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CITY OF SALEM, MASSACHUSETTS

November 2, 2011

Decision

City of Salem Zoning Board of Appeals

Petition of HUGH MULLIGAN requesting to modify a previously granted Variance in order to use the third floor for two residential units on the property located at 204 LAFAYETTE ST (R-3).

A public hearing on the above Petition was opened on October 19, 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), Richard Dionne, Jamie Metsch and Bonnie Belair (alternate).

Petitioner seeks a modification to a Variance dated June 17, 1988.

Statements of fact:

1. Hugh Mulligan represented himself at the hearing.
2. In a petition date-stamped September 28, 2011, petitioner requested an amendment to a Variance issued by the Board of Appeals on May 18, 1988 and filed with the City Clerk on June 17, 1988. The Variance allowed the first and second floors to be used as office space, and allowed one residential unit on the third floor. Petitioner requests to be allowed to use the second floor for two units. No exterior changes are proposed.
3. At the hearing, Mr. Mulligan stated that the third floor has been used as two rental units for most of the 19 years he has owned the building.
4. At the hearing, no one spoke 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.

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. The Variance issued on May 18, 1988 by the Board of Appeals is hereby amended to allow for the use of the third floor for two residential housing units. All other terms and conditions of the original Variance decision are to be adhered to.

In consideration of the above, the Salem Board of Appeals voted, four (4) in favor (Curran, Metsch, Dionne and Belair) and none (0) opposed, to grant petitioner's request for an amendment to the previously issued Variance.


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.