



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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

Book:

August 29, 2018

Decision

City of Salem Board of Appeals

Petition of JEFF SIMARD requesting a special permit per Sec. 3.3.5 *Nonconforming Structures* of the Salem Zoning Ordinance, to allow the petitioner to construct a shed dormer at 15 SCOTIA STREET (Map 15 Lot 567)(R-1 Zoning District)

A public hearing on the above Petition was opened on August 15, 2018 pursuant to M.G.L Ch. 40A, § 11. The hearing was closed on that date with the following Salem Board of Appeals members present: Mike Duffy (Chair), Peter A. Copelas, Jimmy Tsitsinos, Paul Viccica.

The Petitioner is seeking a special permit per Sec. 3.3.5 *Nonconforming Structures* of the Salem Zoning Ordinance, to allow the petitioner to construct a shed dormer.

Statements of fact:

1. The petitioner, Ken Demarco, contractor, and Jeff Simard, petitioner, presented the petition.
2. In the petition date-stamped June 28, 2018, the Petitioner requested a special permit per Sec. 3.3.5 *Nonconforming Structures* of the Salem Zoning Ordinance, to allow the petitioner to construct a shed dormer.
3. The property is located in the R-1 Zoning District.
4. The petitioner is proposing to build a shed dormer and expand the existing height of the structure from 2.5 stories to three (3) stories, without raising the height (feet) of the existing home. Two and half stories (2.5) stories are allowed by right in the zoning district.
5. The dormer will extend approximately thirty (30) feet and will be recessed approximately two (2) feet from each end of the roofline.
6. The petitioner is proposing to construct a shed dormer to create more living space for a growing family.
7. The property will continue to remain as a single family home.
8. The requested relief, if granted, would allow the petitioner to construct a shed dormer.
9. At the public hearing one (1) member of the public spoke in favor, and no members of the public spoke in opposition to the petition.

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:

2018 AUG 29 AM 8:16
CITY CLERK
SALEM, MASS

Findings for Special Permit:


The proposed change to the structure is not substantially more detrimental to the neighborhood than the existing non-conforming structure.

1. There are social, economic and community needs served by this proposal.
2. There are no changes to traffic flow and safety, including parking and loading.
3. The existing utilities are adequate to serve this addition.
4. There are no negative impacts on the natural environment, including drainage.
5. There are several houses in the neighborhood that already have shed dormers. The proposed shed dormer fits with the existing character of the neighborhood.
6. The potential fiscal impact, including impact on City tax base and employment is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor, (Mike Duffy (Chair), Peter A. Copelas, Jimmy Tsitsinos, Paul Viccica) and none opposed to allow the petitioner to construct a shed dormer subject to the following terms, conditions and safeguards:

Standard Conditions:

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 Occupancy shall be obtained.
7. A Certificate of Inspection is to be obtained.
8. 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.