



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

**Petition of GEORGE BALTOUMAS requesting a Variance from Sec. 5.1, Off-Street Parking of the Salem Zoning Ordinance, in order to exceed the total maximum allowed driveway width of 20 feet on the property located at 18-20 MALL STREET (R-2 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 5.1 of the City of Salem Zoning Ordinances.

### **Statements of fact:**

1. In a petition date-stamped July 24, 2012, petitioner requested a Variance from off-street parking regulations in order to install a new curb cut, resulting in the property exceeding the maximum total allowable driveway width of 20 feet.
2. Petitioner represented himself at the hearing.
3. At the hearing, the petitioner's wife, Janice Baltoumas, 18 Mall Street, spoke in favor of the petition. A letter was also submitted in favor of the petition by Brenda Lau, 17 Mall Street. No one opposed the petition at the hearing.

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,

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since the proposed curb cut would not remove any on-street parking (the property is located on the side of the street with no street parking).


2. Special conditions and circumstances exist affecting the parcel or building, which do not generally affect other land or buildings in the same district. Owing to the grandfathered use of a three-family house in the R-2 Zoning District, and to the situation of the building on the lot, it would be difficult for the petitioner to provide sufficient off-street parking to tenants without the additional proposed driveway width. Literal enforcement of the provisions of this ordinance would involve substantial hardship, financial or otherwise, to the appellant.

3. 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 Variance. A Variance under Section 5.1 is granted to allow for the proposed curb cut as proposed on the submitted plan.

The Board of Appeals voted to grant petitioner's request for a Special Permit and Variance 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. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

  
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.