

ZONING BOARD OF APPEAL
PETITION FORM



CITY OF SALEM, MASSACHUSETTS
ZONING BOARD OF APPEAL
120 WASHINGTON STREET, 3RD FLOOR
SALEM, MASSACHUSETTS 01970

Amy Lash, Staff Planner Thomas St. Pierre, Building Inspector
t. 978-619-5685/f. 978-740-0404 t. 978-619-5641/f. 978-740-9846

TO THE BOARD OF APPEAL:

The Undersigned represent that he/she is/are the owners of a certain parcel of land located at:

Address: 162 Federal Street Zoning District: R-2

An application is being submitted to the Board of Appeal for the following reason(s): *This statement must describe what you propose to build, the dimensions, the zone property is in, and the zoning requirements. Example: I am proposing to construct a 10' x 10' one story addition to my home located at 3 Salem Lane, in the R-2 Zoning District. The Zoning Ordinance requires the minimum depth of the rear yard to be 30 feet. The current depth of my rear yard is 32 feet; the proposed addition would reduce the depth of the rear yard to 22 feet.*

see attached Statement of Grounds

For this reason I am requesting:

Variance(s) from provisions of Section Article VI. Sec. 6-4, Table 1 of the Zoning Ordinance, specifically from Minimum Lot Area; (i.e. minimum depth of rear yard).
What is allowed is 7,500 s.f. per dwelling unit (ft? sq ft? stories? %?), and what I am proposing is 1,666 s.f. per dwelling unit (ft? sq ft? stories? %?).

A Special Permit under Section Article VIII, Section 8-6 of the Zoning Ordinance in order to change from one nonconforming use to another and increase existing side yard set back
 Appeal of the Decision of the Building Inspector (described below): nonconformity

The Current Use of the Property Is: office Are the lot dimensions included on the plan?
(example: Two Family Home) office Yes () No n/a because _____

The Undersigned hereby petitions the Board of Appeal to vary the terms of the Salem Zoning Ordinance and allow the project to be constructed as per the plans submitted, as the enforcement of said Zoning By-Laws would involve practical difficulty or unnecessary hardship to the Undersigned and relief may be granted without substantially derogating from the intent and purpose of the Zoning Ordinance.

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The following written statement has been submitted with this application:

- () For all Variance requests a written Statement of Hardship demonstrating the following must be attached:
 - a) Special conditions and circumstances that especially affect the land, building, or structure involved, generally not affecting other lands, buildings, and structures in the same district;
 - b) Literal enforcement of the provisions of the Ordinance would involved substantial hardship to the applicant; and
 - c) Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent of the district or the purpose of the ordinance.

- () For all Special Permit requests a Statement of Grounds must be attached. An application for a special permit for a nonconforming use or structure shall include a statement demonstrating how the proposed change shall not be substantially more detrimental than the existing nonconforming use to the neighborhood in accordance with Art. V, § 5-3. Such a statement should include reference to the following criteria:
 - a) Social, economic, or community needs served by the proposal;
 - b) Traffic flow and safety, including parking and loading;
 - c) Adequacy of utilities and other public services;
 - d) Impacts on the natural environment, including drainage;
 - e) Neighborhood character; and
 - f) Potential fiscal impact, including impact on City tax base and employment.

Previous applications to the Board of Appeals involving this property have been submitted with this petition form. The Building Commissioner can provide documentation of previous applications to the petitioner or his representative.

If different than petitioner:

Petitioner: William Wharff
 Address: One Carol Way, No. 404
Salem, MA 01970
 Telephone: 617-767-1847
 Signature *William Wharff*
 Date March 25, 2009

Property Owner: Health & Education Services, Inc.
 Address: 131 Rantoul Street, Beverly, MA 01915
 Telephone: 978-921-1292
(see consent letter attached)
 Signature (Attached consent letter is also acceptable)
 Date

A TRUE
ATTEST

If different than petitioner:

Representative: Tinti, Quinn, Grover & Frey, P.C.
 Address: 27 Congress Street, Salem, MA 01970
 Telephone: 978-745-8065
 Signature *Sam Gumer*
 Date March 25, 2008

DATE SUBMITTED TO
BOARD OF APPEALS:

CITY CLERK

This original application must be filed with the City Clerk.

STATEMENT OF GROUNDS
162 FEDERAL STREET

The Petitioner is proposing to convert the property at 162 Federal Street from its present use as an office building to nine (9) residential condominium units. The only change to the exterior that will be made as part of the conversion will be the construction of a new entry on the easterly side of the building. There will be sixteen (16) off-street parking spaces provided for occupants of the building.

