

Essex Zoning Board of Appeals

Meeting held on March 27, 2019

Meeting held at the Essex Town Hall, 30 Martin Street

Present: Edwin Perkins (Alternate) Acting Chairman, Keith Carter, Michael Davis

Meeting called to order at 7:00 p.m.

A public hearing was held at 7:05 p.m. on a petition filed by Clive Oram and Bridget Esquirol for a variance from the Town of Essex Zoning By-law 6-3.2.1 – Dimensional Requirements – for Lot Area, Front Yard Setback (existing non-conformity) and Rear yard (Left Side Yard Setback on Walnut Park) for the construction of two additions after demolition of a first story former addition to the existing house at 97 Martin Street, Assessors Map 134, Lot 94.

Architect Helen F. Sides, Salem, Ma. represented the applicants, who were also present for the hearing. Ms. Sides told the Board the structure is a two-family dwelling and the applicants would like to remove an existing one-story addition and add a two-story and single-story addition in its place. The variance request is for the additional single-story addition attached to the two-story addition. Ms. Sides indicated they did not make the entire addition two stories as it was felt the extra piece that is part of the garage would look better as a single story. She said the property has two frontages as it is a corner lot. The address is Martin Street but the driveway is on Walnut Park. A family member lives with them and would like to have his own entry into the house. The variance they are seeking is for 9.6 feet on the left side yard setback on Walnut Park. All other construction work is within the setbacks. Ms. Sides noted that there is an existing non-conformity of the front yard setback predating the zoning by-laws.

No members of the public appeared for the hearing and no letters were received for or against the project.

After reviewing the facts presented, Michael Davis moved to grant a 9.6-foot variance to Clive Oram and Bridget Esquirol for the rear yard setback on Martin Street (or left side yard setback on Walnut Park) for the construction of two additions to the existing dwelling after demolition of a one story former addition at 97 Martin Street, finding that owing to circumstances relating to the shape or topography of the land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the applicant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance or by-law. The motion was seconded by Keith Carter, with the Board voting unanimously in favor.

Michael Davis moved to close the hearing at 7:10 p.m., seconded by Keith Carter, with the Board voting unanimously in favor.

A continuation of a public hearing was held at 7:15 p.m. on a petition filed by Karoline and James Ryan for a variance from the Town of Essex By-law 6-12.6.E – Dimensional Regulations #6 – Height, to demolish the existing home and rebuild at 46 Robbins Island Road, Assessors Map 108, Lot 10.

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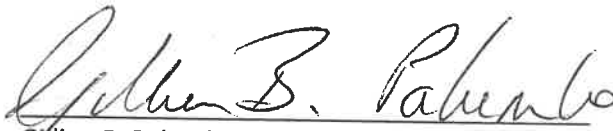
A public hearing was held on April 25, 2018 by the Board of Appeals on the above petition. At that time the Board felt that the petition should have been submitted to the Essex Planning Board for a Special Permit and not to the Appeals Board for a variance. The applicants were informed of this and submitted an application to the Planning Board. The Appeals Board decided to continue the hearing until such time that the applicants appeared before the Planning Board for a Special Permit and a decision was made. The Planning Board acting as the Special Permit Granting Authority approved the application on July 6, 2018. The Town Clerk certified that the twenty-day appeal period had elapsed without any appeal being filed on July 30, 2018 and the Special Permit was issued for the proposed project. At a later date the Board of Appeals realized the public hearing had not been closed and an e-mail was sent to the applicants informing them the Appeals Board hearing was still open and that they should request it be closed. An e-mail was received from the applicants requesting the Board close the hearing.

Michael Davis moved to close the public hearing at 7:20 p.m. for Karoline and James Ryan, 46 Robbins Island Road, seconded by Keith Carter, with the Board voting unanimously in favor.

Michael Davis moved to adjourn the meeting, seconded by Keith Carter, with the Board voting unanimously in favor.

Meeting adjourned at 7:25 p.m.

Prepared by:

  
Gillian B. Palumbo  
Administrative Clerk

Approved:



6-3-2019