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FILE #
CITY OF SALEM, MASS.

June 1, 2011

Decision

City of Salem Zoning Board of Appeals

Petition of BERTHA T. FAIRBANK, MARY COURTNEY & TIM WHEELER requesting Variances from Accessory Structure requirements, front and side yard setback, and lot coverage, in order to construct a garage on 2 FOSTER CT (R-2).

A public hearing on the above Petition was opened on May 18, 2011, pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on that date with the following Zoning Board of Appeals members present: Rebecca Curran, Richard Dionne, Annie Harris, Jamie Metsch, Bonnie Belair and Jimmy Tsitsinos (alternate).

Petitioner seeks Variances pursuant to Section 3.2.4 of the City of Salem Zoning Ordinances.

Statements of fact:

1. In a petition date-stamped May 4, 2011, the petitioner requested Variances from Section 3.2.4, Accessory Buildings and Structures, in order to construct a garage on the property at 2 Foster Court.
2. Mr. Wheeler and Ms. Courtney presented the petition at the hearing.
3. At the hearing, no one from the public spoke in support of or in opposition to the project.

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. 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.
2. 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 3.2.4 of the Salem Zoning Ordinance are granted to construct the proposed garage, as shown on the submitted plans.

In consideration of the above, the Salem Board of Appeals voted, five (5) in favor (Harris, Curran, Dionne, Belair and Metsch in favor) and none (0) opposed, to grant petitioner's request for Variances to construct a garage, 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. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.


 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.