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BOARD OF APPEAL

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November 30, 2011

Decision

City of Salem Zoning Board of Appeals

Petition of ERIC COUTURE requesting Variances from lot area and lot area per dwelling unit to demolish the existing structure and construct a two-unit residential building on the property located at 12 RAWLINS ST (R-2).

A public hearing on the above Petition was opened on October 19, 2011, pursuant to Mass General Law Ch. 40A, § 11. The hearing was continued to November 11, 2011 and closed on that date with the following Zoning Board of Appeals members present: Rebecca Curran, Richard Dionne, Annie Harris, Jamie Metsch, and Jimmy Tsitsinos (alternate).

Petitioner seeks Variances pursuant to Section 4.0 of the City of Salem Zoning Ordinances.

Statements of fact:

1. Eric Couture presented himself at the hearing.
2. In a petition date-stamped October 5, 2011, petitioner requested Variances from lot area and lot area per dwelling unit to demolish the existing single-family home at 12 Rawlins Street and construct a two-unit residential building.
3. At the hearing on October 19, 2011, two residents stated a preference that the property be owner occupied, and also expressed concerns about undertaking demolition carefully because of contaminants and animals on the site.
4. At the meetings, Ward 4 Councillor Jerry Ryan, 4 Nichols Street, spoke in support of the project, noting the poor condition of the property and saying the redevelopment would improve the neighborhood.
5. At the meetings, some Board members expressed a preference that the structure be brought closer to the street in order to be more in keeping with the rest of the neighborhood.

The Board of Appeal, after careful consideration of the evidence presented at the public hearing, and after thorough review of the plans and petition submitted, makes the following findings:

1. Owing to the small size of the lot, literal enforcement of the provisions of the Zoning Ordinance would involve substantial hardship to the appellant.
2. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance; the project is in keeping with the neighborhood since there are several other two-family houses in the neighborhood on smaller lots.
3. In permitting such change, the Board of Appeals requires certain appropriate conditions and safeguards as noted below.

On the basis of the above findings of fact and all evidence presented at the public hearing including, but not limited to, the Plans, Documents and testimony, the Zoning Board of Appeals **concludes**:

1. Variances under Section 4.0 of the Salem Zoning Ordinance, specifically lot area and lot area per dwelling unit, are granted to allow construction of the proposed two-family house.

In consideration of the above, the Salem Board of Appeals voted, five (5) in favor (Curran, Harris, Dionne, Tsitsinos and Metsch) and none (0) opposed, to grant petitioner's request for Special Permits subject to the following **terms, conditions, and safeguards**:

1. 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 is to be obtained.
6. Petitioner shall obtain street numbering from the City of Salem's Assessor's Office and shall display said number so as to be visible from the street.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. Two separate driveways, one for each unit, are to be constructed instead of a single driveway serving both units.
9. The structure is to be moved up closer to the street so that a 15-foot front yard setback is achieved.

10. Air conditioning units are to be moved to the back of the structure.



Rebecca Curran, Chair
Salem 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.