



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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CITY CLERK  
SALEM, MASS

October 26, 2018

## Decision

### City of Salem Board of Appeals

Petition of THE COLUMBUS SOCIETY OF SALEM, requesting a Variance per Sec. 5.1.8 Table of Parking Requirements of the Salem Zoning Ordinance to allow the petitioner to have less than the required number of parking spaces at 18 COMMERCIAL STREET (Map 26, Lot 51) (NRCC Zoning District).

A public hearing on the above petition was opened on August 15, 2018 pursuant to M.G.L. Ch. 40A, § 11 and continued to September 19, 2018 and October 17, 2018. The hearing was closed on October 17, 2018 with the following Salem Board of Appeals members present: Mike Duffy (Chair), James Hacker, Patrick Shea, and Paul Vicca.

#### Statements of fact:

1. In the petition date-stamped July 24, 2018, the petitioner requested a Variance per Sec. 5.1.8 Table of Parking Requirements to allow the petitioner to have less than the required number of parking spaces.
2. Attorney George Atkins represented the petitioner.
3. The property is located in the NRCC Zoning District.
4. The Columbus Society of Salem, more commonly known as the Knights of Columbus, proposes to relocate their membership club to the existing 5,260 sq. ft. building on a 11,500 sq. ft. lot at 18 Commercial Street.
5. For use as a membership club, Sec. 5.1.8 Table of Parking Requirements of the Salem Zoning Ordinance requires one parking space for each two employees and one space for each four members.
6. The Knights of Columbus currently has approximately 300 full members and 200 associate members, and the relocated establishment is expected to have one employee.
7. Strict adherence to the Zoning Ordinance would require 126 parking spaces.
8. The proposed site plan included with the petition proposes 13 parking spaces onsite.
9. Public on-street parking exists along Commercial Street.
10. At the public hearing, one member of the public spoke in support and no members of the public spoke in opposition to the petition.
11. The Board discussed the merits of the Variance request.

### Findings for Variance

1. There are 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. Much of the 5,407 sq. ft. lot is covered by the existing 3,890 sq. ft. building, and this prevents vehicular access to the rear of the building and otherwise limits the amount of space available for parking onsite.
2. Literal enforcement of the provisions of the Ordinance would involve substantial hardship to the applicant, as the club's membership would be limited to 48.
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. The petitioner's continued presence is a positive for the community. In addition, the petitioner stated that it will no longer offer the club's building for large events such as weddings.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four in favor (Mike Duffy [Chair], James Hacker, Patrick Shea, and Paul Viccica), and none opposed, to grant a Variance per Sec. 5.1.8 Table of Parking Requirements of the Salem Zoning Ordinance to allow the petitioner to have less than the required number of parking spaces, 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 new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection shall be obtained.
7. A Certificate of Occupancy shall be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
9. The number of participants attending an event at this property shall not exceed 80.

  
Mike Duffy, 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.*