

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

TO BE COMPLETED BY STAFF

Case Number: 3291

Town Clerk Stamp

Submittal Accepted: _____

Date 5-9-16

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

2016 MAY -9 AM 10:13

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: 36 OAK CLIFF ROAD

Assessor's Map Sheet, Block, & Lot: 30-396-36

Zoning District: R-1

Overlay District: _____

OWNER OF RECORD (S) (print & sign): DONALD J RAFFENTY JR *DMJ*
(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: 22 B SEA STREET WEYMOUTH

Norfolk County Registry of Deeds Book and Page No. 32867 Pg 520

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): DONALD J RAFFENTY JR

Applicant's Address: 22 B SEA STREET WEYMOUTH

Contact Information: Email RAFFENTY330@klu.com Phone 617 633 5712

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

NAME & AFFILIATION OF REPRESENTATIVE: _____

Address: N/A

Contact Information: Email _____

Phone _____

NAME OF ENGINEER AND / OR ARCHITECT: N/A

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.

DMJ 5/5/16
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):

FRONTAGE WIDTH 120-56

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):

VACANT LOT

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

HAVE PAST VARIANCE RENEWED TO BUILD A SINGLE FAMILY 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).

R-1 ZONING

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).

ZBA # 3084 JUN 12 2010 32852 Pg. 191
ZBA # 3215 JAN 16, 2014 32867 Pg. 512

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

PRIOR TO PURCHASE, TIM CLARK TOLD MY ATTORNEY TO RECORD CASE # 3084 and 3215 AND I WOULD BE ALL SET FOR A BUILDING PERMIT. NOW I'M TOLD I MUST RE-APPLY

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.)	25,000	49,228	49,228
Dwelling Units	1	0	1
Frontage (ft.)	40	40	40
Lot Width (ft.)	120		120
Front Yard Setback (ft.)	18		18
Front Yard Setback (ft.) - corner lots			
Side Yard Setback (ft.)	10		10
Side Yard Setback (ft.)	10		10
Rear Yard Setback (ft.)	24		24
Height (ft.) & # of Stories	2.5/35		2.5/35
Lot Coverage			
Off-Street Parking Spaces	2		2
Off-Street Loading Spaces			
Parking Setback			
Accessory Structure Setback			
Landscaping			
Floor Area Ratio			
Signage			
Other:			

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.

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

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

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

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

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):

~~LOT DOES NOT HAVE 40' OF WIDTH BACK TO 120' BUILDING LINE~~

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

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.

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

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

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.

LOT WAS ALREADY APPROVED PRIOR TO PURCHASE
JIM CLARK TOLD MY ATTORNEY TO RECORD PRIOR ZBA
CASES AND WE WOULD BE READY FOR PERMIT. IF NOT \$80,000 I'M ON

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.

LOT DOES NOT HAVE 40' ALL THE WAY BACK
TO BUILDING LINE. OTHER LOTS IN AREA AREN'T LIKE THIS

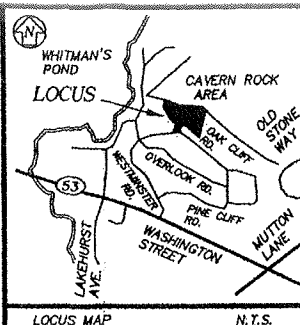
3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.

THE LOT IS TWICE THE AREA REQUIRED
SINGLE FAMILY HOME WOULD CERTAINLY IMPROVE NEIGHBORHOOD

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.

WITHOUT RELIEF FROM FRONTAGE WIDTH
REQUIREMENT, I CAN NOT BUILD A HOME
THAT WOULD CERTAINLY ENHANCE THE NEIGHBORHOOD
40' FRONTAGE WIDTH IS REQUIRED

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.



APPROVAL UNDER THE SUBDIVISION CONTROL
LAW NOT REQUIRED

CITY OF WEYMOUTH PLANNING BOARD

James F. Charles

DATE: 2/15/13

PLANNING BOARD ENDORSEMENT DOES NOT
IMPLY CONFORMANCE WITH THE TOWN OF
WEYMOUTH ZONING BY-LAW.

