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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK
SALEM, MASS

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Decision

City of Salem Board of Appeals

Petition of NORTH VENTURES, INC. for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to alter and enlarge the nonconforming two-family home at 4 WOODSIDE STREET (Map 17, Lot 204) (R2 Zoning District) by adding a second story.

A public hearing on the above Petition was opened on February 19, 2020 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Peter Copelas, Rosa Ordaz, Jimmy Tsitsinos, and Paul Viccica. Board members Mike Duffy (Chair) and Carly McClain were absent. Peter Copelas served as Acting Chair.

The petitioner seeks a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to alter and enlarge a nonconforming two-family home.

Statements of Fact:

1. In the petition date-stamped January 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 alter and enlarge the nonconforming two-family home at 4 Woodside Street by adding a second story.
2. The petition was submitted by Attorney William Quinn representing the petitioner.
3. 4 Woodside Street is owned by petitioner North Ventures, Inc.
4. 4 Woodside Street is currently used as a two-family home. This is an allowed use in the R2 zoning district.
5. The property is nonconforming to dimensional requirements including minimum lot area, minimum lot area per dwelling unit, minimum rear yard setback, and minimum side yard setback (on the southwestern side, which is the right-hand side when looking at the house from Woodside Street).
6. The proposal is to slightly expand the first floor of the property by bringing it closer to the other side lot line (the northeastern side, on the left-hand side of the house) and to add a second story with an overhang on this side. This will not create a new side-yard nonconformity on the northeastern side. The overhang will be above what appear to be two main entrances.
7. There are four 9' x 19' parking spaces on site, meeting the requirement of three off-street parking spaces for two residential units (1.5 spaces per unit).
8. Per the Statement of Grounds submitted with the petition, no dwelling units are being added. The second story "will allow the enlargement of the existing 1-bed room dwelling units into 2-bdroom [*sic*] units."

9. The requested relief, if granted, would allow the petitioner to alter and enlarge the nonconforming two-family home at 4 Woodside Street by adding a second story.
10. At the February 19, 2020 meeting of the Board of Appeals, Attorney William Quinn discussed the petition. He explained that this is a small single-story building with two adjacent first floor apartments. He noted that by adding a second story, each of the two units will go from one to two bedrooms, making the property more available for family housing. He spoke to the special permit criteria, noting that this will be good, up-to-code family housing meeting a community need for housing; existing utilities are adequate; the roof surface will be about the same as existing, so no negative drainage impact is anticipated; the four off-street parking spaces are more than adequate for two units; and the building has been designed to fit in with wood-frame 2.5- and 3-story structures nearby.
11. At the February 19, 2020 public hearing, Peter Copelas noted that the building is undersized compared to the buildings on either side. Mr. Copelas asked about application requirements for streetscape renderings and stated that the Board did not have a sense of how the proposal fits into the streetscape. Mr. Corriston explained that the requirement is when an application is seeking relief for height. Attorney Quinn stated that the building is only going to be about 24 or 25 feet high. He stated that he took some pictures if the Board wishes to see them. Paul Viccica asked about parking as the four cars appear to drive over the curb to be parked side-by-side. He wondered if the cars might be parked [or arranged] differently.
12. At the February 19, 2020 public hearing, one (1) member of the public, the owner of the building next door, stated that what they propose to do is fine with them, but he asked about trees growing over from 4 Woodside Street onto 6 Woodside Street. Attorney Quinn stated that he believes his client has agreed to work with neighbors and remove trees that are a nuisance as they request. Peter Copelas noted that to the extent that trees are going over property lines, there are laws that you need to comply with. No (0) members of the public spoke in opposition to the petition.
13. At the February 19, 2020 public hearing, Peter Copelas noted that the special permit criteria are discussed in the petition; he accepted those findings.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Special Permit Findings:


The Board finds that the proposed nonconforming structure is not substantially more detrimental than the existing nonconforming structure to the neighborhood.

1. Social, economic, or community needs served by the proposal: The need for improved, code compliant family housing is served by this proposal.
2. Traffic flow and safety, including parking and loading are unaffected: there will be no additional dwelling units; there are more than the legally required number of parking spaces.
3. Adequate utilities and other public services already service the property.
4. Impacts on the natural environment, including drainage: No impact is anticipated.
5. Neighborhood character: The proposed addition is designed to be consistent with and complementary to the size, materials and design of other residences in the neighborhood. No negative impact to neighborhood character is anticipated.
6. Potential fiscal impact, including impact on City tax base and employment: The proposal will increase the assessed value of the property, positively impacting the City tax base.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted four (4) in favor (Paul Viccica, Jimmy Tsitsinos, Rosa Ordaz, and Peter Copelas (Acting 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 alter and enlarge the nonconforming two-family home at **4 Woodside Street** by adding a second story, 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.



Peter Copelas, Acting 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.