



KIMBERLEY DRISCOLL
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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK
SALEM, MASS

April 28, 2020

Decision

City of Salem Board of Appeals

Petition of SCOTT & HEATHER MURRAY for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand a nonconforming single-family home by adding a rear first and second story addition within the required side yard setback at 15 HIGHLAND STREET (Map 17, Lot 152) (R1 Zoning District).

A public hearing on the above Petition was opened on April 1, 2020 pursuant to M.G.L. Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Peter A. Copelas, Mike Duffy (Chair), Carly McClain, Rosa Ordaz, Steven Smalley, and Paul Viccica. Board member Jimmy Tsitsinos was absent.

The petitioner seeks a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand a nonconforming single-family home by adding a rear first and second story addition within the required side yard setback.

Statements of Fact:

1. In the petition date-stamped February 27, 2020, the petitioner requested a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand a nonconforming single-family home by adding a rear first and second story addition within the required side yard setback at 15 Highland Street.
2. 15 Highland Street is owned by Scott and Heather Murray.
3. 15 Highland Street is a single-family home in the Residential One-Family (R1) zoning district. The one-family residential use is allowed in the R1 district.
4. The property is currently nonconforming to minimum lot area, minimum lot area per dwelling unit, minimum depth of front yard, and minimum depth of side yard (one side – the south side of the property, or the right side if looking from Highland Street).
5. The proposal is to construct a rear first and second story addition.
6. Per the Petition Form submitted to the Board, on the first floor, this will be a “7’8”x4’ addition... to enlarge the existing ½ bath”; the second-floor addition would include a “master bath on top of the existing ½ bath and proposed 7’8”x4’ addition.”
7. This action would be on the side of the building that currently infringes on the side yard setback and would be within the required 10’ side yard setback.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Paul Viccica, Peter A. Copelas, Rosa Ordaz, Steven Smalley, and Mike Duffy (Chair)) and none (0) opposed to grant the requested Special Permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to expand a nonconforming single-family home by adding a rear first and second story addition within the required side yard setback at **15 Highland Street**, 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. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. All construction shall be done per the plans and dimensions submitted to and approved by this Board. No change, extension, material corrections, additions, substitutions, alterations, and/or modification to an approval by this Board shall be permitted without the approval of this Board, unless such change has been deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.

Mike Duffy / BTC

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.