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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2015 MAR -11 A 8: 29
FILE #
CITY CLERK, SALEM, MASS.

March 4, 2015

Decision

City of Salem Board of Appeals

Petition of MARIA and WAYNE MALIONEK seeking Variances requesting relief from Sec. 4.1.1 Table of Dimensional Requirements of the Salem Zoning Ordinance, from the minimum lot frontage requirements, lot area requirements, and lot coverage maximum requirements to realign lot lines for parcels held in common ownership and to allow an increase in lot coverage maximum for an existing residence. The proposal is for the property located at 23 JACKSON STREET and 17 VALE STREET (Map 25 Lot 661 and Map 25 Lot 660) (R2 Zoning District).

A public hearing on the above Petition was opened on February 18, 2015 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, Mr. Tsitsinos (Alternate).

The Petitioner seeks Variances requesting relief from Sec. 4.1.1 Table of Dimensional Requirements of the Salem Zoning Ordinance, from the minimum lot frontage requirements, lot area requirements, and lot coverage maximum requirements of the Salem Zoning Ordinance.

Statements of fact:

1. Attorney Quinn presented the petition on behalf of the applicants.
2. In the petition date-stamped January 8, 2015, the Petitioner requested Variance to realign lot lines for parcels held in common ownership and to allow an increase in lot coverage maximum for an existing residence as shown plot plan "Plot Plan of Land Salem, MA", dated December 15, 2014.
3. The petitioner proposes to construct an additional single-family dwelling unit on the parcel.
4. The existing lots are legally merged into one (1) lot.
5. The requested relief, if granted, would allow the Petitioner to subdivide the property into two lots and to allow an increase in lot coverage maximum in accordance with "Plot Plan of Land Salem, MA", dated December 15, 2014.
6. There are no new non-conformities being created in the proposed structure.
7. At the public hearing one (1) member of the public spoke in favor of, and no members 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 for Variances:

1. Special conditions and circumstances that especially affect the land, building, or structure involved generally not affecting other lands, buildings and structures in the same district is that the existing lot is an odd shape and has steep topography adjacent to existing frontage.
2. Literal enforcement of the provisions of the Ordinance would create a substantial and unique hardship as the odd shape lot and steep topography adjacent to frontage on Vale Street is not accessible and would restrict the petitioner from using the parcel.
3. The desired relief may be granted without nullifying or substantially derogating from the intent of the district or purpose of the City of Salem Zoning Ordinance. The property is located in an R2 district and two units could be located on this property as a matter of right.

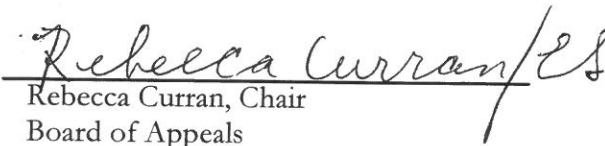
On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Ms. Curran, Mr. Watkins, Mr. Copelas, Mr. Duffy and Mr. Tsitsinos in favor) and none (0) opposed, to grant Variances requesting relief from Sec. 4.1.1 Table of Dimensional Requirements of the Salem Zoning Ordinance, from the minimum lot frontage requirements, lot area requirements, and lot coverage maximum requirements to realign lot lines for parcels held in common ownership and to allow an increase in lot coverage maximum for an existing residence, subject to the following **terms, conditions, and safeguards:**

Standard Conditions:

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 shall be obtained
7. A Certificate of Inspection shall be obtained.
8. Petitioner shall obtain a street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

Special Conditions:

1. The both the proposed dwelling unit and the existing dwelling on the property shall remain a single family homes and may not be converted to two family structures.


Rebecca Curran, Chair
Board of Appeals

City of Salem Board of Appeals

March 4, 2015

Project: 23 Jackson Street and 14 Vale Street

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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.