



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEAL

120 WASHINGTON STREET, 3RD FLOOR
SALEM, MASSACHUSETTS 01970

TELEPHONE: 978-745-9595

FAX: 978-740-9846

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June 22, 2011

Decision

City of Salem Zoning Board of Appeals

Petition of JULI MACDONALD requesting Special Permits to construct a third floor shed dormer and second and third story decks on the two-family home located at 7 ESSEX STREET (R-2 Zoning District).

A public hearing on the above Petition was opened on June 15, 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, Elizabeth Debski and Jamie Metsch.

Petitioner seeks Special Permits pursuant to Section 3.3 (Nonconforming Uses and Structures), and 3.3.5 (Nonconforming Single- and Two-Family Residential Structures) of the City of Salem Zoning Ordinances.

Statements of fact:

1. In a petition date-stamped May 12, 2011, petitioner requested Special Permits to construct two decks and a third-floor shed dormer on the two-family home on 7 Essex Street.
2. Owner Elizabeth Coughlin was represented by her architect, Juli MacDonald, at the hearing.
3. No one at the June 15, 2011 meeting spoke in support of or in opposition to the petition.

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, since the proposed project is in keeping with the surrounding neighborhood and would be 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. Special Permits pursuant to Section 3.3.3 (Nonconforming Structures) and 3.3.5 (Nonconforming Single- and Two-Family Residential Structures) of the City of Salem Zoning Ordinances are granted in order to allow for the proposed decks and shed dormer as shown on the submitted plans.

In consideration of the above, the Salem Board of Appeals voted, five (5) in favor (Curran, Harris, Metsch, Debski and Dionne) and none (0) opposed, to grant petitioner's requests 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. 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.