

BOARD OF ZONING APPEALS (BZA)
RECORD OF MINUTES AND PROCEEDINGS
August 14, 2019, 7:00 p.m.
McCulloch Building, Mary McElroy Room
182 Green Street, Weymouth, MA 02191

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

2020 MAY -1 PM 12:36

Members Present: Kemal Denizkurt
Robert Christian
Jonathan Moriarty
Brandon Diem

Not Present: Richard McLeod
Ed Foley

Also Present: Eric Schneider, Principal Planner

Recording Secretary: Janet P. Murray

Mr. Denizkurt 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:

1. **Case #3394** - The petitioner, Ryder Properties Company, LLC, for property located at **1433-1435 Main Street** also shown on Weymouth Town Atlas sheet 30, block 624, lots 29, 30, 31, & 32 in the HT/CCOD Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance.

Special Permit	Article VIIB Commercial Corridor Overlay District
Variance	120-25.17 (A) Height of buildings

The subject property is 82,788 sf mixed use consisting of 3 town house style duplexes and a miniature golf course. Petitioner seeks to add 3 town-house style duplexes to the existing 3 town-house style duplexes with the miniature golf course on the site. The buildings will be two and one half (2 1/2) stories high to match the existing 3 town-house which is less than the 3 story, 45' height minimum required.

The applicant has requested a continuance until September 4, 2019.

Mr. Moriarty made a motion to continue Case #3394 and was seconded by Mr. Diem.
UNANIMOUSLY VOTED.

2. **Case #3395** - The petitioner, Laura Hoyle, for property located at **142 Pierce Road** also shown on Weymouth Town Atlas sheet 16, block 210, lot 8, 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 by special permit
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The subject property 13, 392 sf with an existing two story single family home with an attached single car garage. Petitioner seeks to remove the garage and rebuild a two-story addition.

Mr. Denizkurt explained to the applicant that there were only four members this evening and that he would need a unanimous vote in order for his petition to pass. Mr. Hoyle chose to proceed.

Mr. Moriarty made a motion to open the public hearing on Case #3395 and was seconded by Mr. Diem. UNANIMOUSLY VOTED.

Mr. Diem made a motion to waive the reading of the public notice and was seconded by Mr. Christian. UNANIMOUSLY VOTED.

Ray Hoyle appeared before the Board. He stated that he has an attached garage. He would like to remove the garage, rebuild it, and add a second story.

Mr. Schneider stated that the garage is nonconforming on the side set back. He added that the applicant will not further encroach on the set back. Instead, he is going toward the back on the lot by eight feet.

Mr. Denizkurt asked if this was for residential use. Mr. Hoyle stated that it is but there will not be a separate egress.

Mr. Denizkurt noted that in the table of calculations the height is listed as 24 feet but the plans show 26 feet. It is not near the limit but he wanted to point out this discrepancy for the record. Mr. Hoyle confirmed that this is correct.

Mr. Diem asked why the ridge line will exceed the existing ridge line. Mr. Hoyle stated that this was the architectural design.

Mr. Moriarty commented that there is a lot of paved surfaces. Mr. Hoyle stated that he plans to make the driveway smaller so that there is grass on either side of the walkway.

Mr. Schneider stated that a condition be imposed that the height of addition will not exceed the height of the existing dwelling.

Mr. Denizkurt asked if there was anyone present who would like to speak. There was no response.

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

Mr. Moriarty made a motion to APPROVE the request for a SPECIAL PERMIT for Case #3395.

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.
3. There is not a potential for nuisance or serious hazard to vehicles or pedestrians.
4. There are adequate and appropriate facilities, utilities 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.

There is the condition that the height of addition will not exceed the height of the existing dwelling.

The motion was seconded by Mr. Diem. **UNANIMOUSLY VOTED.**

Minutes: July 24, 2019

Mr. Moriarty made a motion to approve the minutes from July 24, 2019 with the correction of who seconded the motion to adjourn and was seconded by Mr. Diem. **VOTED UNANIMOUSLY.**

Upcoming Meetings: September 4, 2019

ADJOURNMENT

Mr. Moriarty made a motion to adjourn at 7:30 p.m. and was seconded by Mr. Diem. **VOTED UNANIMOUSLY.**

Approved by:

Mr. Denizkurt , Clerk



4-29-20

Date