



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-745-9595 ♦ FAX: 978-740-9846

2014 SEP 10 P 12: 57
FILE #
CITY CLERK, SALEM, MASS.

September 10th, 2014

Decision

City of Salem Board of Appeals

Petition of 4 MILK STREET TRUST seeking a Variance from the minimum lot area requirement of Section of Sec. 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance, to allow a reduction in size of the existing nonconforming lot by approximately 379 square feet. The Petitioner proposes to realign the rear lot line in order to square it off with an abutting property. The proposal is for the property located at 4 MILK ST (R2 Zoning District).

A public hearing on the above Petition was opened on August 27, 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, Mr. Copelas (Alternate), and Mr. Tsitsinos (Alternate).

The Petitioner seeks a Variance from Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance.

Statements of fact:

1. In the petition date-stamped June 30, 2014, the Petitioner requested a Variance to allow a reduction in size of the existing nonconforming lot by approximately 379 square feet in order to realign the rear lot line and square it off with an abutting property, making the two lots saleable.
2. Attorney Correnti presented the petition and distributed a site plan to the Board to demonstrate the proposal to transfer an approximately 379 square foot triangular shaped piece of land from 4 Milk Street to 14 Pickman Street. 4 Milk Street is an existing nonconforming lot - it is currently 4,575 square feet, and the required minimum lot size in the R2 Zoning District is 15,000 square feet. The proposed transfer of land would further reduce the lot size by approximately 379 square feet to a total of 4,196 square feet.
3. 14 Pickman Street is also an existing nonconforming lot, being only 7,832 square feet in size, where the Zoning Code requires a minimum lot area of 15,000 square feet.
4. The requested relief, if granted, would allow the Petitioner to reduce the size of the existing nonconforming lot at 4 Milk Street.
5. The petitioner submitted three letters of support from members of the public with the petition.
6. At the public hearing, two members of the public spoke in support of the petition. No members of the public spoke 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. The lot is a unique shape, and literal enforcement of the provisions of the Ordinance would be a substantial hardship to the applicant.
2. The desired relief may be granted without substantial detriment to the public good.
3. The desired relief may be granted without nullifying or substantially derogating from the intent or purpose of the City of Salem Zoning Ordinance.

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. Copelas, Mr. Tsitsinos, and Mr. Duffy) and none (0) opposed, to grant the requested Variance to allow a reduction in the size of the existing nonconforming lot by approximately 379 square feet, subject to the following **terms, conditions, and safeguards**:

1. 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.