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CITY CLERK
SALEM MASS

December 2, 2020

Decision

City of Salem Board of Appeals

Petition of KRESHNIK RAMI for a variance per Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from minimum depth of rear yard to build a 20' by 40' storage garage within the required rear yard setback at 53 CANAL STREET (Map 34, Lot 87) (B4 and ECOD Zoning Districts).

A public hearing on the above Petition was opened on November 18, 2020 pursuant to M.G.L. Ch. 40A, § 11 and closed on that date with the following Zoning Board of Appeals members present: Peter A. Copelas, Mike Duffy (Chair), Rosa Ordaz, Jimmy Tsitsinos, Paul Viccica, Carly McClain (Alternate), and Steven Smalley (Alternate).

The petitioner seeks a variance per Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from minimum depth of rear yard to build a 20' by 40' storage garage within the required rear yard setback at 53 Canal Street.

Statements of Fact:

1. In the petition date-stamped September 28, 2020, the petitioner requested a variance per Section 4.1.1 *Table of Dimensional Requirements* of the Salem Zoning Ordinance from minimum depth of rear yard to "build a 20' by 40' storage garage" within the required rear yard setback at 53 Canal Street.
2. 53 Canal Street is owned by petitioner Kreshnik Rami and by Elona Rami. Owner and petitioner Kreshnik Rami represented himself at the public hearing.
3. 53 Canal Street is a property located in the Business Wholesale and Automotive (B4) zoning district and Entrance Corridor Overlay District (ECOD), with a portion in the Residential Two-Family (R2) zoning district.
4. The proposal is to construct a 20' by 40' storage garage. The proposed garage would be located 5 feet from the rear lot line. The required depth of rear yard in the B4 district is 25 feet; it is 30 feet in the R2 district.
5. Because of its size, the proposed garage is not considered an accessory structure.
6. The request is for a variance from the minimum depth of rear yard requirement.
7. 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 November 18, 2020 meeting of the Board of Appeals was held remotely, via the online platform Zoom.

8. At the October 21, 2020 public hearing, petitioner Kreshnik Rami discussed the proposal. Chair Duffy asked if the petitioner could move the structure forward, closer to Canal Street, and eliminate the need for any relief. Mr. Rami noted that this would require losing some parking and expressed concern about trash accumulating in the space that would be created behind the structure.
9. At the October 21, 2020 public hearing, the Board and Zoning Board of Appeals Staff Planner Brennan Corrison, discussed that a portion of the property is located in the R2 district. Mr. Corrison noted that the zoning requirements for R2 zoning district and B4 overlay district differ. Chair Duffy noted it was important to understand what zoning applies. Building Commissioner Tom St. Pierre recommended that the Board continue the petition so the petitioner could explore all options, including moving the proposed structure forward in a way that would not require relief from the Board.
10. At the October 21, 2020 public hearing, no (0) members of the public spoke in favor of the petition, and no (0) members of the public spoke in opposition.
11. At the October 21, 2020 public hearing, the Board voted five (5) in favor (Steven Smalley (Alternate), Paul Viccica, Jimmy Tsitsinos, Mike Duffy (Chair), and Peter Copelas) and none (0) opposed to continue the petition to the next regularly scheduled meeting of the Zoning Board of Appeals on November 18, 2020.
12. For the same reasons as noted in statement #7 above, the November 18, 2020 meeting of the Board of Appeals was held remotely, via the online platform Zoom.
13. At the November 18, 2020 public hearing, petitioner Kreshnik Rami discussed his intention to change his project so it no longer requires relief from the Zoning Board of Appeals. Mr. Rami requested to withdraw without prejudice.

On the basis of the above statements of fact, the Salem Board of Appeals voted five (5) in favor (Paul Viccica, Steven Smalley (Alternate), Peter Copelas, Jimmy Tsitsinos, and Mike Duffy (Chair)) and none (0) opposed to allow the applicant to withdraw the petition without prejudice.

This application is withdrawn without prejudice.



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.