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CITY CLERK
SALEM, MASS

2022 JAN 18 AM 10:19

December 20, 2021

Decision

City of Salem Board of Appeals

The petition of STEVEN FELDMANN at 22 ORNE STREET (Map 27, Lot 351) (R2 Zoning District), for a special permit from provisions of Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a 12' x 14' screened in porch that is not in compliance with the setbacks of 30' of the principal dwelling unit.

A public hearing on the above Petition was opened on December 15, 2021. The public hearing was also closed on December 15, 2021.

On December 15, 2021, the following members of the Salem Board of Appeals were present: Peter Copelas, Mike Duffy (chair), Rosa Ordaz and Steven Smalley

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 12' x 14' screened in porch that is not in compliance with the setbacks of 30' of the principal dwelling unit.

Statements of Fact:

The petition is date stamped September 16, 2021. The petitioner has requested a special permit per Section 3.3.5 *Nonconforming Uses* of the Salem Zoning to construct a 12' x 14' screened in porch that is not in compliance with the setbacks of 30' of the principal dwelling unit.

1. 22 Orne Street is owned by the Petitioner, Steven Feldmann.
2. 22 Orne Street is located in the R2 zoning district. (Map 27, Lot 351)
3. The requested relief, if granted, would allow the Petitioner to construct a porch that is not in compliance with the thirty (30) feet of required setbacks.
4. On December 15, 2021, Steven Feldmann presented the Petition for 22 Orne Street to the Board.
5. 22 Orne Street is currently used a single-family unit. 22 Orne Street is already a non-conforming structure in the R2 zoning district that does not meet the required rear setbacks of thirty (30) feet. The relief would allow for 23.6 feet of the rear setback. The required side yard setback is ten (10) feet and the relief the petitioner is asking for is twenty four point eight (24.8) feet.

6. The petitioner would like to build the porch over the current brick patio and then once the deck is built, screen it in.
7. Peter Copelas referenced the photograph that was a rendering of the porch and verified with the petitioner that the dimensions are equivalent to the plans since it was a rendering of the porch which includes the pitched roof.
8. There were no (0) members of the public that made a comment.
9. Chair Duffy addressed the statement of grounds from the petitioner and how the construction is a modest and simple structure with minimal impacts on the neighborhood.
10. Due to the ongoing COVID-19 pandemic and related precautions and Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the December 15, 2021 meeting of the Board of Appeals was held remotely, via the online platform Zoom.

Special Permit Findings:

The Board finds that the proposed modifications will not be substantially more detrimental than the existing nonconforming use to the neighborhood and that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City and the neighborhood:

1. Social, economic, or community needs were served by adding additional housing and parking.
2. Traffic flow and safety, including parking and loading: there will no impact on traffic or parking.
3. Adequate utilities and other public services: The petition will not impact utilities or public services.
4. Impacts on the natural environment, including drainage: No negative impact would be expected.
5. Neighborhood character: The project will be in keeping with and improving the residential neighborhood character.
6. Potential fiscal impact, including impact on City tax base and employment. There will not be any fiscal impact on the city or its tax base.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (4) in favor (Steven Smalley, Peter Copelas, Rosa Ordaz and Mike Duffy (chair)) and none (0) opposed to grant STEVEN FELDMANN a special permit from Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to construct a 12' x 14' screened in porch that is not in compliance with the setbacks of 30' of the principal dwelling unit.

Receiving four (4) in favor votes, the petition for a special permit is approved.

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 shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
9. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
10. 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.