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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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2015 APR -1 P 4: 18

April 1, 2015

FILE #
CITY CLERK, SALEM, MASS.

Decision

City of Salem Board of Appeals

A public hearing for a petition seeking Variances requesting relief from Sec. 4.1.1 Table of Dimensional Requirements from minimum lot area, minimum lot frontage, maximum lot coverage, minimum side setbacks, minimum rear setbacks and maximum number of stories to allow the division of property into six (6) lots for the construction of five (5) single family homes and one (1) three-story duplex. The petitioner is also seeking a Variance requesting relief from Sec. 5.1.8 Table of Required Parking Spaces to allow tandem parking at each of the proposed single family homes. The proposal is for the property located at 43 BRIDGE STREET (Map 36 Lot 238) (R2 Zoning District).

A public hearing on the above Petition was opened on February 18, 2015 pursuant to M.G.L Ch. 40A, § 11. and continued to the next regularly scheduled meeting on March 18, 2015. The hearing was closed on that date with the following Salem Board of Appeals members present: Ms. Curran (Chair), Mr. Duffy, 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 minimum lot area, minimum lot frontage, maximum lot coverage, minimum side setbacks, minimum rear setbacks and maximum number of stories of the Salem Zoning Ordinance.

Statements of fact:

1. Attorney Lovely presented the petition on behalf of the applicant.
2. A public hearing for the petition was opened on February 18, 2015 and continued to the next regularly scheduled meeting on March 18, 2015 at the request of the Zoning Board of Appeal to revise plans to look at revising the plan reduce the number of variances sought including the parking requirements or provide financial data to support their claims.
3. In the petition date-stamped January 29, 2015, the Petitioner requested Variances requesting relief from minimum lot area, minimum lot frontage, maximum lot coverage, minimum side setbacks, minimum rear setbacks and maximum number of stories to allow the division of property into six (6) lots for the construction of five (5) single family homes and one (1) three-story duplex and Variances from Sec. 5.1.8 Table of Required Parking Spaces to allow tandem parking at each of the proposed single family homes.
4. The petitioner presented revised plans dated March 10, 2015 to reduce the number of Variances sought. The petitioner requested relief from the following: minimum lot area, minimum lot frontage, maximum lot coverage, minimum rear setbacks and maximum number of stories to allow the division of property into five (5) lots for the construction of four (4) single family homes and one (1) three-story duplex and also to provide a variance for side setbacks as to "Lot 5" shown on the plan dated March 10, 2015.

5. The requested relief, if granted, would allow the Petitioner to allow the division of property into five (5) lots for the construction of four (4) single family homes and one (1) three-story duplex in accordance with the site plan for 43 Bridge Street dated March, 10, 2015.
6. At the public hearing no members of the public spoke in favor of, or 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:

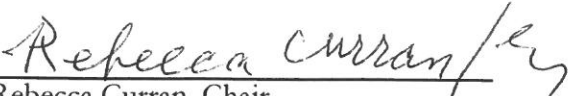
1. Special conditions and circumstances that especially affect the land, building, or structure involved generally not affecting other lands, buildings and structures in the same district is that the existing lot is an odd shape narrow lot.
2. Literal enforcement of the provisions of the Ordinance would create a substantial and unique hardship as the lot is narrow and would restrict the petitioner from using the parcel. Literal enforcement of the bylaw would result in a building envelope that is too narrow to construct a house.
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 existing building on the property is blighted, and the proposed new construction would be in keeping with the general density of the neighborhood.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Ms. Curran, 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 minimum lot area, minimum lot frontage, maximum lot coverage, minimum rear setbacks and maximum number of stories to allow the division of property into five (5) lots for the construction of four (4) single family homes and one (1) three-story duplex and also to provide a variance for side setbacks as to "Lot 5" shown on the plan dated March 10, 2015, 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 Occupancy shall be obtained
6. A Certificate of Inspection shall be obtained.
7. 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.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

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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.

