

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION**

TO BE COMPLETED BY STAFF

Case Number: 3266 Town Clerk Stamp

Submittal Accepted: _____ Date 9-29-15
Signature of Planning Dept. Staff for minimal requirements

Determined to be complete and may now be filed with Town Clerk: _____
Signature of Principal Planner or Director

2015 SEP 29 PM 2:20

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: Elliot Savitz

Assessor's Map Sheet, Block, & Lot: 9-77-15

Zoning District: Residence R-1 Overlay District: N/A

OWNER OF RECORD (S) (print & sign): Elliot Savitz

(The owner of record is the person or entity who owns title to the property as of today's date)

Address of owner of record: 30 Aspinwall Ave., Weymouth, MA

Norfolk County Registry of Deeds Book and Page No. 25014/433

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): Elliot Savitz

Applicant's Address: 30 Aspinwall Ave., Weymouth, MA

Contact Information: Email _____ Phone 508-662-3000

Check if you are an: owner(s) ☒ lessee(s) ☐ optionee (s) ☐

NAME & AFFILIATION OF REPRESENTATIVE:

Address: Gregory F. Galvin, 775 Pleasant St., Weymouth, MA

Contact Information: Email ggalvin@gregorygalvin.com Phone 781-340-5335

NAME OF ENGINEER AND / OR ARCHITECT: Lawrence E. Hughes, Land Surveyor

Prior to submitting your application you must review this entire package and the Board Rules and Regulations outlining the Board's policies and procedures. Your signature signifies that you have read the required material and you will be expected to adhere to them.

I (we) hereby certify that I (we) have read the Board of Zoning Appeals Rules and Regulations and that the statements within my (our) application are true and accurate to the best of my (our) knowledge.

Gregory F. Galvin Attorney for Elliot Savitz 9/23/15
Applicant / Petitioner - Date (sign & print)

NATURE OF REQUEST

Application is for: ☒ Special Permit ☒ Variance Other: _____

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):

Art. XIII Sec. 120-40 Ext. or Chg & Art. XV Sec. 120-51, Front yd depth & Rear yd depth.

The above relief and Ordinance sections will be further reviewed after a complete package is submitted. This may be amended by the Planning or Building staff during the application review process after having the benefit of plan to accurately advertise the application before the Board.

PETITIONER'S DESCRIPTION AND NARRATIVE:

To be completed by all Board of Appeals Applicants. Attach additional sheets as necessary.

1. Describe what is presently located on the property (use as much detail as possible including all uses and square footage of each use):

The property is the site of a single family home, with a rear deck encroaching on the rear yard set back.

2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):

The applicant seeks to extend the rear deck so as to tie it into and wrap it around the side of the house to enhance the owners view of Fore River. The applicant is also seeking to construct front stairs and landing with a roof within the front set-back, for access to the home.

3. Such a use is permitted by the Town of Weymouth Zoning Ordinance under Article (insert Article, Section of the Zoning Ordinance which permits the proposed use of the property).

Article XIII Sec. 120-40 Extension and Change, Article XV, Sec. 120-51 and MGL, c. 40A Sec. 10

4. Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list (provide dates of previous approvals, book and page numbers or any recorded decisions and copies of past decisions).

No

5. Any other additional information as relevant to the Variance or Special Permit:

At the time of purchase the applicant determined the rear deck was unsafe and replaced it. Now the applicant is seeking to extend it around the side of the home and to add covered front stairs.

ZONING COMPUTATION WORKSHEET

(To be attached with all Board of Zoning Appeals Applications)

The Zoning Computation Worksheet must be completed by the Applicant / Petitioner. All information should be measured and calculated in accordance with the Weymouth Zoning Ordinance (Section 120-51 Table 1 "Schedule District Regulations" and other applicable sections of the Zoning Ordinance). The information should be based on engineer/surveyor/architectural prepared plans and or calculations. Further guidance can also be provided by the Board's step-by-step application instructions and by contacting the Planning or Building Department while completing this section.

