

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

2019 SEP 26 AM 9:51

TO BE COMPLETED BY STAFF

Case Number: #3397

Submittal Accepted: _____

Signature of Planning Dept. Staff for minimal requirements

Date 9/26/19

Town Clerk Stamp

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: 650 MAIN STREET

Assessor's Map Sheet, Block, & Lot: 41-490-6

Zoning District: R-2

Overlay District: _____

OWNER OF RECORD (S) (print & sign): MICHAEL AHERN

(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: 190 WILLARD STREET QUINCY, MA 02169

Norfolk County Registry of Deeds Book and Page No. 1289/157

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): MICHAEL AHERN

Applicant's Address: 190 WILLARD STREET QUINCY, MA 02169

Contact Information: Email maherngc@gmail.com

Phone 617-590-4535

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

NAME & AFFILIATION OF REPRESENTATIVE: OWNER

Address: 190 WILLARD STREET QUINCY, MA 02169

Contact Information: Email maherngc@gmail.com

Phone 617-590-4535

NAME OF ENGINEER AND / OR ARCHITECT: PVI SITE DESIGN C/O TIMOTHY POWERS

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.

Michael Ahern

8/14/2019

Applicant / Petitioner - Date (sign & print)

NATURE OF REQUEST

Application is for: _____ Special Permit X Variance Other: _____

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):

THE ZONING ORDINANCE IN WHICH WE ARE SEEKING RELIEF IS ARTICLE IVA
RESIDENT DISTRICT R-2 S/S 120-13.2 PARAGRAPH B

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 DILAPITATED SINGLE FAMILY HOME, IT LOCATED ON .89 ACRES,
THE STRUCTURE CONTAINS 2437 SQUARE FEET OF SPACE.

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

ERECT FIVE CONDOMINIUMS ON THE SITE, AS PER PLANS SUBMITTED,
THE UNITS WILL CONTAIN A TOTAL OF 10,985 SQUARE FEET.
EACH UNIT WILL HAVE A TWO CAR GARAGE, WITH STORAGE ABOVE.
EACH UNIT WILL CONTAIN 3 BEDROOMMS AND 2.5 BATHROOMS

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).

ARTICLE IVA RESIDENT DISTRICT R-2, ALLOWS FOR THE CONSTRUCTION NEW
CONSTRUCTION 2 FAMILY AND 3 FAMILY HOMES. THE ZONING TABLE , STATES 10,000 SQUARE FEET OF LAND
FOR THE FIRST UNIT, AND 5,000 SQUARE FEET FOR EACH ADDITIONAL UNIT. WE HAVE A LOT SIZE OF 37,335 SQ.
FT.

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).

I AM NOT AWARE OF ANY PREVIOUS DECISIONS

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.)	35,000	37,335	37,335
Dwelling Units		1	5
Frontage (ft.)	75	95 +/-	95 +/-
Lot Width (ft.)	75	94+-	94+-
Front Yard Setback (ft.)	18	26	25
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)	10	19	11
Side Yard Setback (ft.)	10	32	35
Rear Yard Setback (ft.)	10	380	56
Height (ft.) & # of Stories	3 STORIES, NOT TO EXCEED 35'-0"	2 STORIES, 28'	2 STORIES, 29' +/-
Lot Coverage	30%	5%	28%
Off-Street Parking Spaces	2 PER DWELLING UNIT	8	20
Off-Street Loading Spaces	0	0	0
Parking Setback	0	0	0
Accessory Structure Setback	D/N/A	D/N/A	D/N/A
Landscaping	25%	90%	38%
Floor Area Ratio	D/N/A	D/N/A	D/N/A
Signage	D/N/A	D/N/A	D/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.

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

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

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

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

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):

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.

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

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:

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.

THE EXISTING BUILDING IS IN DEPLORABLE CONDITION AND HAS BEEN NEGLECTED OVER THE YEARS. UNDER THE CURRENT ZONING 10 UNITS COULD BE BUILT INTO THE HOME AS IT EXIST WITH A 10% EXPANSION. BECAUSE OF THE WORDING IN ZONING ARTICLE IVA R-2, SUB-SECTION 120-13.2 CHAPTER B, THAT STATES THAT CONSTRUCTION OF TWO OR THREE FAMILY, NEW CONSTRUCTION. DUE TO THE SIZE AND SHAPE OF THE LOT IT DOESNT ALLOW FOR AN EASY PLAN OF DEVELOPMENT

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 HARDSHIP ESPECIALLY AFFECTS THE LAND AS THE EXISTING STATE OF THE HOME AND THE OUT BUILDINGS LEFT ON SITE ARE IN POOR CONDITION. THE LAND IS A LARGE BUT A NARROW LOT AND ABUTS A TOWN OWNED EASMENT, WHICH DOES NOT ALLOW FOR FURTHER SUB-DIVISION.

