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MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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December 5, 2013

Decision

City of Salem Board of Appeals

Petition of EMIL KRANER requesting a Special Permit under Section 3.3.2 Nonconforming Uses of the Salem Zoning Ordinance to allow the conversion of an existing Rooming House to 5 residential units, at the property located at 2 EMERTON STREET (R2 Zoning District).

A public hearing on the above Petition was opened on November 20, 2013 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Ms. Curran (Chair), Mr. Duffy, Mr. Watkins, and Mr. Tsitsinos.

The Petitioner seeks a Special Permit under Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance.

Statements of fact:

1. In the petition date-stamped October 28, 2013, the Petitioner requested a Special Permit to change from one nonconforming use to another, at the property located at 2 Emerton Street.
2. Mr. Emil Kraner, the Petitioner, presented the petition for the property at 2 Emerton Street (R2 Zoning District).
3. The building is currently in use as a rooming house, and is in poor condition. It has three double-occupancy rooms, four single-occupancy rooms, and one 2-bedroom apartment, for a total of 8 units.
4. The Petitioner proposes to convert the existing building to four 1-bedroom living units and one two-bedroom living unit, for a total of 5 units. The Petitioner proposes to renovate the plumbing and electrical systems, as well as the interior and exterior finishes.
5. There is no parking on the property, and the existing footprint of the building does not leave adequate space for the creation of parking on-site.
6. Ward 2 Councilor Mike Sosnowski (17 Collins Street) speaks in opposition to the petition. Councilor Sosnowski stated that the parking need for the existing rooming house is only for the manager/owner, none of the other units have parking needs. The proposed use at 5 residential units would require 5-10 cars.
7. Ed Beaupre of 11 Boardman Street, Carolyn Barres of 9 Boardman Street, Kathleen Cullen of 25 Forrester Street, Ted Kobialka of 27 Forrester Street, Kristine Doll of 30 Forrester Street, Ed Keenan of 21 Forrester Street, Jan Costa of 17 Forrester Street, MaryAnne Curtin of 35 Forrester Street, and Christina Bash of 37 Forrester Street all speak in opposition of the Petition, due to the existing lack of street parking in the neighborhood. Ms. Doll stated that at one point a fire truck was unable to navigate through the neighborhood and down Emerton Street due to the narrow width of the street and the congestion of the parked cars.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petitions, including the application narrative and plans, and the Petitioner's presentation and public testimony, makes the following **findings** that the proposed project was found to be

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more detrimental to the neighborhood than the existing nonconforming use and does not meet the provisions of the City of Salem Zoning Ordinance:

Findings:

1. The proposed change in use will generate the need for more parking than the existing use.
2. The proposed change in use would be substantially more detrimental than the existing nonconforming use to the neighborhood, due to the lack of on-site parking for residents.
3. The existing congested street parking conditions impede the access of emergency vehicles. The addition of five residential units requiring on-street parking accommodations would pose a public safety hazard.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) opposed (Ms. Curran – Chair, Mr. Duffy, Mr. Watkins, and Mr. Tsitsinos against) and none (0) in favor, to approve the Special Permit to allow change from one nonconforming use to another. The petition is denied.



Rebecca Curran, Chair
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.