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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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November 4, 2022

Decision

City of Salem Board of Appeals

The petition of SCOTT CHARLTON at 11 Orleans Avenue (Map 8, Lot 36) (R1, B2 Zoning Districts), for a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a 16' x 18' one story addition. In the R1 Zoning district the side setback is 10'. The project will be within that setback at 7'7".

A public hearing on the above petition was opened on October 19, 2022 and was closed on October 19, 2022.

On October 19, 2022, the following members of the Salem Board of Appeals were present: Rosa Ordaz, Mike Duffy (Chair), Paul Viccica, Peter Copelas and Steven Smalley.

Statements of Fact:

The petition is date stamped September 12, 2022. The petitioner seeks a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a 16' x 18' one story addition.

1. 11 Orleans Avenue is owned by Scott Charlton
2. The petitioner was Scott Charlton.
3. 11 Orleans Avenue is located in the R1 and B2 zoning districts. (Map 8, Lot 36).
4. The requested relief, if granted, would allow the Petitioner to a construct a one-story addition that measures 16' x 18'.
5. On October 19, 2022, Scott Charlton presented to the board. Mr. Charlton explained to the board that the addition will be inline with the house as shown on the plot plan. He explained that the addition will be where the existing deck is and will cause the deck to be much smaller when the addition is complete. The addition will be inline with the existing house.

6. The proposed will diminish the non-conformity of the structure by a few feet.
7. Peter Copelas inquired with Tom St. Pierre, Building Commissioner, regarding the minimal amount of side setback on the property. He wanted to know why a petitioner would need to see the board if the relief was less than what is currently there.
8. Tom St. Pierre responded that there are several criteria to meet when asking to construct an addition. If the petitioner doesn't meet that criteria they are required to apply for a special permit under section 3.3.5 of the Salem Zoning Ordinance. This petition did not meet the criteria which is why they needed to come in front of the board for a special permit.
9. Chair Duffy went over the criteria for a special permit.
10. Paul Viccica made a motion to approve the petition.
11. The October 19, 2022 meeting of the Board of Appeals was held remotely, via the online platform Zoom in accordance with Chapter 107 of the Acts of 2022.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Steven Smalley, Mike Duffy(Chair), Rosa Ordaz, Peter Copelas and Paul Viccica and none (0) opposed to grant SCOTT CHARLTON a Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a 16' x 18' one story addition.

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. 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. 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.

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.

