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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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July 29, 2015

Decision

City of Salem Board of Appeals

FILE #
CITY CLERK, SALEM, MASS.

2015 JUL 29 P 2:11

Petition of MARC TRANOS, seeking a Variance from the maximum building height to allow an increase in building height from the existing thirty-feet (30') to thirty-five feet (35') and a Special Permit requesting relief from *Sec. 3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance, to extend the existing non-conforming structure to allow a 182 square foot addition located at the property of 87 BRIDGE STREET (Map 36 Lot 373)(B1 Zoning District).

A public hearing on the above Petition was opened on July 15, 2015 pursuant to M.G.L Ch. 40A, § 11 and closed on this date with the following Salem Board of Appeals members present: Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, Tom Watkins, Paul Viccica (Alternate)).

The Petitioner seeks a Variance requesting relief from the maximum building height to allow an increase in building height from the existing thirty-feet (30') to thirty-five feet (35') and a Special Permit requesting relief from *Sec. 3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance, to extend the existing non-conforming structure to allow a 182 square foot addition.

Statements of Fact:

1. Attorney Correnti presents the petition.
2. In the petition date-stamped June 23, 2015, the petitioner requests a Variance requesting relief from the maximum building height to allow an increase in building height from the existing thirty-feet (30') to thirty-five feet (35') and a Special Permit requesting relief from *Sec. 3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance, to extend the existing non-conforming structure to allow a 182 square foot addition.
3. The petitioner proposes to rehabilitate an existing building with three (3) residential units and one (1) commercial space to construct four (4) townhouse style units, to be built as condominiums.
4. The petitioner proposes to tear down an existing garage and accommodate for six (6) on-site parking spaces.
5. The proposed number of parking spaces meets the parking requirements of the Salem Zoning Ordinance. The on-site parking spaces will be deeded with each condominium to encourage residents to park on site.
6. The building is located in a small strip of B-1 Zoning District with dimensional regulations for maximum building height of thirty (30) feet. The petitioner is requesting a Variance from dimensional

requirements to allow an increase in building height from the existing thirty (30') feet requirement to thirty-five (35') feet.

7. The petitioner requests a Special Permit to extend a non-conforming structure to allow for a 182 square foot addition on the right rear to square off the existing building.
8. The requested relief, if granted, would allow the Petitioner to increase the building height from the required thirty-feet (30') to thirty-five (35') feet and extend the existing non-conforming structure to allow a 182 square foot addition.
9. At the public hearing one (1) members of the public spoke in favor and one (1) person spoke 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 does not meet the provisions of the City of Salem Zoning Ordinance:

Findings for Variance:

1. The special conditions and circumstances that especially affect the land, building, or structure generally not affecting other land, buildings or structures is that the building is located in a small B-1 Zoning District surrounded by an R-2 Zoning District.
2. Literal enforcement of the provisions of the Ordinance would create a substantial and unique hardship as without relief, the petitioner would not be able to meet building requirements to construct townhouse style units.
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.

Findings for Special Permit:


1. Social, economic and community needs served by the proposal will be positive.
2. Traffic flow and safety, including parking and loading are adequate and comply with the City of Salem Zoning Ordinance requirements.
3. Utilities and other public services are adequate.
4. There are no impacts on the natural environment, including drainage.
5. The proposal fits with the neighborhood character.
6. The potential fiscal impact, including impact on City tax base and employment will be positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted unanimously with five (5) in favor (Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, Tom Watkins, and Paul Viccica (alternate) and none (0) opposed, to grant a Variance requesting relief from the maximum building height to allow an increase in building height from the existing thirty-feet (30') to thirty-five feet (35') and a Special Permit requesting relief from *Sec. 3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance, to

extend the existing non-conforming structure to allow a 182 square foot addition, 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. A Certificate of Inspection shall be obtained.
6. 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.