



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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Book:

**August 29, 2018**

## **Amended Decision**

### **City of Salem Board of Appeals**

2018 AUG 29 AM 8:17  
CITY CLERK  
SALEM, MASS

Petition of FRANK W. CHANDLER requesting an amendment to a previously issued decision of the Board of Appeals dated July 2, 1985, to remove the owner occupancy requirement of a special permit at 80 OCEAN AVENUE (Map 33 Lot 69)(R-2 Zoning District)

A public hearing on the above Petition was opened on August 15, 2018 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Mike Duffy (Chair), Peter A. Copelas, Jimmy Tsitsinos, Paul Viccica.

The Petitioner is requesting an amendment to a previously issued decision of the Board of Appeals dated July 2, 1985, to remove the owner occupancy requirement of the special permit.

#### **Statements of fact:**

1. In the petition date-stamped July 23, 2018, the Petitioner requested an amendment to a previously issued decision of the Board of Appeals dated July 2, 1985, to remove the owner occupancy requirement of the special permit.
2. Frank Wayne Chandler, petitioner, presents the petition.
3. The petitioner was granted a special permit dated July 2, 1985 to allow the petitioner to convert the property from a two-family dwelling to a three-family dwelling subject to a special condition that the property must be owner occupied.
4. In a City Solicitor opinion dated March 2, 2018 that is relevant to this case, the City Solicitor states that the limitation as to ownership related to the land and owner occupancy restriction is not permissible.
5. The requested relief, if granted, would allow the petitioner to remove the special condition that the property must be owner occupied.
6. At the public hearing no members of the public spoke in favor or in opposition to the proposal.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor, (Mike Duffy (Chair), Peter A. Copelas, Jimmy Tsitsinos, Paul Viccica) and none opposed to allow the petitioner to amend a previously issued decision of the Board of Appeals dated July 2, 1985, to remove the owner occupancy requirement of the special permit.

City of Salem Board of Appeals  
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Project: 80 Ocean Avenue  
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Mike Duffy, 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.*