



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-619-5685 ♦ FAX: 978-740-0404

2012 JUL -3 A 10: 18
FILE #
CITY CLERK, SALEM, MASS.

July 3, 2012

Decision

City of Salem Zoning Board of Appeals

Petition of SCOTT CHARLTON requesting Variances from side and rear setback requirements for an accessory structure to allow an 8'x6' shed on the property located at 11 ORLEANS AVE, Salem, MA (B-2 Zoning District).

A public hearing on the above Petition was opened on June 20, 2012 pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on June 20, 2012 with the following Zoning Board of Appeals members present: Rebecca Curran (Chair), Annie Harris, Jamie Metsch, Michael Duffy, and Jimmy Tsitsinos.

Petitioner seeks a Variance pursuant to Section 3.2.4 of the City of Salem Zoning Ordinances.

Statements of fact:

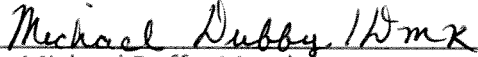
1. In a petition date-stamped May 31, 2012, petitioner requested a Variance from side and rear setback requirements of an accessory structure to allow an existing shed to remain on the premises in its current location.
2. At the hearing, petitioner stated the shed had been erected 17 years ago, by a contractor petitioner hired, whom he believed was aware of and complied with all permitting and zoning requirements. Petitioner did not realize a variance would be needed.
3. Petitioner stated that the shed cannot be moved from its location to accommodate five (5) feet to the side and rear lot lines due to the presence of a large willow tree adjacent to the shed, which prevents it being moved without being disassembled. Photographs submitted with the petition depict the location of the shed and the adjacent tree.
4. At the hearing on June 20, 2012, one resident, an abutting property owner, stated his opposition to the petition. While the objecting resident's concerns addressed various

disputes with the petitioner, the objections did not include any objections to the shed remaining in its current location.

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 shed has existed for 17 years with no apparent problems, and it is small and minimally visible from the street.
2. Owing to its proximity to a large tree, the shed could not be moved without being disassembled, causing hardship to the petitioner.

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, Duffy, Metsch, Harris, and Tsitsinos) and none (0) opposed, to grant the requested Variances. Variances from side and rear setbacks under Section 3.2.4 are granted to allow the shed located at 11 Orleans Avenue to remain.


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.