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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS.

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August 4, 2014

Decision

City of Salem Board of Appeals

Petition of GEORGE & JODI BRADBURY, appealing the decision of the Building Commissioner that the property is currently in use as a Rooming, Boarding or Lodging House as defined in the Salem Zoning Ordinance. The property is located at 102 DERBY STREET (B1 Zoning District).

A public hearing on the above Petition was opened on June 18, 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. Watkins, and Mr. Copelas (alternate).

The Petitioner seeks an Appeal of the Decision of the Building Inspector, and petitions the Board to find that the property is not currently in use as a "Rooming, Boarding, or Lodging House" as defined in the Salem Zoning Ordinance.

Statements of fact:

1. Attorney George Atkins presented the petition for the property at 102 Derby Street.
2. In the petition, date-stamped May 28, 2014, the Petitioner requests an Appeal of the Decision of the Building Inspector, and petitions the Board to find that the property is not currently in use as a "Rooming, Boarding, or Lodging House" as defined in the Salem Zoning Ordinance.
3. The property is a two-family residence. The petitioners rent out one unit of the two-family residence for short-term vacation rental.
4. At the public hearing for this petition, the applicant presented a petition in support of the appeal, signed by four residents. 1 resident spoke in support of the Board granting the appeal, and two (2) residents spoke in opposition to granting the appeal. In addition, the Board received 5 letters in support of granting the appeal, and 3 letters in opposition to the appeal.

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 narrative, the Petitioner's presentation, and public testimony, makes the following **findings**:

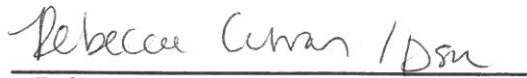
1. The rental of the dwelling unit for short-term vacation rental does not meet the definition of "rooming, boarding or lodging house" as set forth in the Salem Zoning Ordinance.
2. Short-term vacation rentals of dwelling units is becoming more prevalent, and this trend raises questions around issues such as parking, fire safety, and room taxes. As such, it is a use that the City Council may wish to consider addressing.

On the basis of the above findings of fact and all evidence presented at the public hearing including, but not limited to, the plans, documents and testimony, the Salem Board of Appeals concludes:

1. The premise is not being used as a "Rooming, Boarding or Lodging House" and therefore the order of the Building Commissioner to cease the use is overturned.

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In consideration of the above, the Salem Board of Appeals voted four (4) in favor (Ms. Curran, Mr. Dionne, Mr. Watkins, and Mr. Copelas) and none (0) opposed, to grant the petitioner's request to Appeal the Decision of the Building Commissioner.



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.