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CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

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CITY CLERK
SALEM, MASS

October 30, 2019

Decision

City of Salem Board of Appeals

Petition of RICHARD WILCOCK for a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to add a third floor addition of approximately 572 square feet to the rear of the existing two-story, single-family home at 12 BUFFUM STREET (Map 26, Lot 366) (R2 Zoning District).

A public hearing on the above Petition was opened on October 16, 2019 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), Jimmi Heiserman, Jimmy Tsitsinos, and Paul Viccica.

The petitioner seeks a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance.

Statements of Fact:

1. In the petition date-stamped September 16, 2019, the petitioner requested a special permit per Section 3.3.5 *Nonconforming Single- and Two-Family Residential Structures* of the Salem Zoning Ordinance to add a third floor addition of approximately 572 square feet to the rear portion of the existing two-story, single-family home at 12 Buffum Street.
2. The property is a single-family home in the Residential Two-Family (R2) zoning district.
3. With the existing structure, the property is nonconforming to front and side yard setbacks as well as minimum lot area and minimum lot area per dwelling unit.
4. The proposal is to add a third floor addition of approximately 572 square feet to the rear of the home. This will bring the height of the building from 2.5 stories to 3 stories. The maximum height allowed in the R2 zoning district is 35 feet and 2.5 stories. The height will be less than 35 feet but will exceed the maximum height (stories) requirement. No other new nonconformities would be created. The footprint of the property will not change under this proposal.
5. The requested relief, if granted, would allow the petitioner to add a third floor addition of approximately 572 square feet to the rear portion of the existing two-story, single-family home.
6. At the October 16, 2019 public hearing, architect Tom Mayo, representing petitioner Richard Wilcock, presented the petition. Mr. Mayo explained that the reason for the addition is to provide bedrooms for Mr. Wilcock's children. Mr. Mayo presented the plans and provided context by showing photos of nearby buildings.
7. Mr. Wilcock submitted a petition signed by 36 neighbors in support of the petition.
8. At the October 16, 2019 public hearing, one (1) member of the public spoke in favor of the petition and no (0) members of the public spoke in opposition to the petition.

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, and the Petitioner's presentation and public testimony, makes the following **findings**:

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 and community needs are served by the proposal.
2. There will be no impact on traffic flow and safety, including parking and loading.
3. Adequacy of utilities and other public services: Adequate utilities and public services service the property.
4. Impacts on the natural environment, including drainage: There are no changes proposed to the footprint, so no changes in impacts on the natural environment, including drainage, are anticipated.
5. Neighborhood character: The design is consistent with other buildings in the neighborhood. There is no exterior change; there will be no change in impact on neighborhood character. The petition submitted indicates that neighbors are in support of the petition.
6. Potential fiscal impact, including impact on City tax base and employment: There will be a positive impact on the City tax base.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Jimmy Tsitsinos, Jimmi Heiserman, Peter Copelas, Mike Duffy (Chair), and Paul Viccica) 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 add a third floor addition of approximately 572 square feet to the rear of the existing two-story, single-family home at **12 Buffum 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 Inspection 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 /BJC

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.