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FILE #
CITY CLERK, SALEM, MASS.

July 31, 2012

Decision

City of Salem Zoning Board of Appeals

Petition of LESLIE BYRNE, requesting a Special Permit under Sec. 3.3.5 of the Salem Zoning Ordinance to alter and extend a nonconforming single-family house on the property located at 16 SAUNDERS ST, Salem, MA (R2 Zoning District).

A public hearing on the above Petition was opened on March 21, 2012, pursuant to Mass General Law Ch. 40A, § 11. The hearing was continued to April 18, 2012, May 16, 2012, and June 20, 2012, but was not heard those dates and no evidence was taken. The hearing was then continued to July 18, 2012 and closed on that date with the following Zoning Board of Appeals members present: Rebecca Curran, Richard Dionne, Annie Harris, Jimmy Tsitsinos and Bonnie Belair.

Petitioner seeks a Special Permit pursuant to Section 3.3.5, Nonconforming Single- and Two-Family Residential Structures, of the City of Salem Zoning Ordinances.

Statements of fact:

1. In a petition date-stamped March 5, 2012, petitioner Leslie Byrne requested a Special Permit to alter and extend her nonconforming single family house with an addition of 1 ½ stories.
2. The petitioner was represented by Attorney James Cipoletta at the March 21, 2012 meeting, but represented herself at the July 18, 2012 meeting.
3. At the March 21, 2012 meeting, the Board heard testimony from several members of the public who opposed the project, citing concerns about impacts to views, access to light and air, fire safety, privacy, and decreased home values. The Board also received several letters in opposition to the project, as well as three letters of support.
4. On March 21, 2012, the Board continued the hearing to April 18, 2012, requesting that the petitioner look at revising the design to minimize the impact to abutters, particularly those at 14 Saunders Street, who would be most affected by the project.

5. The matter was not heard on April 18, 2012, but was instead continued to May 16, 2012 and then to June 20, 2012; no evidence was taken on these dates. The hearing was then continued to July 18, 2012.
6. At the July 18, 2012 meeting, the Board discussed revised plans submitted by the petitioner showing a lowered height and a dormer design that reduced the mass from the original proposal. At this hearing, the Board again heard testimony from abutters opposing the project.
7. At the July 18, 2012 meeting, Real Estate appraiser Steven G. Ozahowski, 156 Willow St., Hamilton, stated that the value of the property located at 14 Saunders Street would be decreased by the proposed addition. A shadow study and solar elevations were also submitted to show impacts to the home on 14 Saunders Street.

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 not be granted, since the proposed addition would be substantially more detrimental to the neighborhood than the existing nonconforming structure. Due to the house's close proximity to the abutter at 14 Saunders Street, the proposed addition is not appropriate for its location, would impinge on privacy, and would otherwise negatively impact abutters.

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 Special Permit under Sec. Section 3.3.5, Nonconforming Single- and Two-Family Residential Structures, of the City of Salem Zoning Ordinances, is denied.

In consideration of the above, the Salem Board of Appeals voted 5-0 (Curran, Harris, Dionne, Tsitsinos and Belair opposed, none in favor), to deny petitioner's request for a Special Permit. The petition is denied.



 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.