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MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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CITY CLERK, SALEM, MASS.

April 30, 2012

## Decision

City of Salem Zoning Board of Appeals

**Petition of DAN RANDALL requesting a Special Permit to expand a nonconforming structure in order to construct a 20.7' x 14.6' addition on the rear of the house on 37 CHESTNUT STREET, Salem, MA, (R1 Zoning District).**

A public hearing on the above Petition was opened on April 18, 2012 pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on April 18, 2012 with the following Zoning Board of Appeals members present: Richard Dionne (chairing the meeting), Annie Harris, Jamie Metsch, Jimmy Tsitsinos and Bonnie Belair.

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

### **Statements of fact:**

1. In a petition date-stamped March 22, 2012, petitioner requested a Special Permit to construct an addition that encroaches on the side yard setback on the property located at 37 Chestnut Street.
2. At the hearing, the petition was presented by Phil Gillespie, part owner of the property.
3. Letters of support were submitted by Jon and Jenny Reardon, 35 Chestnut Street, and Claire Hayes, 39 Chestnut Street.
4. At the hearing, no member of the public spoke in opposition to or in support of the project.

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**:

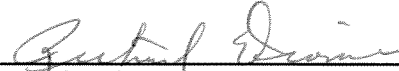
1. Desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance, since the proposed addition requires minimal relief, is in keeping with other homes in the neighborhood, and would only be visible to the direct abutters on either side, both of whom support the petition.
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 voted five (5) in favor (Dionne, Metsch, Harris, Tsitsinos and Belair) and none (0) opposed, to grant the requested Variance and Special Permit. A Special Permit under Section 3.3.5 is granted to allow for the proposed addition as shown on the submitted plans.

The Board of Appeals voted to grant petitioner's request for a Special Permit and a Variance 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.

  
Richard Dionne  
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.