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.

WE BELIEVE THAT THE ALLOWANCE OF THIS VARIANCE WILL NOT BE A DETRIMENT TO THE TOWN OF WEYMOUTH. AS THE QUANTITY OF UNITS COULD BE ALLOWED UNDER THE SPECIAL PERMITS PROVISION OF THE EXISTING ZONING ARTICLE IVA RD-2, SUB-SECTION 120-13.3 CHAPTER A. WE ALSO BELIEVE THAT THIS PROJECT COULD HELP THE TOWN ADDRESS THE NEED FOR NEW HOUSING, AS ACCORDING TO THE STATE APPROVED HOUSING PRODUCTION PLAN.

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 PROJECT MEETS OR EXCEEDS ALL DIMENSIONAL CRITERIA IN REGARDS TO STEBACKS AS SET FORTH IN THE TABLE 1, SCHEDULE OF DISTRICT REGULATIONS. IT ALSO MEETS OF EXCEEDS THE ALLOWANCE OF UNIT COUNT UNDER THE SPECIAL PERMIT ALLOWANCE OF 10 UNITS.

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.

TOWN OF WEYMOUTH, MASSACHUSETTS
TABLE 1
SCHEDULE OF DISTRICT REGULATIONS

District	Type of Use	Minimum Lot Size (square feet)	Minimum Lot Area (square feet per dwelling unit)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Depth (feet)	Minimum Rear Yard Depth (feet)	Maximum Lot Coverage (percent of lot area)	Maximum Height
R-1 ¹⁸	One-family	25,000 (See §§ 120-51, 120-52, 120-53 and 120-53.1)	25,000 ¹⁹	120 (See §§ 120-51, 120-52, 120-53 and 120-53.1)	18 (See § 120-54.)	10; 20 feet of any dwelling (See § 120-55.)	24 or 1/5 of depth of lot, whichever is less (See § 120-55.)	30	2 1/4 stories, not to exceed 35 feet ²⁰
R-2	Mixed residential		10,000 for single-family and nonresidential, plus 5,000 per each additional residential unit	75; 75 feet of frontage	18 (See § 120-54.)	10 (See §§ 120-54, 120-55 and 120-59.)	10; 20 feet from any other dwelling	30 for building; 25 minimum for landscaping (See § 120-62.2) ¹⁷	3 stories, not to exceed 35 feet ²¹
R-3	Urban-type multiple	15,000 ²² (See § 120-52.)	One-acre-unit residence buildings: 15,000 All 3- or more-unit buildings for multiple-family residential use based on FAR 25 (See § 120-6.) ²³ All units in all multiple-family residential building based on FAR 30. (See § 120-6, FLOOR AREA RATIO.) ²⁴ (See § 120-22.3.)	30 (See §§ 120-52, 120-56 and 120-59.1) ²⁵	20 (See § 120-54.)	20 (See § 120-55.) ²⁶	20 (See § 120-55.) ²⁷	Minimum 15 landscaped area (See § 120-62.1) ²⁸	3 stories, not to exceed 35 feet ²⁹
R-4	Multiple	15,000	All units in all multiple-family residential building based on FAR 30. (See § 120-6, FLOOR AREA RATIO.) ²⁴ (See § 120-22.3.)	120 (See §§ 120-56 and 120-59.1) ³⁰	40 plus 5 feet for each setback for each story above 3 rd floor (See § 120-54.) ³¹	20 plus 2 feet for each story above the 3 rd floor (See § 120-54.) ³²	30 or 1/4 the building height, whichever is greater (See § 120-54.) ³³	Minimum 15 landscaped area (See § 120-62.1) ³⁴	6 stories, not to exceed 80 feet (See § 120-57.) ³⁵
NCD	Neighborhood center	7,500 (See § 120-58.)	(See § 120-22.3.)	50 (See §§ 120-52 and 120-56.)	18 (See § 120-54.) ³⁶	10 (See §§ 120-55 and 120-59.)	10 (See §§ 120-55 and 120-59.)	None	2 1/4 stories, not to exceed 35 feet ³⁷
HT	Highway transition; residential office and small-scale commercial		15,000; FAR 25	75; 60 feet of frontage	20	10 (See § 120-59.)	10 (See § 120-59.)	50; 25 minimum for landscaping (See § 120-62.1) ³⁸	3 stories or 45 feet, whichever is less
MS	Medical-related services		15,000;	60; 60 feet of frontage (See § 120-56.)	20	10, inclusive of walkways and driveways, 5 feet of which shall be landscaped (See § 120-59.) ³⁹	10, inclusive of walkways and driveways, 5 feet of which shall be landscaped (See § 120-59.) ⁴⁰	75 for building and paved areas; 25 minimum for landscaping (See § 120-62.1) ⁴¹	3 stories or 45 feet, whichever is less, by special permit by the Planning Board (See § 120-57.) ⁴²
B-1	Limited business	10,000 (See § 120-58.)		100 (See § 120-56 and 120-58.) ⁴³	30, excluding signs	10 (See § 120-59.) ⁴⁴	10 (See § 120-59.)	30 and minimum landscaped area ⁴⁵ (See § 120-62.1) ⁴⁶	6 stories, not to exceed 80 feet (See § 120-57.) ⁴⁷
B-2	General business	None	All units in multiple family residential buildings based on FAR 25. (See § 120-6, FLOOR AREA RATIO.) ⁴⁸	None	None	None (See § 120-59.)	None (See § 120-59.)	None	6 stories, not to exceed 80 feet (See § 120-57.) ⁴⁹
I-1	Industrial park	20,000		100 (See §§ 120-56 and 120-60.) ⁵⁰	40	25 (See §§ 120-61 and 120-62.)	None (See § 120-62.)	80 and minimum landscaped area ⁵¹ (See § 12-62.2) ⁵²	6 stories, not to exceed 80 feet (See § 120-57.) ⁵³
PIP	Planned industrial park	43,560 (1 acre)		150 (See §§ 120-56 and 120-60.)	40 plus 5 feet setback for each story above 3 rd floor (See §§ 120-54H, and 120-54.)	25 (See §§ 120-34H, 120-61 and 120-62.)	25 (See §§ 120-34H and 120-62.)	60, paved and buildings, landscaped (See § 120-62.1) ⁵⁴	3 stories, not to exceed 35 feet; up to 6 stories, not to exceed 80 feet, by special permit from the Planning Board (See § 120-57.) ⁵⁵
I-2	General industrial	None		None	None	None (See § 120-62.)	None (See § 120-62.)	None	6 stories, not to exceed 80 feet (See § 120-57.) ⁵⁶
POS	Public facilities and open space		None	40 feet, 40 feet frontage	20	10 (See § 120-59.)	10 (See § 120-59.)	75 for building and paved areas; 25 for landscaping	3 stories or 35 feet, whichever is less 11-15-98

