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MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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September 27, 2011

Decision

City of Salem Zoning Board of Appeals

Petition of CHRISTOPHER J. LEBLANC requesting a Special Permit to extend a nonconforming structure by constructing a second story addition on the property located at 20 SOUTHWICK ST (R-2).

A public hearing on the above Petition was opened on September 21, 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 (chair), Annie Harris, Bonnie Belair (alternate) and Jimmy Tsitsinos (alternate).

Petitioner seeks a Special Permit pursuant to Section 3.3.3 of the City of Salem Zoning Ordinances.

Statements of fact:

1. Petitioner Christopher LeBlanc represented himself at the hearing.
2. In a petition date-stamped August 31, 2011, petitioner requested a Special Permit pursuant to Sec. 3.3.3 of the Salem Zoning Ordinance to construct a second-story addition on the existing single-family home on 20 Southwick Street.
3. At the hearing, Mr. LeBlanc stated that there had been a second floor on the house, which was built in 1901. However, the second floor had been destroyed by fire in the 1980's and was not rebuilt at that time.
4. At the hearing, Leslie Limon, 18 Southwick Street, spoke in support of the petition. No one spoke in opposition.

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, since the proposed modification will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Board members noted that the structure had previously had a second story, and that the change was an improvement to the house.
2. In permitting such change, the Board of Appeals requires certain appropriate conditions and safeguards as noted below.

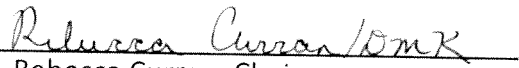
On the basis of the above findings of fact and all evidence presented at the public hearing including, but not limited to, the Plans, Documents and testimony, the Zoning Board of Appeals **concludes**:

1. A Special Permit to extend a nonconforming single-family structure is granted to allow for the proposed addition on the property located at 20 Southwick Street.

In consideration of the above, the Salem Board of Appeals voted, four (4) in favor (Curran, Harris, Tsitsinos and Belair) and none (0) opposed, to grant petitioner's request for a Special Permit 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.
8. Unless this Decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty

percent (50%) of its replacement cost at the time of destruction. If the structure is demolished by any means to an extent of more than fifty percent (50%) of its replacement cost or more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.



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.