



DOMINICK PANGALLO  
MAYOR

# CITY OF SALEM, MASSACHUSETTS

## BOARD OF APPEALS

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970  
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**February 5, 2024**

### **Decision**

### **City of Salem Board of Appeals**

The petition of ED BURGE at 29 LINDEN STREET (Map 33, Lot 362) (R2 Zoning District) for a Special Permit per Section *3.3.5 Nonconforming Single- and Two-family Structures* to construct a 14'x 13'-10" second-story addition with two landings and stairs to the current structure. Relief is for side yard setback, 10 feet is required, and 9 feet is sought. Petitioner has 37.3 % lot coverage and an increase to 39.8% lot coverage is sought.

A public hearing on the above petition was opened on February 14, 2024, and was closed on February 14, 2024.

On February 14, 2024, the following members of the Salem Board of Appeals were present: Nina Vyedin (Chair), Paul Viccica, Hannah Osthoff and Ellen Simpson.

### **Statements of Fact:**

The petition is date stamped December 20, 2023. The petitioner requests to construct a second-story addition with two landings and stairs connected to the current structure.

1. 29 Linden Street is owned by Edward Burge, Jr.
2. The petitioner was Edward Burge Jr.
3. 29 Linden Street is located in the R2 Zoning District (Map 33, Lot 362).
4. On February 14, 2024, Edward Burge Jr. presented the requested relief to the board.
5. Mr. Burge stated that this project's inception was back in 2008 and that life circumstances prevented him from moving forward with the petition. He was returning to the Board of Appeals to seek the appropriate relief now that he was able to move forward with the petition.
6. Mr. Burge said that on the second floor of the residence, they propose to build a small room off the kitchen so they can have more space for entertaining there.
7. Mr. Burge stated that the home needs a new back entry, landing, and stairs. He would also like to put in a bay window that will face the backyard.
8. Mr. Burge led the board through existing conditions photos. The photos showed that the rear stairs needed extensive repair.

9. Mr. Burge stated that the home at 29 Linden Street was converted to a two-family in 1964.
10. Hannah Osthoff inquired if Mr. Burge had asked his downstairs neighbors about the proposed addition and stairs. Mr. Burge stated that he owned the home and the downstairs neighbors were his tenants.
11. Nina Vyedin asked if the new stairs would impede the driveway at all. Mr. Burge stated that the proposed stairs would not impede the driveway.
12. The board had no further questions.
13. Nina Vyedin opened the meeting up to public comment.
14. Jeff Cohen, 12 Hancock Street, Ward 5 Councilor, stated he was happy to know Mr. Burge was able to finally move forward with this project. Mr. Cohen was in support of this project.
15. Mr. Burge went through the Special Permit criteria.
16. Hannah Osthoff made a motion to approve the petition.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearings, 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 adverse effects of the proposed use will not outweigh its beneficial impacts to the city or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination includes consideration of each of the following:

1. Social, economic, or community needs are served by this proposal. The proposal meets the community needs by improving the home and safety of the tenants and residents.
2. Traffic flow and safety, including parking and loading: The applicant has legal and adequate parking.
3. Adequate utilities and other public services already service the structure. There is no change to the utilities with this structure.
4. Impacts on the natural environment, including drainage: There will be no impact on the natural environment.
5. Neighborhood character: The project is in keeping with the neighborhood character.

6. Potential fiscal impact, including impact on City tax base and employment: With the addition of the 196 square feet of space, a positive change to the tax base is expected.

On the basis of the above statements of fact and findings, **the Salem Board of Appeals voted four (4) in favor (Nina Vyedin (Chair), Paul Viccica, Ellen Simpson, Hannah Osthoff)) and none (0) opposed** to grant Ed Burge Jr. at 29 LINDEN STREET a Special Permit per Section *3.3.5 Nonconforming Single- and two-family Residential Structures* to construct a second-story addition with two landings and stairs connected to the current structure.

### **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. The Petitioner is to obtain approval from any city board or commission having jurisdiction including, but not limited to, the Planning Board.
9. The 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.
10. 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.
11. 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.

12. The Petitioner shall schedule Assessing Department inspections of the property, at least annually, prior to project completion and a final inspection upon project completion.

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Nina Vyedin, 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.