



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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CITY CLERK  
SALEM, MASS.

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August 29, 2018

## Decision

### City of Salem Board of Appeals

Petition of PURA PENA JIMENEZ requesting a special permit per Sec. 3.3.5 *Nonconforming Structures* of the Salem Zoning Ordinance, to allow the petitioner to convert an existing non-conforming single family home into a non-conforming two-family structure. No changes will be made to the footprint or exterior of the structure at 7 BARTON STREET (Map 36 Lot 364)(R-2 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 convert and existing non-conforming single family home into a non-conforming two-family structure. No changes will be made to the footprint or exterior of the structure.

#### Statements of fact:

1. The petitioner, Pura Pena Jimenez, presented the petition.
2. In the petition date-stamped July 18, 2018, the Petitioner requested a special permit per Sec. 3.3.5 *Nonconforming Structures* of the Salem Zoning Ordinance, to allow the petitioner to convert an existing non-conforming single family home into a non-conforming two-family structure. No changes will be made to the footprint or exterior of the structure.
3. The property is located in the R-2 Residential Two-Family Zoning District.
4. The petitioner is proposing to convert the existing single family home into a two-family structure.
5. The property is non-conforming as to lot area and the additional unit will increase this non-conformity from 6,479 square feet to 3,239.5 square feet per unit. The minimum lot area per dwelling unit in this zoning district is 7,500 square feet per unit.
6. There are no proposed changes to either the footprint or exterior of the existing structure.
7. The petitioner is proposing to increase the parking area on the property to accommodate the required three (3) parking spaces.
8. The requested relief, if granted, would allow the petitioner to convert the existing non-conforming single family home into a non-conforming two-family structure.
9. At the public hearing no members of the public spoke in favor or in opposition to the proposal.

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 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. The proposal fits with the character of the neighborhood as there are many two-family structures in the neighborhood and this use is allowed by right in this zoning district.
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 convert an existing non-conforming single family home into a non-conforming two-family structure 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. A Certificate of Occupancy shall be obtained.
6. A Certificate of Inspection 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.

**Special Condition:**

1. The petitioner shall submit a plot plan drawn to scale that demonstrates zoning compliant parking spaces with the building permit application.

  
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.*