Data	Required	Existing	Proposed
Use			
Lot Area / Size (Sq. Ft.)	25000s.f.	7012s.f.	7012s.f.
Dwelling Units	1	1	1
Frontage (ft.)	70f.	100f.	100f.
Lot Width (ft.)	120f.	100f.	100f.
Front Yard Setback (ft.)	18f.	20f.	14+f.
Front Yard Setback (ft.) – corner lots	N/A		
Side Yard Setback (ft.)	10f.	10f.	10f.
Side Yard Setback (ft.)	10f.	60f.	60f.
Rear Yard Setback (ft.)	23f.	0f.	0f.
Height (ft.) & # of Stories	N/A		
Lot Coverage	N/A		
Off-Street Parking Spaces	N/A		
Off-Street Loading Spaces	N/A		
Parking Setback	N/A		
Accessory Structure Setback	N/A		
Landscaping	N/A		
Floor Area Ratio	N/A		
Signage	N/A		
Other:	N/A		

SPECIAL PERMIT APPLICATION

To be completed for Special Permit Applications only.

SPECIAL PERMIT FINDINGS OF FACT

In the spaces below explain how the adverse effects of the proposal will not outweigh its beneficial impacts to the Town with respect to each of the following considerations per Article XXV, Section 120-122 of the Zoning Ordinance. The Special Permit Granting Authority may approve any such application for a special permit **only** if it finds that, in its judgment, all of the following conditions are met. (Attach additional supporting documentation as necessary).

1. Is the specific site an appropriate location for such a use? Please explain.

The use is for a single family residence which conforms to the zoning and the neighborhood. This is an area that was initially developed as seasonal homes and is now year round uses. The lots and homes therefore are generally nonconforming both as to sizes and set-back.

2. Will the proposed use / structure be detrimental or adversely affect the character of the neighborhood or town? Please explain.

The locus of the new deck abuts the river bank and outside the side yard set back area. The front stairs and landing provide safety and convenience for the owner/applicant.

3. Is there potential for nuisance or serious hazard to vehicles or pedestrians? Please explain.

There will be no nuisance or serious hazard to vehicles or pedestrians as the deck is abutting a very limited access water front area, and the front stairs and landing will not impair visibility along the road as it is significantly below the road elevation.

4. Will adequate and appropriate facilities, utilities and other public services be provided for the proper operation of the proposed use? Please explain.

These improvements to the applicants property will not impact any public services in any fashion

5. Will the public convenience and welfare be substantially serviced with this proposal? Please explain.

These improvements will not have any impact on the public in any fashion.

SUPPLEMENTARY QUESTIONS - SECTION 120-40 SPECIAL PERMITS

Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure or Use (Article XIII "Nonconforming Uses" Section 120-40 "Extension or Change")

To be completed by Applicants applying for a Special Permit under Section 120-40 Only.

EXTENSION OR CHANGE FINDINGS OF FACT:

Any lawful structure or use in existences at the time the Zoning Ordinance was adopted or amended may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Zoning Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities):

At the time of purchase of the applicants property there was a nonconforming deck that extended to the rear property line. The applicant rebuilt the deck and is looking to wrap it around his side yard.

2. Indicate how long the nonconforming aspects of the structure have been in existence:

Prior to the applicants ownership of the property.

3. At the time the nonconformity was created (the structure or use initiated) was it compliant with the current zoning requirements? Past zoning ordinances are available for research at the Town Clerk's office and Planning Department. Past zoning maps are available at the Planning Department.

Unknown as the applicant isn't aware of the date of construction.

4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:

The portion of the deck in the side yard will be approximately 40 feet from the side lot line.

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

No change.

6. Explain how the use or structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

This is formerly a seasonal use neighborhood and all of the existing properties are non-conforming. The application will not impact any of the neighboring properties.

VARIANCE APPLICATION

To be completed for Variance applications only.

VARIANCE FINDINGS OF FACT:

Criteria for approval. The Board may approve any such application for a Variance **only** if it finds that, in its judgment, all of the following conditions are met.

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the Town of Weymouth Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner.

The applicant's home sets several feet below the road elevation and the covered front stairs and landing will provide the applicant with safe and dry entry into the home. The applicant can not move the front door to any other area of the home due to the existing layout of the rooms.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.

The existing front door is only 20' from the front lot line, is several feet below the roadway grade requiring stairs both exiting the door and then ascending to the road; and the applicant is seeking to establish a safe and convenient access to the home.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.

The application is seeking to put a roof over a stairway and landing that otherwise would be allowed. The roof will not impair visibility or otherwise negatively impact travelers along the roadway.

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

The applicant is constructing stairs and a landing less than 6' in width which will provide safe, dry access to the home.

NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMENTS SET FORTH IN CHAPTER 40A SECTION 10 OF THE GENERAL LAWS AND IN ARTICLE XXIV SECTION 120-119 OF THE WEYMOUTH ZONING ORDINANCE ARE SATISFIED. EACH OF THE ABOVE FINDINGS MUST BE ANSWERED IN DETAIL. ATTACH ADDITIONAL SHEETS IF NECESSARY.



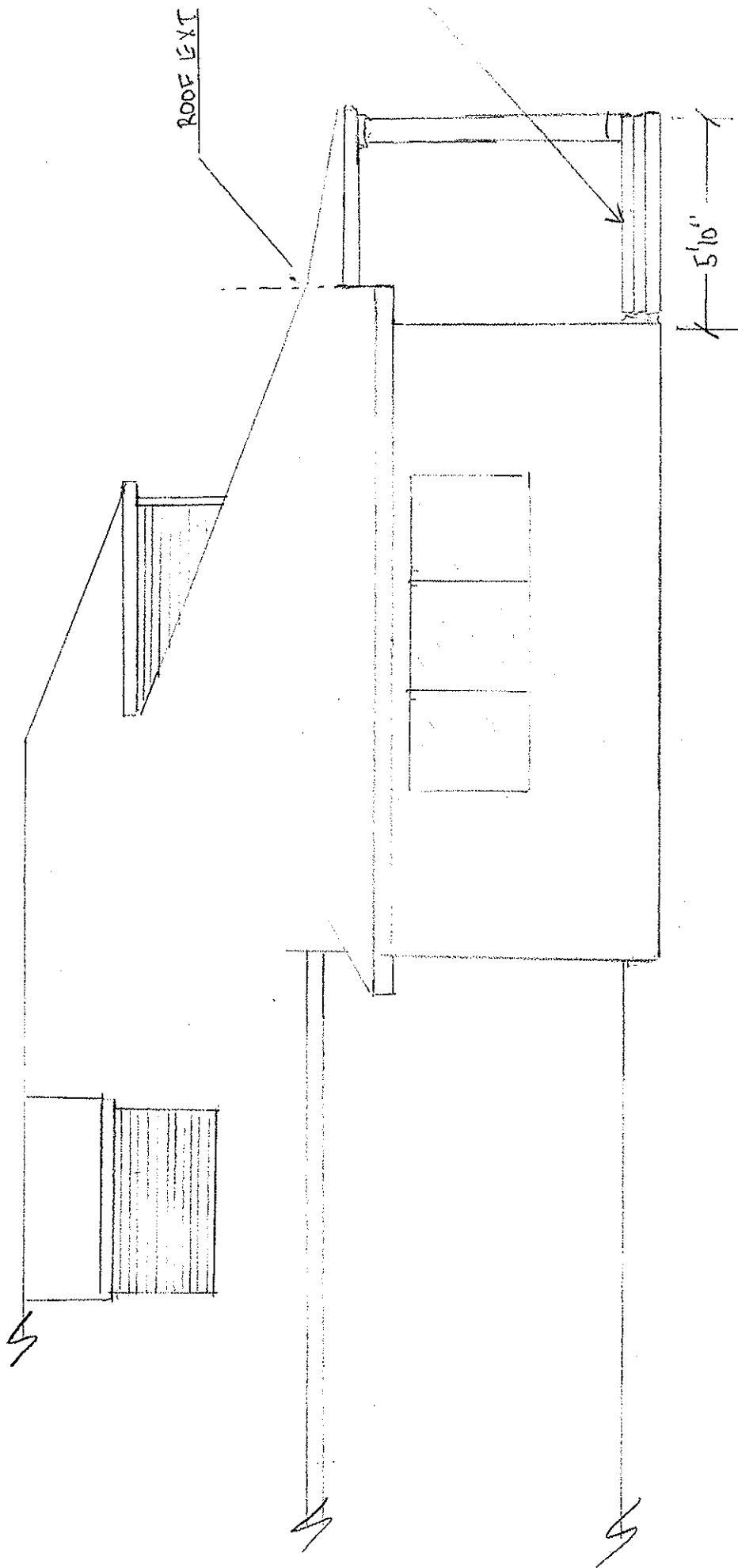
