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TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
JUL 10 2014 PM 2:52

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

TO BE COMPLETED BY STAFF

Case Number: #3332 Town Clerk Stamp
Submittal Accepted: E.S. Date 4/5
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

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: 24 Clapp Avenue
Assessor's Map Sheet, Block, & Lot: Map 20, Block 273, Lot 31
Zoning District: Residential R-1 Overlay District: N/A
OWNER OF RECORD (S) (print & sign): Juan Yu, Trustee, Clapp Realty Trust
(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: 11 Mallard Drive, Sharon, MA 02067
Norfolk County Registry of Deeds Book and Page No. Book 34767, Page 311
Or registered in Land Registration Office under Certificate No. _____
NAME OF APPLICANT (S) (print & sign): Juan Yu
Applicant's Address: 11 Mallard Drive, Sharon, MA
Contact Information: Email _____ Phone 781-267-4737
Check if you are an: owner(s) ☒ lessee(s) ☐ optionee (s) ☐

NAME & AFFILIATION OF REPRESENTATIVE:

Address: Gregory F. Galvin, Esq., 775 Pleasant St., #16, Weymouth, MA 02189
Contact Information: Email ggalvin@gregorygalvin.com Phone 781-340-5335

NAME OF ENGINEER AND / OR ARCHITECT: Hardy Engineering

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.

Juan Yu by Gregory F. Galvin 7/5/17
Applicant / Petitioner - Date (sign & print)

NATURE OF REQUEST

Application is for: ☒ Special Permit ☐ Variance Other: Extension of non-conforming

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

Article XIII, S. 120-39, Continuation & S. 120-40, Extension

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):

There is a 3-family dwelling, approved by ZBA decision of 5/2/1961, Case #435.

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

Increase the size of the top floor unit by increasing the size of the top-floor and adding 2 bedrooms. The proposed work will be at the rear roof line.

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).

This application seeks to increase the non-conforming use under S. 120-39 & 120-40.

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).

Yes, see #1 above. (Case #435, 5/2/1961)

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

The applicant has identified off-street parking for 6 vehicles and will grade the parking area to prevent/mimimize surface water run-off.

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.)	25,000s.f.	16,646+/-s.f.	Same
Dwelling Units	1	3	Same
Frontage (ft.)	40'	100'	Same
Lot Width (ft.)	120'	100'	Same
Front Yard Setback (ft.)	18'	>18'	Same
Front Yard Setback (ft.) – corner lots	N/A	N/A	N/A
Side Yard Setback (ft.)	10'	>10'	Same
Side Yard Setback (ft.)	N/A	N/A	N/A
Rear Yard Setback (ft.)	35'	>35'	Same
Height (ft.) & # of Stories	2 1/2 - 35'	Same	Same
Lot Coverage	N/A	N/A	N/A
Off-Street Parking Spaces	6	6	Same
Off-Street Loading Spaces	N/A	N/A	N/A
Parking Setback	N/A	N/A	N/A
Accessory Structure Setback	N/A	N/A	N/A
Landscaping	N/A	N/A	N/A
Floor Area Ratio	N/A	N/A	N/A
Signage	N/A	N/A	N/A
Other:	N/A	N/A	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 current use (since 1961) will not change

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

There will be no change and the applicant is updating the parking area to identify 6 spaces and to direct surface water away from the neighbors.

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

No change. Up grade to parking area.

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

More definitive parking area.

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

The parking will be more defined and less surface water will spill off of the site.

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):

A 3-family dwelling by Special Permit

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

5/2/1961

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.

It was a 2 family, converted to a 3 family

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

Allowed by S. 120-40

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

6

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:

The applicant has adequate land area for the parking spaces and the change is only to the top floor back roof line.

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.

N/A

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.

N/A

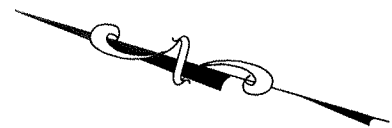
3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.