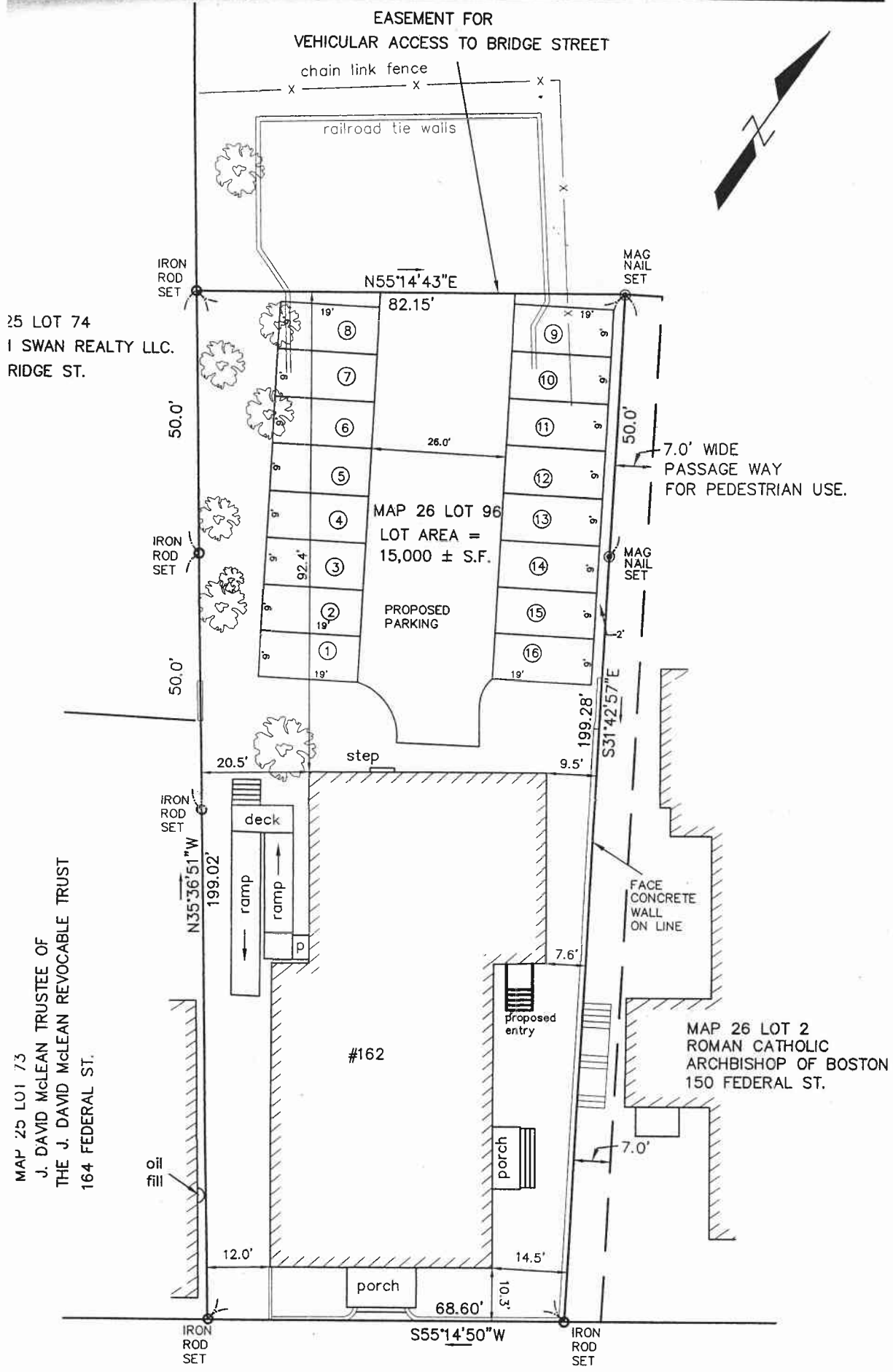
The property is located in the R-2 zoning district, however, the use of the building as an office building by the current owner, Health and Education Service, Inc. and the structure itself are legally non-conforming pursuant to Article VIII, Sec. 8 of the Zoning Ordinance. The Petitioner's proposal constitutes a change in the nonconforming use and structure which can only be accomplished with a Special Permit issued by the Board of Appeals pursuant to Article VIII Section 8-6. The Board may grant such a Special Permit upon a finding that the proposed changes will not be substantially detrimental to the public good and will not nullify or substantially derogate from the intent and purpose of the Zoning Ordinance.

The project also requires a variance from the density regulations of the Zoning Ordinance relating to minimum lot area per dwelling. Article VI, Table I requires a lot area of 7,500 s.f. per dwelling unit in the B-2 District. In this instance, the area of the lot is 15,000 s.f. which results in a lot area per dwelling unit of 1,666 s.f.

The conversion of the building from the very intense use as an office building to owner occupied housing with on-site parking will substantially lessen the impact that the use of this property has on the surrounding neighborhood in terms of both pedestrian and vehicular traffic, congestion and noise. Since the multifamily use is entirely consistent and harmonious with the other uses in the area, the change to such a use will not derogate at all from the intent and purpose of the Ordinance. The Petitioner's proposal is a valuable opportunity to replace a less desirable use with one that is compatible with other properties in the neighborhood. In addition, the property will be converted from non-profit use that does not generate tax revenue to a use that will significantly contribute to the City's tax base.

The building at 162 Federal Street is substantially larger than any other residential structure in the area, consisting of approximately 14,000 s.f. To convert it from commercial to residential use requires a complete reconstruction of the interior of the building. The only way to achieve the conversion of the building to residential use is with a certain level of density to support the costs of the rehabilitation. The literal enforcement of the requirements of the B-2 District will prevent the conversion of this property, causing hardship to the property owner and the community. For the same reasons set forth above, desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of the District or the purpose of the Ordinance.

EASEMENT FOR
VEHICULAR ACCESS TO BRIDGE STREET



25 LOT 74
I SWAN REALTY LLC.
RIDGE ST.

MAP 25 LOT 1 73
J. DAVID McLEAN TRUSTEE OF
THE J. DAVID McLEAN REVOCABLE TRUST
164 FEDERAL ST.

7.0' WIDE
PASSAGE WAY
FOR PEDESTRIAN USE.

MAP 26 LOT 2
ROMAN CATHOLIC
ARCHBISHOP OF BOSTON
150 FEDERAL ST.

FEDERAL STREET

PLAN OF LAND
162 FEDERAL STREET

