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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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August 8, 2022

Decision

City of Salem Board of Appeals

The petition of LORJAN KARAGJOZI at 22 PROCTOR STREET (Map 15, Lot 345) (R2 Zoning District), to modify an existing condition of a Special Permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to change from the existing nonconforming three (3) family use requiring owner occupancy to a nonconforming three (3) family use without owner occupancy.

A public hearing on the above petition was opened on July 27, 2022 and was closed on July 27, 2022

On July 27, 2022, the following members of the Salem Board of Appeals were present: Carly McClain, Mike Duffy(Chair), Paul Viccica, Peter Copelas and Steven Smalley.

Statements of Fact:

The petition is date stamped May 19, 2022. The petitioner seeks a Special Permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to change from the existing nonconforming three (3) family use requiring owner occupancy to a nonconforming three (3) family use without owner occupancy.

1. 22 Proctor Street is owned by Lojan Kargjozi..
2. The petitioner was Lojan Kargjozi.
3. The petitioner was represented by attorney Bill Quinn.
4. 22 Proctor Street is located in the R2 zoning district. (Map 15, Lot 345).
5. The requested relief, if granted, would allow the Petitioner to change from the existing nonconforming three (3) family use requiring owner occupancy to a nonconforming three (3) family use without owner occupancy.
6. On July 27, 2022, Bill Quinn, Attorney, presented to the board.
7. Attorney Quinn stated that in 1986 a special permit was granted approving the property to become a three (3) family dwelling. It has been a three (3) family since the granting of the approval.

8. When the petitioner purchased the property this year, they saw that there was a requirement that the landlord must reside on the property, otherwise the property would revert to a two (2) family dwelling.
9. Attorney Quinn's client wanted to keep with the requirements and sought out council to rectify the on-premises landlord requirement.
10. One of the impacts of requiring the on-premises landlord is one of the current tenants would be faced with eviction and would need to find suitable housing which they currently have.
11. Attorney Quinn went through the criteria for a special permit.
12. Chair Duffy opened the meeting up to comments from members of the board.
13. Peter Copelas stated that there are many homes in Salem that are not owner occupied and that they exist in harmony with their neighbors. He felt that this condition was incredibly difficult for the City to enforce. Mr. Copelas felt that the new owner coming forward to rectify this in front of the board to legitimize the use for the building was quite reasonable.
14. Chair Duffy opened the meeting up to public comment.
15. There were none.
16. Paul Viccica made a motion to approve the petition.
17. The July 27, 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 four (5) in favor (Steven Smalley, Mike Duffy(Chair), Carly McClain, Paul Viccica and Peter Copelas) and none (0) opposed to LORJAN KARAGJOZI to modify an existing condition of a Special Permit per Section 3.3.2 *Nonconforming Uses* of the Salem Zoning Ordinance to change from the existing nonconforming three (3) family use requiring owner occupancy to a nonconforming three (3) family use without owner occupancy.

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 requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
3. A Certificate of Occupancy is to be obtained.
4. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
5. 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.

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.

