



CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970

TELE: 978-745-9595 • 2013 MAR 4 A 9:20

FILE #
CITY CLERK, SALEM, MASS.

March 4, 2013

Decision

City of Salem Zoning Board of Appeals

Petition of **ELEONORA F. KOSKI TRUST, MIKE RAMAZIO, TRUSTEE**, requesting a variance from Sec. 4.1.1 of the Salem Zoning Ordinance, in order to allow the existing buildings with less than the minimum required lot frontage, width and area on the property located at 19 & 25 Boston Street (B-2, R-3 Zoning Districts).

A public hearing on the above Petition was opened on February 20, 2013 pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on February 20, 2013 with the following Zoning Board of Appeals members present: Rebecca Curran (Chair), Annie Harris, Richard Dionne, Tom Watkins, Jimmy Tsitsinos (Alternate) and David Eppley (Alternate).

Petitioner seeks a Variance to Section 4.1.1 *Table of Dimensional Requirements* of the S City of Salem Zoning Ordinances.

Statements of fact:

1. Mr. Giaimo, Attorney for Robinson & Cole, presented the petition for the owner Eleonora F. Kiski Trust and Mike Ramazio, Trustee for the property at 19 & 25 Boston Street (B-2, R-3 Zoning District).
2. In the petition, dated January 28, 2013, the petitioner requested Variances from the minimum lot area (12,000 sq. ft.), lot width (100 ft.), and lot frontage (100 ft.) requirements of Section 4.1.1 *Table of Dimensional Requirements* in the S City of Salem Zoning Ordinances for the property at 19 & 25 Boston Street. The petitioner's proposed parcel dimensions included:
 - **19 Boston Street:** Lot Frontage 93.37 ft; Lot Width 90.9 ft; Lot Area 10,611 sq. ft.
 - **25 Boston Street:** Lot Frontage 35.00 ft; Lot Width 41.2 ft.
3. The petitioner's proposed hardship necessitating the need for the Variances included the unique topography of the parcels in question. Furthermore, an ANR plan adjusting the property boundaries was already approved by the Planning Board in 2003.
4. There was no public present at the meeting to speak in opposition or support to the Variance requests. Additionally, no written comments from the public were received prior to the public 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. The desired relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Salem Zoning Ordinances.

2. The literal enforcement of the City of Salem Zoning Ordinance's Table of Dimensional Requirements would be physically impossible to apply due to the unique topographical formations present on the parcels in question.
3. In permitting such relief, the Board of Appeals requires certain appropriate conditions and safeguards as noted below.

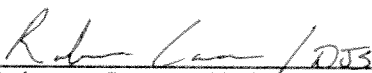
On the basis of the above findings of fact and all evidence presented at the public hearing including, but not limited to, the Plans, Documents and testimony, the Zoning Board of Appeals **concludes:**

1. The petitioner's Variances requesting relief to Section 4.1.1 *Table of Dimensional Requirements* of the City of Salem Zoning Ordinances is granted as shown on the submitted plans.

In consideration of the above, the Salem Board of Appeals voted to approve the Variances being requested, five (5) in favor (Ms. Curran (Chair), Ms. Harris, Mr. Dionne, Mr. Watkins, and Mr. Tsitsinos (Alternate) and none (0) opposed.

The Board of Appeals voted 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. Unless this Decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty percent (50%) of its replacement cost at the time of destruction. If the structure is demolished by any means to an extent of more than fifty percent (50%) of its replacement cost or more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.



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.