

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

2020 OCT 26 AM 9:19

TO BE COMPLETED BY STAFF

Case Number: 3426

Town Clerk Stamp

Submittal Accepted: [Signature]

Date 10/22/20

Signature of Planning Dept. Staff for minimal requirements

Determined to be complete and may now be filed with Town Clerk: [Signature]

Signature of Principal Planner or Director

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: 640 Union Street

Assessor's Map Sheet, Block, & Lot: 59-612-45

Zoning District: Residence R-1

Overlay District: N/A

OWNER OF RECORD (S) (print & sign): Estate of Robert R. Loring

(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: c/o Robert Winer, 210 Winter St., Ste 309, Weymouth, MA

Norfolk County Registry of Deeds Book and Page No. Book 5429, Page 384

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): Ryder Development Corp.

Applicant's Address: 741 Broad Street, East Weymouth, MA 02189

Contact Information: Email _____

Phone _____

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

NAME & AFFILIATION OF REPRESENTATIVE:

Address: Gregory F. Galvin, 775 Pleasant St., Weymouth, MA

Contact Information: Email ggalvin@gregorygalvin.com

Phone 781-340-5335

NAME OF ENGINEER AND / OR ARCHITECT: SITEC, Engineering and Environmental

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.

Gregory F. Galvin attorney for Kenneth C. Ryder 10/21/2020
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):

Article XV SS 120-51, 120-53, 120-53.1, 120-53.2

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):

Currently a single family residence.

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

Divide the property into 2 single family lots each with more than 25,000 square feet.

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 applicant will continue to use the property as zoned(R-1) Art. IV S.120-11

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:

This lot abuts the Weymouth air base property at the end of Union Street.

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		R-1	R-1
Lot Area / Size (Sq. Ft.)	25,000	93,400	26346 + 67073
Dwelling Units	1	1	1 on each lot
Frontage (ft.)	40	150+/-	110 + 40'
Lot Width (ft.)	120'	150'	110'+143'
Front Yard Setback (ft.)	18'	30'	30' + N/A
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)	10'	10'4"	10'4"
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)	25'	>25'	>25'
Height (ft.) & # of Stories	35' - 2 1/2	1-1/2	35' - 2 1/2
Lot Coverage	<30%	<30%	<30%
Off-Street Parking Spaces	2	2	2 FOR EACH
Off-Street Loading Spaces	n/a		
Parking Setback	18'	18'	18'
Accessory Structure Setback	n/a		
Landscaping			
Floor Area Ratio	n/a		
Signage	n/a		
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.

The lot is the last lot on Union Street, in the R-1 zone. The applicant proposes to renovate the existing house and build a new single family on the second lot. The applicant does not intend to move the existing foundation.

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

No because the proposed lots will each have in excess of 25,000 s.f. and will be able to enter and exit the lots in a forward motion. The existing house has been in its current location for at least 40 years.

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

No, the use will remain as single family lots with the existing house being up graded to todays standards.

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

All appropriate facilities, utilities and other public services are either currently provided or where necessary will be added.

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

This parcel is at the end of Union Street abutting the former air base property and the addition of a new house lot will provide a refurbished home for one family and a new home for another family.

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):

The existing house will be renovated and upgraded but will not be expanded any closer to the lot 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.

The house was built prior to the zoning bylaw being voted by the Town

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

The applicant will not extend or alter any non-conforming aspect of the building.

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

2

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 existing home will continue to provide living space for a single family.

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.

This lot has more than 93,000 s.f. and the shape of the lot makes approximately 75% (70,000s.f.) practically useless to the owner of the parcel.

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.

The shape of the lot provides approximately 150' of lot width for a distance of about 235' then there is an offset angled parcel that is about 140' by about 390'. The rear section is essentially rectangular but at about a 30 degree angle.

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 building line factor is designed to provide adequate area between homes and the front lot will only need 10 feet variance which would equate to 5' on each side. The shape factor is designed to eliminate oddly shaped lots and long very narrow "tails", however this lot will be essentially rectangular in shape with a 40' wide driveway.

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.

The applicant is seeking to add one single family dwelling. Each lot will have in excess of the minimum lot area and the variance relief sought (building line, is minimum <10') on the front lot the neighborhood is made up of many smaller lots and none with a building line as long as the subject lot. The second variance relief sought is the lot shape factor and argument for the bylaw was to eliminate irregularly shaped lots with long, narrow "tails". The back lot is mostly rectangularly shaped and the so called "tail" is a 40' wide driveway from Union Street to the primary area for the house.

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.