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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2014 MAY 13 A 11: 07

FILE #
CITY CLERK, SALEM, MASS.

May 13, 2014

Decision

City of Salem Board of Appeals

Petition of DANIEL R. HALL requesting a Special Permit under Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to allow an expansion of an existing non-conforming structure, in order to expand an existing 1 ½ story dwelling to a full two-story dwelling, over the existing footprint, for the property located at 12 OAKVIEW AVENUE (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 24, 2014, the Petitioner requested a Special Permit in order to expand an existing nonconforming single-family residential structure, by expanding the existing 1½ story Cape Cod style dwelling to a full two story house, over the existing building footprint.
2. Mr. Richard Griffin, project architect, presented the petition for the property at 12 Oakview Avenue.
3. The existing structure is approximately 15 feet in height. The proposed structure will be 23 feet and 2 inches in height.
4. The existing structure is non-conforming to the ten-foot required minimum width of side yard. The existing building falls within five feet of the east lot line. The existing lot is non-conforming with less than the required 15,000 square foot lot area and 100-foot minimum lot width, with a lot area of 5,600 square feet and a lot width of 50 feet. No changes to those non-conforming dimensions were proposed.
5. The proposed structure would be in a Colonial style, and would be finished in clapboard.
6. The requested relief, if granted, would allow the Petitioner to expand the existing non-conforming single-family structure to two stories from the existing 1½ stories.
7. At the public hearing, no members of the public spoke in favor of or in opposition to the proposal.

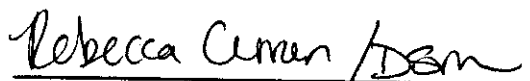
The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, and the Petitioner's presentation and public testimony, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Findings – Special Permit to allow the expansion of an existing nonconforming single-family residential structure:

1. The community's needs are being met by the proposal, accommodating a family seeking to stay in the neighborhood.
2. There will be no negative impact on traffic flow or safety.
3. The adequacy of utilities and public services to the building will remain the same as existing.
4. The structure will remain a single family building, and the increased size will not make a significant impact on the neighborhood character.
5. There will be no negative impacts on the natural environment, including views.
6. The value of the home would increase, resulting in an increased tax base. This would have a positive economic and fiscal impact.

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 in favor) and none (0) opposed, to grant the requested Special Permit to allow the expansion of an existing nonconforming single-family residential structure, 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.