



DOMINICK PANGALLO
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

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

August 21, 2023

Decision

City of Salem Board of Appeals

The petition of CAMERON SCHUH at 6 UPHAM STREET (Map 27, Lot 331) (R2 Zoning District) for a Special Permit per Section *3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to replace the second story (2nd) emergency-exit staircase. The current landing is 5'x8' and the proposed replacement landing would be 10'x15'.

A public hearing on the above petition was opened on August 16, 2023 and was closed on August 16, 2023.

On August 16, 2023, the following members of the Salem Board of Appeals were present: Peter Copelas (Chair), Carly McClain, Paul Viccica, Rosa Ordaz and Hannah Osthoff.

Statements of Fact:

The petition is date stamped July 26, 2023. The petitioner proposes to replace the second story (2nd) emergency-exit staircase and create a new landing.

1. 6 Upham Street is owned by David and Kathryn Schuh.
2. The petitioner was Cameron Schuh.
3. 6 Upham Street is located in the R2 zoning district. (Map 27, Lot 331).
4. On August 16, 2023, Cameron Schuh presented the plans to the board.
5. The petitioner lives in a two-family home. They live on the second floor and rent out the first floor.
6. Mr. Schuh stated that they are looking to replace the degrading staircase that they use as the main entrance to their home.
7. Mr. Schuh stated that the stairs were not built to proper building codes and would like to construct a larger, safer staircase that is built to proper safety standards and building codes.
8. Mr. Schuh reviewed the site plans to the board. Mr. Schuh explained that he plans on expanding the width of the deck to be flush with the side of the house. This would extend the deck width by approximately four feet.

9. The proposal would also allow for the steps to extend further out into the back yard at approximately fifteen feet.
10. Chair Copelas opened the meeting to questions from the board.
11. There were none.
12. Chair Copelas opened the meeting up to public comment.
13. There were none.
14. Chair Copelas reviewed the criteria for a special permit.
15. Hannah Ostoff made a motion to approve the petition.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Peter A. Copelas(Chair), Nina Vyden, Carlie McClain, Rosa Ordaz, Hannah Osthoff and Paul Viccica and none (0) opposed to CAMERON SCHUH at 6 UPHAM STREET a Special Permit per Section *3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to replace the second story (2nd) emergency-exit staircase. The current landing is 5'x8' and the proposed replacement landing would be 10'x15'.

Receiving five (5) in favor votes, the petition for a Special Permit is GRANTED.

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. 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.
8. 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.

9. Petitioner shall schedule Assessing Department inspections of the property, at least annually, prior to project completion and a final inspection upon project completion.

Peter A. Copelas/ 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.