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November 30, 2011

Decision

City of Salem Zoning Board of Appeals

Petition of TAMMIE FAVA requesting a Special Permit under Sec. 3.3.5 of the Salem Zoning Ordinance in order to construct a third story dormer on the two-family home at 21 BUFFUM ST (R-2 Zoning District).

A public hearing on the above Petition was opened on November 16, 2011, pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on November 11, 2011 with the following Zoning Board of Appeals members present: Rebecca Curran, Richard Dionne, Annie Harris, Jamie Metsch, and Jimmy Tsitsinos (alternate).

Petitioner seeks a Special Permit pursuant to Section 3.3.5 of the City of Salem Zoning Ordinances.

Statements of fact:

1. Tammie Fava presented her petition at the hearing.
2. In a petition date-stamped November 10, 2011, petitioner requested a Special Permit to extend a nonconforming two-family home by constructing a third-floor shed dormer addition.
3. At the meeting on November 16, 2011, a resident opposed the petition if it would involve making the building a three-family home. The petitioner stated she was not asking for a third unit.
4. At the hearing, Board member expressed concerns about the design of the dormer; petitioner revised the drawing to raise the roofline and match the pitch of the new dormer roof to that of the existing roof.

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 than the existing nonconforming structure to the neighborhood.

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 under Sec. 3.3.5 of the Salem Zoning Ordinance to expand a nonconforming two-family house is granted, as shown in the submitted plans.

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 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. Plans were revised and submitted at the meeting, with the drawing dated 11/16/11 and initialed by the Chair. Final drawings to be submitted to the Building Commissioner for approval.
4. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
5. Petitioner shall obtain a building permit prior to beginning any construction.
6. Exterior finishes of the new construction shall be in harmony with the existing structure.
7. A Certificate of Occupancy is to be obtained.
8. A Certificate of Inspection is to be obtained.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
10. 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.