

**TOWN OF WEYMOUTH, MASSACHUSETTS  
BOARD OF ZONING APPEALS  
NOTICE OF DECISION  
116 WILSON AVENUE**

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

<b>Owner:</b>	Michael Ryan	<b>Date:</b>	October 21, 2016
<b>Address:</b>	116 Wilson Avenue Weymouth, MA 02188		
<b>Applicant:</b>	Michael Ryan	<b>Case #:</b>	3306
<b>Address:</b>	116 Wilson Avenue Weymouth, MA 02188		
<b>Representative:</b>	N/A	<b>Site Address:</b>	116 Wilson Avenue
		<b>Sheet:</b>	17
		<b>Block:</b>	225
		<b>Lot:</b>	5

**Zoning District: R-1**

Board of Zoning Appeals application filed on August 22, 2016.

After a public hearing on September 28, 2016, advertised in the Weymouth News on September 14, and September 21, 2016, the Board of Zoning Appeals at its meeting of September 28, 2016

**VOTED TO GRANT THE SPECIAL PERMIT** under Weymouth Zoning Ordinance Section 120-40, Extension or change of nonconforming use (side yard setback) to grant relief for the petitioner to construct a two-story addition to extend the kitchen, and living area on the first floor, and add two bedrooms to the second floor of an existing single-family dwelling; per plan entitled "Plot Plan showing Proposed Addition to 116 Wilson Avenue in Weymouth, Mass." By T.M.F. Associates, Inc., dated July 28, 2016.

**FINDINGS:**

1. The specific site is an appropriate location for such a use.  
*The current building is a single family home. The proposed addition will allow an expansion of the existing kitchen and provide additional living space for a family.*
2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.  
*The original home was constructed in 1929. The addition is in the rear and will not impact the visual character of the street. There is a letter from a neighbor supporting this application.*
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.  
*The addition will not change the number of people occupying the home and the addition will not encroach into the setbacks of either Wilson Avenue or Roosevelt Road.*

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TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2016 OCT 21  
10:42 AM

4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.  
*All construction will be monitored by Inspector of Buildings and comply with the Massachusetts Building Code.*
5. That the public convenience and welfare will be substantially served with the proposal.  
*The project will increase the assessed value of the home and provide additional living space for the family.*

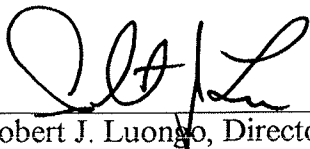
Under MGL Chapter 40A, Section 11, the approval of the Board of Zoning Appeals will NOT take effect until it has been recorded in the Norfolk Registry of Deeds.

**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 21, 2016

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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Robert J. Luongo, Director of Planning and Community Development

**BOARD OF ZONING APPEALS (BZA)**  
**RECORD OF MINUTES AND PROCEEDINGS**  
**Wednesday, September 28, 2016**

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

**Also Present:** Eric Schneider, Principal Planner  
Lee Hultin, Recording Secretary

Chairman McLeod called the Board of Zoning Appeals meeting to order at 7:00 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

**Case #3306** – The petitioner, Michael Ryan, for property located at 116 Wilson Avenue, also shown on the Weymouth Town Atlas sheet 17, block 225, lot 5, located in the R-1 zoning district. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit;      120-40      Extension or change of nonconforming use (side yard setback)

Presently located on the property is a single-family dwelling. The petitioner seeks to construct a two-story addition to extend the kitchen, and living area on the first floor, and add two bedrooms to the second floor.

**Sitting Members:** Richard McLeod  
Kemal Denizkurt  
Ed Foley  
Jonathan Moriarty  
Chuck Golden

Ed Foley made a motion to open the public hearing on Case #3306 and was seconded by Kemal Denizkurt.  
**VOTED UNANIMOUSLY**

Ed Foley made a motion to waive the reading of the publication on Case # 3306 and was seconded by Kemal Denizkurt.  
**VOTED UNANIMOUSLY**

The applicant is requesting a Special Permit for a two-story addition extending off the rear of the existing home. The lot is currently nonconforming as it does not meet the

current sideyard setback requirement of 10 feet along the north property line. The existing side setback ranges from 5.8 feet in the front to 6 feet at the rear. The addition will extend the nonconformity but will not increase the encroachment. At the rear, proposed addition will be 6.1 feet from the property line. The addition will replace an existing deck and a rear yard setback of over 40 feet will be maintained.

Appearing before the board was Mike Ryan. Mr. Ryan submitted letter in support of this from his neighbor. This letter was labeled Exhibit A. Mr. Ryan will be adding an addition flush to his house. It will have two bedrooms upstairs and increase the kitchen and living room downstairs. He will actually be decreasing the nonconformity. He will not be replacing the deck maybe just a side porch to enter into the house.

The public was given the opportunity to speak and there were no public comments.

Ed Foley made a motion to close the public hearing on Case # 3306 and was seconded Jonathan Moriarty. VOTED UNANIMOUSLY

Ed Foley made a motion to approve a Special Permit for Case #3306 and was seconded by Jonathan Moriarty. VOTED UNANIMOUSLY

**Special Permit Criteria for Approval.** The Board of Zoning Appeals may approve any Special Permit applications only if it finds that, in its judgment, all of the following conditions are met in accordance with Zoning Ordinance Section 120-122D.

1. The specific site is an appropriate location for such a use.

*The current building is a single family home. The proposed addition will allow an expansion of the existing kitchen and provide additional living space for a family.*

2. The proposed use or structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.

*The original home was constructed in 1929. The addition is in the rear and will not impact the visual character of the street. There is a letter from a neighbor supporting this application.*

3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.

*The addition will not change the number of people occupying the home and the addition will not encroach into the setbacks of either Wilson Avenue or Roosevelt Road.*

4. There are adequate and appropriate facilities, utilities and other public services provided for the proper operation of the proposed use.

*All construction will be monitored by Inspector of Buildings and comply with the Massachusetts Building Code.*

5. That the public convenience and welfare will be substantially served with the proposal.

*The project will increase the assessed value of the home and provide additional living space for the family.*

**THE COMMONWEALTH OF MASSACHUSETTS**

**WEYMOUTH**

**BOARD OF APPEALS**

October 21, 2016

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 Michael Ryan, 116 Wilson Avenue, Weymouth, MA 02188, affecting the rights of the owner with respect to land or buildings at 116 Wilson Avenue, also shown on the Weymouth Town Atlas Sheet 17, Block 225, Lot 5, 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.



Robert J. Lyongo, Planning Director

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Kathleen Deree, Town Clerk

Case # 3306

Date of Hearing: 9/28/2016