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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2012 APR 11 P 1: 23
FILE #
CITY CLERK, SALEM, MASS.

April 4, 2012

Decision

City of Salem Zoning Board of Appeals

Petition of THE SIGN CENTER (on behalf of SALEM SEAPORT CREDIT UNION) requesting a Variance in order to add signage that exceeds the square footage allowed by Sec. 4-50 of the City of Salem Code of Ordinances and Sec. 8.2 of the Salem Zoning Ordinance on the property located at 336 LAFAYETTE ST (R-2).

A public hearing on the above Petition was opened on January 18, 2012 pursuant to Mass General Law Ch. 40A, § 11. The hearing was continued to March 21, 2012 and closed on that date 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 Variance pursuant to Article III, Sections 4-50.1 and 4-50.5, of the City of Salem Code of Ordinances, and Section 8.2 of the Salem Zoning Ordinance.

Statements of fact:

1. In a petition date-stamped January 24, 2012, petitioner requested Variances from the requirements for signage on a nonconforming use in a residential zone. Two signs were proposed: an addition of a 36" x 120" pole cover to the existing free-standing sign, and one new 13 square foot building sign at the rear.
2. Jay Kahn of The Sign Center presented the petition on behalf of Salem Seaport Credit union at the hearing.
3. At the hearing, one member of the public and several Board members expressed concern about the size of the proposed free-standing sign addition, considering the residential neighborhood in which it is located.
4. At the March 21, 2012 meeting, the applicant withdrew the request for the addition to the free-standing sign and requested relief only to install the building sign.

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 substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.
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 concludes:

1. A Variance from Article III, Sections 4-50 and 4-51 from the Code of Ordinances and from Section 8.2 of the Zoning Ordinance, is granted to allow for the proposed building sign only (and not the proposed changes to the free-standing sign), as shown in the submitted plans.

In consideration of the above, the Salem Board of Appeals voted, five (5) in favor (Harris, Metsch, Dionne, Tsitsinos and Belair, Curran abstaining) and none (0) opposed, to grant petitioner's request for a Variance and 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. 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.