



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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

2019 JUL -3 PM 3:03
CITY CLERK
SALEM, MASS.

July 3, 2019

Decision

City of Salem Board of Appeals

Petition of RICARDO GARCIA 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 two-family home by adding two dormers to the rear of the building and expanding the front dormer at 4 SMITH STREET (Map 36, Lot 13) (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 14, 2019, the petitioner requested a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* to extend a nonconforming two-family home by adding two dormers to the rear of the building and expanding the front dormer at 4 Smith Street.
2. Petitioner Ricardo Garcia presented the petition.
3. The property is a two-family home located in the Residential Two-Family (R2) Zoning District.
4. The property appears to be nonconforming to minimum depth of front yard, minimum width of side yard, and minimum depth of rear yard, as well as maximum lot coverage.
5. The petitioner is proposing to expand the nonconforming two-family home by adding two dormers to the rear of the building and expanding the front dormer. As noted in the application, there will be no change to the footprint, living area, or height of building (in stories or feet).
6. The requested relief, if granted, would allow the petitioner to extend the nonconforming two-family home at 4 Smith Street by adding two dormers to the rear of the building and expanding the front dormer.
7. At the June 19, 2019 public hearing, property owner Gregory Revill discussed the petition. Mr. Revill noted that he owns 2-4 Smith Street; he lives at 4 Smith Street and has been renting out 2 Smith Street. He is requesting to build dormers to make substantial improvements to where he lives. Mr. Revill stated that the rear dormers are in rear-facing bedrooms where there are currently gabled ceilings that restrict the usefulness of those rooms. He added that the expansion of the front dormer is to accommodate a similar situation in the bathroom, which currently has a half-gabled ceiling. He is requesting the exterior changes to make improvements to the living area. Mr. Revill noted that there are no changes to the exterior in terms of proximity to neighbors or height, just changes to the roofline.

8. At the June 19, 2019 public hearing no (0) members of the public spoke in favor of or in opposition to the petition.
9. Chair Duffy discussed the special permit criteria.

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:

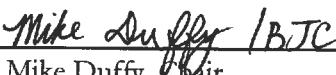
The Board finds that the proposed nonconforming structure is not substantially more detrimental than the existing nonconforming structure to the neighborhood.

1. Social, economic and community needs served by the proposal: This proposal will lead to improved housing.
2. There will be no impact to traffic flow and safety, including parking and loading.
3. There will be no impact on utilities and other public services; adequate utilities and public services already service the property.
4. There will be no significant change in impacts on the natural environment, including drainage.
5. Neighborhood character: The proposal will be an enhancement to the building and to the area; the proposal will improve the roofline.
6. Potential fiscal impact, including impact on City tax base and employment: There will be an increase in the assessed value of the property, 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 (Peter A. Copelas, Mike Duffy (Chair), Jimmi Heiserman, and Paul Viccica) 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 two-family home by adding two dormers to the rear of the building and expanding the front dormer at **4 Smith 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

City of Salem Board of Appeals
July 3, 2019
Project: 4 Smith Street
Page 3 of 3

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.