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TOWN OF WEYMOUTH
PLANNING DEPARTMENT
BOARD OF ZONING APPEALS APPLICATION

2019 NOV -1 P 4:15

TO BE COMPLETED BY STAFF

Case Number: **#3341**

Town Clerk Stamp

Submittal Accepted: _____ Date **11/5/19**
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

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: **125 Forest Street**

Assessor's Map Sheet, Block, & Lot: **48-506-19**

Zoning District: **R-1** Overlay District: **N/A**

OWNER OF RECORD (S) (print & sign): **Hancock Real Estate Inv, LLC**

(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: **74 Ivy Road, Weymouth**

Norfolk County Registry of Deeds Book and Page No. **BK 37177 PG 355**

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): **Hancock Real Estate Inv, LLC**

Applicant's Address: **74 Ivy Road, Weymouth**

Contact Information: Email **cfxr57@gmail.com** Phone **617-435-1231**

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

NAME & AFFILIATION OF REPRESENTATIVE:

Address: _____

Contact Information: Email _____ Phone _____

NAME OF ENGINEER AND / OR ARCHITECT: **Miller Surveying Services**

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.

 D/B/A Hancock Real Estate Investments LLC
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):

120-40 Extension or Change to a Nonconforming Lot

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):

The lot currently consists of 91,476 square feet and is the site of (2) two legal single family homes which predate modern zoning.

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

One house on the property is in disrepair and in need of demolition. We are requesting a Special Permit to rebuild the house, positioning it further from the remaining structure. If granted, we will split the lot into two lots in excess of 25,000 sf via an ANR Plan. A Special Permit is first required because the lot does not have adequate width at the building line.

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).

The use is not changing and is consistent with the R-1 District Regulations.

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).

No

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

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	91,212	49,780 & 41,432
Dwelling Units	1	2	1
Frontage (ft.)	40	+/- 186	86.004 & 100.1
Lot Width (ft.)	120	+/- 175	105 & ~75
Front Yard Setback (ft.)	18		
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)	10		
Side Yard Setback (ft.)	10		
Rear Yard Setback (ft.)	24		
Height (ft.) & # of Stories			
Lot Coverage			
Off-Street Parking Spaces			
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.

Yes. No change in use is proposed. This is an R-1 District. Proposal will replace a deteriorated house with a new one.

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

No. The home to be demolished is in disrepair. A new house will be an improvement to the neighborhood and Town.

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

No. The project will result in a better lay out with each home on its own lot and more conforming as to dimensional requirements.

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

Yes. The new home will be built per modern building codes and with DPW review.

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

Yes. The project eliminates the nonconformity of having two homes on one lot. After demolition, a new home will be built providing better separation from the other home and more conforming to dimensional requirements.

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):

Two legally preexisting homes exist on one lot.

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

Since prior to modern zoning.

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.

Yes

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

If granted, the Special Permit will eliminate the nonconformity of having two homes on a lot. Two lots in excess of 25,000 square feet will be created with greater conformity to current dimensional 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:

At least 2 per home.

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:

The number of homes is unchanged. A deteriorated home will be replaced with a new home with a higher assessed value.

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.

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.

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.

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.

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.