



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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August 28, 2012

## Decision

City of Salem Zoning Board of Appeals

2012 AUG 28 A 9:37  
FILE #  
CITY CLERK, SALEM, MASS.

**Petition of DUARTE MACHADO requesting a Special Permit to expand a nonconforming two-family home in order to construct a 15'x25' one-story addition on the property located at 14 ALBION STREET (R-1 Zoning District).**

A public hearing on the above Petition was opened on August 15, 2012 pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on August 15, 2012 with the following Zoning Board of Appeals members present: Rebecca Curran (Chair), Michael Duffy, Jamie Metsch, 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 June 21, 2012, petitioner requested a Special Permit to construct a 15'x25' addition on the rear of the existing two-family house at 14 Albion Street.
2. Petitioner represented himself at the hearing.
3. At the hearing, no one spoke in favor 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. 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. The adverse effects of the proposed use will not outweigh its beneficial impacts to the City and the neighborhood. The proposed addition merely extends the house back within an existing nonconforming side setback, and so does not make the structure substantially more nonconforming. The Board finds that the proposed addition is in keeping with the other houses in the neighborhood, is not large enough to have a detrimental impact on other properties or the natural environment, and would not have negative impacts with regard to traffic, utilities, fire or public services.
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 four (4) in favor (Curran, Metsch, Belair, and Duffy) and none (0) opposed, to grant the requested Special Permit. A Special Permit under Section 3.3.5 is granted to allow for the proposed addition as shown on the submitted plans and elevation drawings.

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

*Michael Duffy DMX*

Michael Duffy, Member  
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.