



DOMINICK PANGALLO
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TEL: 978-619-5685

October 5, 2023

Decision

City of Salem Board of Appeals

The petition of FARRANDIA, LLC at 124 BOSTON STREET (Map 16, Lot 157) (B2 Zoning District) for a Special Permits per Section *3.3.2 Nonconforming Uses* of the Salem Zoning Ordinance to change the existing nonconforming use as a 1-family dwelling above the existing first floor retail, personal service or office use to another nonconforming use to have two dwelling units above the first-floor retail, personal service or office space. Also, Section *3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to extend, alter, and change the existing nonconforming structure. In addition, variances from Section *4.1.1 Dimensional Requirements* for maximum lot coverage for all buildings. Also, *4.1.1 Dimensional Requirements* for minimum side yard setback and Section *5.1.5.6 Design* to use existing driveway of about 11.5 feet in width which is slightly less than the 12' width required for driveway which is primarily used to provide for overnight parking.

A public hearing on the above petition was opened on September 20th, 2023 and was closed on September 20, 2023.

On September 20, 2023, the following members of the Salem Board of Appeals were present: Rosa Ordaz, Peter A. Copelas (Chair), Paul Viccica, Hannah Osthoff, Carly McClain and Nina Vyden.

Statements of Fact:

The petition is date stamped August 30th, 2023. The petitioner requests to change the existing nonconforming use as a one-family to another nonconforming use to have two dwelling units above the first-floor retail, personal service or office space.

1. 124 Boston Street is owned by Farrandia, LLC.
2. The petitioner was Farrandia, LLC.
3. The representative was Attorney Bill Quinn
4. 124 Boston Street is located in the B2 zoning district. (Map 16, Lot 157).
5. On September 20th, 2023 Bill Quinn presented the plans to the board.

6. 124 Boston Street was constructed one hundred or more years ago. It is located within the mixed-use character of the area. There are multiple residential dwellings about the same size and design of this home.
7. Attorney Quinn stated his client purchased the home for the express purpose of investing in Salem.
8. The Salem Zoning Ordinance does not allow for residential units in the B2 district above retail or office space. However, there are many homes that have been grandfathered like this located already along Boston Street.
9. Attorney Quinn stated that his client intends to put his real estate company on the first floor and use it for his business.
10. Attorney Quinn stated that his client would like to renovate the third floor, which is an existing floor with two bedrooms and has quite a bit of space to add for a second residential dwelling.
11. Attorney Quinn stated that his client lacks one means of egress from the third floor, so renovations are going to be done to provide egress in and out of the third-floor apartment. This would be in the form of an exterior wood frame stairway that has been designed to go on the back of the building to serve the third floor.
12. There will be no exterior work other than the addition of the external staircase being used for the egress for the third floor.
13. Attorney Quinn stated that there is plenty of adequate legal parking. There is an existing garage on the property with two legal parking spaces, and within the site plan the design shows the setbacks of the stairway and on off street parking for three legally sized cars, which shows there is plenty of room.
14. Attorney Quinn stated that the abutting property has a retaining wall right next to the petitioner's driveway. This does not allow them to widen the driveway which is the request for the driveway width variance.
15. Chair Copelas inquired about the existing layout on the third floor.
16. The applicant stated that there is a kitchen and a bathroom and two bedrooms and a living room on the third floor. They purchased the building on July 26, 2023. There is no one living in the building currently. It is vacant on both the second and third floors.
17. The applicant stated that there are also kitchens on both the second and third floor.
18. Chair Copleas asked the petitioner if he could clarify about what are the elements of the building that they plan on changing. The applicant responded by saying the only piece they are changing is adding the stairwell that will act as the egress for the third floor and the window that they will be changing into a doorway for access to the new stairs.
19. Chair Copelas asked if the interior staircase goes from the third floor down into the second-floor apartment. The petitioner responded that it does not. It goes into the back hallway only.
20. Paul Viccia inquired if all five provided parking spaces will be dedicated to housing or will some of them be used for business customers.

21. The applicant stated that the spaces are for the rental uses and parking for the business will be on the street, similar to what other businesses are currently doing for their parking on Boston Street.
22. Chair Copelas opened the meeting to comments from the public. There were none.
23. Attorney Quinn reviewed the criteria for special permits and the for the variances.
24. Carly McClain made a motion to approve the petition.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Peter A. Copelas(Chair), Rosa Ordaz, Nina Vyden, Carly McClain and Paul Viccica and none (0) opposed to grant FARRANDIA, LLC a special Permit per Section *3.3.2 Nonconforming Uses* of the Salem Zoning Ordinance to change the existing nonconforming use as a 1-family dwelling above the existing first floor retail, personal service or office use to another nonconforming use to have two dwelling units above the first-floor retail, personal service or office space. A special permit per Section *3.3.3 Nonconforming Structures* of the Salem Zoning Ordinance to extend, alter, and change the existing nonconforming structure. Also, variances from Section *4.1.1 Dimensional Requirements* for maximum lot coverage for all buildings. And a variance from Section *5.1.5.6 Design* to use existing driveway of about 11.5 feet in width which is slightly less than the 12' width required for driveway which is primarily used to provide for overnight parking.

**Receiving five (5) in favor votes, the petition for Special Permits is GRANTED.
Receiving five (5) in favor votes, the petition for Variances is GRANTED.**

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 is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
9. Unless this Decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty percent (50%) of its replacement cost at the time of destruction. If the structure is demolished by any means to an extent of more than fifty percent (50%) of its replacement cost or more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.
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.
11. Petitioner shall schedule Assessing Department inspections of the property, at least annually, prior to project completion and a final inspection upon project completion.

Peter A. Copelas/ 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.

