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MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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February 29, 2012

Decision

City of Salem Zoning Board of Appeals

2012 FEB 29 P 1:36
FILE #
CITY CLERK, SALEM, MASS.

Petition of EDWARD A. POTVIN requesting a Special Permit to extend a nonconforming use and alter a nonconforming structure, and a Variance from side and rear setbacks and lot coverage, for the property located at 12 HANSON ST (R2 Zoning District).

A public hearing on the above Petition was opened on February 15, 2012 pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on February 15, 2012 with the following Zoning Board of Appeals members present: Rebecca Curran (Chair), Annie Harris, Richard Dionne, Jamie Metsch, Jimmy Tsitsinos and Bonnie Belair.

Petitioner seeks a Special Permit pursuant to Sections 3.3.2 and 3.3.3, and a Variance pursuant to Section 4.0 of the City of Salem Zoning Ordinances.

Statements of fact:

1. Edward A. Potvin, Executive Director of Bass River, presented the petition at the hearing.
2. In a petition date-stamped February 1, 2012, petitioner requested a Special Permit and a Variance to construct a 36' x 18' second floor addition on the side of the building and a 25' x 18' x 16' second floor addition on the rear of the building at 12 Hanson Street.
3. At the hearing, Mr. Potvin stated that the purpose of the additions was to accommodate clients' changing needs; as they aged, there were more people using wheelchairs and walkers.
4. No one at the hearing spoke in support of or in opposition to 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. Special conditions and circumstances exist affecting the parcel or building, which do not generally affect other land or buildings in the same district, since Bass River's clients with physical

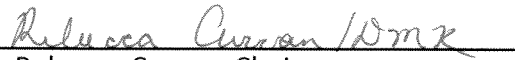
limitations require a horizontal rather than vertical expansion, and the building has other internal restrictions.

2. Owing to the configuration of the lot and building, literal enforcement of the provisions of this ordinance would involve substantial hardship, financial or otherwise, to the appellant.
3. 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. The design is in keeping with the neighborhood.
4. 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 (Curran, Metsch, Dionne, Harris and Belair) and none (0) opposed, to grant the requested Variance and Special Permits. A Variance under Section 4.0 and Special Permits under Sections 3.3.2 and 3.3.5 are granted to allow the expansion as proposed.

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


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.