Assessor



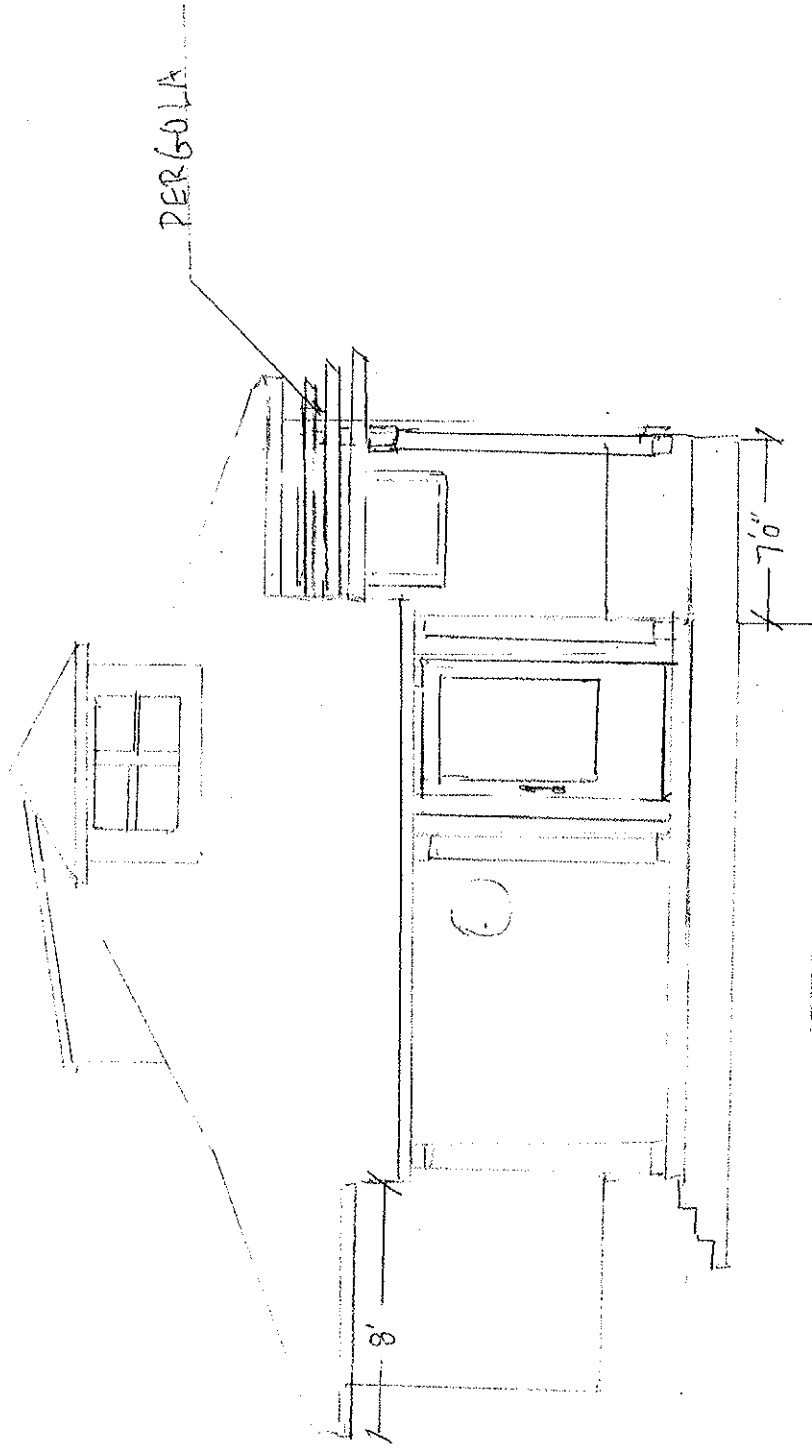
1" = 120 ft



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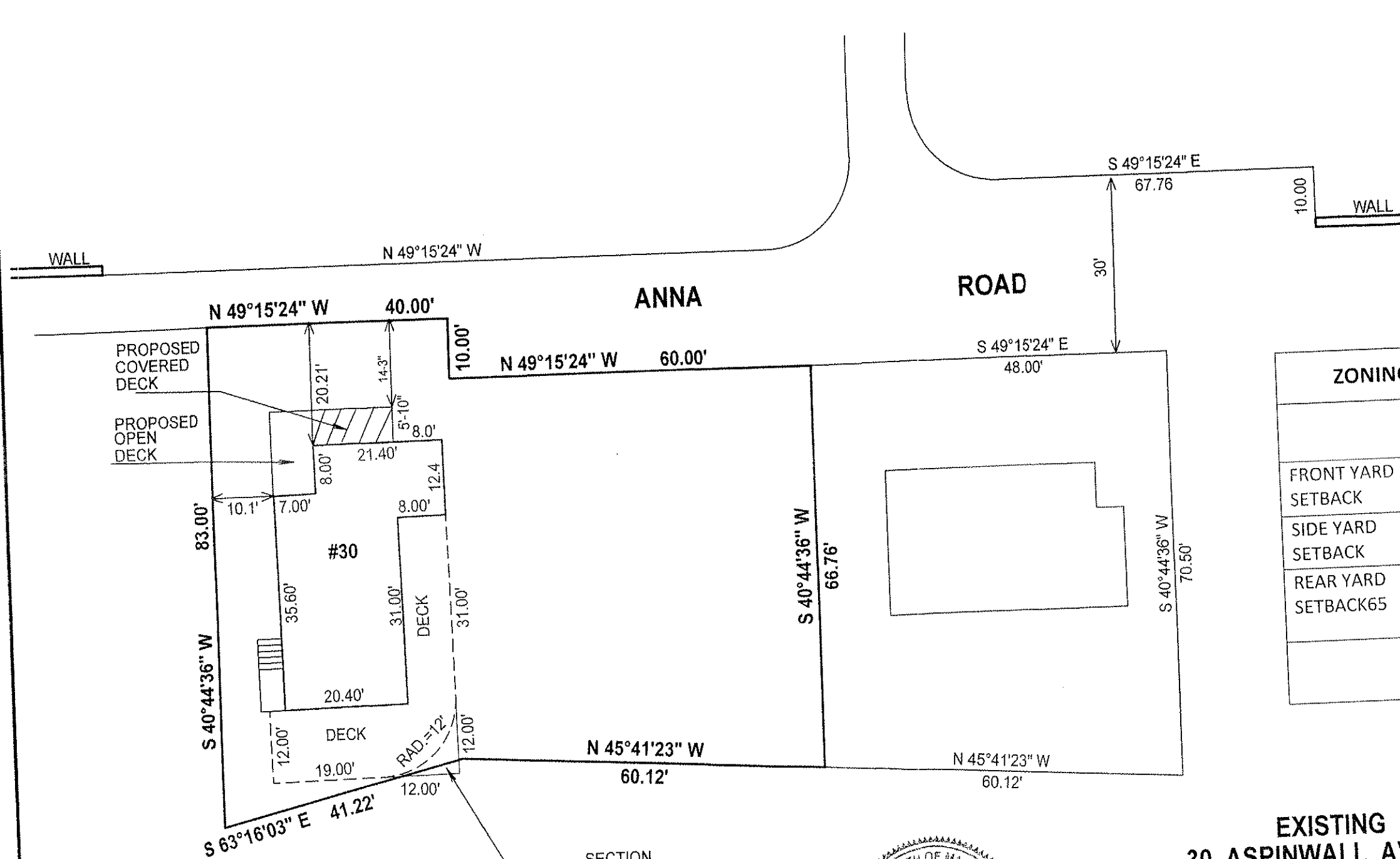


LEFT SIDE ELEVATION



FRONT ELEVATION

NOT TO SCALE

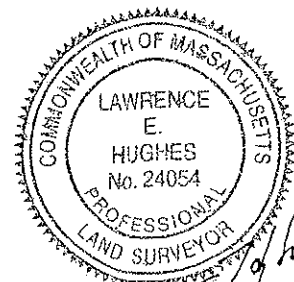


ZONING DATA RESIDENTIAL R-1 ZONE			
	REQUIRED	EXISTING	PROPOSED
FRONT YARD SETBACK	18'	20'	14'-3"
SIDE YARD SETBACK	10'	10.1'	10.1'
REAR YARD SETBACK ⁶⁵	16' 1/5 OF DEPTH OF LOT	0'	0'

EXISTING DECK LOCATION
30 ASPINWALL AVENUE, WEYMOUTH, MA.

SCALE 1"=20 FEET

JULY 22, 2015
REV. 9/12/2015



LAWRENCE E. HUGHES, REGISTERED PROFESSIONAL LAND SURVEYOR
P.O. BOX 1412, MARSHFIELD, MA. 02050
MACDONALD7@VERIZON.NET

781-834-0134