

**City of Salem Board of Appeals**  
**Meeting Minutes**  
**Wednesday, June 17, 2015**

A meeting of the Salem Board of Appeals (“Salem BOA”) was held on Wednesday, June 17, 2015 in the third floor conference room at 120 Washington Street, Salem, Massachusetts at 6:30 p.m.

**Ms. Curran calls the meeting to order at 6:30 p.m.**

**ROLL CALL**

Those present were: Rebecca Curran (Chair), Peter A. Copelas, James Tsitsinos, Tom Watkins, Mike Duffy, Jim Hacker (alternate), Paul Viccica (alternate). Also in attendance –Thomas St. Pierre, Building Commissioner, and Erin Schaeffer, Staff Planner

**REGULAR AGENDA**

Project	A public hearing seeking a Variance requesting relief from Sec. 4.1.1 <i>Table of Dimensional Requirements</i> from minimum lot area per dwelling unit to convert an existing garage into a dwelling unit. The petitioner is also seeking a Special Permit per Sec. 3.3.3 <i>Nonconforming Structures</i> of the Salem Zoning Ordinance, to alter the use of an existing nonconforming structure.
Applicant	MARZA LLC
Location	<b>114 MARGIN STREET (Map 25 Lot 500)(R2 Zoning District)</b>

Documents and Exhibitions

- Application dated April 22, 2015 and supporting documentation

Ms. Curran states that the Board asked for additional information from the applicant to articulate the Variance and specifically address why the literal enforcement of the provisions would impose a substantial hardship. The applicant has submitted a revised Statement of Hardship. The Board also asked for architectural drawings of the proposed façade improvements.

Attorney Paul Lynch presents the petition on behalf of Paula Pierce. This is an unusual situation as this is a large brick structure that does not have direct access from the main unit. The existing structure contains 13,020 square feet and is more than two (2) times the size of a three car garage and has no useful existing use to the existing single-family structure that is there. This structure type and size does not appear anywhere else in the neighborhood and was at one time used to house horses. The hardship is that the structure large, has no functional use to the property, and is difficult to maintain something that has no function to the current use of the property.

Ms. Curran asks the applicant to confirm that the doors are changing to a different door with more windows but the openings are staying the same and there is stucco being applied to three of the four sides of the building. The front doors will have two side operable doors and the front will remain a driveway with three (3) outdoor parking spaces that conform to the parking requirements.

Ms. Curran states that the literal enforcement has been explained adequately as we are dealing with a somewhat historic structure that functioned as a stable. The number of dwelling units proposed is

allowed in an R2 Zoning District by right and the applicant does not proposed to change the footprint or mass of the existing building. The variance is specifically for the area per dwelling unit and the footprint is not changing.

Ms. Curran opens discussion to the Board.

Mr. Copelas- other than the fact that there is a lot more information to act on, it is a lot easier to envision what is being proposed here.

Mr. St. Pierre- In the past we have had numerous individuals trying to do something with this building. Most recently there was a woman who wanted to have a stable here. There is no way to use this building commercially because this property is in a residential zoning district. The building cannot be use for anything but residence.

Ms. Curran concurs that the building is unique in that way.

Ms. Curran opens public comment.

A letter from a direct abutter was read into the record on May 20, 2015.

No new public comment was submitted or heard on June 17, 2015.

The public comment period is closed.

The Board finds:

1. The special conditions and circumstances that especially affecting land, building or structure involved generally not affecting other lands, buildings, and structures in the same district is its unique size and structure.
2. The literal enforcement of the provisions of the Ordinance would involve substantial hardship to the applicant as the building is large and was once used as a commercial space and can no longer be used in this way.
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.

**Motion and Vote:** Mr. Copelas makes a motion to approve the petition seeking a Variance requesting relief from Sec. 4.1.1 *Table of Dimensional Requirements* from minimum lot area per dwelling unit to convert an existing garage into a dwelling unit. The petitioner is also seeking a Special Permit per Sec. 3.3.3 *Nonconforming Structures* of the Salem Zoning Ordinance, to alter the use of an existing nonconforming structure subject to eight (8) standard conditions. The motion is seconded by Mr. Watkins. The vote was unanimous with five (5) (Rebecca Curran (Chair), Peter A. Copelas, Jimmy Tsitsinos, Tom Watkins, James Hacker.

