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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS.

June 5, 2015

Decision

City of Salem Board of Appeals

Petition of MICHAEL BECKER requesting Variances from the requirements of Sec. 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance to allow a reduction in minimum lot area and minimum lot size per dwelling unit to create a rear lot located at 48 SCHOOL STREET (Map 27, Lot 5) (R2 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* of the Salem Zoning Ordinance to allow a reduction in minimum lot area and minimum lot size per dwelling unit to create a rear lot when merged with a portion of 46 School Street.

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* to allow a reduction in minimum lot area and minimum lot size per dwelling unit to create a new rear lot when merged with a portion of 46 School Street.
2. Attorney Correnti presented the petition on behalf of the applicant.
3. The existing lot is 15,399 square feet but is nonconforming in lot width, lot frontage and front and side setbacks.
4. The petitioner proposed to reduce the size of the lot from 15,399 square feet to 6,873 square feet, while not changing the lot width or existing setbacks.
5. The requested relief, if granted, would allow the Petitioner to reduce the lot area from 15,399 square feet to 6,873 square feet.
6. At the public hearing four (4) members of the public spoke in favor, of and one (1) spoke in opposition to, the petition. A petition of support from numerous abutters was also submitted by the Petitioner.
7. The Petitioner demonstrated at the hearing that the lot was unique units size, shape and topography in the district by review of an assessor's map showing hundreds of lots in the neighborhood.

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 steep slope and grade of the property, as well as the long, narrow shape of the lot.
2. The literal enforcement of the provisions of the Ordinance would involve substantial hardship to the applicant.
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 four (4) in favor (Peter Copelas, Jimmy Tsitsinos, Tom Watkins and Mike Duffy) and one (1) Rebecca Curran (Chair), opposed, to grant Variances, to allow a reduction in minimum lot area, minimum lot size per dwelling unit, and minimum lot frontage required , **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. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. Certificate of Occupancy 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.