N/A

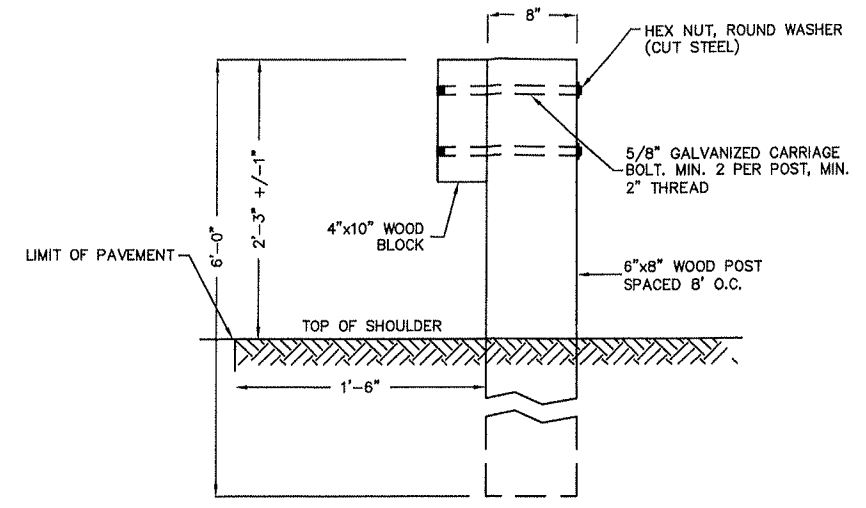
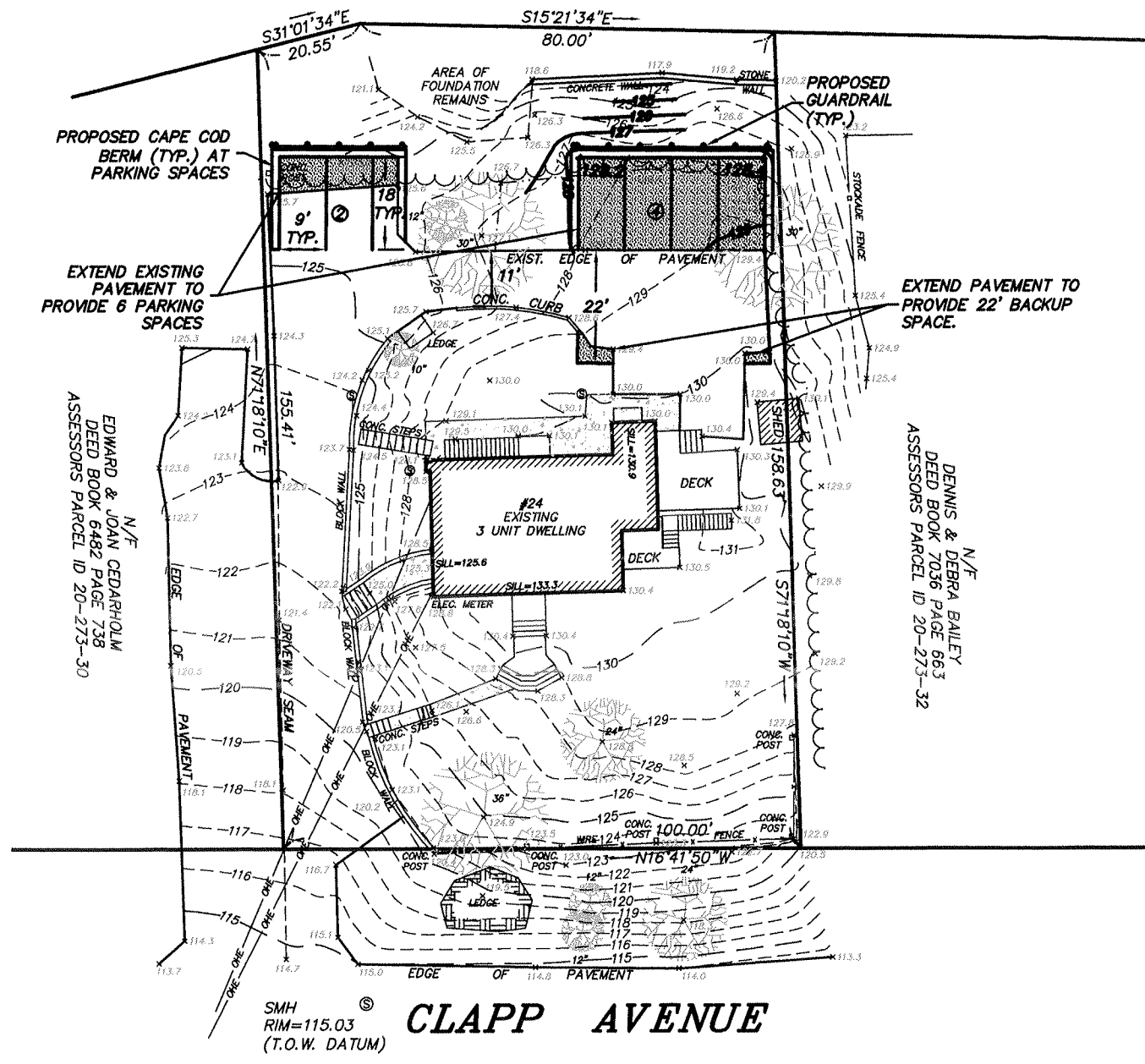
4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

