



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970  
TEL: 978-745-9595

2019 JUL -3 PM 3:04  
CITY CLERK  
SALEM, MASS

July 3, 2019

## Decision

### City of Salem Board of Appeals

**Petition of CHRISTOPHER LEBLANC for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand a nonconforming single-family home by adding a second story to the existing structure at 20 SOUTHWICK STREET (Map 27, Lot 446) (R2 Zoning District).**

A public hearing on the above Petition was opened on June 19, 2019 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Peter A. Copelas, Mike Duffy (Chair), Jimmi Heiserman, and Paul Viccica (alternate).

The petitioner seeks a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance.

#### Statements of Fact:

1. In the petition date-stamped May 15, 2019, the petitioner requested a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* to extend the nonconforming single-family home at 20 Southwick Street by adding a second floor addition on the existing footprint.
2. Petitioner Christopher LeBlanc presented the petition.
3. The property is a single-family home located in the Residential Two-Family (R2) Zoning District.
4. The property appears to be nonconforming to at least minimum depth of rear yard.
5. The petitioner is proposing to add a second floor to the existing building, not exceeding the existing footprint.
6. The requested relief, if granted, would allow the petitioner to extend the nonconforming single-family home by adding a second story to the existing structure at 20 Southwick Street.
7. As noted in the application, the proposal is to add a second story to the existing building to add two bedrooms and two bathrooms; the proposal also includes removing a wall to expand the existing kitchen into the existing bedroom.
8. The proposed expanded building will conform to maximum height requirements. In the R2 zoning district, the maximum height (feet) is 35 feet and the maximum height (stories) is two and one-half (2.5) stories. The proposed height is 21.5 feet and two (2) stories.
9. At the June 19, 2019 public hearing, petitioner Christopher LeBlanc discussed the petition. Mr. LeBlanc noted that 20 Southwick Street is the only ranch-style house in the neighborhood, and that this change would make the house conform to the neighborhood. Mr. LeBlanc stated that the house had had a second level that burned down in 1980, and that the proposed expansion is to bring the house back to its original state and to have more space for their family.

10. At the June 19, 2019 public hearing, no (0) members of the public spoke in favor of or in opposition to the petition.
11. Chair Duffy discussed the special permit criteria. He noted that the height will be in conformance with the height requirements in feet and stories for this zoning district, and that all the work will be within the (existing) footprint.

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 Special Permit:**


The Board finds that the proposed nonconforming structure is not substantially more detrimental than the existing nonconforming structure to the neighborhood.

1. Social, economic and community needs served by the proposal: This proposal will expand the living area to better accommodate the petitioner's family.
2. There will be no impact to traffic flow and safety, including parking and loading.
3. Adequate utilities and public services service the property.
4. There will be no change in impacts on the natural environment, including drainage.
5. Neighborhood character: This addition will be in character with the neighborhood and will be consistent with surrounding homes.
6. Potential fiscal impact, including impact on City tax base and employment: This proposal will increase the assessed value of the home, thus increasing the City's tax base.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (4) in favor (Mike Duffy (Chair), Jimmi Heiserman, Paul Viccica, and Peter A. Copelas) and none (0) opposed to grant the requested Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand a nonconforming single-family home by adding a second story to the existing structure at **20 Southwick Street**, subject to the following **terms, conditions, and safeguards**:

Standard Conditions:

1. 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. A Certificate of Occupancy is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

  
\_\_\_\_\_  
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.