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May 4, 2011

CITY OF SALEM, MASS.

Decision

City of Salem Zoning Board of Appeals

Petition of RENEWAL VENTURES, LLC requesting a Special Permit under Sec. 3.3.2 of the Salem Zoning Ordinance allow a change of nonconforming use by addition of one (1) residential unit to an existing four (4) residential unit building, and requesting Variances from lot area per dwelling unit and off-street parking requirements, for the property located at 28 EDEN STREET (R-1).

A public hearing on the above Petition was opened on April 20, 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, Elizabeth Debski, Richard Dionne, Annie Harris, Jamie Metsch (who recused himself from the hearing), Jimmy Tsitsinos (alternate) and Bonnie Belair (alternate).

Petitioner seeks a Special Permit pursuant to Section 3.3.2 and Variances under Sections 4.1.1 and 5.1 of the City of Salem Zoning Ordinances.

Statements of fact:

1. Attorney George Atkins represented the petitioner at the hearings.
2. In a petition date-stamped March 17, 2011, petitioner requested Variances from lot area per dwelling unit and from off-street parking requirements, and a Special Permit to change a nonconforming use, for a fifth unit in a nonconforming four-unit building at 28 Eden Street.
3. At the April 20, 2011 hearing, six residents spoke in opposition to the proposal, citing a lack of adequate parking and lack of space for snow removal in 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. Desirable relief may not be granted without substantial detriment to the public good or without nullifying or substantially derogating from the intent or purpose of the zoning ordinance, since the proposed plan would

legitimize a fifth unit in a building that lacks sufficient parking, and is located in a neighborhood with significant parking deficiencies.

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 Section 3.3.2 is denied.
2. Variances under Sections 4.1.1 and 5.1 are denied.

In consideration of the above, the Salem Board of Appeals voted, two (2) in favor (Belair and Debski) and three (3) opposed (Curran, Harris and Dionne), to grant petitioner's request for a Special Permit and Variances. The petition is denied.



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.