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

TO BE COMPLETED BY STAFF

Case Number: 3432 Town Clerk Stamp

Submittal Accepted: Monia Kuning Date 12/30/21
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: 82 Broad Street

Assessor's Map Sheet, Block, & Lot: 20-269-19

Zoning District: B-1 Overlay District: Village Center

OWNER OF RECORD (S) (print & sign): SOKOL KOSOVA

(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: 122 Rustic Drive, Weymouth, MA 02190

Norfolk County Registry of Deeds Book and Page No. Book 34430, Page 255

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): Sokol Kosova

Applicant's Address: 122 Rustic Dr., Weymouth, MA 02190

Contact Information: Email _____ Phone _____

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

NAME & AFFILIATION OF REPRESENTATIVE:

Address: Gregory F. Galvin, Esq., 775 Pleasant St., Weymouth, MA 02189

Contact Information: Email ggalvin@gregorygalvin.com Phone 781-340-5335

NAME OF ENGINEER AND / OR ARCHITECT: Urban Determination

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.

Sokol Kosova by his attorney Gregory F. Galvin
Applicant / Petitioner - Date (sign & print)

12/29/2020

NATURE OF REQUEST

Application is for: ☒ Special Permit ☒ Variance Other: Site Plan Review

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

Article VIIA Section 120.25.3 Village Center Overlay District Uses :

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 the property is the location of the former fire station at Broad and Washington Streets. The lot is about 10,000+/-s.f. and the two story building has about 4,970+/-s.f. of gross floor area.

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

Convert the building to all residential use by constructing 5 units, 2-two bedroom units on the first floor and 2-one bedroom units and a three-bedroom unit, on the second floor. The paved area is able to hold 10 parking spaces and a dumpster, there is also a small landscaped area behind the building for recreational activities.

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).

Under the Village Center Overlay District bylaw, Section 120-25.3 conversion between 2,000 and 5,000 square feet of gross floor area requires a special permit.

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).

This was the former site of a Town of Weymouth fire station and was released for private sale by the Building Reuse Committee about 18 years ago.

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

The building has been privately owned for about 17 years and a prior owner was unsuccessful in finding commercial tenants resulting in a sale for >\$200,000 less than what the Town received. See prior ZBA Dec. #3288.

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	Commercial/retail	vacant	residential
Lot Area / Size (Sq. Ft.)	10,000	10,000	10,000
Dwelling Units	0	0	5
Frontage (ft.)	100	>170	170
Lot Width (ft.)	100	100	100
Front Yard Setback (ft.)	10	0	0
Front Yard Setback (ft.) – corner lots	10	0	0
Side Yard Setback (ft.)	10	4	4
Side Yard Setback (ft.)	n/a	n/a	n/a
Rear Yard Setback (ft.)	10	n/a	n/a
Height (ft.) & # of Stories	6	2	2
Lot Coverage	50%	>50%	>50%
Off-Street Parking Spaces	8	11	10
Off-Street Loading Spaces	n/a	n/a	n/a
Parking Setback	15'	0	0
Accessory Structure Setback	n/a	n/a	n/a
Landscaping	15'	0	0
Floor Area Ratio	n/a	n/a	n/a
Signage	n/a	n/a	n/a
Other:	n/a	n/a	n/a

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.

It is in the Village Center Overlay District which seeks to bring the residential uses closer to commercial uses.

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

The existing building (fire station) is to be converted to a residential use with more landscaping or decorative fencing along the Washington Street corridor

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

The applicant is seeking to have ingress and egress for parking, at the corner of Fields Ave. and Washington Street.

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

The applicant will provide appropriate lighting for the parking area and handicap access. There will be a screened dumpster and a small green space for outdoor activities.

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

It fits in with the Town's intent with the Village Center Overlay District by providing residential use close to commercial properties. All lighting will be directed onto the property in order to provide safe movement on the property.

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 building is located on the Broad St. lot line and only a couple of feet from the easterly side lot line. It is a stone building with large windows.

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

Since 1929

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.

Zoning was not in place and it was a public building

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

See the Village Center Overlay bylaw S. 120-25.3

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

10

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:

Also a prior owner attempted to obtain commercial or retail tenants for about 13 years without success and the most recent owner obtain ZBA approval for 8 residential units but never moved forward. This use is what the Overlay District is seeking, more residents to attract commercial and retail users in Weymouth Landing.

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 applicant is seeking to maintain the current structure (in compliance with the reuse order) and to still make it financially feasible to develop.

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.

Based on the reuse of the former fire station order, the owner is limited in his development of the property.

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 proposed development is fully compliant with the intent and purpose of the Village Center Overlay bylaw.

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 size and shape of the lot along with the current topography limits the number of parking spaces and that limits the type of use and the number of residential 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.