

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION ON VARIANCE  
41 GLEN ROAD**

(To be mailed forthwith to the owner and applicant, if not the owner.)

<b>Owner:</b>	Tara & Shauna Egan	<b>Date:</b>	October 30, 2014
<b>Address:</b>	41 Glen Road Weymouth, MA 02189		
<b>Applicant:</b>	Tara & Shauna Egan	<b>Case #:</b>	3245
<b>Address:</b>	41 Glen Road Weymouth, MA 02189		
<b>Representative:</b>	None	<b>Site Address:</b>	41 Glen Road
		<b>Sheet:</b>	30
		<b>Block:</b>	384
		<b>Lot:</b>	8

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2014 OCT 30 PM 4:11

**Zoning District: R-1 (Residence, Low Density / Single-Family)**

Board of Zoning Appeals application filed on September 22, 2014 for the construction of a deck within the front yard setback.

After a public hearing on October 15, 2014, the Board of Zoning Appeals at its meeting of October 15, 2014:

VOTED TO GRANT THE VARIANCE under Weymouth Zoning Ordinance Article XV, Section 120-51 "Dimensional Requirements", to grant relief of 8.4 ft. from the 18 ft. to construct a 10' x 27' (277 sq. ft.) deck within the front yard setback as shown on the plan entitled "Plot Plan 41 Glen Road Weymouth, MA"; prepared for Shauna Case & Tara Egan; prepared by Evanson R. Browne; dated August 14, 2014.

**VARIANCE FINDINGS OF FACT:**

The Board found that:

1. Owing to circumstances relating to the soil conditions, shape or topography of the land or structure, a literal enforcement of the provisions of the Zoning Ordinance would involve substantial hardship, financial or otherwise.

*The Board found the applicant's argument that due to the way the house was constructed on a corner lot with the front door located 3 to 4 feet above the ground and the existing mature trees that would not need to be removed if the deck were relocated, the Board found a hardship could be granted.*

2. Relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance.

*The Board found the applicant's proposal would not be detrimental to the public good as the property previously had a front deck within the minimum front yard setback and there were no comments or opposition from the public during this public hearing.*

Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

**After the twenty (20) day appeal period has passed, the Town Clerk will send to the petitioner: (1) the certificate that no appeal was filed, (2) the certificate of granting of variance and/or special permit, and (3) the Record of Proceedings. The petitioner shall record these documents with the Norfolk Registry of Deeds, Dedham, MA, with the appropriate filing fee.**

When a receipt from the Registry of Deeds is presented to the Building Inspector (to show that the decision has been recorded), the proper permit will be issued.

Decision filed with the Town Clerk on October 30, 2014

IMPORTANT: Notice is further given that any person aggrieved by this decision may appeal, according to MGL Chapter 40A, Section 17, and said appeal, if any, must be filed with the Town Clerk within twenty (20) days after the filing of the decision with the Town Clerk.



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James Clarke, Director of Planning and Community Development

THE COMMONWEALTH OF MASSACHUSETTS

WEYMOUTH

BOARD OF APPEALS

October 30, 2014

Certificate of Granting of Variance or Special Permit  
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the town of Weymouth hereby certifies that a Variance or Special Permit has been granted to Tara & Shauna Egan, 41 Glen Road, Weymouth, MA 02189, affecting the rights of the owner with respect to land or buildings at 41 Glen Road, also shown on the Weymouth Town Atlas Sheet 30, Block 384, Lot 8, and the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance – special permit, and that copies of said decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

  
James F. Clarke, Jr., Planning Director

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Kathleen Deree, Town Clerk

Case # 3244

Date of Hearing: 10/15/2014

**TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, October 15, 2014**

**Members Present:** Richard McLeod Chairman  
Ed Foley, Vice Chairman  
Chuck Golden  
Kemal Denizkurt  
Jonathan Moriarty

**Also Present:** Abby McCabe, Principal Planner  
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:05 p.m. at the McCulloch Building and explained the procedures that would be followed to the people present.

**Case # 3245 – 41 Glen Road – Public Hearing**

The petitioners, Tara & Shauna Egan for property located at 41 Glen Road, also shown on the Weymouth Town Atlas Sheet 30, Block 384, Lot 8, located in a R-1 (Single-Family / Low Density Residential) zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Variance: Relief of 8.5 ft. from the front yard setback (18 ft. required, 9.5 ft. proposed) (Article XV, Section 120-51 Dimensional Regulations, Table 1).

Presently located on the premises is a single-family residence. The petitioner is proposing to construct a 10' x 27' ft. deck within the front yard setback.

Members sitting: Richard McLeod  
Edward Foley  
Chuck Golden  
Jonathan Moriarty  
Kemal Denizkurt

Ed Foley made a motion to open the public hearing on case # 3245- 41 Glen Road and was seconded by Jonathan Moriarty. Voted Unanimously.

Kemal Denizkurt made a motion to waive the reading of the published legal notice on Case #3245, 41 Glen Road and was seconded by Chuck Golden. Voted unanimously.

Appearing before the Board was Shauna and Tara Eagan. The applicant stated that there was a deck there previously and it was unsafe so they removed it and now would like to

rebuild it. They spoke to their neighbors and did not hear of any opposition. This is a corner lot. The front door is on Glen Road. Due to the design of the house, there is no other area to put the deck and there is a large tree that would need to be removed that would cause some financial hardship. There are already double doors on the house going out to the deck.

Ms. McCabe stated that there were no comments from the staff departments. Although she noted that the relief is for 8.4 ft. because the deck is proposed to be setback 9.6 ft. as the legal advertisement incorrectly said 8.5 ft. of relief.

The Chairman opened the hearing up to public comment.