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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS.

June 3, 2015

Decision

City of Salem Board of Appeals

Petition of SHETLAND PARK seeking Variances requesting relief from Sec. 4.1.1 Table of Dimensional Requirements from minimum front yard setback and maximum lot coverage to construct a 15,600 square foot building. The property is located at 29 CONGRESS STREET (Map 34 Lot 448) (I Zoning District)

A public hearing on the above Petition was opened on May 20, 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: Rebecca Curran (Chair), Peter Copelas, Jimmy Tsitsinos, Tom Watkins and Mike Duffy.

The petitioner is seeking Variances requesting relief from Sec. 4.1.1 *Table of Dimensional Requirements* from minimum front yard setback and maximum lot coverage of the Salem Zoning Ordinance to construct a 15,600 square foot building.

1. In the petition date-stamped April 28, 2015, the Petitioner requested a Variances seeking relief from *Sec. 4.1.1 Table of Dimensional Requirements* from minimum front yard setback and maximum lot coverage to construct a new 15,600 square foot building.
2. Attorney Quinn presented the petition on behalf of the applicant.
3. The proposed building is a one-story building oriented with frontage on Pingree Street.
4. The proposed building size is 15,600 square feet with a proposed a set-back of 15 feet.
5. The existing total lot coverage is 50.5% percent from buildings constructed in 1914.
6. The building will be leased to the Salem Academy Charter School to be used for a new athletic and arts center.
7. The requested relief, if granted, would allow the Petitioner to reduce the setback from the required 30 feet to 15 feet and to allow a total of 51.8% that exceeds the maximum allowable lot coverage of fifty percent (50%).
8. At the public hearing seven (7) members of the public spoke in favor of and none (0) 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:

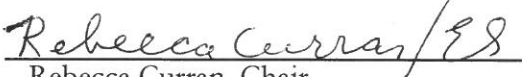
Findings for Variance:

1. Special conditions and circumstances that especially affect the land, building or structure generally not affecting other lands, buildings or structures in the same district include the pre-existing non-conforming dimension. The existing lot coverage from buildings built in 1914, is fifty-percent (50%).

2. The literal enforcement of the provisions of the Ordinance would involve substantial hardship because the existing buildings that were built in 1914 are uniquely solid construction with steel and thick concrete to withstand fire and are expensive to maintain and/or renovate.
3. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent of the district or the purpose of the ordinance.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Rebecca Curran (Chair), Peter Copelas, Jimmy Tsitsinos, Tom Watkins and Mike Duffy and none (0) opposed, to grant Variances, to allow a reduction minimum front yard and increase in maximum lot coverage of the Salem Zoning Ordinance to construct a 15,600 square foot building, **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. A Certificate of Occupancy shall be obtained.
6. A Certificate of Inspection shall be obtained.
7. Petitioner shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
8. 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.