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MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #  
CITY CLERK, SALEM, MASS.

May 13, 2014

## Decision

### City of Salem Board of Appeals

**Petition of FOTINI MANOLAKOS requesting a Special Permit under Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to allow a change to an existing non-conforming residential structure, in order to construct a 3-season room on a portion of an existing deck, for the property located at 1 WINTER ISLAND ROAD (R1 Zoning District).**

A public hearing on the above Petition was opened on April 16, 2014 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. Dionne, Mr. Duffy, Mr. Watkins, and Mr. Copelas (Alternate).

The Petitioner seeks a Special Permit from Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance.

#### Statements of fact:

1. In the petition date-stamped March 25, 2014, the Petitioner requested a Special Permit in order to construct a 3-season room on a portion of an existing deck.
2. Ms. Fotini Manolakos presented the petition for the property at 1 Winter Island Road.
3. The proposed room would be 12-feet by 14-feet, and would lie entirely on a portion of the existing exterior deck. The height of the proposed addition would not exceed the height of the existing floor of the upper-level deck above.
4. The requested relief, if granted, would allow the Petitioner to change the existing non-conforming structure, to allow the addition of a 3-season room on a portion of an existing deck.
5. At the public hearing, no members of the public expressed their support of or their opposition to the petition.

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 meets the provisions of the City of Salem Zoning Ordinance:

#### Findings

1. The use of the building as a single family home does not change and therefore the impact of the proposal on the community is no different than the existing condition
2. There will be no impact on traffic flow and safety
3. The utilities and public services to the building are adequate
4. The proposed addition is in keeping with the neighborhood
5. The proposed addition would result in additional tax revenue for the city, this would have a positive economic and fiscal impact.

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On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Mr. Watkins, Ms. Curran, Mr. Dionne, Mr. Duffy, and Mr. Copelas) and none (0) opposed, to grant the requested Special Permit to allow a change to an existing non-conforming residential structure, in order to construct a 3-season room on a portion of an existing deck, subject to the following **terms, conditions, and safeguards**:

1. The 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. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finishes of new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board



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.*