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MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #  
CITY CLERK, SALEM, MASS

March 10, 2014

## Decision

### City of Salem Board of Appeals

**Petition of MICHAEL MEYER requesting a Special Permit under Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to allow the extension of an existing nonconforming structure in order to construct an addition to the second floor of the house at the property located at 15 BEACON STREET (R2 Zoning District).**

A public hearing on the above Petition was opened on February 19, 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, Ms. Harris, Mr. Watkins, Mr. Copelas (Alternate), and Mr. Tsitsinos (Alternate).

The Petitioner seeks Variances 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 January 23, 2014, the Petitioner requested a Special Permit to expand an existing non-conforming structure by constructing an addition to the second floor of the existing house, at the property located at 15 Beacon Street.
2. Mr. Michael Meyer presented the petition for the property at 15 Beacon Street.
3. Mr. Meyer stated that the addition will increase the size of the house by about 250 square feet, to a total area of just under 1,200 square feet.
4. Mr. Meyer stated that the existing house does not function in today's real estate market.
5. Mr. Meyer stated that he is not proposing any changes to the first floor.
6. The proposed addition will not exceed the height of the existing building.
7. The existing use of the building is single-family residential. The use of the building will remain single-family residential.
8. The requested relief, if granted, would allow the Petitioner to construct an approximately 250 square foot addition to the second floor, over the extents of an existing first-floor deck, and within two feet of a side lot line.
9. At the public hearing, one abutter expressed their non-opposition to the petition. One written comment in support of the petition was received prior to the public hearing.

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 impact of the proposal on the community's needs is no different than the existing use, as the property will remain a single-family residence.
2. There will be no impact on parking or loading in the area, as the property will remain a single-family residence.
3. The adequacy of utilities and public services to the building will remain the same as existing.
4. It will be an improvement to the neighborhood character.
5. The addition will potentially increase the value of the home, resulting in 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, Ms. Harris, and Mr. Duffy in favor) and none (0) opposed, to grant the requested Special Permit to allow an addition to the second floor of an existing residence to within two feet of the western side lot line, 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.



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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.*