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MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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August 28, 2012

Decision

City of Salem Zoning Board of Appeals

Petition of JEFFREY BARROWS requesting a Variance from maximum allowable height of an accessory structure to replace the existing a 1 ½ story garage with a new 2-story garage, on the property located at 4 PICKMAN ST (R1 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 Variance pursuant to Section 3.2.4, Accessory Buildings and Structures, of the City of Salem Zoning Ordinances.

Statements of fact:


1. In a petition date-stamped July 24, 2012, petitioner requested a Variance from number of stories of an accessory structure in order to replace the existing 1-story garage with a new a 2-story garage on 4 Pickman Street, site of a multi-family building.
2. Petitioner represented himself at the hearing.
3. Petitioner was informed at the beginning of the hearing that, due to the presence of only four Board Members, a unanimous vote in favor of his Petition would be required to obtain the requested relief. Petitioner was offered the opportunity to continue hearing of his Petition to a public hearing date in September 2012, when it was anticipated additional Board Members may be in attendance. Petitioner elected to proceed with the hearing as noticed.
4. At the hearing, one member of the public spoke in opposition to the project, citing concerns that the garage could be converted to living space.

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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. While the proposed new garage would be an improvement over the existing accessory structure, would improve the property and neighborhood, and the additional height requested improves the aesthetics of the garage, desirable relief could not be granted either without detriment to the public good or without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.
2. Special conditions and circumstances do not exist affecting the parcel or building, which do not generally affect other land or buildings in the same district.
3. Evidence was not presented establishing that a literal enforcement of the provisions of this ordinance would involve substantial hardship, financial or otherwise, to the appellant.

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 two (2) in favor (Belair and Metsch) and two (2) opposed (Curran and Duffy), to grant the requested Variance. The petition is denied.



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.