



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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

January 16, 2013

Decision

City of Salem Zoning Board of Appeals

2013 JAN 28 A 11:45
FILE #
CITY CLERK, SALEM, MASS.

Petition of JOHN & CATHERINE RANDALL requesting a Variance from Sec. 5.1, Off-Street Parking, of the Salem Zoning Ordinance, in order to allow a parking space of less than the required width on the property located at 46 CHESTNUT ST (R-1 Zoning District).

A public hearing on the above Petition was opened on January 16, 2013 pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on January 16, 2013 with the following Zoning Board of Appeals members present: Rebecca Curran (Chair), Annie Harris, Richard Dionne, Bonnie Belair, and Mike Duffy.

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 December 20, 2012, petitioner requested a Variance from off-street parking dimensional requirements in order to construct one parking space 9' at its narrowest point with no setback from the property boundary.
2. The petitioner represented himself at the hearing.
3. At the hearing, petitioner submitted signed letters of support for the variance from Denice Brait and John H. Connelly of 48 Chestnut Street, Ken and Debra Harris of 42 Chestnut Street, and Katheryn and Joe DiPietro of 44 Chestnut Street. The Board received no correspondence in opposition to the variance and no one at the hearing spoke in favor or in opposition of the variance.

The Board of Appeals, 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. Owing to special conditions on the property, which do not generally affect the other parcels in this zoning district, literal enforcement of the provisions of this ordinance would involve substantial hardship to the appellant. The size of the parcel and location of the structure on it are such that an off-street parking space could only be constructed with less than the required width and setback.
2. 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, since the lot is large enough to accommodate the parking space.
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 concludes:

1. A Variance under Section 5.1 is granted to allow for the parking space, as shown on the submitted plan.

In consideration of the above, the Salem Board of Appeals voted five (5) in favor (Curran, Harris, Dionne, Belair, and Duffy) and none (0) opposed, to grant petitioner's request for a 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. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. If applicable, 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.