



DOMINICK PANGALLO
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TEL: 978-619-5685

April 30, 2024

Decision

City of Salem Board of Appeals

The petition of MANDEE SPITTLE at 8 WOODBURY COURT (Map 36, Lot 005) (R2 Zoning District) for a Special Permit per Section *3.3.5 Nonconforming Single- and Two-family Structures* of the Salem Zoning Ordinance to demolish an existing deck and to construct a new 5.5' x 7.5' one-story addition with a deck that measures 9' x 15.5'. The proposed addition will be two (2) feet from the rear yard setback. In the R2, thirty (30) feet for the rear yard setback is required.

A public hearing on the above petition was opened on April 17th, 2024, and was closed on April 17, 2024.

On April 17th, 2024, the following members of the Salem Board of Appeals were present: Nina Vyedin (Chair), Carly McClain, Hannah Osthoff, Stephen Larrick and Ellen Simpson

Statements of Fact:

The petition is date stamped February 29, 2024. The Petitioner seeks the Board of Appeals approval to demolish an existing deck and then construct a one-story addition with a new larger deck.

1. 8 Woodbury Court is owned by Mande Spittle.
2. The Petitioner was Helen F. Sides on behalf of Jeremy and Mande Spittle.
3. 8 Woodbury Court is in the R2 Zoning District (Map 36, Lot 005).
4. Board member Paul Viccica recused himself from participating in the petition.
5. On April 17th, 2024, Mande and Jeremy Spittle presented the requested relief to the board.
6. The Petitioner requests to extend their mudroom over the existing porch and to remove and replace the stairs for the back porch.
7. The current stairs from the deck exit into the backyard. These stairs will be removed. The intent is to expand the mudroom to make the proposed addition the main entrance to the home.
8. There will be an increase in the width of the new stairs. There will be new handrails for the proposed stairs. These changes are to accommodate the Petitioner's child, who has special needs.

9. Chair Vyedin inquired about the easement at the rear of the property shown on the survey. The Petitioner stated there was an addition on the home before the Spittles had purchased it, addition extends into Gonyea Park's property.
10. Mr. Spittle said there was a home rule petition supported by the City Council and sent to the state legislature to grant the easement into Gonyea Park. Mr. Spittle stated the easement was granted on September 10, 2001.
11. The proposed deck and addition will meet the required ten (10) feet side yard setback. The proposed deck will not increase any nonconformity of the rear setback at two (2) feet, where thirty (30) feet is required.
12. There were no further questions from the board.
13. There were no public comments.
14. Chair Vyedin reviewed the submitted 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 this ordinance, the determination includes consideration of each of the following:

1. Social, economic, or community needs are served by this proposal: there will be no effect on the social, economic or community needs by this proposal.
2. Traffic flow and safety, including parking and loading: there will be no effect on traffic flow and safety or parking by this proposal.
3. Adequate utilities and other public services already service the structure: there will be no change with utilities at the site with this project.
4. Impacts on the natural environment, including drainage: there will be no impact on the natural environment.
5. Neighborhood character: the project is in keeping with the neighborhood character.

Potential fiscal impact, including impact on City tax base and employment: There will be no impact on the city tax base with this project. On the basis of the above statements of

fact and findings, **the Salem Board of Appeals voted five (5) in favor (Nina Vyedin (Chair), Carly McClain, Stephen Larrick, Ellen Simpson, Hannah Osthoff)) and none (0) opposed** to grant MANDEE SPITTLE a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-family Structures* of the Salem Zoning Ordinance to demolish an existing deck and then to construct a new 5.5' x 7.5' one-story addition with a deck that measures 9' x 15.5', 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 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.
8. 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.
9. 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.
10. 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.