



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-745-9595 ♦ FAX: 978-740-9846

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CITY CLERK
SALEM, MASS

August 1, 2018

Decision

City of Salem Board of Appeals

Petition of CHRISTOPHER NORKUN requesting a special permit per Sec. 3.3.3 Non-conforming Structures, to allow the petitioner to restore and expand an existing barn at 53 SUMMER STREET (Map 25, Lot 605)(R-2 Zoning District)

A public hearing on the above Petition was opened on July 18, 2018 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, Jimmy Tsitsinos, Chris Drucas, Paul Viccica.

The petitioner is seeking a Special Permit per Sec. 3.3.3 Non-conforming Structures, to allow the petitioner to restore and expand an existing barn.

Statements of fact:

1. In the petition date-stamped June 25, 2018, the Petitioner requested a Special Permit per Sec. 3.3.3 Non-conforming Structures, to allow the petitioner to restore and expand an existing barn.
2. Christopher Norkun, petitioner, presents the petition.
3. The property is located in the R-2 Zoning District.
4. The petitioner is proposing to reconstruct and expand the existing non-conforming barn. The petitioner is proposing to disassemble the structure, construct a foundation, and reuse about a third of the original wood materials to reconstruct and expand the existing non-conforming barn.
5. The structure is non-conforming as to side yard and rear yard setbacks, and maximum square footage of an accessory structure. The current structure is 1.9 feet from the side yard, 4.6 feet from the rear yard setback and is 338 square feet. The dimensional requirements for an accessory building or structure are 5 feet from the side and rear yard and 120 square feet or 1% of the lot area, whichever is greater.
6. The petitioner is proposing to expand the barn by extending the front portion of the structure by five (5) feet along the current non-conforming side yard setback and expanding the structure by approximately 86 square feet thereby increasing the non-conforming square footage of the structure.
7. The petitioner is also proposing to increase the height from 16.4 feet to 18 feet. The proposed increase in height does not exceed the maximum height allowed for an accessory structure.
8. The petitioner plans to utilize the barn for an artist space and woodworking workshop.

9. The requested relief, if granted, would allow the Petitioner a special permit per Sec. 3.3.3 Non-conforming Structures, to allow the petitioner to restore and expand an existing barn.
10. At the public hearing four (4) members of the public spoke in favor and none 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:

Findings for Special Permit:

The Board finds that the proposed extension, alteration or change to the non-conforming structure is not substantially more detrimental than the existing non-conforming structure to the neighborhood.

1. There are positive social, economic or community needs served by the proposal as the building is a dilapidated structure that will be improved.
2. There are no impacts on traffic flow and safety, including parking and loading.
3. The capacity of the utilities is not affected by the project.
4. There are no impacts on the natural environment, including drainage.
5. The proposal fits with the existing neighborhood character.
6. The potential fiscal impact, including impact on the City tax base is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (Peter A. Copelas, Mike Duffy, Jimmy Tsitsinos, Chris Drucas, Paul Viccica) in favor and none (0) opposed, to grant a Special Permit per Sec. 3.3.3 Non-conforming Structures, to allow the petitioner to restore and expand an existing barn 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.

Special Conditions:

1. The petitioner shall provide rodent control prior to demolition and during construction.
2. The petitioner shall construct a retaining wall along the east side rear yard and north side yard as proposed as in accordance with the drainage alteration plan that will be reviewed and approved by the City Engineer.

3. There shall be no runoff onto adjacent properties.

Peter A. Copelas/PC
Peter A. Copelas (Vice-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.