



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #  
CITY CLERK, SALEM, MASS.

August 29, 2014

## Decision

### City of Salem Board of Appeals

**Petition of THOMAS & MARY DEMAKES requesting a Special Permit per Section 3.3.4 of the Salem Zoning Ordinance, to allow a single-story addition and an exterior stairway to an existing nonconforming structure, for the property at 22 WILLOW AVENUE (R1 Zoning District).**

A public hearing on the above Petition was opened on July 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. Duffy, Mr. Watkins, and Mr. Copelas (Alternate).

The Petitioner seeks a Special Permit from Section 3.3.4 of the Salem Zoning Ordinance.

#### **Statements of fact:**

1. In the petition date-stamped June 25, 2014, the Petitioner requested a Special Permit to expand an existing nonconforming structure by adding: a single-story 4-foot 4-inch deep by 16-foot 8-inch long addition to the rear of the existing structure, enclosing an existing first-floor side porch, and adding an exterior stairway to the rear of the first-floor side porch.
2. The applicant submitted revised plans dated 7/16/2014, sheets EX2, A1, and A2, with a proposed 3-foot 6-inch deep addition to the first-floor side porch.
3. The proposed side porch addition would add approximately 58 square feet to the first floor porch, and the addition would not encroach on any of the required setbacks.
4. Mr. Richard Griffin, architect, presented the petition.
5. The requested relief, if granted, would allow the Petitioner to construct a single-story 4-foot 4-inch deep by 16-foot 8-inch long addition to the rear of the existing structure, to enclose and extend the existing first-floor side porch, and to add an exterior stairway to the rear of the first-floor side porch.
6. At the public hearing, no members of the public spoke in favor of, or in 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 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:**

1. Community needs served by the proposal will be unchanged from the existing condition, the proposed additions are in keeping with the character of the neighborhood,
2. The parking and loading will be unchanged from the existing condition.
3. The impact on utilities and public services will be unchanged from the existing condition.
4. There will be no negative impact on the natural environment, particularly as any added roof runoff will be directed to on-site permeable areas.

5. The proposal is in keeping with the neighborhood character.
6. The proposal is an improvement to the property, particularly with the enhanced view of the water, so it will have a positive economic and fiscal impact.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Mr. Watkins, Ms. Curran, Mr. Copelas and Mr. Duffy in favor) and none (0) opposed, to grant the requested Special Permit to allow construction of a single-story 4-foot 4-inch deep by 16-foot 8-inch long addition to the rear of the existing structure, to enclose and extend by approximately 58 square feet the existing first-floor side porch, and to add an exterior stairway to the rear of the first-floor side porch., 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.*