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2011 JUN -1 P 1:07

FILE #
CITY CLERK, SALEM, MASS.

June 1, 2011

Decision

City of Salem Zoning Board of Appeals

Petition of RAYNALDO DOMINGUEZ requesting a Variance from Sec. 3.2.4 of the Salem Zoning Ordinance, Accessory Building Structures, including side yard setback, number of stories, and height, in order to demolish the existing garage on 38 CABOT STREET and construct a garage with second-story storage (R-2).

A public hearing on the above Petition was opened on April 20, 2011 §11 pursuant to Mass General Law Ch. 40A. The hearing was continued to May 18, 2011 and closed on that date with the following Zoning Board of Appeals members present: Rebecca Curran, Richard Dionne, Annie Harris, Jamie Metsch, Bonnie Belair (alternate) and Jimmy Tsitsinos (alternate).

Petitioner seeks Variances pursuant to Section 3.2.4 (Accessory Buildings and Structures) of the City of Salem Zoning Ordinances.

Statements of fact:

1. The petitioner represented himself at the hearing.
2. In a petition date-stamped March 30, 2011, the petitioner requested Variances from Accessory Buildings and Structures requirements in order to tear down an existing garage and build a new 15 x 24 foot garage with additional second floor storage.
3. At the meeting on April 20, 2011, Board members noted that plans were not clearly drawn and not scaled, and requested further detail.
4. The hearing was continued to May 18, 2011, when the petitioner presented revised drawings.
5. No one spoke in support of or 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.


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 Sec. 3.2.4 of the Salem Zoning Ordinance to demolish the existing garage on 38 Cabot Street and construct a new garage with second-floor storage are granted.

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