Project	A public hearing seeking a Special Permit requesting relief from <i>Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures</i> of the Salem Zoning Ordinance, to alter or structurally change a non-conforming structure to allow the enclosure of an existing covered porch.
Applicant	SUSAN ST. PIERRE
Location	83 BAY VIEW (Map 44 Lot 95)( R1 Zoning District)

#### Documents and Exhibitions

- Application dated May 26, 2015 and supporting documentation

Susan St. Pierre presents the petition on behalf of Linda St. Pierre. The petitioner would like to close in her back porch. Abutters and others have signed a petition in support of the project that was entered into the record. Photographs of the existing porch and architectural drawings were presented. Behind the house where the porch is proposed to be enclosed there is a fifteen (15) foot wide paper street that creates a large setback between the petitioner's house and the houses to the rear of the property. Even though legally there is not a large rear set-back, the paper street provides an additional buffer. The existing side set-back is located three (3) feet away from the adjacent parcel.

Ms. Curran: confirms with the applicant that there is no additional square footage outside of the footprint proposed.

Linda St. Pierre- confirms that the entire porch will not be enclosed. Rather a portion of the existing porch will be enclosed. The proposed area for enclosure is about nine (9) feet by twelve (12) feet.

Tom St. Pierre- in terms of disclosure, I do not vote, but the applicant and her representative are my first cousins. The only reason that they are here is in *Section 4.2 Roofing Over or Enclosing Existing Porches*. Generally, any porch that was constructed before 1965 can be enclosed by right, but dimensional requirement is that the porch needs to be five (5) feet from any side or rear lot line. The existing porch is three (3) feet away from the side lot line. This is technically why the petitioner is before the Zoning Board of Appeals. This is about as minimal relief as it gets.

Ms. Curran opens the discussion for public comment.

No member of the public was present at the meeting to speak in favor of or in opposition to the petition. The petitioner did present a petition with numerous signatures of support from abutters and were read into the record.

Ms. Curran closes the public comment period and opens discussion to the Board.

Mr. Duffy: This is a small request but for the right-of-way this relief would not be necessary. Based on the design, plans, and photos this proposed change or extension would not be more substantially detrimental than an existing non-conforming use and the Board may be able to grant the requested relief.

**Motion and Vote:** Mr. Duffy makes a motion to approve the petition seeking a Special Permit requesting relief from *Sec. 3.3.5 Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance, to alter or structurally change a non-conforming structure to allow the enclosure of an existing covered porch, subject to eight (8) standard conditions. The motion is seconded by Mr. Tsitsinos. The vote was five (5) in favor (Rebecca Curran (Chair), Jimmy Tsitsinos, Mike Duffy, Tom Watkins, Peter A. Copelas) and none (0) opposed.

#### **APPROVAL OF MEETING MINUTES**

May 20, 2015 meeting minutes were approved.

**Motion and Vote:** Mr. Copelas makes a motion to approve the minutes as printed, seconded by Mr. Duffy. The vote was with five (5) (Rebecca Curran (Chair), Jimmy Tsitsinos, Mike Duffy, Tom Watkins, Peter A. Copelas) in favor and none (0) opposed.

#### **OLD/NEW BUSINESS**

*None*

#### **ADJOURNMENT**

Mr. Watkins motioned for adjournment of the June 17, 2015 regular meeting of the Salem Board of Appeals at 7:00 pm.

**Motion and Vote:** Mr. Watkins made a motion to adjourn the June 17, 2015 regular meeting of the Salem Board of Appeals, seconded by Mr. Tsitsinos, and the vote is unanimous with five (5) in favor (Ms. Curran (Chair), Mr. Duffy, Mr. Watkins, Mr. Tsitsinos, Peter A. Copelas) and none (0) opposed.

*For actions where the decisions have not been fully written into these minutes, copies of the decisions have been posted separately by address or project at:*

[http://salem.com/Pages/SalemMA\\_ZoningAppealsMin/](http://salem.com/Pages/SalemMA_ZoningAppealsMin/)

Respectfully submitted,  
Erin Schaeffer, Staff Planner