OWNER'S REFERENCE:

HEINZ PETER JOUCHMANIS
DEED BOOK 5453 PAGE 719
DEED BOOK 7013 PAGE 250
DEED BOOK 13396 PAGE 457
DEED BOOK 13396 PAGE 458
DEED BOOK 14508 PAGE 100
DEED BOOK 18992 PAGE 272

PLAN REFERENCES:

1. PLAN BOOK 484 PAGE 243
2. PLAN BOOK 437 PAGE 120
3. DEED BK. 1887 PAGE END
4. DEED BK. 3849 PAGE 439
5. PLAN BOOK 608 PAGE 8

ZONE:

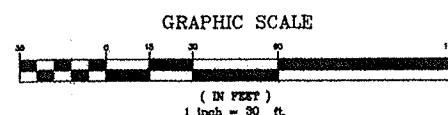
R-1

ASSESSORS REFERENCE:

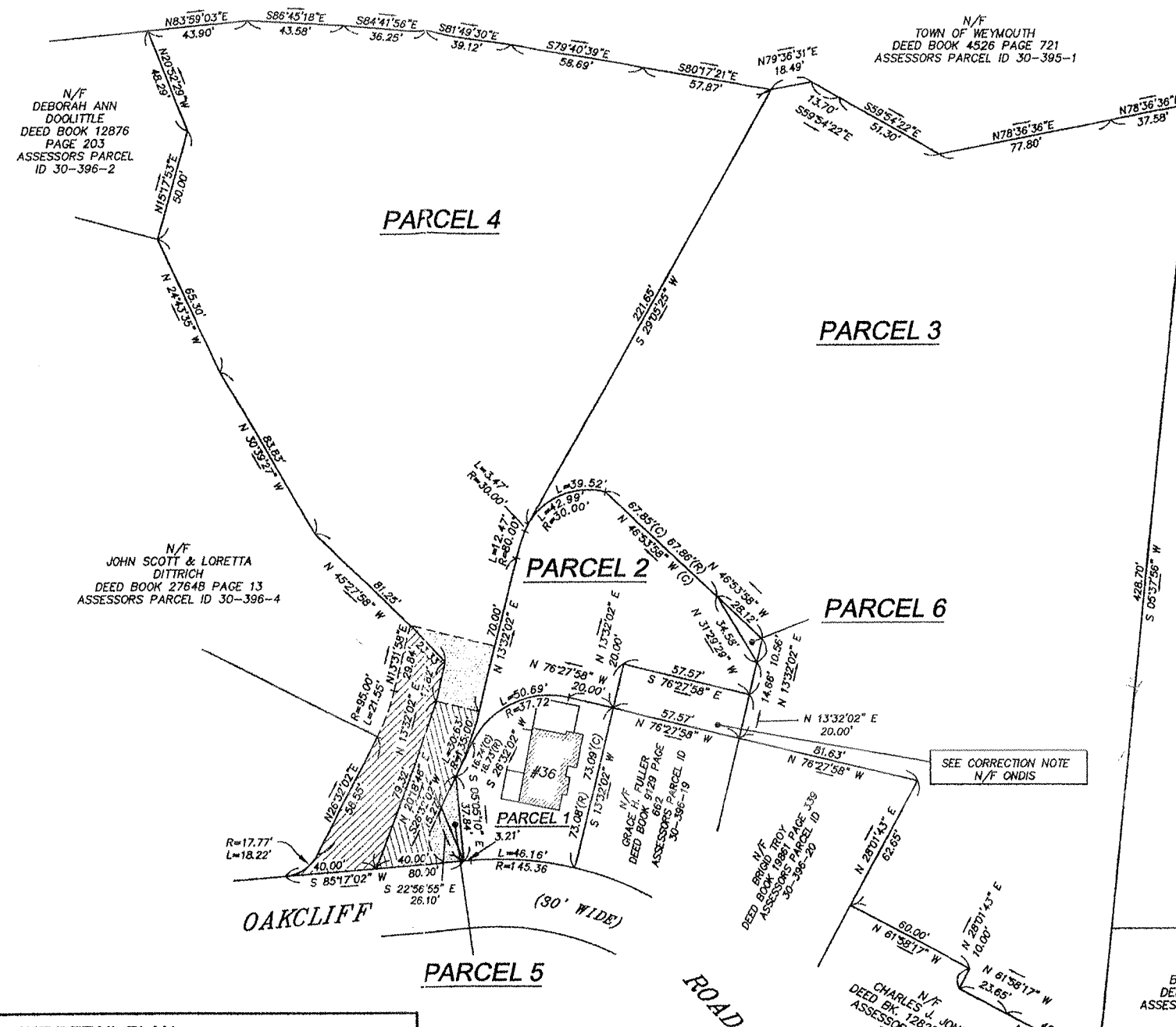
ASSESSORS MAP 30 BLOCK 386 AS LOTS 18 AND 35

GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO RE-DIVIDE THE LAND SHOWN ON THE TOWN OF WEYMOUTH ASSESSORS MAP 30 BLOCK 386 LOTS 18 AND 35 AS SHOWN.
2. PARCEL 5 IS TO BECOME PART AND PARCEL OF PARCEL 4 AND BECOME ONE LOT.
3. PARCELS 1, 2, 3 AND 6 ARE TO BECOME ONE LOT.

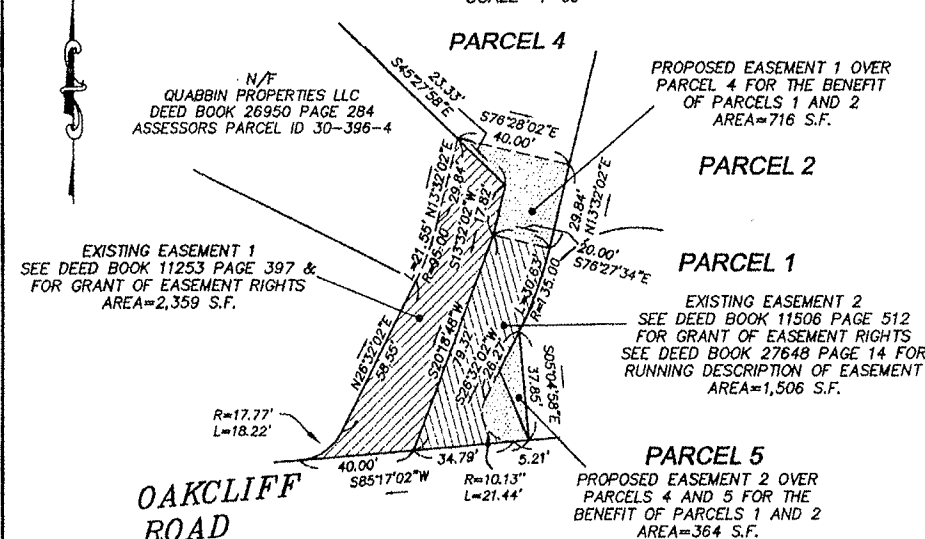


REFERENCE WEYMOUTH ZONING BOARD OF APPEALS CASE
NUMBER 3084 DATED 7-23-10



EASEMENT DETAIL PLAN

SCALE = 1"=30'



CERTIFICATION:

I CERTIFY THAT THIS PLAN IS THE RESULT OF AN
ACTUAL ON THE GROUND SURVEY.

I CERTIFY THAT THIS PLAN WAS PREPARED IN
CONFORMANCE WITH RULES AND REGULATIONS OF THE
REGISTER OF DEEDS

PETER G. HOYT
1/22/13
DATE:

Norfolk Registry of Deeds

Dorham, Mass.

Received Mar. 26, 2013

With

Filed as Page 16 of 2013

PL. 620

Attest: *John P. Munnell*

Register

REGISTRY USE ONLY

N/F
TOWN OF WEYMOUTH
DEED BOOK 4526 PAGE 721
ASSESSORS PARCEL ID 30-395-1

N/F
BIRCHWOOD CONDOMINIUM
DEED BOOK 7839 PAGE 477
ASSESSORS PARCEL ID 30-396-29

CORRECTION NOTE:

A CONVEYANCE OF THE AREA INDICATED
HEREON, SHOWN AS A PART OF PROPERTY
OWNED BY FULLER, DEPICTED ON PLAN
REFERENCE NO. 1 AND PERPETUATED ON
PLAN REFERENCES 2 AND 5, COULD NOT BE
FOUND.

PLAN OF LAND
36 OAK CLIFF ROAD
WEYMOUTH, MASSACHUSETTS

SCALE 1" = 40' DATE: JANUARY 22, 2013

HOYT LAND SURVEYING
1287 WASHINGTON STREET
WEYMOUTH MA. 02189
781-682-9192

620-16-2013