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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 THERESA PETERSON requesting a Special Permit per Sec. 3.2.8 of the Zoning Ordinance to allow an accessory living area at 24 SOUTH STREET (Map 15, Lot 524) (R-1 Zoning District).

A public hearing on the above petition was opened on October 17, 2018 pursuant to M.G.L. Ch. 40A, § 11 and was closed on that date with the following Salem Board of Appeals members present: Mike Duffy (Chair), Jim Hacker, Patrick Shea, and Paul Viccica.

Statements of fact:

1. In the petition date-stamped September 19, 2018, the Petitioner requested a Special Permit per Sec. 3.2.8 Accessory Living Areas, to allow an existing accessory living area.
2. The petitioner presented the petition.
3. The property is a single-family detached dwelling located in the R-1 Zoning District.
4. The petitioner is seeking a special permit to allow an existing finished accessory living area within the home to provide an accessory living area for the petitioner's daughter, granddaughter, and the petitioner's daughter's boyfriend.
5. An accessory living area is defined as: A housekeeping unit, with its own sleeping, cooking and sanitary facilities, located within a single family dwelling that is subordinate in size to the principal unit, separated from it in a manner which maintains the appearance of the building as a single-family dwelling, and allowed by special permit pursuant to Section 3.2.8 of the Salem Zoning Ordinance.
6. The requested special permit, if granted, would allow the petitioner to maintain the existing unit as an accessory living area.
7. At the public hearing, one member of the public spoke in favor of the petition and none spoke in opposition.

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, makes the following **findings**:

The purpose, procedure and requirements of Section 3.2.8 of the Zoning Ordinance have been fulfilled and the adverse effects of the proposed use will not outweigh its beneficial impacts to the City or neighborhood.

1. There are community needs that are served by the proposal including by providing family members with a means of companionship, security, dignity, and independent living.
2. There are no traffic flow and safety impacts including parking and loading.

3. Utilities and other public services are adequate.
4. There are no negative impacts to the neighborhood character.
5. There are no negative impacts to the natural environment.
6. Potential economic and fiscal impact, including impact on City services, tax base, and employment is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (Mike Duffy [Chair], Jim Hacker, Patrick Shea, and Paul Viccica) in favor and none opposed, to issue a Special Permit per Sec. 3.2.8 of the Zoning Ordinance to allow an accessory living area subject to the following **terms, conditions and safeguards:**

Standard:

1. Petitioner shall comply with all city and state statues, 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.