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CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

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April 16, 2024

Decision

City of Salem Board of Appeals

The petition of STEVE ARIAS at 18 ½ PICKMAN STREET (Map 35, Lot 551) (R2 Zoning District) for a Special Permit per Section *3.3.5 Nonconforming Single- and Two-Family Structures* of the Salem Zoning Ordinance to expand the living area of their home to create a primary bedroom suite. Modifications and additions to the roof are sought. The ridge height of the new roof will match the height of the existing roof and the building height will remain unchanged.

A public hearing on the above petition was opened on March 20, 2024, and was closed on March 20, 2024.

On March 20, 2024, the following members of the Salem Board of Appeals were present: Nina Vyedin (Chair), Carly McClain, Hannah Osthoff and Ellen Simpson.

Statements of Fact:

The petition is date stamped January 24, 2024. The Petitioner seeks the Board of Appeals approval for additions to the top floor to create a primary bedroom suite.

1. 18 ½ Pickman Street is owned by Steve Arias.
2. The Petitioner was Steve Arias.
3. Architect Ryan McShera was the representative.
4. 18 ½ Pickman Street is located in the R2 Zoning District (Map 35, Lot 551).
5. On March 20, 2024, Ryan McShera presented the requested relief to the board.
6. 18 ½ Pickman Street is an existing non-conforming structure. It is non-conforming in lot area and it lacks frontage, and front and side yard setbacks.
7. There is no intention to expand the footprint of the building. The project is to change the roofscape of the topmost floor of the building.
8. The existing roof at 18 ½ Pickman Street is a hip roof. The Petitioner would like to extend the shape of the hip roof out in both directions on both sides of the building. This will create a gable roof with gable dormers on either side of it.
9. The roof ridge and the building's height will remain the same.
10. Mr. McShera said the project had received approval and support from the Historical Commission.

11. There were four letters of support for the project.
12. Nina Vyedin and Hannah Osthoff both commented on their appreciation for the change in the roof style.
13. There were no more comments from the board.
14. Nina Vyedin opened the meeting up to public comment. There were none.
15. Ryan McShera went over the special permit criteria.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearings, and after thorough review of the petition, including the application narrative and plans, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Special Permit Findings:

The Board finds that the adverse effects of the proposed use will not outweigh its beneficial impacts to the city or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in the zoning ordinance, the determination includes consideration of each of the following:

1. Social, economic, or community needs are served by this proposal. The proposed work will provide jobs for individuals working on the project.
2. Traffic flow and safety, including parking and loading: traffic flow and safety will remain unchanged for the site.
3. Adequate utilities and other public services already service the structure. There will be no changes to the city's utilities.
4. Impacts on the natural environment, including drainage: there will be positive impacts to the natural environment because this project will have the newly constructed roof. This will increase the insulation at the roof layer which will reduce heating and cooling loads for the building and reduce energy usage over time.
5. Neighborhood character: the project will complement the neighborhood character.
6. Potential fiscal impact, including impact on city tax base and employment: the increase in the value of the home will positively affect the neighboring buildings as well as increased tax revenue for the city.

On the basis of the above statements of fact and findings, **the Salem Board of Appeals voted four (4) in favor (Nina Vyedin (Chair), Carly McClain, Ellen Simpson, and**

Hannah Osthoff)) and none (0) opposed to grant STEVE ARIAS a Special Permit per Section *3.3.5 Nonconforming Single- and Two-Family Structures* of the Salem Zoning Ordinance to expand the living area of their home to create a primary bedroom suite, 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. 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.
9. Petitioner shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
10. Unless this decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty percent (50%) of its replacement cost at the time of destruction. If the structure is demolished by any means to an extent of more than fifty percent (50%) of its replacement cost or more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.
11. All construction shall be done per the plans and dimensions submitted to and approved by this board. Any modification to the plans and dimensions must be approved by the Board of Appeals unless such changes are deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.
12. Petitioner shall schedule Assessing Department inspections of the property, at least annually, prior to project completion and a final inspection upon project completion.

Nina Vyedin, 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.