N/A

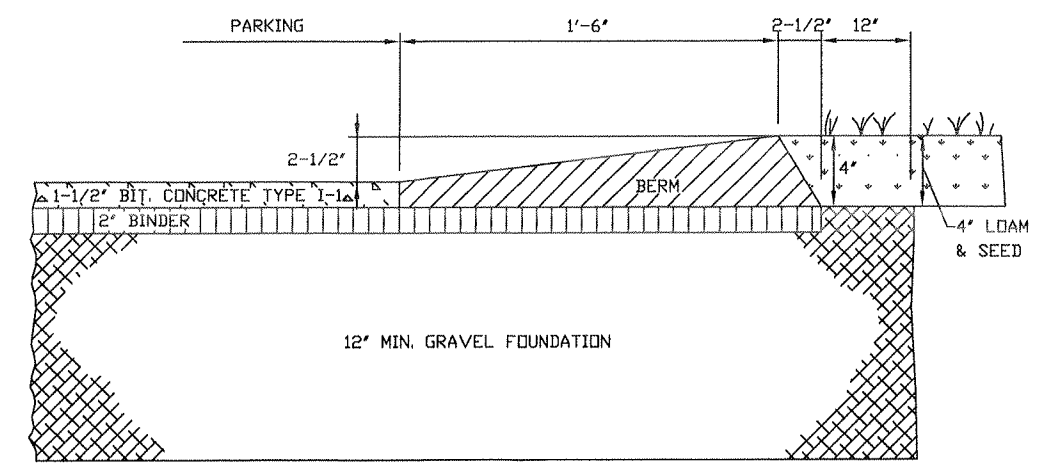
NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMENTS SET FORTH IN CHAPTER 40A SECTION 10 OF THE GENERAL LAWS AND IN ARTICLE XXIV SECTION 120-119 OF THE WEYMOUTH ZONING ORDINANCE ARE SATISFIED. EACH OF THE ABOVE FINDINGS MUST BE ANSWERED IN DETAIL. ATTACH ADDITIONAL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



N/F
J A N REALTY LLC
DEED BOOK 12186 PAGE 105
ASSESSORS PARCEL ID 20-283-25

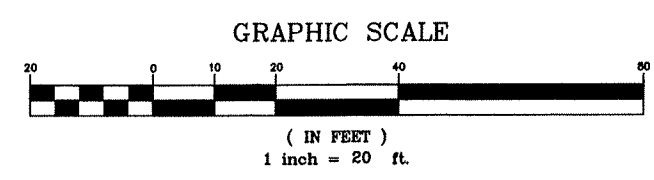


GUARD RAIL DETAIL
NOT TO SCALE



STANDARD CAPE COD BERM

GENERAL NOTES:
1. THE PROPERTY IS SHOWN ON THE TOWN OF WEYMOUTH ASSESSORS MAP 20 BLOCK 273 AS LOT 31 THEREON.
2. LOCUS TITLE IS RECORDED AT THE NORFOLK COUNTY REGISTRY OF DEEDS RECORDED LAND SECTION AS FOLLOWS:
OWNERS: JUAN YU, TRUSTEE OF THE CLAPP REALTY TRUST
DEED BOOK 34767 PAGE 311



NO		REVISIONS		DATE		CHECK BY		PROJECT TITLE:		SHEET TITLE:		HARDY ENGINEERING 1287 WASHINGTON STREET WEYMOUTH MA.02189 781-335-1464		1								
1		INCREASE BUFFER DISTANCE		2-23-2017		SPH		24 CLAPP AVENUE WEYMOUTH, MASSACHUSETTS		SITE PLAN OF LAND												
								FILE NO.		PROJECT NO.		SCALE			APPROVED BY		CHECKED BY		DRAWN BY		DATE	
												1"=20'			SPH		-		SPH		3/28/2017	