

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, July 25, 2018

Members Present: Richard McLeod, Chairman
Kemal Denizkurt
Jonathan Moriarty
Paul Koch
Brandon Diem

Also Present: Janet Murray, 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.

New Business:

Case #3361 - The petitioner, Letran Enterprises LLC, for property located at **254 Washington Street** also shown on the Weymouth Town Atlas sheet 20, block 282, lot 1, located in the B-1/R-1 Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit:	120-24(c) 120-25	Detached one-family dwelling in a B-1 District Grouping of Special Permitted Uses (Commercial and Residential) Variance: Dimensional Requirements (setbacks)
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The subject property consists of two contiguous lots totaling ~6,166 SF. The applicant seeks to raze the existing one-story building on the front lot, recently destroyed by fire, and construct a new two-story building with first floor office space and a two-bedroom residential unit on the second floor; additional parking added to the rear lot and the office now located in the existing storage shed will be relocated to the new front building.

Mr. Moriarty made a motion to open the public hearing on Case #3361 and was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to waive the reading of the public notice and was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

Attorney Raymond Jennings appeared before the board with the applicant, Mr. Tom Le of Letran Enterprises LLC. Attorney Jennings stated that the applicant seeks to build a new structure with retail on the first floor and a two-bedroom on the second floor. He noted that the side setback on Vine Street will be increased to seven (7) feet. The building will be more centered on the lot.

He further stated that there will be eight (8) parking spaces; two (2) on the south side of the structure for the residential unit and six (6) to the rear of the structure for the retail/office space.

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Mr. Jennings stated that the applicant could rebuild on the existing foundation but is looking to improve the property.

Mr. McLeod asked if the office space will be used by the applicant's business. Mr. Jennings stated that the first floor will be rented. The lower level will have a small office space that the applicant may use as his office.

Mr. Diem asked about the stairs from the lower level and whether the placement will impede on the southside residential parking area.

Mr. Moriarty asked when the original building was built. Mr. Jennings stated that it was built in 1878. Mr. Moriarty also asked about trash removal. Mr. Jennings stated that there is a dumpster, but it is not indicated on the plan.

Mr. Moriarty asked about snow removal and where the snow is moved to. Mr. Jennings stated that the applicant plows the property himself.

Mr. McLeod noted that staff was not present this evening, but a memo was submitted. The memo indicated that there were no concerns or objections from town departments.

Mr. McLeod asked if there was anyone present who would like to speak. There was the following response.

Brianna Graham, 81 Vine Street, asked about the re-centering of the building and if it would improve the site lines for traffic exiting Vine Street. Mr. Jennings showed on the plans that it will improve the site lines.

The resident of 67 Vine Street was in favor of the project and he added that he appreciated the building is being kept smaller.

Anna Marinilli of 247 Washington Street stated that she supports the building being planned. She noted that it will improve the sight line for cars coming out of Vine Street.

Mr. Moriarty made a motion to close the public hearing and was seconded by Mr. Denizkurt. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to **APPROVE** the request for a **SPECIAL PERMIT** for Case #3361.

SPECIAL PERMIT

1. The specific site is an appropriate location for such a use.
2. The proposed use of structure will not be detrimental or adversely affect the character or future character of the neighborhood or town.

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3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilizes and other public services provided for the proper operation of the proposed use.
5. That the public convenience and welfare will be substantially served with the proposal.

The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

VARIANCE

Mr. Moriarty made a motion to approve this application for a variance because the applicant has shown a hardship due to the size and topography of the lot.

- 1) The literal enforcement of the provision of the Town of Weymouth Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner.
- 2) The hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and the hardship especially affects said land or structures but does not affect generally the zoning district in which it is located.
- 3) The desirable relief may be granted without detriment to the public good and without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.
- 4) 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 Board is able to grant the variance without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance, with the following conditions:

- 1) The second stairwell on the southside of the building is removed. If the stairwell is required, the applicant must return to the Board.
- 2) The dumpster is to be reflected on the plans.

The motion was seconded by Mr. Denizkurt. UNANIMOUSLY VOTED.

Other Business:

Minutes: 6/27/2018

Mr. Denizkurt made a motion to approve the minutes from June 27, 2018 and was seconded by Mr. Moriarty. UNANIMOUSLY VOTED.

Upcoming Meetings: August 15, 2018, September 5, 2018, September 26, 2018

Mr. McLeod noted that the August 15, 2018 meeting has been cancelled as there are no cases to be heard. The next meeting will be on September 5, 2018.

ADJOURNMENT

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Mr. Moriarty made a motion to adjourn at 7:45 and was seconded by Denizkurt.
UNANIMOUSLY VOTED.

Approved by:

Mr. Denizkurt, Clerk



9/26/18
Date