A. Copelas (Vice- Chair), Jimmy Tsitsinos, Paul Viccica, Jim Hacker and Chris Drucas.

The petitioner is seeking a Variance per Sec. 3.2.4 *Accessory Buildings and Structures* to allow the petitioner to exceed the maximum floor area of an accessory structure.

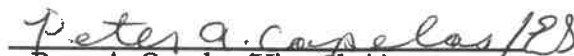
Statements of fact:

1. In the petition date-stamped January 30, 2018, the Petitioner requested a Variance per Sec. 3.2.4 *Accessory Buildings and Structures* to allow the petitioner to exceed the maximum floor area of an accessory structure.
2. Barbara Warren, petitioner, presented the petition.
3. The petitioner is requesting a Variance per Sec. 3.2.4 *Accessory Buildings and Structures* to allow the petitioner to exceed the maximum floor area of an accessory structure.
4. The property is located in an R-2 Zoning District.
5. The property had an outbuilding that was 800 square feet and two (2) feet from the rear yard setback, two (2) feet from the left side setback and five and a half (5.6') feet from the right side yard setback. This building was razed and a 140 square foot shed was placed along the far right back corner of the property.
6. The existing 140 square foot shed was significantly deteriorated and subsequently razed and replaced with a new shed by the current property owner. The petitioner constructed a 192 square foot shed to replace the deteriorated 140 square foot shed. The shed meets all of the R105.2 work exempt from permit requirements, but does not meet the dimensional requirements of the Salem Zoning Ordinance for an accessory building or structure.
7. The Salem Zoning Ordinance allows an accessory building or structure to not be more than 120 square feet.
8. The requested relief, if granted, would allow the petitioner to exceed the maximum floor area of an accessory structure.

9. At the public hearing, no members of the public spoke in support and one (1) member of the public spoke in opposition to the petition.
10. The Board discussed the merits of Variance request, including the financial hardship presented.
11. The petitioner requested to withdraw the application without prejudice.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) (Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, Chris Drucas and Jim Hacker and none (0) opposed, to allow the petitioner to withdraw the application without prejudice.

THE PETITION 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.