NOTES:

- ¹ [Amended April 1971 ATM by Art. 47, approved 8-24-1971]
- ² [Amended February 1972 STM by Art. 6, approved 5-8-1972]
- ³ [Amended October 1972 STM by Art. 8, approved 12-6-1972]
- ⁴ [Amended June 1976 STM by Art. 26, approved 10-18-1976]
- ⁵ [Amended April 1971 ATM by Art. 47, approved 8-24-1971; June 1976 STM by Art. 26, approved 10-18-1976]
- ⁶ [Amended February 1972 STM by Art. 6, approved 5-8-1972; June 1976 STM by Art. 26, approved 10-18-1976]
- ⁷ [Added February 1979 STM by Art. 1, approved 4-19-1979]
- ⁸ [Added May 1983 ATM by Art. 48, approved 8-26-1983]
- ⁹ [Amended February 1985 STM by Art. 7, approved 6-3-1985; May 1985 ATM by Art. 44, approved 7-25-1985]
- ¹⁰ [Amended April 1971 ATM by Art. 47, approved 8-24-1971; June 1976 STM by Art. 26, approved 10-18-1976; February 1985 STM by Art. 7, approved 6-3-1985]
- ¹¹ [Amended May 1987 ATM by Art. 31, approved 8-27-1987]
- ¹² [Added May 1987 ATM by Art. 52, approved 8-27-1987]
- ¹³ [Added May 1990 STM by Art. 1, approved 8-29-1990]
- ¹⁴ [Added May 1990 STM by Art. 2, approved 8-29-1990]
- ¹⁵ [Added May 1990 STM by Art. 3, approved 8-29-1990]
- ¹⁶ [Added May 1990 STM by Art. 52, approved 9-13-1990]
- ¹⁷ [Amended May 1992 ATM by Art. 37, approved 10-1-1992]
- ¹⁸ [Added May 1992 ATM by Art. 34, approved 10-1-1992]
- ¹⁹ [Amended May 1997 ATM by Art. 40, approved 8-11-1997]
- ²⁰ [Amended May 1998 ATM by Art. 43, approved 10-23-1998]